International Copyright Seminar: "Past, present and future of copyright”.
Copyright from the eyes of creators: an international perspective
Bogota, Colombia, September 2019
Hugo Setzer, President, International Publishers Association

- Ms. Sylvie Forbin, Deputy Director General for the Copyright and Creative Industries Sector of the World Intellectual Property Organization
- Ms. Carolina Romero, Director General, National Copyright Office of Colombia
- Ms. Geidy Lung, Senior Counsellor, Copyright Division, WIPO

Many thanks to Ms. Romero and Ms. Forbin for their kind invitation to participate in this important international seminar. It is an honor to be with you today.

We are celebrating 133 years of the Berne Convention, which grants since 1886 legal protection to rights holders worldwide and has been the most important driver for intellectual creation, as well as for the production and distribution of literary works of all kinds.

Almost 200 years passed after the Statute of Anne in England in 1710, which can be considered as the first legal regulation of copyright that recognized for the first time that authors should be the primary beneficiaries of copyright law, in order to have an international framework to protect intellectual property.

The Berne Convention, signed on September 9, 1886, marks such an important event in the history of copyright that to this day it remains the most significant regulatory framework for the protection of copyright worldwide.

From the beginning, publishers were aware of the importance of having an international legal instrument to protect literary creation and the investments necessary for the production and dissemination of works. Only ten years after
the treaty was signed, in 1896, publishers representing eight countries founded the International Publishers Association in Paris, with the aim of globally supporting the implementation of the convention.

Today IPA is the largest and most important federation of publishers’ associations globally. We have 81 member associations in 69 countries and through them, we represent and defend the interests of thousands of publishers worldwide.

Our work is based on two main pillars: the protection of copyright and respect for freedom to publish.

Sometimes the best protection for intellectual property comes second when you are at risk of being persecuted, imprisoned or even killed because of the works you publish. That is why IPA seeks to ensure a climate of freedom of expression and publication.

But our other major focus of attention is of course copyright, which is the regulatory framework that allows authors and publishers to recoup the investment made to create and produce new works in all genres, and which is nowadays under systematic attack. We, writers and publishers, are currently experiencing a concerted offense by the big technology companies, which to some extent have succeeded in presenting copyright as “an outdated system that only blocks legitimate access to content and transfers resources to publishers”. It is somewhat ironic that the largest and wealthiest corporations known to mankind now accuse publishers of enriching ourselves with copyright.

And the reason is that big tech companies have a different business model. A business model that feeds on the content that authors write and that publishers make available, but without willing to pay for it.
Journalist Robert Levine says the following: “Google has as much interest in free online media as General Motors does in cheap gasoline. That’s why the company spends millions of dollars lobbying to weaken copyright.”

One of the problems we face is that it is not commonly known what it implies for an author to dedicate their life to writing and for a publisher to make the risk investments required in an industry that becomes more complex day by day.

In the case of authors, I have heard people who think that writing is something that any of us can do in our free time: on the way to our "real work," during the coffee break, in the park, etc. Nothing could be further from the truth. Writing is an activity that requires complete dedication, decades of experience, of trial and error. And authors, like any of us, have the right to earn a living from their work.

Last year I traveled to Canada to participate in a hearing of one of the parliamentary committees in charge of reviewing its copyright law. In 2012, Canada approved an exception for educational purposes that has caused enormous harm, not only to authors and publishers, but to the education system itself. Canadian students today have access to much less local content, because local authors no longer write, and local publishers no longer publish.

At that hearing I heard the story of Sylvia McNicoll, a Canadian author who told us about her struggle to find new ways to make a living as a result of changes in the copyright law. She told us that prior to the introduction of the educational exception, she could pay half a year's rent with her royalties, and at that time she could only afford to pay 15 days.

In the case of publishers, the perception is, on many occasions, that once the manuscript is received by the authors, all that is left is to sit down and get rich automatically, “while we exploit authors and readers, under the protection of a monopolistic law that blocks access to information”. The work of publishers is

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1 Quoted by Foer, Franklin, World Without Mind: The Existential Threat of Big Tech
usually not known. We carry out the selection, design, revisions, editorial care and distribution of a work. And publishers, like authors and any of us, also have the right to make a living from our work.

Therefore, our ongoing activity at IPA is to raise awareness of the work of publishers and the importance of copyright for creativity and innovation. We participate, among many other fora, at the meetings of the Standing Committee on Copyright and Related Rights of the World Intellectual Property Organization, WIPO, and this year we were present with a strong delegation of publishers at WIPO's regional seminars in Singapore, Nairobi and Santo Domingo.

Conclusion

The German novelist and poet Hermann Hesse, who was awarded the Nobel Prize for Literature in 1946, wrote the following in one of his lesser-known works, entitled "The Magic of the Book".

"Among the many worlds which man did not receive as a gift of nature, but which he created with his own spirit, the world of books is the greatest. Every child, scrawling his first letters on his slate and attempting to read for the first time, in so doing, enters an artificial and most complicated world: to know the laws and rules of this world completely and to practice them perfectly, no single human life is long enough. Without words, without writing, and without books there would be no history, there could be no concept of humanity".

Copyright is fundamental to maintaining and developing Hesse's world of books. As authors and publishers, we can be proud of our profession. We work to make the world a better place by providing intellectual creation and bringing it to as many readers as possible. We entertain, educate, we help to dream and get to know other places and other people, even in other times. In short, thanks to copyright, we carry out our contribution to humanity by providing stories and reliable information to all.

Thank you very much