

More than Just Words

The Society of Authors'
Election Manifesto 2017

We call on the next Government to support Britain's cultural heart: with funding and legislation, with transparency and ambition - always with more than just words.

“In ‘More than Just Words’, we call on the next government to realise the treasure that the creative arts and industries represent, and to look after them with a full consciousness of the importance and value of those who work in this field.”

Philip Pullman
President, the Society of Authors

The Society of Authors protects the rights and furthers the interests of authors. It is a trade union representing 10,000 professional writers, illustrators and translators from all sectors and genres.

CREATOR: fair contract terms

We ask the next Government to review laws applicable to creator contracts and introduce legislation to address unfair contract terms and ensure fair sharing of reward throughout the value chain.

Authors' earnings are in decline. Poor contract terms are part of the problem, but Individual creators are at a disadvantage when negotiating contract terms as individuals with monopolies or with dominant players in highly specialised markets.

Legislation based on the C.R.E.A.T.O.R. acronym below will protect creators in this process and ensure they can fully benefit from and control the exploitation of their work:

C - Clearer contracts, written contracts which set out the exact scope of the rights granted.

R - fair Remuneration. Equitable and unwaivable remuneration for all forms of exploitation, to include bestseller clauses so if a work does far better than expected the creator shares in its success, even if copyright was assigned.

E - an obligation of Exploitation for each mode of exploitation – the ‘use it or lose it’ clause – giving creators the right to have rights reverted if they are not being utilised.

A - fair, understandable and proper Accounting terms.

T - Term. Reasonable and limited contract terms and regular reviews to consider new forms of exploitation.

O - Ownership. Authors, including illustrators and translators, should be appropriately credited for all uses of their work and moral rights should be unwaivable.

R - All other clauses be subject to a general test of Reasonableness including a list of defined clauses which are automatically deemed to be void and a general safeguarding provision that *any contract provision which, contrary to the requirement of good faith, causes a significant imbalance in the parties' rights and obligations arising under the contract to the detriment of the author, shall be regarded as unfair.*

These laws are not radical. Some have been proposed by the EU, all already exist throughout many European countries. They are necessary to incentivise creators and ensure fair shares throughout the creative value chain.

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We also press for the Unfair Contract Terms Act 1977 ('UCTA') to be amended by removal of Section 1(c) of Schedule 1 which provides that Subsection 2 to 4 do not extend to any contract so far as it relates to the creation or transfer of a right or interest in any intellectual property.

This provision is anomalous in the digital age and has effects far wider than those for creators, leaving vulnerable all who deal with intellectual property. The protections excluded are fundamental safeguards that should apply to all contracts, including preventing exclusion of liability for negligence and, when working on standard terms of business, preventing a party from rendering no performance or contractual performance substantially different from that which was reasonably expected.

Find out more:

societyofauthors.org/creator

COPYRIGHT

We ask the next Government to support and promote a stable and clear framework for copyright in the UK and at EU level, balancing user access and reward for creators.

Copyright law and licensing is essential to incentivise innovation, encourage investment and allow authors to protect and exploit their work.

The last few years have seen detailed and rigorous review and debate of copyright legislation both domestically and in Europe. The result for the UK is a legislative framework that is balanced in respecting the rights of users and creators and well able to deal with the complexities of the 21st Century.

We must maintain a strong copyright regime, harmonised with the rest of Europe to ensure that we can still export to major markets. It is important that the rights of creators be supported so they can benefit from their creations and thereby continue to produce innovative, informative and creative works that are in demand worldwide.

The UK should continue to follow future EU copyright law and the EU's Digital Single Market Strategy. Stability in the application of existing EU Regulations and the transposition of EU Directives which form part of our copyright law must be maintained as part of the Great Repeal Bill.

Collective Licensing

We should support the continued development of a modern and flexible copyright licensing regime that strikes a fair balance between accessing material and incentivising creators.

We can build on the UK's excellent collective licensing initiatives to ensure that information can be shared easily, and rights-holders rewarded when their material is used. Copyright exceptions for education strike a fine balance between access for teaching and learning, and reward for those creating educational materials. The remuneration that authors and publishers receive from licensed educational use is essential in supporting the development of new works for the education sector.

Copyright Education

An understanding of copyright, its value, and how to exploit and protect it, is vital for every citizen - particularly in a digital age in which we are all creators.

The next Government must do all it can to spread knowledge and understanding of copyright. The National Curriculum should, at all Key Stages, in both the English and citizenship modules, instil in pupils an understanding of the artistic and commercial value of intellectual property rights.

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Government must give the clear message, nationally and internationally that copyright is not red tape.

Find out more:

societyofauthors.org/copyright

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BACKING CREATORS AND THE CREATIVE INDUSTRIES

We ask the next Government to support creators and sustain an environment where innovation and creativity can flourish.

Britain's creative industries generate £84.1bn a year for the UK economy, and the creative economy employs one in every 11 working people. The current Government has identified the creative industries as one of five 'world-leading sectors', but it's time for more than words.

Certainty and Stability

The creative industries rely on good trade links with Europe and the rest of the world to maintain and expand our thriving export markets. The next Government and UK rightsholders must continue to play an influential role in formulating and developing the proposals within the European Commission, Parliament and Council during the Brexit process and beyond:

- Barriers on trade with the EU should be kept at an absolute minimum, and the next Government should not accept trade barriers on books and other publications (physical or digital) in exchange for lowering them on other goods.
- Information should be included as part of every trade mission about the success of the UK's publishing and book industry.
- Transatlantic negotiations should recognise the cultural importance of literature and publishing

Freedom of Movement

Culture should know no boundaries. We require free movement for authors within the Schengen area, and protection for EU nationals already here and UK nationals living abroad.

Find out more:

societyofauthors.org/backing-creators

TAX & BENEFITS: SUPPORTING FREELANCE WORKERS

We ask the next Government to review the laws that impact self-employed workers: ensuring that authors are not penalised by benefits, tax and National Insurance rules, and reducing VAT on ebooks and digital publications to zero.

Current tax and benefit rules do not cater well for people who have portfolio careers. They do not receive holiday or sick pay. They do not enjoy employment security or company pensions. The elements of the tax and benefits systems often seem stacked against them. They are often worse off than their employed counterparts.

It's time to work towards a fairer regime for authors and other freelancers.

Rights

UK authors, journalists, translators and illustrators have less protection than in many other countries. For example, the AGESEA scheme in France allows authors to receive benefits, such as sick pay and unemployment benefit, and pay reduced social security benefits, with publishers and other content users making contributions to the fund.

Under current EU proposals, freelancers who work mainly for one or two employers will be able to claim employee status. These rights should be implemented as part of a full review on freelance working.

Benefits

Universal Credit and Working Tax Credit rules should be amended to encourage, not work against, authors and other self-employed workers. Benefits should be structured to:

- Incentivise innovators, not penalise them, if they voluntarily leave employment to launch a self-employed career.
- Deal with 'lumpy' incomes by averaging incomes over two years so authors are paid benefits in lean periods and do not fall out of benefits on receiving an advance or royalty cheque.
- Avoid too much paperwork or difficulty for those with complex working arrangements.

Tax

We call for a fair tax and regulatory regime for creators and the self-employed. The Government should take steps to simplify the tax regime and avoid too much

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paperwork or difficulty for those with complex working arrangements (including when dealing with overseas clients).

We ask that Making Tax Digital (MTD) should be amended as follows:

- The current timetable should be extended to 2019 to ensure that the new regime can be properly piloted, and its potential implications understood, with no penalties until it is shown to work.
- The minimum threshold should be in line with the VAT registration threshold of £83,000.
- There should be a two or three-year averaging period for those with variable incomes.
- Those who are digitally excluded through a lack of skills or equipment must not be treated detrimentally.

National Insurance

Most authors do not have access to company pensions, so contributions to state pensions must be kept at a fair level for self-employed workers. We ask for:

- The proposed 1% increase in Class 4 National Insurance contributions not to be reintroduced.
- Steps to be taken to reduce the fivefold increase in the cost of pension contributions for freelancers earning less than £5,965 per year caused by the abolition of Class 2 National Insurance contributions.
- Consideration to be given to requiring publishers to contribute to author pensions.

VAT

VAT on ebooks and digital publications should be reduced to zero rate in line with physical books, reflecting the principle that tax should not discourage reading and learning.

Find out more:

societyofauthors.org/tax-benefits

ACCESS TO FUNDING

We ask the next Government to ensure that public funding of the arts recognises the value and addresses the needs of authors, translators and illustrators, and replaces European funding lost through Brexit.

We need to ensure that authors have access to funding to enable them to create a diverse range of work – not just bestsellers and other commercially driven projects.

Domestic funding

Continue to ensure that the Arts Council and Creative Scotland fairly support authors and literature.

Lifelong learning

Ensure that ongoing professional development is offered to the self-employed, including free facilities to learn digital skills, as well as support for mentoring schemes.

European funding

Translation is essential for our understanding of other cultures, and improving the range and diversity of our reading. Currently, much UK translation is supported by EU grants and prizes, while publishers often receive funding for translation directly from Creative Europe. The UK is also the second largest recipient of EU funding for science and research.

The next Government must commit to securing access to EU research and cultural funding programmes, or develop new strategies for domestic investment to cover any loss of funding.

Find out more:

societyofauthors.org/funding

LIBRARIES

We ask the next Government to renew support for libraries at national level, to ensure a truly comprehensive and efficient public library service, to maintain PLR payments, and to follow through on the commitment to ensure all creators are fairly remunerated for library ebook loans.

Libraries are essential gateways to information, culture and imagination. We neglect them at our peril, whatever form they take, in local communities, schools, prisons and elsewhere.

Public libraries

It is time to increase and ring-fence funding to public libraries.

Every local community deserves a comprehensive and efficient library service, with free access to physical books in a safe, comfortable, convenient and accessible space, managed and curated by professionally trained staff.

Planned library closures are a breach of the requirements of the Libraries & Museums Act 1964 and the Charteris Report. Parliament has sufficient powers under its general jurisdiction to turn the tide. It is time to act on that power.

School libraries

UK schools are currently under no legal obligation to provide a library.

The next Government can ensure that every child in Britain, regardless of background, has access to a well-maintained, curated library service, stocked with a full range of digital and physical reading materials.

Ofsted should be required to include the quality of library provision in its assessment criteria, and schools encouraged to work with their local authority public library service to establish a school library fund and create efficiencies in the provision of books to children.

Public Lending Right (PLR)

PLR provides a modest reward to authors when their books are lent and ensures that libraries are not infringing copyright when lending books. We ask that:

- The PLR fund be maintained.
- The PLR scheme should be extended to voluntary libraries.
- The next government reimburse the PLR office for the costs of introducing payments for remote lending of ebooks and upgrading the present systems for easier use

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- The next Government end the anomaly under which private lending libraries do not pay authors on loans.

Find out more:

societyofauthors.org/libraries

READING AND THE CULTURAL ENVIRONMENT

We ask the next Government to value cultural literacy and reading for pleasure as centrally important to society, and encourage and support creative arts in education and general policy.

Supporting bookshops, committing to a timetable to achieve 100% levels of literacy in children, supporting campaigns to boost reading, funding author visits to schools, improving teacher training on reading for pleasure – there are many opportunities for the next Government to ensure culture is as much a fundamental aspect of society as, for example, the country's architectural heritage.

Literacy

It is high time for a thorough review of the UK's strategy for teaching literacy which gives all children the chance to love language, play with words, and express themselves. Teachers must be supported to teach the rules of writing in the context of supporting expression and control, not affording primacy to those rules.

We need to see an end to testing for the sake of testing, and new funding for teaching and textbooks well beyond school, in community centres, prisons and more.

Reading for pleasure

Reading for pleasure is about far more than literacy alone. All children should be encouraged to read and write for enjoyment, non-fiction as well as fiction, as a core part of their development of empathy, curiosity and imagination.

The best education fosters creativity by encouraging involvement in the full range of arts.

Cultural education should form a key pillar of the government's strategy for the long-term growth of our Creative and Cultural Industries, both at a national and international level.

Investing in the next generation of creative practitioners will ensure they have the tools and training necessary for the UK to continue its position of pre-eminence.

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Bookshops

As our high streets face greater challenges from large retail chains and online alternatives, it is time to properly support bookshops with appropriate rate and tax concessions, and with efforts to protect the high-street environment.

Find out more:

societyofauthors.org/reading

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FREEDOM OF EXPRESSION

We ask the next Government to support freedom of expression both here and abroad

Scottish and Northern Irish libel law differs from that in the rest of the UK and needs reforming to take in the provisions of the Defamation Act 2013.

We must also ensure that the UK speaks out about freedom of speech abuses internationally.

Find out more:

societyofauthors.org/freedom-of-expression

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