

EU Communication on the Management of Copyright and Related Rights in the Internal Market COM (2004) 261.

A Submission by Pyramide Europe EEIG.

We welcome this opportunity to respond to this document as we represent the interests of 80,000 photographers, illustrators designers and others who are a major part of the creative force of Europe.

We will however keep our remarks to very specific areas because although in the vast majority of cases creators are integral to their management organizations, and therefore are the source of the transparency that already exists, each country has its own experience and to come to a common standpoint we must first have a meeting.

It is the documents assertion that there is no need for legislation on individual rights that we wish to focus on as the lack of protection for individual creators from contractual abuse in many of the member states is stopping creative output and is also causing a distortion in the internal market.

We have ,and will continue ,to present evidence from many countries to show that creators are being forced to sign contracts which are to quote a senior professor “truly awful”. These contracts are being presented with a don’t sign don’t work threat which is making it impossible for creators to continue to create. Also in the case of the BBC for instance they refuse to deal with any representative body only with individual artists, the fairness of such “individual” management is of course non existent

It must also be pointed out that the legal differences between various member states also creates a distortion in the market.

As two examples we would like to point out that in the UK copyright is specifically excluded from unfair contract legislation which helps to make it impossible to take any legal redress to the terrible situations which creators face .

The German situation is ,however, irrefutable proof of the internal market not working. This is an example of the protection that should be available to all EU creators. Their new law is based on fairness and an understanding of the real nature of the everyday lives of creators and we would be happy to see it used as a blueprint for legislation throughout the EU. It also serves to point out the lack of common ground in legislation,distortions of free trade and also an anomaly.

If I as a UK based creator am forced by a publisher to sign away my rights on a world wide basis, in perpetuity with no recompense then how can they use my work in Germany where such a contract is illegal ? Also can a contract which is illegal in one EU member state be enforced in another ? Do we all have to move to Germany to afford ourselves of protection that should be a natural right for us all?

I feel that all authors will be bringing these points to your attention and I hope our voices will be heard and that this vital issue is not dismissed but brought to the forefront