

Dear Madam or Sir,

this year, a legislative proposal to overhaul the EU's copyright regulations has sparked a heated debate. The European Parliament therefore decided to postpone voting on the **Directive on Copyright in the Digital Single Market (COM/2016/0593)** until September 12, 2018, after its annual summer break.

We kindly ask you to use this opportunity to make amendments to the reform. We strongly believe that the proposed bill should not be passed in its current form. **Content creators, including freelance journalists like ourselves, would be affected negatively by the current proposal.**

While public discussions of the copyright reform have focused, above all, on Articles 11 and 13, **Article 12** is particularly detrimental to the rights of authors and other content creators. Article 12 would give publishers an unlimited right to claim a share of compensations paid for content usage. In contrast, both the European Court of Justice (ECJ) and the German Federal Court of Justice (*Bundesgerichtshof*) have already ruled that such compensations belong to the authors only.

Freischreiber, the association of freelance journalists in Germany, has joined forces with 44 writers' organizations from 22 EU member states to sign a [Petition to Remove Article 12](#) as the current proposal for the copyright bill only excludes publishers in some member states from claiming a share of compensations – in other countries, they are fully permitted to do so.

Exceptions would be granted, among others, to member states such as Germany, where publishers have, for a long time, unrightfully benefitted from royalty payments made by copyright collectives such as VG Wort, VG Bild + Kunst, and GEMA. Publishers in these countries would be legally entitled to a share of authors' compensations should the bill be passed in its current form.

This basically means that **the European Parliament would create a two-tier legislation:** authors from Germany and other excluded member states would only be second-rate content creators and would be placed at a great disadvantage compared to, e.g., colleagues from Scandinavia.

We deem Article 12 highly problematic for numerous other legal and practical reasons:

- Article 12 is against the basic principles of copyright and contract law.
- Article 12 would grant publishers an unlimited right to claim a share of authors' compensations.
- Article 12 would mean a direct transfer of rights and income from author to publisher.
- Article 12 limits the contractual freedom to the detriment of the weaker party, i.e. authors, whose position was originally to be strengthened through the legislative reform.

**We strongly ask you to please reject this unacceptable proposal!** Use your powers as an MEP to **submit amendments** to the legislative proposal by removing Article 12 from the bill. You could also reject the bill entirely if you do not want to play a part in the exploitation of authors and other content creators.

If you require any further information, feel free to contact us.

Thank you so much for your support.

Sincerely,