



# COPYRIGHT WORKS

PROFESSIONAL AUTHORS TELL IT AS IT IS



## Members of the SCCR,

Every country is proud of its creators, including writers, artists, musicians and film makers. National cultures and identities are embodied in their work and through that work can reach the rest of the world. Creators' work not only educates and entertains us, but also contributes massively to both national and international economies. In many countries the creative industries are the fastest growing sector.

There are many reasons why developing copyright exceptions that give free access to authors' creative work looks like a good and reasonable proposition. And all creators want their work read, listened to, watched, admired, enjoyed. So what is the issue? It is that, in any decision being considered by you, the fundamental right for the author to be paid for any use of their work must be protected. This right is recognised in the Universal Declaration of Human Rights, the Berne Convention and successive international treaties and national laws.

Without this guarantee creators who, we are all acutely aware, typically earn very little from their endeavours, will be unable to continue with their work.

The access you aim to enable will be to a dwindling volume and diversity of such work, which cannot be substituted by user-created content alone. We know this is not your intention, but a destructive short term solution to a long term issue is not in anyone's best interest. Creators want to bring culture, information and joy into our lives but, to continue to do so, they need to be able to make a living.

The International Authors Forum represents the interests of some 500,000 writers and visual artists worldwide. We ask you to ensure that any future legal instruments consider the needs of creators to make a living from their work and make realistic and appropriate provision for them to do so, not least those currently under consideration for libraries and archives, education and research.

This booklet contains the personal stories of creators from around the world - those who rely on copyright for their livelihoods - about why copyright is important to them.

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*If you want to understand how a working artist feels about copyright, talk to an actual working artist*  
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John Degen is a poet, novelist, Executive Director of The Writers' Union of Canada and Chair of the International Authors Forum

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Photograph courtesy of John Degen



# ELINOR SISULU

SOUTH AFRICA

Zimbabwean-born South African writer and human rights activist Elinor Sisulu is the author of the award-winning children's book *The Day Gogo Went to Vote*. She won the prestigious Noma Award for publishing in Africa in 2003. Elinor has been involved in book promotion and literary development efforts for many years.

It is disturbing to learn that African governments support copyright exceptions. Most authors in African countries, especially those writing in indigenous languages, barely earn a living from their work. These exceptions will be an erosion of the little that they do earn and the consequence will be a decrease in locally produced content.

The Puku Children's Literature Foundation which I head has organised the first-ever literary festival for children's books. This exercise has opened my eyes to the challenges of African language publishing. We have publishers sitting on great manuscripts because it is not commercially viable to publish them.

As a result of copyright exceptions, yes, libraries, archives and educational institutions may spend less on content but they will get less variety and less quality work, certainly from local authors.

I am very sensitive to the need to make educational content available to all but we must devise other ways to achieve this. Depriving authors of the little they earn is not the way to do it.



“*Personally, I have earned precious little in royalties for my own books but what little I earn is precious to me.*”

Photograph © Sal Idriess



# PROFESSOR AHMAD AL SAFI

## SUDAN

I wrote and published in the last decade more than ten books on the history of Sudanese medicine and traditional health culture in Arabic and English. Like most authors, I would like my work to be bought and read so that I can spread my message, create and publish more works. I would like to see my books on the shelves of libraries worldwide. However, my books never crossed borders. Locally, I hardly recovered the cost of production of these books let alone gained surplus to generate more.

I would like to see Sudanese libraries and archives grow, preserve their acquisitions, support education and research, and exchange and lend materials. These institutions should enjoy fair access to the international market to purchase intellectual products. This is not the case.

The comprehensive trade embargo imposed on Sudan since 1997 strangled cultural, scientific and educational life. Because of which, no financial transactions can be carried out through international banks to sell or buy any intellectual, academic and scientific products. An unbelievable example, Sudan has not bought, through official channels, digital or non-digital peer-reviewed scholarly journals or textbooks for over two decades.

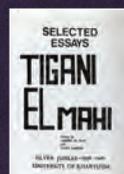
Sudanese authors find it difficult to access international repositories of knowledge, bibliographies, and databases. They find it even more difficult to engage in any educational activity online, or make use of national archives harboured abroad.

The reputation of Sudanese authors has degraded, cultural and scientific movements have been obstructed, and the country's intellectual activity and viability has suffered badly. The quality, quantity and diversity of intellectual products have declined steeply in recent years.

When Sudanese intellectual products are legally copied, broadcast or recorded inland and abroad, authors have no means of monitoring the market and collecting their dues. This is because there is no collecting mechanism in place. Even if one is devised, the money collected will not find its way inland.

On a final personal note, to make my works available to users, I offered them free of charge in the internet. Fortunately, I do not depend on writing for a living. If so, I would have starved to death.

“ Like most authors, I would like my work to be bought and read so that I can spread my message, create and publish more works. I would like to see my books on the shelves of libraries worldwide. ”



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Professor of Anesthesiology, Ahmed Al Safi has written extensively on Sudanese health culture, the history of medicine, and health systems in Arabic and English. He is currently President of the Sudanese Writers Union.

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“What obstacles do Panamanian authors face? As I have said, a lack of an institutional framework. This prevents our books from receiving fair judgement and being sold and circulated in schools in the best way possible.”





# CARLOS ORIEL WYNTER MELO

## PANAMA

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Carlos Wynter Melo has received national and international recognition for his writing. In 2007 he was nominated one of the most important young Latin-American writers as part of Bogotá 39. At the 25th Guadalajara International Book Fair in 2012 he was named one of 'The 25 Best Kept Secrets in Latin America'. He has published a novel and several books of short stories.

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Our books reach schools and universities by supply and demand, led by the close relationships between the authorities of these organisations and the booksellers. Sometimes the sellers bid at state level and they win or lose the contract. Each one of these agreements meets the requirements of particular clauses and conditions. And the success of a particular book depends on the skills of those marketing it.

Although Panama signed the Berne Convention and upholds several treaties, it has a very lax institutional framework. In its efforts to develop its economy, Panama has sacrificed regulations that would give its people a common framework of legal security. We cannot remain indifferent, given the medium and long term consequences: disrespect for authors' rights, of fundamental moral principles of competency and cooperation, and the possibility of corruption. Ideally, the rules would be clearer, more widely implemented, and more transparent. This would allow civil society to play an active role in what happens with contracts, royalties would be calculated more fairly, the cost and allocation of books in educational institutions would be fairer and the quality of work would be regulated.

How is the law that applies to libraries, archives and educational institutions working? The law is a recent one which is not generally applied.

There are those that are aware of it and those that aren't. We hope that it soon becomes common practice.



# HARRY THURSTON

## CANADA

Harry Thurston has been a fulltime freelance writer since his late twenties, publishing two dozen books of poetry, natural history, journalism and memoir.

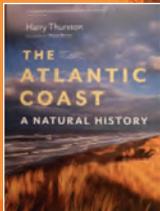
It has been a productive and satisfying literary life – except for the usual writers’ complaint, not enough money for the work that we do.

As bad as things have been, they seem to be getting worse, due to changes in the publishing industry wrought by the global digital revolution and, here in Canada, worse still, because prejudicial changes to the copyright laws are draining revenues from writers’ already very thin and threadbare pockets.

I am concerned for writers’ welfare at all stages of their careers: those starting out in an increasingly “free culture” - that is, freedom for consumers not to pay for cultural content; mid-career and mid-list writers whose books are getting less support within the publishing industry; and older writers like myself who can expect to see their production decrease with age - and with it, their already marginal incomes.

Payment for public use of a writer’s work - for mechanical and digital copying of works in the educational system and archives, and for holdings in libraries - are key to a writer’s economic security.

“According to a 2010 survey, based on their earnings from writing, three-quarters of our members live below the official poverty line. Regardless, many of these impoverished writers would be well-known to Canadian readers, and beyond.”



Photograph courtesy of Harry Thurston



Martin - Firestorm Mt Connor 3, 2015, pigment oil on linen 100 x 100 cm

“  
*Even small amounts of funding generated from the acknowledgement of artists' rights through copyright are important and help support artists who usually have very low incomes.*  
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## MANDY MARTIN

### AUSTRALIA

Mandy Martin, born in 1952 in Adelaide, is an artist who has held numerous exhibitions in Australia and internationally.



Martin - Incident 1, 2014, pigment oil on linen, 150 x 150cm

Even small amounts of funding generated from the acknowledgement of artists' rights through copyright are important and help support artists who usually have very low incomes and, for many Indigenous artists, live in parlous health and housing conditions in remote communities.

Royalty payments appear in my account periodically, often during periods when there have been no primary sales, and are very welcome.

Educational copyrights are important, most institutional art collections holding my work have sent through requests for these to include in their electronic collections and I appreciate this acknowledgement and verification that they hold of my work.



# MIKE SAMBALIKAGWA MVONA

## MALAWI

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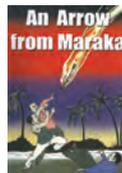
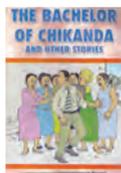
Mike Sambalikagwa Mvona, born in 1958, is an author of eleven books and has published more than 95 short stories. Sambalikagwa Mvona has been President of the Malawi Writers Union for eleven years and Vice Chair of the International Authors Forum since 2014. His forthcoming novel, *The Presidential Race*, will be released this year.

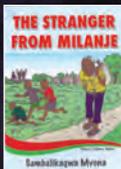
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For many years, authors in Malawi and Africa in general have been deprived of fair financial rewards from their writings. The copyright law which is used to protect their intellectual works has not been adhered to. The poverty levels in most African countries are another reason that has been given for such malpractice. Many pupils and students, mainly in secondary schools and universities, have been copying whole books - especially those used as textbooks - instead of buying actual books to assist them to pass an examination. Such a scenario has denied authors their economic rewards resulting in many of them dying as paupers. This, however, has meant African authors do not to rely on their profession for their livelihoods and have eventually accepted writing part-time.

It was only a few years ago that the Copyright Society of Malawi (COSOMA) embarked on a Reprographic Rights project to curb this bad practice. Among other things, COSOMA made a country-wide sweep, licensing owners of big photocopying companies as well as schools in mainly the tertiary plus civic sector, educating them about the reason behind the campaign.

With the already vulnerable position of African authors, a further reduction in protection of their content will add more misery to authors' economic woes. The second thing is that such a reduction will encourage schools to return to their illegal photocopying of books and journals without adhering to limitations, thereby weakening the copyright laws which national copyright societies are working hard to implement better.





“ With the already vulnerable position of African authors, a further reduction in protection of their content will add more misery to authors’ economic woes. ”



# GIRISH RATHNA

INDIA

Author of an internationally published book *2012 is Light Years Away* in Houston, USA, Girish Rathna is known as one of the young Indian writers to have established himself in the global market.

Photograph courtesy of Girish Rathna

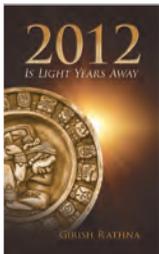


As an author hailing from a diverse country such as India, copyright infringements are so common that books, DVDs and other copyright products illegally published and sold, are a common sight to me, as they are to anyone on the streets of India, even more than elephants or Bollywood posters.

With libraries, archives and educational institutions already reaping great benefits in India from the exceptions in current treaties, one must look deeply into the newly proposed treaties which could harm authors and publishers to a great degree. With most educational institutions and universities demanding huge ransom-fees and admission-bribes from students themselves, without following the guidelines, one must imagine how a new treaty could give an excuse to these institutions to further burden both students and authors.

The situation could get worse with changes to the law becoming an obvious excuse for illegal printing, distribution and cross-border transfers. Also, in the digital-age, the internet could further be used as a formidable weapon to destroy the value of authors in India, or anywhere in the world for that matter.

This may further lead to unmotivated authors who would otherwise invest time, money and efforts in creating valuable intellectual property works, which in turn would reduce overall intellectual property production.



“*In India, copyright infringements are so common that books, DVDs and other copyright products, illegally published and sold are a common sight to anyone on the streets of India, even more than elephants or Bollywood posters.*”

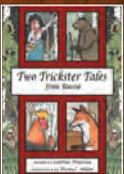


# SOPHIE MASSON

## AUSTRALIA

Like most authors who write mostly for children and teenagers, a good deal of my income is derived from school and public library purchases. Not only does this mean I receive substantial lending rights income, but also that my work is frequently copied for use in class, and I receive payment for this both through the Copyright Agency in Australia and the Authors' Licensing and Collecting Society in the UK. If further copyright exceptions for libraries and educational institutions are approved, I believe this will impact considerably on authors generally - and on children's authors in particular - the very people whose work first opens up the world of literature for children.

If we truly believe in education being a right, then we should also believe in the right of children to an imaginative life, for the two go together closely. Impoverishing - and thus, perhaps silencing - the very people who add to the texture of that imaginative life will not empower young readers around the world. Far from it.



“ I have often had the humbling and wonderful experience of young people who grew up with my books telling me how much those books meant to them. ”

Photograph courtesy of Sophie Masson

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Sophie Masson is an award-winning, internationally-published Australian author of over 60 books for young adults and children.

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# JUST IMAGINE

If authors didn't get fairly rewarded for their work...



CANADA

Following the implementation of “Fair Dealing” guidelines in Canada under new copyright exceptions for education, a study by PwC concluded that “over time, the publishing of new content for K-12 schools in Canada will for the most part disappear, and the quality of content used by school students will thereby decline.”

Furthermore, “The incomes of Canadian writers, authors and illustrators from Canadian sources will decline, and as no immediate or eventual replacement is apparent, the income will drive many from the sector. The guidelines, and the resulting market impacts, impede the ability of content producers to seize digital opportunities and discourage innovation in the Canadian digital market based economy.”

**Source:** Pricewaterhouse Coopers LLC, ‘*Economic Impact of the Canadian Educational Sector’s Fair Dealing Guidelines*’, 2015

Writers in Canada are making 27% less from their writing than they were in 1998. For 81%, income from writing would not allow them to live above the poverty line.

**Source:** Report from a survey carried out by The Writers’ Union of Canada: ‘*Devaluing Creators, Endangering Creativity*’, 2015



USA

**In the USA, respondent authors to a survey by Authors Guild indicated their median writing-related income has decreased 24% in the last five years.**

**Source:** Survey by the Authors Guild (USA) of its members plus 1,300 non-member writers in 2015

26.2% of working artists in Korea earned no income on a monthly basis from their artistic activities.

**Source:** Report by the Ministry of Culture, Sports and Tourism in South Korea on Artists & Activities, 2012



**KOREA**

In January 2011, writer Go-eun CHOI(1979-2011) died of chronic disease in her room in Seoksu-dong, Anyang, and the public became aware of the hardships writers suffer. As a result, the National Assembly passed the Artists Welfare Act (28th October, 2011), also called the 'Choi Go-eun Act'. It was the first welfare law for a specific profession, not for socially underprivileged groups.



**ZIMBABWE**

**Selling books below cost to supply schools meant authors did not receive any royalties, depriving them of their income. The loss to publishers has been detrimental, resulting in the closure of local publishing houses in Zimbabwe, forcing the supply of textbooks to come from elsewhere.**

**Source:** Based on information from Zimbabwe School Examinations Council, Harare

“Visual artists have precarious careers, with typical earnings well below the UK national median wage of £21,320. In 2009/10, the typical photographer earned £15,000 (median), the typical illustrator earned £15,723 (median) while the typical fine artist earned only £10,000 (median).”

**Source:** Centre for Intellectual Property Policy & Management (CIPPM), Bournemouth University, UK, ‘*Copyright contracts and earnings of visual creators: A survey of 5,800 British designers, fine artists, illustrators and photographers*’, 2011



**UK**

In the UK in 2005, 40% of UK authors earned their income solely from writing; by 2013 this had dropped to just 11.5%. There has been a drop in the typical income from writing of professional authors of 29% in real terms since 2005.

**Source:** ‘*The Business of Being An Author: A Survey of Authors’ Earnings and Contracts*’, Queen Mary University of London, 2015



*This wonderful image was created without  
paying any royalties to its author.*

*Lucky us, we got it for free.*



*Without statutory protection for creators and their work  
the profession of author, in whatever medium, will no  
longer be viable and cease to exist.*

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Maureen Duffy, UK, is author of some 34 published works including fiction, non-fiction, plays and poetry. She is internationally recognised for her services to literature and equality law reform.

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Photograph © Nia Hughes 2013

