

Dear Sir or Madam,

The proposed Directive on Copyright in the Digital Single Market (COM/2016/0593) is moving forward both at the European Parliament level and in the negotiations between the member states, and I am very much concerned about Article 12 in the proposal.

Article 12 of the DSM Directive would create a new right to publishers to claim a share of the compensations paid for the uses of literary works under an exception or limitation. Article 12 is problematic for both legal and practical reasons:

- It is against the basic principles of copyright and contract law.
- It would create an unlimited right for publishers to claim a share of the compensations.
- It would mean a direct transfer of rights and income from author to publisher.
- It limits the contractual freedom to the detriment of the weaker party, i.e. authors, whose contractual position should instead be strengthened.
- It would be very costly and burdensome to put in practice.
- It would create legal uncertainty and hinder the functioning of the digital single market.
- It threatens the cultural and linguistic diversity in the European Union by destroying well-functioning established national practices.

The German VG Wort claims that Article 12 would "Allow Member States to return or to maintain the system of compensating both authors and publishers for all kinds of exceptions and limitations (not only 'reprography')". This argument detracts the real influence of the article, meaning that all kinds of remunerations from exceptions and limitations could be shared. VG Wort willingly admits this by saying that article should apply to all kinds of exceptions and limitations. It would create an opportunity for the publishers to claim a new share of compensations.

VG Wort is not acting in the interest of German authors. In fact authors have been fighting for a fair copyright in Germany for years. The compensations belong to the authors only. Both the European Court of Justice (ECJ) and the German Federal Court of Justice (Bundesgerichtshof) have confirmed this in their judgments. That's why I reject to share compensations with publishers.

With article 12 the lawmaker would intervene to the freedom of contract and weaken the position of the authors even further. I therefore ask you to **remove Article 12 from the Directive**.

This is the joint wish of 44 organizations from 20 different European countries. Please find online the European Authors' Petition to Remove Article 12: <https://www.sanasto.fi/wp-content/uploads/2017/11/European-Authors-Petition-on-Article-12-DSM-Directive.pdf>

Your Sincerely,