

RIGHTS REVERSION MECHANISM

THE KEY TO A BALANCED COPYRIGHT DIRECTIVE

GOOD FOR AUTHORS, GOOD FOR CONSUMERS, GOOD FOR COMPETITION, GOOD FOR EVERYONE!

A RIGHTS REVERSION MECHANISM (RRM) IS THE PRAGMATIC SOLUTION TO BALANCE THE CREATORS' REQUEST FOR FAIR REMUNERATION AND CONTRACTUAL FREEDOM



ALREADY ESTABLISHED IN SEVERAL EU MEMBER STATES



RECOMMENDED BY THE EP 2014 JURI STUDY "CONTRACTUAL ARRANGEMENTS APPLICABLE TO CREATORS: LAW AND PRACTICE OF SELECTED MEMBER STATES"



PROVIDED FOR PERFORMERS IN DIRECTIVE 2011/77/EU ("TERM DIRECTIVE")



SUPPORTED BY THE AUTHORS' GROUP (ECSA, EFJ, EWC, FERA, FSE)



ANALYZED IN THE EC COMMISSIONED IVIR STUDY FROM 2016 ON 'REMUNERATION OF AUTHORS OF BOOKS AND SCIENTIFIC JOURNALS, TRANSLATORS, JOURNALISTS AND VISUAL ARTISTS FOR THE USE OF THEIR WORKS'



ADOPTED BY THE ITRE COMMITTEE AND TABLED IN FIVE AMENDMENTS BY THE JURI COMMITTEE (AM 952, 953, 958, 959, 961)



SINCE THE 2014 CRM DIRECTIVE, AUTHORS HAVE BEEN FREE TO TAKE BACK THEIR RIGHTS FROM COLLECTIVE MANAGEMENT SOCIETIES. WHY SHOULD THE SAME PRINCIPLE NOT APPLY TO PUBLISHERS AND PRODUCERS?

MAIN ARGUMENTS FOR A RIGHTS REVERSION MECHANISM

WHY

MOST COPYRIGHT CONTRACTS ARE CONCLUDED FOR THE ENTIRE DURATION OF THE COPYRIGHT TERM AND FOR ALL TERRITORIES OF THE WORLD. THEREFORE, AUTHORS' HANDS ARE TIED IF THEIR WORKS ARE NO LONGER BEING EXPLOITED OR PROMOTED. THIS HAS DETRIMENTAL EFFECTS ON **CULTURAL DIVERSITY** AS A VARIETY OF REPERTOIRE REMAINS UNEXPLOITED AND NOT ACCESSIBLE FOR **CONSUMERS/AUDIENCES**.

HENCE, GETTING BACK THE RIGHTS FOR A WORK AND PLACING THEM WITH ANOTHER PUBLISHER IS GOOD FOR **COMPETITION**. IT IS A SIMPLE **USE IT OR LOSE IT** PRINCIPLE. IT IS

- **GOOD FOR AUTHORS** — THEIR WORKS WILL NOT BE UNDER-PROMOTED OR FORGOTTEN
- **GOOD FOR CONSUMERS** — THEY GET ACCESS TO MORE CREATIVE CONTENT THAT WAS PREVIOUSLY UNEXPLOITED AND/OR OUT OF COMMERCE
- **GOOD FOR COMPETITION** — IF ONE PUBLISHER DOES NOT WANT TO EXPLOIT A WORK, THEN ANOTHER PUBLISHER, OR THE CREATOR HIM/HERSELF SHALL HAVE THE CHANCE TO DO SO

HOW

THE RIGHTS REVERSION MECHANISM MUST BE CONNECTED TO ARTICLE 14 OF THE EC PROPOSAL FOR A DIRECTIVE ON COPYRIGHT AND ALSO SERVE AS COMPLIANCE MECHANISM. IT IS APPLICABLE IN TWO SITUATIONS:

- IF THERE IS NO COMPLIANCE WITH ARTICLE 14; AND
- IF THROUGH THE COMPLIANCE WITH ARTICLE 14 IT BECOMES EVIDENT THAT THERE IS INSUFFICIENT OR LACK OF EXPLOITATION AND PROMOTION OF THE WORK

WHO

THE RIGHTS REVERSION MECHANISM REFERS TO ALL FORMS OF CONTRACTS AND REMUNERATION AS WELL AS TO ALL CATEGORIES OF AUTHORS (SUCH AS COMPOSERS, SONGWRITERS, WRITERS, JOURNALISTS ETC.).

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