

AUTHORS' RIGHTS: FIX STREAMING LOOPHOLES AND CHAMPION STATUTORY RIGHTS TO REMUNERATION

Thanks to the EU Parliament, a principle of appropriate and proportionate remuneration was added to the 2019 **Directive on Copyright in the Digital Single Market** (Article 18). As a result of the transposition of the directive, several countries improved the legal protection of audiovisual authors. However, many countries have simply copied-pasted Article 18 without introducing any remuneration mechanism.

As a result, the market remained fragmented, and authors' entitlement to remuneration continued varying widely from country to country, particularly for streaming. Due to the heterogeneity of the legal systems in place and lack of statutory rights to remuneration, collective management organisations cannot always provide reciprocal agreements that would bridge the gaps.

An unwaivable and inalienable right to remuneration that is collectively managed is the way to go for audiovisual authors: it guarantees remuneration to authors when their works are exploited, without harming the producers' role. The remuneration is paid by the distribution operators according to the exploitation of the works on their services, based on an agreement negotiated with the authors' CMOs that represent the audiovisual authors in the country. The burden of payment falls not on the producers but on the services that exploit the works.



Society of
Audiovisual
Authors

Did you know?

- Audiovisual authors receive remuneration for the on-demand exploitation/streaming of their works only in Belgium, Estonia, France, Italy, Spain and Switzerland in Europe.
- Thanks to the implementation of the 2019 Directive on Copyright in the Digital Single Market, the situation of audiovisual authors should improve in Lithuania, Romania, Portugal and Slovenia.
- It leaves too many authors with no statutory right to remuneration for the exploitation of their works on all media, in particular on-demand services. In most of those countries, authors only receive collectively managed remuneration for retransmission and private copying.

How you can help

- Map the legal and market loopholes and the insufficient protection of authors' rights in the audiovisual sector that prevent the economic sustainability of their careers.
- Stand up for authors and champion statutory rights to remuneration collectively managed for all exploitation of their audiovisual works, in particular for video-on-demand/streaming and call for greater harmonisation.

Find out more

- SAA's [national case studies](#) on how the recognition of remuneration rights for audiovisual authors has proven effective in ensuring their fair remuneration and the growth of the audiovisual industry in Italy, Spain and Poland.
- The [Principle of Appropriate and Proportionate Remuneration for Authors and Performers](#) in Art.18 Copyright in the Digital Single Market Directive, Statutory residual remuneration rights for its effective national implementation, by Professor Raquel Xalabarder, 2020