

REQUEST FOR CONTRIBUTIONS FOR THE INFORMATION SESSION ON THE IMPACT OF THE COVID-19 PANDEMIC ON THE COPYRIGHT ECOSYSTEM

INTRODUCTION

During the upcoming 42nd Session of the Standing Committee on Copyright and Related Rights (SCCR), an Information Session on the Impact of the Covid-19 Pandemic on the Copyright Ecosystem will take place. In order to provide a clear overview of the “impact on the cultural, creative and educational ecosystem, including copyright, related rights, and limitations and exceptions”, the Secretariat kindly invites Member States and Observers to share existing examples of situations that arose and actions that were taken and/or interventions that were made during the Covid-19 pandemic with respect to the industries or institutions that are being considered in the Information Session. We ask you to describe these situations or actions by providing the information requested below. If you are able to give us some elements of your response before March 15, it could help our researchers who are preparing the overview. In addition, all contributions received by the eve of the Information Session will be uploaded (with your permission) onto the WIPO web site.

Please send this form by email to the following address: copyright.mail@wipo.int with the subject: “Information Session”.

INFORMATION REQUEST

1. Full name of the entity or individual submitting the response.
European Writers' Council (EWC)
2. Contact person with email address and telephone number for questions or clarifications about the submission.
Nina George, EWC President, president@europeanwriterscouncil.eu, georgenina@yahoo.de, +49(0)1702442552, please copy in: m.diocaretz@inter.nl.net, juridique@sgdl.org
3. Would you accept having your response made public (e.g. posted on the WIPO website)?
 Yes
 No
4. Do you accept having the information contained in your responses mentioned in studies and presentations for the Information Session?
 Yes
 No
5. **Brief** description of example, measures or interventions that took place (up to 200 words).
(Explanation: Please briefly explain the situation and why it is of interest for the Information Session. Examples could include policies put in place or other measures aimed at increasing the resilience of an industry or institution, or to assist the people they serve.)

Authors, together with publishers and collective management organisations, had been offering significantly discounted and extended licenses for digital use for now over two years. Authors gave up their justified - and needed – income in order to support pupils, students, society. But this emergency aid shall not be the new “normal”. Authors are those who are still suffering from the crisis today: Two EWC reports in 2020 and in 2021 recorded an average income loss of 50-60% for full-time, and 10-25% for part-time writers, due to cancelled life events, falling sales due to closed bookshops, reduced publishing programs, postponed contracts, and discounted licenses. At the same time, hardly half of the EU countries provided state aid for the losses of solo-employed authors. Meanwhile, the implementation of the Directive (EU) (2019/790) on Copyright is delayed by the majority of countries. The ongoing EWC study shows that the flexibility allowed by the Directive is used often to the disadvantage of authors – many EU countries, e.g., make the use of educational material non-remunerable, or do not implement a compensation for the usage of works for text and data mining. Further insights, best practice examples and solutions can be found on the EWC website: <https://europeanwriterscouncil.eu/ewc-survey2021-positionpaper/>

6. Territory where it took place (continent, country, and city or region).
Europe, European Book Sector (EU, non-EU, EEA countries), In 2021/2022:

Austria
Belarus
Cyprus
Czech Republic
Finland
France
Germany
Hungary
Ireland
Latvia
Malta
Norway
Poland
Portugal
Romania
Slovenia
Spain
Sweden
Switzerland
United Kingdom

In 2020/2021:

Austria
Belarus
Belgium
Croatia
Cyprus
Czech Republic
Denmark
Finland
France
Germany

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Hungary
Iceland
Ireland
Latvia
Malta
Norway
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden
Switzerland
United Kingdom

7. Relevant sector or sectors.
Publishing, Choose an item., Choose an item.

7.1 Additional observation or sector not listed above:
Authors; Writers and Translators

8. Please provide the key lessons from this example.
Click or tap here to enter text.

9. Please provide links to relevant documents or other sources that could provide further information about this example.

[European Writers Council website: Link to "EWC Position paper"](#)

[European Writers Council website: Link to "One year of crisis. EWC Survey final"](#)

[European Writers Council website: Link to "EWC Survey Economic Impact of Covid19"](#)

10. Please provide any additional comment you might have.

We would have liked to give much more positive examples, but there were only a few of them, which can be found in the reports under the links. Positive for society and educational institutions were the wide range of expanded and inexpensive licenses, made possible by CMOs or by Publishers. But on the other hand, this has put down remuneration strongly. The impact of the crisis on writers and translators, revealed three breaking points in particular:

It is a crisis of the self-employed. This is particularly evident in the fact that out of 20 countries studied, only 10 were able to respond adequately on the involuntary income loss suffered by self-employed writers and translators, and on state funded financial support or comparable relief programs.

It is a crisis of authors' rights and contract law. Neither were authors able to build up reserves to bridge the 18 months without income from live events, royalties, follow-up contracts and revenues from collective management, nor did they participate adequately in the increased use of their work in the digital environment – be it in the commercial market through streaming, be it in the field of education and remote learning, or in the context of digital event formats. Here, remuneration gaps and legal loopholes have been revealed, which are based on insufficient contractual relationships, as well as being characterized by monopoly structures and flat rate mentalities. The continuing delay in a strong implementation of the EU Directive on Copyright in the majority of countries puts further pressure on authors.

It is a crisis of respect. In addition to a significant increase in illegal digital piracy, efforts by legal institutions in the educational and library sectors to make the work of writers and translators available online to the public at a very low cost, to a greater extent have also become intensified. While authors are willing to temporarily fulfil this service to society, this should not be used to derive a new “normal” or to abuse an extraordinary crisis to introduce additional limitations or exceptions that deprive authors even more of the chance to be adequately remunerated.

Most important it to not introduce any more E&L, second is to introduce full transparency of usage especially in the digital fields and by platforms, and also in full by educational institutions. Transparency is key to stabilize a sustainable concept to protect and promote the sources of every knowledge and every culture, the authors – their independence, also on an economical level, is the backbone of democracy. A third pillar is a respectful, ethical, and authors orientated legal framework to ensure artificial intelligence respects the values of human intellectual property. And overall: significantly increased educational budgets. The right of access to culture and knowledge must no longer be played off against authors' rights; because authors' rights are at the same time the basis for the production of the culture and knowledge that is needed. Monetary, not legal, solutions must be worked out here.

In addition, a special thanks to the WIPO team on taking up this important subject and issues!

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