

AUTHORS' RIGHTS AND THE RIGHTS OF AUTHORS

A MANIFESTO

A summary kindly translated into English by Leah Janeczko

What unites us as writers, translators, illustrators and cartoonists is the fact that we are **authors of books** and other publishing products. This position within the industry has its specificities, which pertain to our contractual relationships with publishers and to our legal, fiscal and social security position (exemption from contributions and lack of a social security plan).

Our work is the basis of cultural production and the publishing sector, and it deserves fair social and financial recognition. At last, with the implementation of Directive (EU) 2019/790, important progress has been made also in Italy.

The law exists, but that isn't enough; it must be put into effect and integrated with new initiatives. The value of our work needs to be reflected in our professional dignity and in the **quality of our working conditions**, which will be improved through:

COMPENSATION THAT GUARANTEES, IN ADDITION TO REMUNERATION FOR THE CREATION OF THE WORK,
A SHARE OF THE REVENUES FROM ITS COMMERCIAL USE, AS THE LAW REQUIRES

TRANSPARENCY REGARDING THE PROFITS GENERATED BY THE WORK THROUGH TIMELY, DETAILED
STATEMENTS OF ACCOUNT

THE INTRODUCTION OF THE MECHANISM FOR CONTRACTUAL ADJUSTMENT AND RECOGNITION OF THE
RIGHT OF REVOCATION, AS THE LAW REQUIRES

THE ACTIVATION OF AN OUT-OF-COURT PROCEDURE FOR THE SETTLEMENT OF DISPUTES BY AGCOM
[ITALIAN COMMUNICATIONS REGULATORY AUTHORITY], AS THE LAW REQUIRES

THE START OF NEGOTIATIONS WITH BOOK PUBLISHERS ASSOCIATIONS TO DEFINE A PROTOCOL
CONTAINING GUIDELINES ON CONTRACT CONDITIONS

LICENSING OF RIGHTS FOR TERMS NOT EXCEEDING 10 YEARS

SEPARATE REMUNERATION FOR ANY SERVICE FALLING OUTSIDE THE SCOPE OF THE LICENSING OF RIGHTS

THE ALLOCATION AND RATIONALIZATION OF PUBLIC FUNDING TO SUPPORT AND ADJUST THE MARKET

ACCESSIBLE AND SPECIALIZED LONG-LIFE LEARNING

What we're asking for, clearly explained

1. “Appropriate and proportionate” remuneration that can be verified through **timely, transparent statements of account**

With the implementation of Directive (EU) 2019/790, a work **cannot generate wealth without its author also benefiting from it**. Indeed, Italian Law No. 633/1941, as amended and supplemented, currently states that authors are to be given “appropriate and proportionate” remuneration (Art. 107). This means:

- 1.1. compensation that guarantees, in addition to **remuneration for the creation** of the work, a **share of the revenues** generated by its commercial use
- 1.2. the **obligation of transparency** regarding the profits generated by any form of exploitation of the work (Art. 110-*quater*) and the introduction of a mechanism for **contractual adjustment** (Art. 110-*quinquies*)

2. Decent contracts

In the perspective of starting **negotiations with book publishers associations** aimed at defining a **protocol containing guidelines on contract conditions**, we're asking for legitimate contracts that take into account the points above regarding remuneration and that provide for:

- 2.1. a term of license **not exceeding 10 years**
- 2.2. a **ban on buy-out contracts** imposing the licensing en bloc of all economic rights, which should be negotiated individually
- 2.3. the definition of the procedure for any **transfer of rights to third parties**, which is to be reported and compensated with **additional remuneration**
- 2.4. the inclusion of any services outside of the licensing of rights only if specific compensation is provided for them

3. Constant dialogue with institutions

We're asking for a constant dialogue with institutions, in order to obtain:

- 3.1. the timely activation of **AGCOM**, as the law requires (Art. 110-*sexies*), in order to establish a procedure for **out-of-court settlement of disputes**
- 3.2. the effective **promotion of Italian books and of books in Italian**
- 3.3. public funding to support and adjust the **book market**, which on its own is not able to reward praiseworthy initiatives
- 3.4. **accessible and specialized long-life learning**, which also includes practical professional skills.