

Punching above our weight

Working for authors' rights

Bjørn Herrman

The Authors' Rights Working Group (WG) was reborn, so to speak, at CEATL's Annual General Meeting (AGM) in Berlin in 2014. Although there had been a Copyright WG earlier, since all former members were gone at that time, it must be fair to say we started from scratch. Present at the first WG meeting in Oslo, were Cécile Deniard (France), Elisa Comito (Italy), Morten Visby (Denmark), and Kevin Quirk and Bjørn Herrman (Norway). Since then, the group has grown steadily, with the participation of Anke Stark (Germany) for a year, Gertrud Maes (Netherlands), Rafał Lisowski (Poland) and Heikki Karjalainen (Finland) – a representative sample of national backgrounds, with diverse legal traditions and economic situations. The working group works together year-round via the e-mail group and meets in person at the AGMs, as well as once a year between AGMs.

Amazon Crossing changed their contracts

To begin with, one of our main concerns was **Amazon Crossing**, recently established in Europe under Luxembourg jurisdiction and publishing translations

in several European countries. What concerned us was their 'one click' contract, the moral rights of the translators, the remuneration level, etc. Different initiatives at national and European levels led to a meeting with AmazonCrossing at the Frankfurt Book Fair in 2014 and, thankfully, to AmazonCrossing changing the standard clauses in their contracts. Proof positive that coordinated action pays off!

A digital single market

Since December 2015, when Jean-Claude Juncker launched the idea of the **Digital Single Market**, the DSM directive has been the main focus of the WG. Right from the outset, there has been plenty of lobbying activity. Our initial fear was that the directive would be hostile to authors' rights, but it turned out, in part, to be the opposite. Among other things, we have seen the introduction of the idea of fair remuneration for authors, including translators, and also a transparency obligation requiring publishers to regularly present authors with information on the exploitation of their work, as well as a contract adjustment mechanism when the



Members of the Authors' Rights Working Group in Oslo
Photo: Eirik Bræk

original remuneration for a work is disproportionately low compared to the revenues it generates (Articles 14, 15 & 16). The wording of Article 12, giving publishers the right to claim a share of compensation for uses of works made under exceptions or limitation to copyright, caused quite a lot of disturbance at one point when the Estonian presidency wanted to include Public Lending Rights schemes. Together with the European federations of authors ([EWC](#)) and publishers ([FEP](#)), CEATL signed a petition asking for the deletion of this addition. At the time of writing, the directive is in the trilogue-negotiation and beyond the reach of our lobbying. (Since the final version of this article was finished, the directive has been approved by the European Parliament, eds.).

“Coordinated action does pay off!”

New guidelines for fair contracts

Last but not least, CEATL's [Guidelines for Fair Contracts](#) were adopted at the AGM in Copenhagen in 2018. The first draft, based on the [Hexalogue](#) and various national Best Practices documents and presented at the AGM in Barcelona in 2016. All member associations were asked for comments, and we received an overwhelming response, with answers so numerous and complex that it proved impossible to finalise the Guidelines for the 2017 AGM. Following extensive review, a final version was



Bjørn Herrman is an award-winning literary translator from English into Norwegian and former President of the Norwegian Association of Literary Translators. He played a crucial part in the Norwegian translators' campaign for better conditions, *Oversetteraksjonen 2006*, and is currently Coordinator of the CEATL Authors' Rights Working Group and Vice-president of the CEATL.

Bjørn Herrman
Photo: Private Archive

sent to the member associations and adopted in 2018. It would make little sense merely to post the Guidelines on our website and leave them to fester, so CEATL has since sent them to fellow international authors' and translators' associations, not to mention the FEP; the WG would also like to prompt the member associations to organise within the next couple of years some sort of event about them focusing on their different national situations, to establish the Guidelines as a reference and make them a tool for the associations.

Neither the WG nor CEATL as such could hope to have any strong influence on processes like the DSM directive without cooperating with other authors' organizations; networking has been the keyword – not to forget the sheer will it takes to plough through hundreds of pages of disconcerting official documents!