

# Creative workers: rights and sustainable employment

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- Also, Chair, Creators' Rights Alliance
- Editor, [www.londonfreelance.org/feesguide](http://www.londonfreelance.org/feesguide)
- I make my living as a freelance. I moderate user contributions.
- Declaration of interest: today I have been working virtually, editing a 'diary' page for Reed-Elsevier



# Creative workers: rights and sustainable employment – or freelance work

- Can we agree that copyright is necessary to ensure a continuing supply of creativity?
- Can we agree that it is necessary to society that there be *professional* creators, not *only* hobbyists with day jobs stacking shelves?
- Depends on authors' rights – controversial?
- Anyway: every citizen has an interest in authors' rights, did they but know



# Creative workers: rights and sustainable work

- The internet changes everything...
- but not in the way many people think.
  - Once upon a time, there was an angry young man, with an angry blog. Copyright stopped him copying what he wanted onto his iThing. He resented this, and he read others who resented it, and he read that copyright was a monopoly and it was evil, and he wrote.
  - So eloquent was the angry young man that a newspaper visited his blog and copied his words and pasted them into the paper and sold the paper, for money.
  - And it was a paper he did not want to be associated with.
  - At this point, he contacted me to ask how he could enforce his copyright.



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- Every child now in school will be a published or broadcast creator long before they can vote
- The rights to be identified and to defend the integrity of our work are necessary rights of every citizen
- The band Chumbawamba had to thump their tub...
  - The week before, asked about issues with the Digital Copyright Exchange, I invented a songwriter who finds their least-favourite political party has one-click-licenced a song. On cue, UKIP used *Tubthumping*...



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- Q: How does the user know that what they see or hear is what it says it is?
- A: The author's moral rights
  - To be identified as the author
  - ...thus to take responsibility: especially for journalism!
  - To defend the integrity of their work
- These guarantees are rather important to the functioning of democracy



# Creative workers: rights and sustainable work

- WikiWorld is not enough...

## Chumbawamba

From Wikipedia, the free encyclopedia



This article **needs additional citations for verification**. Please help improve this article by adding **reliable references**. Unsourced material may be **challenged and removed**.

*(March 2009)*

**Chumbawamba** are a British musical group who have, over a career spanning nearly three decades, played **punk rock**, **pop-influenced music**, **world music**, and **folk music**. Their

### Chumbawamba



- No professional creators, no digital economy; the 'free' stuff is based on professionals' work



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## The trouble with contracts

The 'primacy of contract' is based on the *fiction* that Rupert Murdoch and I sit down across a table...

- German law encourages collective bargaining of minimum standards for contracts...
- The Irish High Court forbids it, and even forbids recommended rates



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Beyond the public policy argument for authors' rights, is one that may appeal to the Anglo-Saxon empiricists

- 20 years ago John Perry Barlow published *Wine Without Bottles* – creators should make their living from live performance
- Jaron Lanier embraced this... but last year published *Who Owns the Future*



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In a nutshell, Lanier realised how much time he'd spent playing benefit gigs for fellow-musicians who'd followed his advice, spent the money from performances – and in later years needed surgery.

- This caused him to re-think: and decide that creators must be paid fairly.
- Note that if 3D printing works, creators of physical artefacts will depend on authors' rights



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- There are some who would like an experiment with no regulation...
- But could we in fact get a world in which we all made a living taking in each others' digital laundry and selling ads against it?
- Lanier got published – and I didn't – the argument that Google is eating its own tail. What will be left to advertise?



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One difficulty with discussion of these matters within academia is that as academics, it is in your financial interest to *pay* to get published...

- Your reward lies in tenure
- One side-effect is that I make a small but steady stream of income reporting on fake Open Source publishing scams



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In the medium term, legislative action is required

- The European Commission is researching the effects of the contracts that creative virtual workers are made to sign
- The IFJ proposes that the answer is in a right to remuneration in the style of the German law... and...
- ... a right to collective organisation



# Creative workers: rights and sustainable work

In the near term:

- Join
- the
- Union

[www.ifj.org/members/europe/](http://www.ifj.org/members/europe/)

And if you get a really interesting question about contracts or authors' rights, it'll come back to me



# Mike Holderness

- [www.ifj.org](http://www.ifj.org)
- [www.londonfreelance.org/ar](http://www.londonfreelance.org/ar)
- [www.creatorsrights.org.uk](http://www.creatorsrights.org.uk)
- [mike@holderness.eu](mailto:mike@holderness.eu)

