

Stockholm the 15th of September 2014

Submission from KLYS to the Special UN Rapporteur on the impact of intellectual property regimes on the enjoyment of right to science and culture

Presentation of KLYS

KLYS is the Swedish Council of Professional Artists - an umbrella organization which through its 15 member organizations represents over 30.000 artistic and literary professionals in Sweden. The activities of KLYS are based on collaboration between artists in all art disciplines (music, literature, visual art, theatre and film) in matters of common interest such as copyright law, labor market, freedom of expression, cultural diversity, social security and tax schemes. KLYS main objective is to protect the interests of the individual members in terms of cultural policies, authors' rights and union concerns and to improve the social and economic situation for artistic professionals.

Introduction

Authors rights or "copyrights" have a crucial role in a democracy. The existing European copyright tradition (droit d'auteur) shares the roots with the civil rights and freedoms that are universally acknowledged as the basis of western democracy. A strong copyright protection provides the necessary prerequisite for perpetual financing of new works and performances. Copyright also fosters the personal relationship between the artistic work/performance and its creator, and provides for the artistic freedom and integrity of the author/performer.

The role of copyright protection as the basis for creativity and cultural diversity, as well as the importance of authors and performing artists being entitled to fair and adequate remuneration for their artistic work should be clearly highlighted within the work of the UN in this field. Payments based on copyright are one of the most important sources of income for artistic and literary professionals.

KLYS would like to stress that a copyright where the authors and the performing artists have influence over their work and can get fair conditions and compensations for the use of their work, is necessary for and promotes the development of new content of high quality and diversity to the citizens.

Copyright regimes and its impact on the enjoyment of right to science and culture

Authors and performers in all art disciplines want their works to be accessed, enjoyed and used by as many people as possible. They recognise that this access is integral to the enjoyment of the right to science and culture. Likewise, copyright regimes are vital to enabling and sustaining the enjoyment of that right via the rights conferred.

The importance of copyright is recognised in the International Covenant on Economic, Social and Cultural rights. The dissemination of copyright works is vital to fulfilling the mission of Unesco to “contribute to peace and security by promoting collaboration among the nations through education, science and culture”. It is within this material – the copyright protected expression of authors - that science and culture are embodied. Copyright give authors the opportunity to exercise these rights and, crucially, ensures people can continue to enjoy the right to science and culture. The work of authors is indispensable to the production of cultural and scientific material; without their work it is in danger of being diminished severely. If authors cannot support themselves, or gain recognition for their work, they will be unable to continue that work.

There are many challenges to the existing copyright regimes today. These challenges are described by i. e the IAF – International Authors Forum, to which submission KLYS would like to refer when it comes to challenges.

We would also like to support the policy suggestions made by the IAF:

- Improve copyright awareness through education as part of efforts to improve access to science and culture, promoting the right to enjoy science and culture concurrently with the importance of IP to underpinning that enjoyment. That way, as countries develop, they will understand that it is impossible to sustain the access they enjoy to science and culture without fair payment to those that provide the means to enjoy it.
- Promote participation in and establishment of authors’ organisations, collective management of rights and other ways authors can actively engage with their rights collectively to maximise use of their works in affordable ways for users, such as through licensing schemes.
- Law and policy making in this area should grant remuneration for authors and respect for the integrity and attribution of their work, to ensure the enjoyment of science and culture can be maintained.
- Establish a dialogue between representatives of authors and of users to raise awareness of the importance of the author in creating the science and culture everybody wants to enjoy.

On behalf of KLYS

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Secretary General

KLYS