

VISUAL AUTHORS' RIGHT TO DIGITAL VALUE

EVA Seminar

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Werner Schaub, Artist

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- Accademic education at Kunstakademie Karlsruhe (1966- 1971), and degree in Psychology, University Heidelberg 1976
- Free artist since 1976
- Since 1987 board member of BBK (German artists´ professional Organization with more than 10.000 artists represented, Europes´ biggest professional organistaion for fine art artists)
- Since 1999 board member of VG Bild-Kunst
- Since 2007 Chairman of VG Bild-Kunst
- 2002 – 2008 and again since 2015 President of IAA Europe (International Association of Art, 260.000 members in 34 countries),

Why is political work so important for artist?

- Living as a free artist hardly ever allows to gain an income sufficient to support a family - despite some media news on spectacular prices and auction results
- Regular studies on the economic situation of fine art artists (latest study 2016) show that less than 5 % of the artists can make a living on their independent art
- Studies also show how difficult it is for artists to have access to social security schemes
- From this follows the importance of Collecting Societies: artists may receive some additional income from collective rights management
- Germany: access to social security schemes depends on a minimum income, often only reached through VG Bild-Kunst allocations

Artists need a public

- They need galleries and exhibition spaces to **show** their works
- They need museums and archives to **collect**, document, preserve and make accessible the individual works in their specific cultural context
- They need official and public interest in their works, which should lead to financial support to improve the conditions of artistic working

Artists need Collective Rights Management

- Individual rights management is often difficult: artists are talked into giving their rights away for free („we create a public for your works“)
- Collecting Societies are artists' own organisations, they reflect a selfunderstanding beyond commercial interests by taking over important cultural and social tasks
- Collecting Societies can efficiently defend artists' rights by granting easy licenses to users
- Remunerated limitations (private copying, public lending right, resale right) are an important source of remuneration for artists and should be subject to mandatory collective rights management

Does the general public need Collecting Societies?

- Yes!
- Increasing importance of the internet creates both opportunities and challenges for artists:
- Opportunity: improved visibility of the works
- Challenges: reduced respect for copyright in the internet („free internet = free use of works“)
- Role of the Collecting Societies: develop easy and transparent licensing models both for mass digitisation and use of individual works
- With strong Collecting Societies, copyright is no impediment for technical development and new business ideas

Political and cultural challenges ahead

- Digitisation of the collections of museums, archives and libraries
- Granting better access to these collections
- Problem: rights clearance
- Failure of the Orphan Works Directive 2012/28 EU: diligent search is costly and time consuming without giving legal security to cultural heritage institutions
- New approach by the 2016 draft digital copyright package, based on the memorandum of understanding for out-of-commerce-works
- Needed: strong collecting societies with strong support by strong artists

Culture may be the basis of a common Europe! (if properly cared for...)

- Culture needs strong public support
- Culture needs strong organisations working for the artists
- Collecting Societies need political support
- Artists want strong Collecting Societies and do not want them to compete
- Collecting Societies profit from control by strong supervision according to the Directive on Collective Management 2014/26/EU

My requests to Europe:

- Care for cultural diversity!
- Care for the rule: No use without remuneration!
- Care for strong Collecting Societies!

In the name of all European Artist, Werner Schaub