

Dear Sir / Madam,

### **Austrian authors and translators support Article 12 (DSM COM/2016/0593)**

The Austrian authors' association "IG Autorinnen Autoren" (3,800 members, 60 member-organisations) does not support the objections to Article 12 (DSM COM/2016/0593) raised by several other European writers' organisations. Instead we welcome the regulation in Article 12, which allows for the possibility of publishers receiving an appropriate share of collecting societies' revenues.

We agree with our German colleagues that Article 12 should only be valid according to the conditions described in No. (36) of the explanatory introduction to the "Proposal for a Directive of the European Parliament and of the Council on copyright in the Digital Single Market". According to No. (36) the EU Member States should only be allowed "to determine that (...) publishers are entitled to claim a share (...)" when there are already existing "systems in place to compensate for the harm caused by an exception or limitation (...)".

Our experience with our national collecting society Literar Mechana, the Austrian collecting society for authors and literary translators, which is jointly managed by authors and publishers, shows us that a joint collecting society of both authors and publishers has great advantages:

Together, authors and publishers are a strong stakeholder community when it comes to negotiations with internet platforms and other powerful players like producers of copy machines or computers. The negotiated fees are an essential part of the collecting societies' revenues. The more united we are in these negotiations, the more successful our negotiations and their results will be, for both authors and publishers.

Literar Mechana is our joint institution, in which we act as equal partners in our mutual interest. Its democratic structure guarantees that the same importance is given to each group. One single collective society is much more efficient and cost-effective than two or more of those organisations operating in one country.

Publishers do not replace copyright-holders, but are merely granted the right to use the authors' work. Because of the fact that publishers produce and distribute the author's work, they are entitled to a share of the collecting societies' revenues. Ideally, the amount of the publisher's share is determined within the collecting society itself by its democratic decision-making structures, as it is the case of the Literar Mechana.

We take it for granted that publishers, who produce and distribute our work, are entitled to receive an appropriate share of the collecting societies' revenues. For this reason we welcome Article 12 of DSM COM/2016/0593 ("Member States may provide ..."), giving EU member states the possibility:

- to grant publishers a fair share of the collecting societies' revenues,
- to ensure the further existence of joint collecting societies for both authors and publishers
- to ensure by law specific national structures of collectings societies,

but only in those States, where this has already been possible, and to the extent it has been possible – that is how we understand No. (36) of the explanatory introduction to the Proposal of the Directive.

Yours sincerely,

Gerhard Ruiss, Managing Director  
IG Autorinnen Autoren  
Vienna, 26 February 2018

General Assembly of IG Autorinnen Autoren  
Vienna, 25 February 2018

