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Press Release

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AUTEURS&CO 2015

FIVE FUNDAMENTALS FOR A NEW CULTURAL DEAL IN EUROPE

The Authors&Co Colloquium "A Single Market... A Single Culture?" organised by LaScam on march 12 in Paris, offered the opportunity to bring back to mind the three pillars of a Cultural Europe: freedom of expression, cultural diversity and author's right. It also brought home the fact that those who make culture today (authors, publishers and producers) are in agreement that there is no need to reform copyright in Europe.

Culture provides 4.2% of Europe's GDP and 7 million jobs for Europeans. It is vital that the surge experienced by digital technology not impede that of culture. Quite to the contrary, the former should feed the latter so that they can mutually enhance one another. Any policy built on antagonism between the two is condemned to fail. The authors proposed that the Cultural and Digital Europe of the future be built on five fundamentals:

A PRINCIPLE OF TERRITORIALITY ON THE CULTURAL MARKET

Diversity forms Europe's cultural wealth. It is in this spirit that the cultural market in Europe was developed, entailing a funding system for cultural creation and the preservation of both cultural heritage and languages. It is time that this principle be formally stated and that coherent action be taken further to it, reopening the AVMS Directive in particular, so that the governing legislation be that of the destination country.

APPROPRIATE ACCOUNTABILITY OF INTERMEDIARIES

The accountability of intermediaries (hosting companies, aggregators, etc.) is the cornerstone of the digital future in creation. The 2000 Directive, which relieved intermediaries of some of their responsibilities with respect to author's right has not been adjusted since. The situation, however, has evolved and intermediaries have become more diverse. Today, it is with them that value is concentrated. The time has come to reshuffle the deck and redefine their accountability regarding copyright.

CONSOLIDATION OF AUTHOR'S RIGHT

Where the law weakens author's rights by coming up with ever more exceptions, it weakens the position of authors and thus of creation itself. Copyright is a tool that spreads wealth. Redefining digital revenue-sharing at the European level implies strengthening it, and most certainly not embarking on a radical reform of the 2000 Directive. Author's right as it exists today in the European Union is able to encompass all situations and be adapted to the digital economy. It is clear, however, that authors must receive fair compensation across all European countries. Consequently, in those Member States where it does not already exist, the right to fair compensation for the use of works on the Internet must be instituted. And where harmonisation is called for, it can only take place on a top-down basis – never bottom-up.

HARMONISATION OF EUROPEAN FISCAL SYSTEMS

It is time to put an end to fiscal dumping in the European arena. Tax optimisation impoverishes Member States, heightens their deficit, brings heinous distortion into economic competition and hurts cultural diversity. Tax rules must be harmonised in order to establish fair competition between digital players and, ultimately, tax the activities of Internet operators across all of the territories where they operate.

THE ADVENT OF EUROPE'S MAJOR DIGITAL PLAYERS

While the European Union is the world's leading economic power, onlookers are still waiting for the continent's first major digital players to emerge. It has become crucial that Europe's citizens be given alternatives to US-driven offers. Europe needs to mobilise the necessary investments in order to make the digital market its own, and enable Europe to extend its cultural reach.

LaScam appreciated the positions stated by the Cultural Affairs Commission members, Patrick Bloche (French National Assembly) and Catherine Morin-Desailly (French Senate), who saw no substantive reason for author's right to be reformed.

Ms Morin-Desailly rightfully underscored the importance of reviewing the status of hosting companies and continuing to take a hard-line stance against the tax optimisation as practiced by a number of Internet players.

LaScam expresses special thanks to Fleur Pellerin for having concluded the day and, in so doing, denoting her support for author's right, revised status for hosting companies, the fight against tax optimisation and anti-piracy on the Internet.

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