



RESOLUTION ON THE PEN INTERNATIONAL COPYRIGHT MANIFESTO

The Assembly of Delegates of PEN International, meeting at its 82nd World Congress in Ourense, Galicia (Spain), 26th September to 2nd October 2016

The ability in the digital era to make unauthorised reproductions on a mass scale often indiscernible from the original and to distribute them potentially infinite times to infinite recipients at negligible cost poses serious threats for writers. It undermines their ability to obtain payment for the use of their works.

Philip Pullman, renowned English writer and President of the British Society of Authors, expresses this view clearly, 'The technical brilliance is so dazzling that people can't see the moral squalor of what they're doing.' His conclusion is a rational defence of authors' right to expect fair payment for their work, as enabled by international copyright laws: 'The principle is simple, and unaltered by technology, science or magic: if we want to enjoy the work that someone does, we should pay for it.'

Last year, at PEN's 81st Congress in Quebec, the Assembly of Delegates voted unanimously to adopt the **PEN International Principles on Authors' Moral Rights and Copyright**. However, as the threat to copyright grows due to new technologies and the laws being passed to support them, writers, publishers and lawmakers look to PEN, the world's largest and oldest writers' organization, for an even firmer stand in defence of copyright. This resolution places nine of the points adopted in 2015 in a manifesto framework entitled the **PEN International Copyright Manifesto**¹. The PEN International Copyright Manifesto as drawn up below is intended to be used as a document for examining legislation practices the world over as well as being an instrument of advocacy for respecting the rights of writers.

The Pen International Copyright² Manifesto

Going back to Britain's Statute of Anne (the first copyright act) of 1709, humankind has recognized the need to enact laws to safeguard intellectual property. In 1886 the Berne Convention for the Protection of Literary and Artistic Works was accepted, having been championed by Victor Hugo. It was then, and is now, an enlightened idea to acknowledge how individual creation and discovery elevates our collective humanity.

An author's economic independence and autonomy is central to freedom of expression and encourages a diversity of voices, which in turn fosters democracy.

To deny authors the ability to earn monetary reward from their creative works is to deny the works value and their authors a livelihood. Using the intellectual property of an author without fair recompense, and in the absence of a legitimate legal exception to the author's copyright, is theft.

PEN International believes that today, more than ever before, the rights of the individual creator are in peril from new technologies, policies and laws. PEN upholds copyright protection for all writers in every part of the world and declares the following:

¹ Principle 7 was removed as it has to do with censorship rather than copyright.

² The word copyright itself is used here in the context of the Berne Convention of 1886 and is the legal term, which may be scrutinized from a philosophical point of view.

1. The author is the owner of moral and copyright interests in any works they create until such time as that copyright expires.
2. Copyright includes the following uses of works: reproduction (whether analogue or digital), adaptation (including translation), publication, performance, and digital use which includes transmission of works across all digital paths and on all digital platforms
3. Moral rights include: the right of the author to be attributed as the author of the work, and not to be falsely attributed as the author of a work they have not authored, and the right to ensure that their work are not subjected to derogatory treatment prejudicial to their reputations as authors.
4. Authors should have the right to trade freely in the copyright in their works.
5. It is a matter of choice for authors of works whether and what fee they charge for use of their works.
6. PEN International acknowledges that there are instances where governments may find it to be in the public interest to legislate exceptions to the exclusive rights of authors in the works they create. Any such exceptions must not unfairly prejudice the legitimate moral and economic interests of the author. For instance:
 - Where works are not commercially available in formats accessible to the print disabled, exceptions in domestic laws should allow for a reproduction to be made for or by a person with a print disability into an accessible format without a copyright infringement occurring. Any such copies made for the print disabled should only be made after a search for a commercial copy has been undertaken.
 - Court determinations, legislation, regulations, and other statutory instruments must be available to citizens. Faithful, unamended reproduction of these works should not be an infringement of copyright.
7. Authors' legitimate economic interests in the works they create include all existing and potential markets for their works.
8. Digital Rights Management systems applied to works should be supported by copyright legislation where necessary in order for copyright owners to exercise their copyright in works.
9. Digital reproductions of a work made on a significant scale, where no exception is in place and without the permission of the author of a work, constitute piracy. National legislation should contain appropriate punitive measures to deter piracy, while ensuring that legitimate access to works is not impeded.