

Fair Copyright

Experts from the arts and culture call for fair copyright law for creators

Open Letter

Vienna, 18th October 2021

Dear Minister Zadić!

Dear members of the federal government!

The legal deadline for the implementation of the Copyright Amendment 2021 is imminent. For authors and rights holders, the appraisal draft version was a shock. The hopes that had arisen from the working papers of the Ministry of Justice were abruptly shattered. The Working Group for Cultural Diversity of the Austrian UNESCO Commission, which focuses on the protection and promotion of cultural diversity, sees this draft as a massive threat to cultural diversity and the goal of fair remuneration for artists and cultural professionals.

We therefore call on you to subject the present draft to a fundamental revision and, in particular, to reconsider and amend the following points:

- Direct remuneration claims for online uses

In Germany, a separate Copyright Act for Service Providers provides for a general remuneration claim for creators directly against the platform in an appropriate amount, as well as appropriate remuneration for work uses (citations, parodies, caricatures...) and minor uses. We expect an adaptation analogous to the German law.

- Lack of collective rights management

As a result, all interests have to be regulated by individual contracts, and furthermore, employees are compensated for their rights through fee payments. We demand a clear decoupling of labour and copyright law.

- Possibility of collective class action

It is necessary that creators are protected by their associations and federations. It is almost impossible for individuals to enforce their rights.

- Copyright contract law

The German copyright contract law provides for many things that strengthen the position of creators to a far greater extent than is the case in Austria. For example, in the Austrian Copyright Act, works created under labour law conditions are not considered subject to remuneration or negotiable under the principle of transfer of purpose. The same applies to unknown types of use and contract amendments in the case of inadequate remuneration as well as the right of revocation. We demand the same level of copyright contract law in Austria as in Germany.

Respectfully,

Austrian Cultural Council
Daniela Koweindl, IG Bildende Kunst
Gerhard Ruiss, IG Autorinnen Autoren
Gabriele Gerbasits, IG Kultur Österreich

Günther Wildner & Harald Huber, Austrian Music Council
European Composer & Songwriter Alliance
Forum Stadtpark
Kurt Brazda, EU XXL
Lidija Krienzer-Radojevic, IG Kultur Steiermark
Ludwig Laher, chairperson of the Advisory Panel on Cultural Diversity
Maria Anna Kollmann, Austrian Filmmakers Association
Sabine Kock, Smart mobility
Sabine Reiter, mica – music austria
Veronika Ratzenböck, österreichische kulturdokumentation
Werner Richter & Birgit Weilguny, IG Übersetzerinnen Übersetzer
Edith Perez Wolf, Austria Arts Health
Zahra Mani, austrian composers association