

More than Just Words

The Society of Authors' Election Manifesto 2019

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.

www.societyofauthors.org

“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

enact the Copyright Directive
protect and strengthen libraries and PLR
support creative education
protect freelance workers
fight piracy
axe the ‘Reading Tax’
champion freedom of speech

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WE ASK THE NEXT GOVERNMENT TO...

PRESCRIBE FAIR CONTRACT TERMS AND ENACT THE COPYRIGHT DIRECTIVE

Review laws applicable to creator contracts and transpose the Copyright Directive into UK law, including legislation to address unfair contract terms and ensure fair sharing of reward throughout the value chain.

PROMOTE COPYRIGHT, END PIRACY

Support and promote a stable and clear framework for copyright in the UK and at EU level - balancing user access and reward for creators - and take decisive action to end book piracy and other copyright crime.

SUPPORT THE CULTURAL ENVIRONMENT AND CREATIVE EDUCATION FOR LEARNERS OF ALL AGES

Encourage and support creative arts in education and general policy, and value cultural literacy of all kinds and reading for pleasure as centrally important to society.

BACK CREATORS AND THE CREATIVE INDUSTRIES

Support creators and sustain an environment where innovation and creativity can flourish. Public funding of the arts must address the needs of writers, translators and illustrators, and replace European funding and opportunities lost through Brexit.

SUPPORT FREELANCE WORKERS

Review the laws that impact self-employed workers, ensuring that authors are not penalised by benefits, tax and National Insurance rules.

AXE THE READING TAX

Remove the illogical imbalance between taxation on printed and digital versions of the same work - to reduce VAT on ebooks and digital publications to zero.

PROTECT AND STRENGTHEN OUR LIBRARIES AND PLR

Renew support for libraries at national level, to ensure a truly comprehensive and efficient public library service, and to maintain PLR payments.

CHAMPION FREEDOM OF SPEECH

Fight for freedom of expression everywhere.

PRESCRIBE FAIR CONTRACT TERMS & ENACT THE COPYRIGHT DIRECTIVE

We ask the next Government to review laws applicable to creator contracts and transpose the Copyright Directive into UK law, including legislation to address unfair contract terms and ensure fair sharing of reward throughout the value chain.

A creator's potential to thrive in their chosen field can be made or broken by the contractual terms they are offered. This is true of writers, translators, scriptwriters, illustrators and every type of creator, regardless of how their work finds its audience.

The UK's creative industries are worth £101.5 billion a year, but authors' earnings are in decline. Poor contract terms are part of the problem, but individual creators are at a disadvantage during negotiations, particularly at the start of their careers when there is a temptation to sign contracts without questioning or understanding the implications.

We have ready-made opportunity to address these issues. The European Copyright Directive, passed by the European Parliament this year, imposes obligations to introduce laws designed to give authors an equitable share.

The necessary laws to improve contracts are summarised as C.R.E.A.T.O.R.. These laws already exist in many European countries and as advised by the All-Party Parliamentary Writers Group (APWG) we should transpose the Copyright Directive and pass legislation to protect creators 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. [Copyright Directive Articles 18 and 20]

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. [Copyright Directive Article 22]

A - fair, understandable and proper **Accounting** terms. [Copyright Directive Article 19]

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. [Copyright Designs and Patents Act Section 77]

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

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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.* [Consumer Rights Act]

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.

Find out more:

societyofauthors.org/creator

PROMOTE COPYRIGHT, END PIRACY

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 – and take decisive action to end book piracy and other copyright crime.

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 a 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.

The UK has a well-functioning and balanced copyright framework, which underpins the success of the creative industries. **This framework, harmonised with the rest of Europe, must be maintained after we leave the EU.** Existing EU regulations and EU Directives that have been transposed into domestic law on copyright issues must continue to apply, and there must be no attempt to water our copyright regime down in future trade negotiations. It is particularly important that we transpose in full the Directive on Copyright in the Digital Single Market Directive (EU) 2019/790, which was passed in June 2019 after close and careful debate and which will do much to balance the playing field for creators in dealing with intermediaries.

Exhaustion of Rights

‘Exhaustion of rights’ is a legal principle designed to promote free trade in the European Economic Area (EEA). A copyright owner who sells a book in one EEA country, it stipulates, cannot stop it being resold in another, whatever the contract says about licensed territories. This is known as ‘regional exhaustion’.

This must be maintained or replaced with national exhaustion. If it is not and international exhaustion applies then even if a publisher had been granted exclusive rights only for specified countries, an edition could be legitimately re-sold anywhere in the world – including in territories that had been excluded from the licence. Books not intended for sale in the UK could enter the country, therefore undermining the success of our publishing industry.

The UK Government should adopt a ‘national exhaustion’ framework if we leave the EU, which will maintain the value of our export markets and the domestic success of the creative industries.

Copyright Education

An understanding of copyright, its value, and how to exploit and protect it, is vital for every citizen - particularly as we live increasingly in a digital space where the lines are increasingly blurred between creation and consumption.

The next Government must commit to spreading 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.

The message should be clear, nationally and internationally, that copyright is not red tape.

Collective Licensing

Well-designed collective licensing at the heart of a modern and flexible copyright licensing regime can help strike an equitable 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. We must reject any attempts to replace this well-functioning system with copyright exceptions. Exceptions to copyright in the UK are currently enabled through the 'fair dealing' doctrine. There must be no attempt to move to a US-style 'fair use' system, which permits broader uses without payment and which, as we have seen in Canada can so diminish earnings that publishers and authors may withdraw from creating quality textbooks or copyright works.

Piracy

In recent years there has been a growth in pirate websites allowing users to download copies of ebooks, films, games and other creative content without the permission of the copyright holder. Research by the Intellectual Property Office in 2017 found that 17% of ebooks read online were pirated - around four million books.

Free downloads can compete with legitimate sales and have the potential to impact markets, hit creators' incomes, and harm long-term career prospects.

However, given the transitory nature of the internet - where a pirate website can be hosted in the UK today and on the other side of the world tomorrow.

The Creative Industries Sector Deal acknowledges the importance of tackling online piracy and commits to developing codes of practice or legislation. We urge the

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Government to introduce legislation to block offending sites and introduce measures to enable swift and comprehensive action to be taken against serial offenders.

Find out more:

societyofauthors.org/copyright

SUPPORT THE CULTURAL ENVIRONMENT AND CREATIVE EDUCATION FOR LEARNERS OF ALL AGES

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

There are many opportunities for the next Government to demonstrate its commitment to the cultural heart of the nation – from promoting opportunities for creative learning at all levels for learners of all ages, supporting campaigns to boost reading for pleasure, funding author visits to schools, and fostering a love language and languages.

Creative education

Teaching creative subjects at school is essential for nurturing the creators of the future and growing the creative industries in the decades to come. It is also vital for productivity levels and the success of the economy, as the jobs of the future in all sectors will require a combination of creative and technical skills.

We are therefore concerned at the considerable drop in the number of pupils taking creative subjects at school, with the proportion of 15- and 16-year olds in England studying arts subjects such as music and drama falling to the lowest level in a decade. This comes as a result of a combination of cuts to school budgets and the narrow focus on EBacc subjects. Even though the teaching of English remains a priority under the current curriculum, the teaching system places too much emphasis on phonics and grammatical structure, stifling a more imaginative, creative approach to learning. **We call on Government to place much greater emphasis on teaching creating subjects in schools.**

Children from more privileged backgrounds are likely to have greater exposure to the arts from a young age than those from less privileged backgrounds. The education system therefore has a vital role to play in ensuring that all pupils receive a creative education and are exposed to various forms of culture, in order to boost social mobility and widen the talent pool for the future.

Literacy and reading for pleasure

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.

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We need to see an end to testing for the sake of testing, and new funding for teaching, textbooks and enough educational resources well beyond school, in community centres, prisons and more. Nationwide literacy, excellent and varied teaching materials and adequately funded school libraries must be supported as they are the pillars of an educated, productive society.

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.

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

BACK CREATORS AND THE CREATIVE INDUSTRIES

We ask the next Government to support creators and sustain an environment where innovation and creativity can flourish. Public funding of the arts must address the needs of writers, translators and illustrators, and replace European funding and opportunities lost through Brexit.

Britain's creative industries generate £101.5 billion 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 that hasn't translated into legislative and funding action to protect them. It's time for more than just words.

Creative Europe and access to funding after Brexit

Arts Council England, Arts Council Wales, Creative Scotland and the Arts Council of Northern Ireland provide invaluable support to the arts and culture sector across the country. However, we are concerned that only a small proportion of this support goes towards writing and literature, with Arts Council England spending just 3.5% of its budget on literature, and funding for the arts could come under threat after we leave the EU.

Arts and cultural organisations in the UK have benefited greatly from Creative Europe, a €1.46 billion European Union programme for the cultural and creative sectors for the years 2014-2020. The UK Government has committed to remaining part of Creative Europe until 2020 but must offer clarity on what will happen beyond this date. Participation in Creative Europe is not restricted to EU member states, and there are currently 10 non-EU countries that have either partial or full participation.

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 Government must either commit to remaining within Creative Europe following any departure from the EU, or to increasing domestic funding for the arts via Arts Council England, Arts Council Wales, Creative Scotland and the Arts Council of Northern Ireland.

Travel

We support the Creative Industries Federation's call for a 'dedicated Freelance Visa' to enable international creative freelancers to take part in UK festivals without unnecessary

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barriers – and for the next Government to negotiate a ‘Touring Visa with the European Union to enable UK creators, musicians, artists and crews to perform and undertake business across the EU post-Brexit’.

SUPPORT 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.

Current tax and benefit rules do not cater well for people who have portfolio careers. Freelancers receive no 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 more supportive regime for authors and other freelancers.

Rights

UK writers, journalists, translators and illustrators have less protection than in many other countries. The AGESEA scheme in France allows authors to receive benefits, such as sick pay and unemployment benefit, and income-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 commissioners 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 law and practice should encourage self-employed workers not work against them. 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 become ineligible for benefits on receiving an intermittent or one-off payment such as an advance or royalty cheque.
- Avoid unnecessary paperwork and barriers for those with complex working arrangements.
- Avoid the unreasonable burden of proof demanded of authors by HMRC to show that they are 'in a regular and organised trade, profession or vocation on a commercial basis and with a view to achieving a profit' by ensuring that benefits officers are aware of creators' working practices and will not exclude them when they claim benefits.

Making Tax Digital

The current tax regime does not cater well for self-employed creative workers with portfolio careers. It does not accommodate those who receive payments staggered throughout the year rather than a steady income stream, and Making Tax Digital places a considerable reporting burden on freelancers with complex working arrangements, including those on low incomes.

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, minimise administration and avoid barriers for those with complex working arrangements (including when dealing with overseas clients).

Under current Making Tax Digital proposals, any business or self-employed worker whose annual turnover exceeds £10,000 will have to file quarterly returns online from April 2020. This threshold is far too low and will place an unnecessary administrative and financial burden on lower paid workers.

As recommended by the Treasury Select Committee, we call on the Government to bring the threshold for quarterly reporting in line with the VAT registration threshold of £85,000.

Tax relief for training

Self-employed workers can claim tax relief for work-related training which ‘maintains or updates existing skills’. However, relief cannot be claimed for training which ‘introduces new skills’. The Government has consulted on reforming these rules, aiming to support individuals who need ‘to upskill or retrain, particularly for those who want or need to change career, to progress in the work place and improve their earnings’.

Given ongoing advances in the technology our members use to develop, promote, produce and publish their work, training is essential to develop the skills needed to capitalise on them – but since these could be construed as ‘new skills’ training in these areas would not be tax deductible.

We support proposals to reform the system and extend tax relief for those individuals undertaking training to learn new skills, and we urge the next Government to progress them swiftly.

AXE THE READING TAX

We ask the next Government to remove the illogical imbalance between taxation on printed and digital versions of the same work – to reduce VAT on ebooks and digital publications to zero.

It has been a longstanding principle in the UK that the rate of VAT on printed books is set at zero, because VAT on books would amount to a tax on knowledge and a potential cost barrier to reading.

However, an illogical anomaly in the VAT system sees 20% VAT charged on ebooks and digital publications.

The next Government should immediately zero-rate VAT for digital publications (including ebooks, audiobooks and ejournals) to ensure consistency with their print equivalents.

It's time to promote literacy, support innovation, and end the discrimination against those who need or prefer to read digital books.

PROTECT AND STRENGTHEN OUR LIBRARIES AND PLR

We ask the next Government to renew support for libraries at national level, to ensure a truly comprehensive and efficient public library service, and to maintain PLR payments.

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. Yet library provision has suffered disproportionately from funding cuts in recent years, with public and educational library services decimated in many parts of the country.

Public Lending Right (PLR)

PLR provides a modest reward to authors when their books are lent and ensures that libraries do not infringe copyright when books are lent. We ask the next Government to:

- Invest in and increase the PLR fund.
- Extend the PLR scheme to volunteer-run libraries.
- Extend the PLR scheme to private lending libraries.
- Reimburse the PLR office for the costs of introducing payments for remote lending of ebooks and upgrading the present systems for easier use.

Investment in public libraries

With low levels of literacy costing the UK an estimated £81 billion a year in lost earnings and increased welfare spending, this situation needs to be urgently reversed, with public funding to local authorities increased and ring-fenced for libraries. We support CILIP's 10-point library manifesto:

1. Ensure a fair funding settlement for Local Government to enable Councils to invest in public libraries at the heart of their communities;
2. Invest in the future of our communities by voting to support the establishment of a National Library Improvement Fund with a capital budget of £50m per year over the 5 years of the next Parliament;
3. Ensure adequate long-term sustainable support for Further and Higher Education and research in our colleges and Universities;
4. Provide long-term sustainable funding for schools and encourage Heads, Teachers and Governors to invest in libraries as the 'beating heart of the school';
5. Implement the recommendations of the independent Topol Review to enable librarians and knowledge specialists to transform evidence-based healthcare;
6. Invest in the Prison Service and encourage Governors to develop their prison libraries and librarians as a core part of prisoner education and rehabilitation;

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7. Recognise the value of libraries in building literacy (including media literacy) and skills by supporting the CILIP Building a Nation of Readers campaign;
8. Continue to promote the importance of good information governance and information security to business, supported by information professionals;
9. Endorse the vital work of professional librarians in delivering a strong library sector that responds to current and future needs;
10. Work with the library and information profession to develop fair and balanced approaches to copyright to enable us to fulfil our public task in a digital economy.

Investment in school libraries

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

The next Government should 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, with schools encouraged to work with their local authority public library service to establish a school library fund to ensure the efficient provision of books to children.

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CHAMPION FREEDOM OF SPEECH

We ask the next Government to fight for freedom of expression everywhere.

Freedom of expression is a fundamental human right, and a central tenet of a creator's work and livelihood.

As public debate becomes increasingly polarised, we call on the next Government to commit to and fight to protect free speech, and to create an environment where all are afforded an equal voice, and to speak out against attempts to stifle or control authors' voices, whether by censorship, imprisonment, torture or execution, both here and abroad.

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