



Call for action against coercive contractual practices

Following the ECSCA complaint filed on January 17th against a group of European broadcasters and their alleged anti-competitive practices through coercive contractual agreements signed under duress, several international creators associations issued a call for action to the European Parliament. EFJ, FERA, FSE, EVA, EIF, IAF and Pyramide Europe united in support for the complaint filed by ECSCA, and highlight a wide spread problem within the different creative sectors. The statement emphasizes that unfair contracts not only lead to a distortion of the market and unfair competition, but seriously endangers the livelihood of thousands of photographers, composers, songwriters, journalists, film directors, screenwriters and illustrators.

The call for action also supports the SAA, FERA, FSE statement entitled “End of buy-outs in Europe!”

The organizations demand for 8 non-waivable key principles to be followed in contractual agreements:

1. All creators shall receive fair pay (i.e. equitable remuneration) for each use of their work, throughout the duration of their authors’ rights
2. Additional use of their work must be subject to fair payment and negotiation between the creator and contracting party
3. The offer of a commission must not depend on any publishing rights being assigned to the contracting party. It is recognized that the granting of publishing is the prerogative of authors and that authors are free to choose to whom to assign or license their rights
4. All creators, whether freelance or employed, shall have the right to negotiate collectively with publishers, producers, broadcasters or other contracting parties
5. All statutory transfer of authors’ rights (i.e. work-for-hire clauses) shall be deemed unenforceable
6. Any right not specifically transferred by name shall be retained by the creator
7. Any right that is not used, such as the failure of the publisher, producer, broadcaster or other commissioning party to release or exploit a work within a reasonable period of time, shall revert to the creator
8. Full respect of moral rights as set out in Article 6bis of the Berne Convention

Act now and [sign up to the petition](#) “A fair trade for creators”!

Hearing on collective rights management in the European Parliament

On April 14th the European Free Alliance and Greens organized a public hearing to discuss issues of governance and transparency in regards to CRM. Two ECSCA members Pia Raug (representing KODA and the European Council of Artists) and Erwin Angad-Gaur (representing Platform makers) participated at the debate and defended the principles of authors’ rights and collective rights management.

Ruling in Hamburg: Google vs. GEMA – YouTube must protect copyrights

The German court concluded that Google’s online video-sharing site YouTube needs to prevent users from posting copyrighted music clips without permission. YouTube will have to activate content ID and install a word filter. Kerstin Decker, GEMA-Spokesperson stated the ruling is a success for GEMA and the right’s holders: “we count this as an important success, now YouTube has been committed to take measures in order to avoid known infringements of musical work from GEMA’s repertoire”.

Upcoming events

26 April 2012 – Conference on Enforcement of intellectual property rights: the review of Directive 2004/48/EC

15 May 2012 – Round table discussion with MEP Trüpel