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Press release

The conference of the Authors' Rights Initiative in Berlin comes to a successful conclusion

“Data is the new oil” – but where do authors and artists stand?

Berlin, Germany, 20 November 2017. “On the one hand we hear that data is supposed to be the new oil, and on the other we are experiencing a devaluation of intellectual property as content, a description which at the same time excites all kinds of availability fantasies.” With this assessment, **Kathrin Röggla**, author, vice president of the Academy of Arts and host, opened the one-day conference on the topic “Responsibilities of platforms towards authors and artists”. For the more than 300 participants from politics, academia, the arts and culture, including numerous renowned speakers, the Academy was today the centre of the current debate on authors' rights and their relationship with online platforms in Germany, Europe and the USA. The conference was organised by the **Authors' Rights Initiative** (Initiative Urheberrecht).

Authors, jurists as well as national and European politicians discussed the urgent questions concerning authors' rights law in presentations and panels.

According to **Prof. Dr. Gerhard Pfennig**, spokesman of the Authors' Rights Initiative, among these questions is the lack of contemporary statutes in Europe and Germany on authors' rights in the Internet. For this reason the courts are in the position of having to develop law. “Law making is not a matter for the courts, but rather the legislator, in other words, politics.”

Adj. Prof. Dr. Silke von Lewinski, president of the German section of the Association Littéraire et Artistique Internationale, founded by Victor Hugo in 1878, and conference co-organiser was looking forward to the discussion: “because the creators themselves are slowly gaining the confidence to stand up for their own property in the Internet. Freedom in the Internet does not mean that each user gets everything for free.”

In his opening presentation, **Prof Dr. Dr. Udo di Fabio** confirmed the “author's structural defensiveness concerning their demands for fair treatment in the Internet.” And this in spite of the fact that comprehensive property rights in their works are available to them, which are of course also valid in the Internet. “But we have awakened from this trance.” He further pointed out: “Artistic freedom can only flourish with a secure financial foundation.” This is endangered through dramatic shifts in the value chain in the Internet. He therefore appealed to European politicians: “The European internal market has the power to construct, and therefore decisions on the European level are of particular significance. It is important that we control and enforce fair trade with data and the use of copyright-protected services.”

Petra Kammerevert, MEP in the Social Democrat group, underscored the necessity to act: “In order to bring about more equity between authors and platforms, we have to close the value gap. The necessary balance must be urgently re-established. At the present time, creators are not in the position to negotiate on equal terms.”

Next **Prof. Jane C. Ginsburg**, Columbia University, **Prof. Dr. Eva Inés Oberfell**, Humboldt-Universität and **Anne Le Morvan** from the French Ministry of Culture examined the responsibilities of platforms according to German, French and US law.

The morning concluded with a podium discussion with the three presenters and including **Andreas Briese** from YouTube, Google and **Micki Meuser**, composer and music producer. “Fair licensing is more effective to the author than blocking”, according to Micki Meuser, who complained of the unfair treatment and lack of participation of music creators and artists in platforms. He also called on the politicians in the audience to protect the weak, in this case the authors. Andreas Briese, on the other hand, described YouTube as a promotional platform for musicians and other artists, which provides an increased value.

Following the keynotes by **Dr. habil. Agnès Lucas-Schloetter** and **Prof. Dr. Karl-Nikolaus Peifer** on the topic of copyright contract law, in a discussion round with actor **Heinrich Schafmeister** and journalist **Prof. Frank Überall**, authors gave their input. According to Heinrich Schafmeister, European authors’ rights law is still insufficient: “One can always strengthen the rights of creators, but what seems more important to me is to stabilise the leverage on their behalf, meaning their associations, unions and collecting societies. The individual alone won’t get very far.”

In the concluding discussion with the politicians **Matthias Schmid** from the German Federal Ministry of Justice and Consumer Protection and **Dr. Christian Ehler** MEP, and author **Jochen Greve** (screenwriter) and rights exploiter **Philipp Kreuzer** (film producer), the demands concerning authors’ rights legislation with respect to large platforms were formulated once more. Christian Ehler called on the authors to explain their standpoints to those of all political parties: “Now, in 2018, so much will be decided. It remains to be seen how the large European States will position themselves. Spain, Italy and France are in the process of taking a definite position; only Germany is lacking. You cannot leave the decision to politicians. You must get involved.”

The discussions took place with the lively participation of an expert audience, such as with **Joern-Uwe Fahrenkrog-Petersen**, composer and music producer: “All relevant representatives were here. I received an overview of the situation of artists, and for the very first time an insight into the until now obscure politics in Brussels. All at once you understand what’s happening.”

You can find the complete congress programme and information on all speakers at <http://plattformen-konferenz-2017.de>

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