



The right of revocation in the Copyright Directive:

A key “use it or lose it” principle to the benefit of creators, fair competition and cultural diversity

22 October 2018

On 12 September 2018, the European Parliament **confirmed its overwhelming and cross political support for the right of revocation (Chapter 3 / Article 16a)**. Now that the three main European Institutions consider a final agreement on the Copyright Directive, the European Writers' Council and the European Composer and Songwriter Alliance are calling you to integrate this right into the final agreement and act to the benefit of creators, fair competition and cultural diversity.

In the current situation, most copyright contracts are concluded for the entire duration of the copyright term (70 years after the death of the author) and for all territories of the world. Authors have very little room to maneuver when negotiating contracts. Therefore, their hands are tied for decades if their works suffer from a lack of exploitation by their counterparts, even though the exploitation is obviously the main “raison d'être” for concluding contracts.

This has detrimental effects on cultural diversity as a variety of repertoire remains unexploited and therefore not accessible for consumers and audiences. It also affects the author's ability to take into account the different and dynamic modes of exploitation and transfer their rights to another publisher in case the first publisher does not sufficiently exploit the work.

Hence, granting to authors the possibility to claim back their rights in case their works are not sufficiently exploited is a simple “use it or lose it” principle, which would result in a win-win situation for everyone:

1) Authors – by preventing that their hands are tied if their works suffer from a lack of exploitation.

2) Consumers, and fair competition. If a publisher is inactive, the author would have the possibility to publish his or her work on his or her own or offer it to another publisher. It would also encourage publishers to exploit the works.

3) Cultural diversity, since it would “unlock” works that are not exploited. Unexploited works (especially niche and regional music, literature and audio-visual works) could get re-published and become widely available. This would greatly benefit cultural diversity and our immense cultural heritage across the EU.

In addition, the right of revocation is:

- Already established in several EU Member States (Belgium, Germany, Netherlands, Spain, Nordic Member States, Austria, Portugal), in the US (right of termination after 35 years) and in line with the contract law of many others.
- Provided for performers in the “[Term Directive](#)” (2011/77/EU).
- Recommended by the [EP JURI Study “Contractual arrangement applicable to Creators”](#).

We therefore urge you to integrate this right to the Directive and provide the key to unlock access to millions of unexploited works, that form part of our common immense cultural heritage across the EU.



The European Composer and Songwriter Alliance (ECSA) represents over 50,000 professional composers and songwriters in 27 European countries. With 56 member organizations across Europe, the Alliance speaks for the interests of music creators of art & classical music (contemporary), film & audiovisual music, as well as popular music.

Web: www.composeralliance.org

EU Transparency Register ID: 71423433087-91



EWC, founded in 1977 in Germany and newly constituted in 2006 in Brussels as an international non-profit organisation, the European Writers' Council is the federation of 45 European national organisations of professional writers and literary translators in all genres in 34 countries, writing altogether in 28 languages. EWC's members represent more than 160,000 authors in the text-sector

Web: www.europeanwriterscouncil.eu

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