

Copyright Matters: A Look at the Ongoing Pressure on Copyright Around the Globe

Katie Webb, Book Summit 16, Toronto, Canada, June 2016

Hello everyone, thank you for being here today, and thank you to John for inviting me to speak to you. It's a great pleasure to be here. As John said, I run the International Authors Forum, or IAF, which John chairs, and which has been formed to give authors a voice at the international level and in particular to represent their interests in copyright. We now have 59 member organisations worldwide – authors' organisations like TWUC and ALCS - between them representing over 600, 000 individual writers and visual artists. Much of our work takes place at WIPO, the World Intellectual Property Organisation, which is the Geneva-based, UN level organisation responsible for regulating the international copyright framework. Its agenda is determined by the 188 countries who are its members. I'm going to explain to you a bit about how WIPO works, what IAF is doing there, and what more I think authors need to be doing to ensure their rights and income are not eroded further, globally.

Broadly, what we can be doing falls into three categories: First, I think we have to focus more on the positive signs of support for authors' rights within WIPO and among its member states – and believe it or not there are some. Second, whilst IAF has built a great foundation, we need to increase our presence at WIPO to balance the huge contingent of representatives from libraries and

archives who are promoting copyright exceptions – with emotive stories about how the copyright system is failing them (something I know you're familiar with from the Canadian education lobby) - to show how copyright *is* working and can work better to meet not only the needs of authors but their needs too. Third, we need to bring more authors from more countries into our work and enable them to speak up for their rights and about their needs, in particular, authors from countries in Latin America and Africa. The governments in these countries are in a very strong position at WIPO. They also happen to be the ones in favour of copyright exceptions being introduced internationally, which would mean more countries doing what Canada has done and introducing imbalanced, expanded exceptions at the expense of authors.

But I want to start by saying it's not **all** doom and gloom. In the context of the debate about the international copyright framework, I believe that now is the time to be positive about authors and about copyright and to capitalise on the few positive signs we are seeing.

In April, WIPO organised and hosted a conference on the 'Global Digital Content Market' – this conference was the first of its kind.

Certainly not *enough*, but this conference did take into account the creator's perspective – the International Authors Forum was represented there on a panel by an eminent author and authors' rights advocate from Argentina, Federico Polak – and the conference did explore the potential of Intellectual Property to protect and pay authors, looking at the reality of what is going on

technologically and in the creative industries to make this happen – rather than on what politicians and civil servants *think* is going on. Which is what mainly happens at WIPO, and is often very out of touch with the reality. It was excellent to set the tone for how things *should* be at WIPO, at least in the eyes of those who believe in copyright, but not necessarily how they are.

The will and the spirit are there to protect authors. Most voices at WIPO, despite their hugely divergent agendas, are concerned to protect and support local creators and their individual livelihoods, retain diverse cultural and national identities and grow local markets as well as to participate in a more global world. This is an advantage we have over our fellow pro-copyright groups such as publishers, who are seen as more interested in profit. It is up to authors to show how important the creative and copyright industries *are* to their livelihoods (whilst not being perceived as the mouthpieces of publishers) provided, of course, that authors have sufficient rights and protection to receive a fair share of the income generated.

The last copyright committee meeting which took place in May, saw the idea of having regional meetings to discuss how things work in different countries, rather than, misguidedly, how international copyright exceptions could make them work, gain interest from Member States. This is positive – regional meetings between WIPO members about successful licensing solutions, in order to encourage countries to explore such solutions, rather than

global-level discussions about more copyright treaties, are an opportunity for authors to show the way.

At WIPO the spotlight has really been shone on Canada. Different countries care about how and why creators in Canada have not been protected, in fact have been seriously damaged, as has the industry to which their work is fundamental, and are eager not to make the same mistake. The sense I get from Canadians – and I'm aware I'm in a room full of them, so feel free to put me right - is that this may not be enough to reverse that damage very easily in Canada, but will hopefully deter other countries from making the same mistake and thus may fend off the new worldwide treaties for educational exceptions, and for exceptions for libraries and archives, which the library community worldwide, and many countries in Latin America and Africa, hope for.

At WIPO's last copyright committee meeting there was also a study presented on the status of educational copyright exceptions in different national laws. This is useful, real, impartial information. Notably, however, given the undesirable state of Canada's educational exception, it didn't cover Canada, citing a lack of available information. This is something that needs to be put right.

Whether these are signs of things changing at the international level or are token gestures towards a positive attitude to intellectual property rights in Geneva remains to be seen, but at the moment the work of WIPO is still largely at the behest of anti-copyright forces to a worrying extent. We need to do what we can to shift the focus back from a language of limiting and making exceptions to copyright, to one of protecting authors' rights in positive ways that can contribute towards the development of authors, of culture and of the cultural industries.

Some of that work is already taking place. For example, organisations representing visual artists worldwide have very successfully promoted the artists' resale right, which the IAF supports, in recent years. The resale right gives artists the right to a share in the proceeds of their work when it is re-sold, often at a much higher price and internationally. Developing countries in particular see the re-sale right as a good thing, because it gets money to creators - even those in lower income countries – which would otherwise be absorbed into the wealthy, western-dominated art market. As a result of this positive and energised lobbying effort by artists, the governments of Senegal and the Congo have taken up the cause and introduced the resale right onto the agenda of

the copyright committee. Member States themselves are the only ones who can add any discussion topic to the copyright committee's agenda. In a bid to follow in their footsteps, the International Authors Forum is working with the Public Lending Right International Network to educate delegates about Public Lending Right and to promote the right as a positive source of income for authors, in the first instance by holding a side event scheduled for November, in the hope that more countries will start to take an interest in establishing PLR systems, which are currently up and running in only 32 countries worldwide, including of course Canada's exemplary system of course, but mainly in Europe.

IAF is really welcome at WIPO, by the secretariat and member states alike, because, prior to our formation three years ago, the voice of authors was missing. That's a pretty significant piece of the puzzle to miss out of the copyright committee, considering *authors' rights* are the very subjects of discussion.

Delegates have definitely got the message that things are not great for authors nowadays. They just don't quite know what to do about it. In the countries pushing for exceptions – those in Latin America and Africa – there aren't have well-functioning copyright

licensing systems in place (like Canada *did* have and luckily in the UK still does, for now at least), offering libraries, archives and education the services they need at a price they can afford – and nor do they think that the current copyright framework is sufficient for them to put such systems in place. That’s why they want entire treaties mandating them not to have to take copyright into account in what they do. There is a specific ‘development agenda’ running through all strands of WIPO’s work, which reflects the fact that the so-called ‘developing countries’ are in a very strong position, and their needs *to develop* are a high priority. It is the voices from Latin America and Africa that are listened to. IAF has bought the perspective of the individual, working, professional author, but it needs to balance the anti-copyright voices better, and it needs to do that by presenting the perspective of more real working authors in the countries whose governments would like more copyright exceptions. To do that, we need to bring the authors of those countries on board. We need counter-examples to the examples of copyright *not* working, to show when and how it is working, and how all countries, not just wealthy ones, can work on making it work *for them*, according to their needs, including the needs of their authors. And we need to show what fantastic things authors

are doing, even against the odds, why authors work should be celebrated, and why we need copyright to be able to do that.

Katie Webb, June 2016