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Submission on consultation paper on CONTENT ONLINE IN THE SINGLE MARKET

COPY-DAN Billedkunst is a Danish collecting society established in 1986 by 10 Danish visual artists' organisations representing plastic and graphic art as well as photography. COPY-DAN Billedkunst manages the primary and secondary rights for Danish and foreign authors of e.g. paintings, drawings, illustrations, sculptures, ceramics, crafts and photography, such as the right of reproduction of visual and graphic art and photography in e.g. books and other publications and in other analogue and digital medias, rights for broadcasting and making available to the public.

Visual and graphic art is not particularly identified in the consultation paper as a type of creative content, however we think it is important to include visual art and photography as part of the new challenges to be tackled. These works are widely used on the Internet in various commercial and non-commercial fields – uses which are often out of control of the author and very difficult to track.

Images uploaded in a high quality on the Internet can be downloaded and used without limit in new contexts and in all kinds of analogue and digital media without the artists' permission and without remuneration. This is the matter even if the artwork was first time uploaded in agreement with the author and by payment of remuneration.

Collecting societies can administer the rights on behalf of the authors and grant licenses to the users. Licenses should be granted through easy administration for all parties, and it should be easy for the author and his collecting society to establish whether a work of art displayed on the Internet is licensed for the actual use.

Until a few years ago the user was addressed to contact a museum or the artist in order to get a photo of the artwork to use for printing.

It is our experience that the users wish to receive from the collecting society both the license and the image to print from. In order to give users an easy access to protected art the ten

organisations behind COPY-DAN Billedkunst have established their own image bank, Image2use – www.image2use.dk. The image bank is owned and administered by the artists themselves and covers all kinds of visual art such as paintings, illustrations, sculpture, craft and photographs. Professional users of illustrations in i.e. printed matter and on the Internet will hereby have an easy access to reproduction right and of the image itself. The database is fully automated with facilities such as search functions on name, title and type of art. Within certain limits the artists can decide for an individual price for each individual image. The image is delivered online to the user as a digital file and payment for the reproduction rights and image file is also completed online.

COPY-DAN Billedkunst cooperates with Image2use by clearing the copyright and controlling the use and paying out remuneration for the reproduction rights to the artists. This secures low administration costs, because COPY-DAN Billedkunst as a collecting society has already established IT-systems that can handle the complexity with many individual artists.

Image2use opened for the users in June 2005 and is now in contact with artists and their collecting societies in the other Nordic countries. Image2use is open for interested artists and their collecting societies in other countries, too. It is the aim to create an image bank with a large variety of works of fine art and photography sold and controlled on the premises of the artists and the copyrights cleared.

Image2use is a new tool in this field and proves that copyright is not a barrier to the access of creative information and content.

Copenhagen, 13 October 2006

COPY-DAN Billedkunst