Copyright Bill of Rights

8 Fundamental Rights for the Global Author in a Digital World

Orna Ross

Included Inside:

- 1. Right to Operate
- 2. Right to License
- 3. Right to Fair Remuneration

...and more





www.allianceindependentauthors.org

COPYRIGHT BILL OF RIGHTS

EIGHT FUNDAMENTAL RIGHTS FOR THE GLOBAL AUTHOR IN A DIGITAL WORLD

ORNA ROSS ALLIANCE OF INDEPENDENT AUTHORS

Edited by BONI WAGNER-STAFFORD



Copyright © 2019 Orna Ross

All rights reserved.

The Alliance of Independent Authors supports copyright. Copyright fuels innovation and creativity, encourages diverse voices, promotes free speech, and helps create vibrant culture. Thank you for purchasing an authorized edition of this book and for complying with copyright laws by not reproducing, scanning, or distributing this book or any part of it without written permission from the author. You are permitted to excerpt brief quotations in a review or in a journalistic discussion of the important issues raised herein.

Published by Alliance of Independent Authors.

London, UK

ISBN:

9781909888906 (electronic)

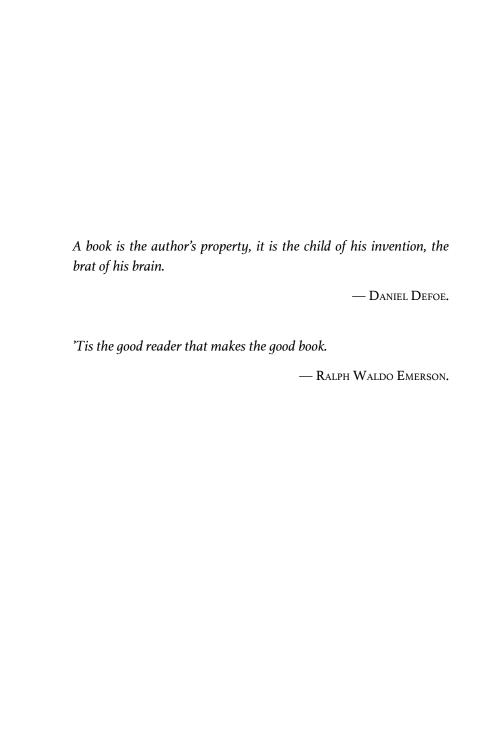
9781909888913 (paperback/softcover)



★ Created with Vellum

CONTENTS

Copyright Bill of Rights	1
National Law, International Authors	5
Copyright Moves Mainstream	8
BILL OF RIGHTS	
1. The Right To Operate	15
2. The Right To Link, Licence, and Collaborate	17
3. The Right to Fair Remuneration	19
4. The Right to Equitable Fair Dealing/Fair Use Frameworks	21
5. The Right to Defend Copyright	22
6. The Right to Coherence and Transparency	24
7. The Right to Recognition in Machine Generated Books	26
8. The Right to Copyright Education	28
If You Liked What You've Read	30
Acknowledgments	31
Further Reading	33
About the Authors	41



COPYRIGHT BILL OF RIGHTS

ALLIANCE OF INDEPENDENT AUTHORS

opyright law, policy, and practice is fundamental to an author's ability to publish and trade in books, create successful author-businesses, and earn an income from their work. Thus, changes in copyright law are of deep concern to the Alliance of Independent Authors (ALLi).

Independent authors, who are both writers and publishers, and who actively manage their own publishing rights, need to understand the importance of copyright and how to assert their rights in the digital age.

In pursuing their work, independent authors encounter four kinds of publishing services:

- I. Self-publishing companies favorable to authors: production and distribution services like Amazon KDP, Apple Books, Google Play (books), IngramSpark, Kobo Writing Life, aggregators like Draft2Digital, PublishDrive and StreetLib, along with freelance editorial, design, marketing, and PR services (individuals or companies) used by professional indie authors and authorpreneurs.
- 2. Self-publishing companies exploitative of authors: popularly known as "vanity publishers," these companies dominate the digital

advertising space where they ensnare new authors who are uninformed about how publishing and self-publishing works.

- 3. **Technology companies:** big tech platforms like Facebook, YouTube, Google Search, BookBub, and other tech platforms that enable author-publisher trading, social engagement, and book promotion.
- 4. Content companies: corporate or independent tradepublishers and media like Random House, Faber & Faber, News International, and Hollywood that trade in author-generated content.

How can we ensure that copyright law remains robust and flexible enough to offer the incentive, reward, and protection it promises for those authors who produce and distribute their books on self-publishing platforms, and license only some of their publishing rights to trade publishers and other rights buyers?

How can we ensure that authors understand and assert their economic and moral rights in the rapidly changing, technologized, and entrepreneurial environments within which they do their work, when signing contracts with publishing or self-publishing services, when negotiating with rights buyers, and when dealing with plagiarism and piracy?

And how do we do all this while considering and addressing the interests of readers, ensuring the preservation of a robust fair use/fair dealing environment and free speech on the Internet and elsewhere?

We present our answers to these important questions in the form of ALLi's *Copyright Bill of Rights*, which aims to inform authors, industry practitioners, stakeholders and policy-makers how contemporary independent authors experience the copyright environment. The *Bill* also offers ALLi's interpretation and recommendations of what today's authors and readers currently need from copyright law, policy, and practice.

Incentive, Reward, Protection

The copyright laws establishing the principle of ownership and the right to share in accruing income are vital to authors, especially to professional self-publishing authors and authorpreneurs as incentive, reward and protection (see Right One: The Right to Operate).

"All Rights Reserved" is the copyright default, but a considerable portion of authors want to share their work under other terms. Creative Commons is a licensing system that allows the creator to link out, licence, and collaborate more freely.

Authors are not just creators and publishers. We are also readers, content consumers, and scholars. We are citizens who acknowledge that public policy must foster expressive diversity and critique, particularly critique of undemocratic systems of power and control.

The digital revolution has made copyright and its violation a news story that extends far beyond authors, as everyone with a social media account today is a publisher.

Legislation that focusses too heavily on authors' rights can harm more authors and readers than it helps:

- if we do not understand the symbiotic relationship between author and reader
- if we do not understand how books and their associated products are discovered, bought, read and promoted in a digital environment
- if we do not understand how today's most entrepreneurial authors work and trade and negotiate.

The *Copyright Bill of Rights* began an exploration with members, advisors, and like-minded authors' associations how copyright law, policy, and practice might provide true protection, incentive, and reward to authors who self-publish through online publishing platforms as well as through licensing their publishing rights to other publishing entities.

Our objective is to see a finely balanced ecosystem of rights and responsibilities animated by values of free expression, democratisation of publishing and spread of technological and lexical literacy. We hope our *Copyright: Bill of Rights* will help further the debate and foster critical thinking.

4 ORNA ROSS & ALLIANCE OF INDEPENDENT AUTHORS

This document is a summary excerpt of the *Copyright Bill* of *Rights*. For a more comprehensive treatment of the issues arising, and advice and guidance around piracy, plagiarism and fair contracts, see ALLi's forthcoming campaign book, *Copyright Matters For Authors or consult our contract desk*.

NATIONAL LAW, INTERNATIONAL AUTHORS

here is no such thing as international copyright. International law is based on a "combination of domestic legal systems, regional and international regimes, as well as bilateral and multilateral treaties and agreements."

The Berne Convention for the Protection of Literary and Artistic Works (Berne)¹ and the Marrakesh Treaty² set out minimum copyright protections that must be extended by signatory nations and the limits of those protections. These treaties are administered by organizations like the World Intellectual Property Organization (WIPO) and agreements like TRIPS, which is the IP and trade treaty that makes the law enforceable.

National copyright legislation is based on the underlying philosophy prevalent in each country. For example:

- UK copyright law is underpinned by a philosophy of economic rights and the provision of monopolistic economic rights in an author's work.
- France offers the strongest moral rights, with a philosophy that aligns author rights with human rights, as opposed to a mere economic right. This *droit morale* protects an

- author's work as well as their reputation and extends to them the right to decide how and whether to be identified as author of the work.
- US law includes four non-exhaustive principles set out in a fair use clause which, together with "fact-specific" jurisprudence arising on a case-by-case basis, result in fairly strong rights for authors and copyright owners based around economic rights. Moral rights in the US do not extend to authors.
- In Canada, copyright law is based on a combined European/UK philosophy, protecting economic rights to authors and copyright owners as well as provisions around moral rights.
- EU copyright directives have standardized copyright law throughout the European Union, though each member state has separate and distinct laws and regulations that explicitly enumerate fair dealing exceptions.

Minimum copyright protection established by Berne have been adopted by nearly 200 signatory countries. Berne's underlying principle is national treatment: where the work is *used* determines the law that applies. But seventy-eight percent of authors responding to a 2019 ALLi survey on copyright sell their work globally, in as many countries as possible.

What this means for indie authors is that their copyright interest is largely subject to the law in the country where they reside and will be recognized in most other countries. However, the concept of "national treatment" means that if someone in another country wishes to access, copy, or re-use portions of an author's work, for example by photocopying an article, the copyright law in the country where the action occurs is applied.

Each country has its own terms of protection and indie authors benefit from an expanded understanding of how the philosophy of their own country's copyright law applies and differs from the laws of the jurisdictions in which they sell.

- I. Berne Convention for the Protection of Literary Works, 1886, last amended 1979. https://www.wipo.int/treaties/en/text.jsp?file_id=283698#P140_25350
- 2. WIPO. Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. https://www.wipo.int/treaties/en/ip/marrakesh/

COPYRIGHT MOVES MAINSTREAM

hat copyright has real and significant value can be seen in how it is ever more vehemently contested by three competing interests:

- Big Tech: Internet publishing platforms like Google, Facebook and Amazon that authors use to publish and/or promote books.
- Big Content: Global media corporations like Penguin Random House, News International and Hollywood to whom authors licence publishing rights. Here we also find large self-publishing services like Author Solutions (the subject of an ALLi Watchdog Advisory, applied when an organization fails to meet ALLi's standards for ethics and excellence), some of whom grab rights as well as charge service fees.
- Big Legal: large legislating territories and blocks like the USA or the European Union who aim to modify the power of big tech and big content.

All of these affect how self-publishers work and earn but none

speak directly to, or for, independent authors. Neither do trade publishers, literary agents nor, sadly, many authors' organizations.

The interests of an Internet tech giant like Google, Facebook, or YouTube; a social media company like Twitter or LinkedIn; a news organization like The Guardian or New York Times; a traditional publishing house like Random House or Penguin; a literary agency; a legislative body; a trade-published author; or even an authors' representative body may not align with those of the independent, self-publishing author.

Early in 2019, opposition to a proposed EU Copyright Directive (now passed) saw, among other protests, an online petition¹ gather more than five million signatures, a Polish newspaper printing a blank front page², Italian Wikipedia blacking out, and concerned German citizens³ taking to the streets.

Many of the free access protesters against Article 13 (now Article 17) of the controversial EU Directive were authors and other creators. They do not want the changes Big Content is asking for, purportedly on their behalf. These authors want the free and flexible Internet we already have and believe that the foundational copyright law we have is already robust and flexible enough to meet today's needs.

They are concerned that some changes which Big Content depicts as updating and improving copyright law for the digital age does not work well for independent authors and their readers.

And within the self-publishing community itself, indie authors take many different approaches and hold widely varying opinions about copyright issues like piracy, plagiarism and digital rights management.

Increased author confidence is now showing in the variety of business models they are adopting, in the variety of outlets and platforms they use, and in the variety of content (not just text but audio and video) that many now publish, not least on their own websites.

Understanding this changed and fast-changing landscape is challenging for many authors and for the government bodies that support them: ministries responsible for business, entrepreneurship, culture, intellectual property, the knowledge economy, and related industry organizations.

But to be effective, contemporary copyright policy must be framed around how author-publishers actually work, trade, and negotiate today, and how today's readers actually discover, buy, and read books.

We must all get better at identifying, tracking, quantifying, and supporting independent authors as creative digital micro-businesses. This includes considering the impact on the independent author when reviewing and updating policy and legislation around issues such as copyright.

We urge interested parties from all sides—including authors—to better understand the trading environment and copyright challenges of the self-publishing author in a digital environment and how copyright policy, and its implementation, directly affects their ability to earn a living and contribute to the fabric of society.

We need not just balanced, robust and flexible copyright law but the education to understand what's at stake and the means to interpret and assert it, taking into account citizen's shifting roles as authors, readers, scholars, and consumers.

The Alliance of Independent Author's *Copyright Bill of Rights* paints a picture of a healthy, supportive, and functioning global copyright environment that balances the benefits of ownership with the flexibility to run a successful and sustainable online author business.

New technologies like translation, machine learning and other AI, the blockchain, cryptocurrency, and other tools are fast coming on track, with the power to further shift economies, businesses, and behaviors.

More than ever, authors' advancement depends on their ability to think critically about how copyright supports their work in the digital age as author business models evolve.

Today, as jurisdictions around the world work to update their copyright laws to keep pace with digital disruption, creative entrepreneurship, and the knowledge economy, we are at an important juncture for copyright policy and practice.

As intellectual property law has developed it has generated much contract law and also, these days, much electronic commerce law. Copyright has expanded its power and reach, moved beyond the intent of its original conception, and seen a huge copyright clearance industry grow up around it.

Copyright once spurred novelty, creativity, and growth in our store of knowledge. Now it restricts what can be made available in online libraries. Once concerned with making it possible for authors to reach the widest possible readership, it now makes outlaws of millions of readers who post fan-fiction or download or share free books. Once an attempt to free authors from exploitation by printers and booksellers and servile dependency on the patronage of church, state or royalty, it now risks handing control back to Big Content publishers.

A myriad of social, technological, economic. and legal developments now sees the copyright industry increasingly in conflict with critics, scholars, free-expression activists, and the writers and artists it pertains to protect.

Most of the problems and shortfalls for authors arise in the *execution* of the law, with many publishing and self-publishing contracts failing to observe it in letter or in spirit, with the polarization of authors' and readers' rights in copyright debates, and with the failure of the law, publishing houses, and self-publishing services to protect authors against deliberate infringement.

Taking too narrow an authors' interest perspective, and assuming authors' interests align with those of Big Content, is having unintended consequences for authors, stifling criticism and expressive diversity, and reinforcing existing systems of power and control.

We are concerned when author representative bodies overlook the self-publishing author.

We are concerned when powerful Big Content companies use "authors' rights" justifications to further their own vested

business interests, with little real concern for the reality of authors' working conditions and income.

We are concerned when authors' rights justifications are used in ways that chill the self-expression, diversity of discourse, and individual moral agency copyright was intended to promote and actually interfere with authors' work as readers and scholars.

We are concerned when copyright (as intellectual property law, contract law or commercial law) moves away from the ideals and values it traditionally represented, which are the concepts, ideals and values that underpin liberal democracy.

We believe the perspective of independent authors offers a new and necessary viewpoint that must be considered in any assessment of how well a copyright regime performs, in theory or in practice.

We support the efforts of copyright activists like Professor Rebecca Giblin of Monash University, Australia and Cory Doctorow, both of whose work and feedback have greatly improved this Bill of Rights, and the work of all activists and organizations who make us think critically, and act mindfully, around copyright.

I. Change.org. Stop the censorship machinery! Save the Internet! https://www.change. org/p/european-parliament-stop-the-censorship-machinery-save-the-internet

^{2.} France24. *Polish dailies print blank front page in EU copyright appeal. March 25, 2019.* https://www.france24.com/en/20190325-polish-dailies-print-blank-front-page-eu-copyright-appeal

^{3.} CNBC. Thousands protest against controversial EU internet law claiming it will enable online censorship. March 25, 2019. https://www.cnbc.com/2019/03/25/protesters-in-germany-say-new-eu-law-will-enable-online-censorship.html

BILL OF RIGHTS

THE RIGHT TO OPERATE

he right to operate as a self-publisher and authorpreneur requires a legal framework that encourages investment in self-generated intellectual property.

- As **incentive**, copyright encourages writing, self-publishing and trading in publishing rights, encouraging authors as well as trade-publishers and other investors and patrons to underwrite books, literature, and associated media and merchandise.
- As **reward**, copyright ensures that authors are fairly recompensed for their contribution (labor, personal expression, ingenuity and enterprise).
- As **protection**, copyright discourages infringement offences like plagiarism and piracy with workable systems and enforceable consequences.

ARTICLE ONE: COPYRIGHT LAW, POLICY AND PRACTICE MUST FACILI-

TATE AUTHORS' RIGHT TO OPERATE AS PUBLISHERS AND CREATIVE ENTRE-PRENEURS, BY ENABLING APPROPRIATE INCENTIVES, REWARDS AND PROTECTIONS FOR AUTHORS AND SELF-PUBLISHERS OPERATING IN A DIGITAL ENVIRONMENT, WITHIN A COPYRIGHT SYSTEM THAT BALANCES AUTHOR, READER AND CITIZEN ENTITLEMENTS AND OBLIGATIONS.

THE RIGHT TO LINK, LICENCE, AND COLLABORATE

he right to promote and to link inwards and out is integral to the right to operate online author business. And authors have a right to grant sharing permissions to other content creators as they see fit.

Copyright is a passive right that comes into play as soon as words are written. Creative Commons adds an active dimension, where the author specifies the precise level of control they want to maintain over their work.

Author-publishers may choose to offer their work freely and consider themselves to be working in "the gift economy" or employ free sharing for ideological reasons, or freemium models for commercial objective. Some authors even welcome piracy as a discoverability tool.

Many authors are also exploring new revenue-sharing options, e.g. voluntary blanket licenses or pooled copyrights. New technology like the blockchain will facilitate such creator-led payment chains, by facilitating payment splits at the point of transaction.

Creative Commons licences exchange control in relation to other content creators for more control in relation to publishing platforms.

By granting explicit sharing permissions, the ability of hosting platforms to appropriate rights is limited.

ARTICLE Two: Copyright law, policy and practice must facilitate authors' rights to set the terms on which their work may be read, shared or distributed.

THE RIGHT TO FAIR REMUNERATION

I ndependent authors have the right to fair remuneration from publishing and self-publishing companies who trade in their copyright.

Data provided must be accurately reported and revenue splits must be equitable. Self-publishing authors who have built a following and a platform should be entitled to higher revenue splits than a beginning author with only the rights in a manuscript to trade.

Authors need to value their moral and economic rights and be prepared to defend them as they enter negotiations.

Most authors remain ignorant of the incentive, reward, and protection clauses that should be in a publishing or self-publishing contract and have traditionally suffered from a power imbalance in negotiations so that what they trade is disproportionate to what they get in return.

Education has a role to play here.

Given the commercial and cultural value they add to society, author-publishers should also receive support in meeting the challenges of their work, particularly in the early stages of becoming an effective publisher and building a sustainable author-business.

. . .

ARTICLE THREE: COPYRIGHT LAW, POLICY AND PRACTICE MUST FACILITATE AUTHORS' RIGHT TO A FAIR SHARE OF THE INCOME GENERATED BY THEIR WORK.

THE RIGHT TO EQUITABLE FAIR DEALING/FAIR USE FRAMEWORKS

uthors have the right to participate in a fair dealing/fair use framework that equitably balances the moral and economic rights of copyright holders with the moral and economic rights of readers.

Fair use (in countries like the US, Israel, and the Philippines) and fair dealing (as it is called in the UK and commonwealth countries like Canada and Australia) provide for *exceptions* to copyright.

These exception provisions are user centered, not creator centered. They limit the instances in which copyright owners can require payment, with significant and positive effect for educators, students, creative professionals, and other creative entrepreneurs like authors, journalists, filmmakers, and individuals who in their daily lives wish to use, copy, or share portions of copyright protected works.

Infringing use of copyright material goes beyond fair use is a violation of copyright law and for independent and other authors, represents real economic harm.

ARTICLE FOUR: COPYRIGHT LAW, POLICY AND PRACTICE MUST FACILITATE AUTHORS' AND READERS' RIGHTS TO FAIR USE/FAIR DEALING.

THE RIGHT TO DEFEND COPYRIGHT

uthors have the right to be free from infringement and to have adequate copyright protection tools, safeguards, and penalties in place for those who deliberately plagiarize, pirate or otherwise unlawfully use their work, to the detriment of their economic rights.

This includes the right to fair contracts with trade-publishers, with protection for authors who might be pressured to sign unfair, unclear, or outdated contacts.

While authors vary in their response to book piracy and plagiarism, often for pragmatic reasons, both undermine authors' economic rights.

It's also worth noting that although there are hundreds of sites claiming to have pirated works, many are actually credit card scams, malware distributors, or other criminal operations using scraped listings from Amazon and other sources as bait to lure victims.

Systems that ensure copyright owners can notify online service providers of infringement are available in both the US, the EU, and beyond. When a copyright owner discovers that a web-hosting company is housing unlawful material, a DMCA notice in writing to the web-hosting company is the method used to demand takedown.

Some infringing companies do not comply with takedown notices. Other sites are compliant once informed of infringement and asked to desist. There are services which will identify infringement and automate and streamline the takedown notice creation process.

Governments, working together with search engines and Internet service providers, could establish an enforcement arm, or fund such a body within existing law enforcement agencies to help investigate, police, and shut down the most blatant infringements and exploitations, where non-compliant sites are clearly profiting from plagiarism and piracy.

ARTICLE FIVE: COPYRIGHT LAW, POLICY AND PRACTICE SHOULD INCLUDE SAFEGUARDS THAT MAKE COPYRIGHT DEFENSIBLE.

THE RIGHT TO COHERENCE AND TRANSPARENCY

he legal infrastructure around copyright includes contract, commercial, and intellectual property law that is often confusing and sometimes incoherent. For example, the dealings around amendments of the recent EU Directive on Copyright were so confusing that a number of members of the European Parliament accidentally voted the wrong way.

ALLi supports the work of the Plain English Campaign. Making copyright issues easier to understand is the first step in engaging writers' and readers' interest and action.

Authors have a right to understand the issues that concern them, however complex they may be, and the right to clear translation of issues across national borders.

In implementation too we have a right to coherence and transparency. Publishing contracts are notoriously difficult to interpret and incoherence around the value of copyright has allowed some Big Tech companies to greatly profit from their user's personal data and expression, without recompense.

. . .

ARTICLE SIX: COPYRIGHT LAW, POLICY AND PRACTICE SHOULD BE COHERENT AND TRANSPARENT, TAKING INTO ACCOUNT THE GLOBAL TRADE OF SELF-PUBLISHING AUTHORS AND DIGITAL PLATFORMS.

THE RIGHT TO RECOGNITION IN MACHINE GENERATED BOOKS

raditionally, copyright in computer-generated books was not in question. The program was a tool that supported the creative process, like pen and paper, but artificial intelligence is evolving in ways that raise questions around copyright and ownership.

Can an AI "system" claim legal authorship of the book it produces? Behind these texts are the humans who created the tools as well as those who created the text the machine was "fed". Are they the authors? And can AI legally be trained on copyright text? The law does not, as yet, have answers to such questions. The Berne Convention and other foundational copyright law is based on the idea of human authorship, with no mandate for giving rights to non-humans.

Until law is clarified, all efforts should be made to source and acknowledge contributions wherever known. Books generated from copyright material should be governed by creator agreements that clarify ownership, with contributors identified and compensated. Blockchain and other new technologies may be useful in this.

Access Copyright has proposed a framework they call "the three

As" of trackable, auditable books in the AI era: attribution, authentication and automation.

- I. **Attribution**: the book explains its own genesis and lists known major rights holders and creators.
- 2. **Authentication**: the book is clear on who does and who does not have access rights.
- **3. Automation**: the book is governed by defined transactional rules and copyright terms.

ARTICLE SEVEN: COPYRIGHT LAW, POLICY AND PRACTICE SHOULD ENABLE THE RIGHT TO AUTHOR ATTRIBUTION IN MACHINE GENERATED BOOKS WHEREVER POSSIBLE. ALL KNOWN INFORMATION ABOUT THE BOOK'S CREATION SHOULD BE RECORDED IN A WAY THAT IS PUBLIC, TRANSPARENT AND AUDITABLE.

THE RIGHT TO COPYRIGHT EDUCATION

n a digital environment where everyone with a smartphone is a creator and publisher, critical thinking around copyright, its value, and how to assert and exploit it is vital for every citizen. This is especially true for all those working in the literary, publishing, creative, and education sectors.

Key is understanding the implications of moral and economic creator rights, the symbiotic nature of the writer-reader relationship, and the benefits of open access, including Creative Commons licenses.

Authors need education in copyright contract law, in asserting copyright and exploiting intellectual property and publishing rights, and in business and negotiation skills.

Readers need education in how to access works from genuine sources, and how to properly use and attribute copyright works. Also in the value of copyright to writers and artists, and the value of their purchasing power in buying books directly from authors and other creators.

Those working in the literary and publishing sectors need education in the full implications of digital publishing and the changed ecosystem for authors: how books are bought, sold, and read in the digital age. And they need education in how to include the experiences of self-publishing authors and independent authorpreneurs in their literary and publishing programs.

ARTICLE EIGHT: CRITICAL THINKING AND SKILLS AROUND COPYRIGHT LAW, POLICY, AND PRACTICE SHOULD BE TAUGHT IN EVERY SCHOOL, UNIVERSITY AND COMMUNITY AND PARTICULARLY IN LITERARY AND CREATIVE ORGANIZATIONS AND INDUSTRIES.

IF YOU LIKED WHAT YOU'VE READ

s indie authors and an indie author organization we keenly appreciate the importance of reader reviews. We encourage you to share your review on this *Copyright Bill of Rights* on the platform where you obtained the book. This helps other readers assess whether the book is right for them.

Links: []

ACKNOWLEDGMENTS

We have an engaged and dedicated team here at ALLi who help ensure we, as an author-representative organization, can keep abreast of often thorny issues related to piracy, plagiarism, DMCA take-down notices, and more. Special thanks for their long-serving dedication and contribution to John Doppler, head of ALLi's Watchdog Desk and Dan Holloway, ALLi's news editor.

For reading early versions of a longer version of this Bill of Rights and providing knowledgeable and helpful feedback, our thanks to Cory Doctorow, author, activist and special advisor to the Electronic Frontier Foundation; Jane Friedman, author and publishing consultant and ALLi Publishing Advisor; Associate Professor Rebecca Giblin of Monash University, Australia and Joanna Penn, bestselling author, award-winning creative entrepreneur and ALLi's Enterprise Advisor.

And to the authors residing on seven continents who are members of the Alliance of Independent Authors, the only global nonprofit organization representing the indie author, thank you for sharing your journey, placing your faith and trust in ALLi, and furthering the empowerment of authors and the democratization of publishing.

FURTHER READING

The following short list of resources were most useful when establishing ALLi's position on copyright and compiling its bill of rights.



Anderson, Porter. 2018. "After the European Parliament Vote: Voices For and Against the EU Copyright Directive." Publishing Perspectives Blog. September 13, 2019. https://publishingperspectives.com/2018/09/european-parliament-voices-for-against-copyright-directive/

Authors Guild, The. n.d. "Where We Stand, Copyright." New York, NY. The Authors Guild. https://www.authorsguild.org/where-westand/copyright/

Baldwin, Peter. 2014. The Copyright Wars: Three Centuries of Trans-Atlantic Battle. Princeton, NJ: Princeton University Press.

CARL (Canadian Association of Research Libraries). 2017. "Fair Dealing in Canada: Myths and Facts." Ottawa, Canada: CARL/ABRC.

http://www.carl-abrc.ca/wp-content/uploads/ 2017/09/CARL_FD_myths_facts_EN.pdf

Cornell Law School, Legal Information Institute. *U.S. Code, Title 17, Copyrights Chapter 5, Copyright Infringement and Remedies, Section 512: Limitations on liability relating to material online.* https://www.law.cornell.edu/uscode/text/17/512 Accessed May 12, 2019.

Doctorow, Cory. 2019. "Now EVERYBODY Hates the New EU Copyright Directive." San Francisco, California: Electronic Frontier Foundation, January 18, 2019. https://www.eff.org/deeplinks/2019/01/now-everybody-hates-new-eu-copyright-directive

Doctorow, Cory. 2019. "Artists Against Article 13: When Big Tech and Big Content Make a Meal of Creators, It Doesn't Matter Who Gets the Bigger Piece." San Francisco, California: Electronic Frontier Foundation, February 24, 2019. https://www.eff.org/deeplinks/2019/02/artists-against-article-13-when-big-tech-and-big-content-make-meal-creators-it

Doctorow, Cory. 2019. "As the German Government Abandons Small Businesses, the Worst Parts of the EU Copyright Directive Come Roaring Back, Made Even Worse." San Francisco, California: Electronic Frontier Foundation, February 5, 2019. https://www.eff.org/deeplinks/2019/01/german-government-abandons-small-businesses-worst-parts-eu-copyright-directive

Doctorow, Cory. 2019. "That German-French Deal to 'Rescue' the EU Copyright Directive? Everyone Hates It. EVERYONE." San Francisco, California: Electronic Frontier Foundation, February 7, 2019. https://www.eff.org/deeplinks/2019/02/german-french-deal-rescue-eu-copyright-directive-everyone-hates-it-everyone

Doctorow, Cory, 2018. "EU Internet Censorship Will Censor the Whole World's Internet." San Francisco, California: Electronic Fron-

tier Foundation, October 9, 2018. https://www.eff.org/deeplinks/2018/10/eu-internet-censorship-will-censor-whole-worlds-internet

DMCA. Description of the DMCA Takedown Process in the European Union, Modified: 09/16/2018. https://www.dmca.com/faq/European-DMCA-Takedown-process

European Commission. 2019. "Digital Single Market: EU Negotiators Reach a Breakthrough to Modernise Copyright Rules." Strasbourg, France: The European Commission, February 13, 2019. http://europa.eu/rapid/press-release_IP-19-528_en.htm

Fair Dealing Canada. 2018. "What is Fair Dealing?" Ottawa, Canada: CARL/ABRC, 2018. https://fair-dealing.ca/what-is-fair-dealing/

Giblin, Rebecca. 2019. "The Need for Author Rights." Interview with Canada's Michael Geist, LawBytes podcast. April 18, 2019. https://authorsinterest.org/2019/04/18/new-podcast-rebecca-giblin-on-the-need-for-author-rights/

Giblin, Rebecca. 2019. "Does Australia Really Need Author Rights? A Response to Industry Pushback." Canberra, Australia: The Authors Interest/Australian Research Council, March II, 2019. https://authorsinterest.org/2019/03/II/does-australia-really-need-author-rights-a-response-to-industry-pushback/

Giblin, Rebecca. 2018. "The Difference Between Copyright's Rewards and Incentives (and What it Means for Getting Creators Paid)." Canberra, Australia: The Authors Interest/Australian Research Council, October 26, 2018. https://authorsinterest.org/2018/10/26/the-difference-between-copyrights-rewards-and-incentives-and-what-it-means-for-getting-creators-paid/

Giblin, Rebecca. 2018. "Fat Horses & Starving Sparrows: On Bullshit

in Copyright Debates." Canberra, Australia: The Authors Interest/Australian Research Council, October 18, 2018. https://authorsinterest.org/2018/10/18/fat-horses-starving-sparrows-on-bullshit-in-copyright-debates/

Hanson, Dave. 2019. "The Importance of Fair Use: A Fair Use Week Celebration." Washington, DC: Fair Use Week/Fair Dealing Week, February 2019. http://fairuseweek.org/

Harmon, Elliot. 2019. "Don't Sacrifice Fair Use to the Bots." San Francisco, California: Electronic Frontier Foundation (blog). March 1, 2019. https://www.eff.org/deeplinks/2019/03/dont-sacrifice-fair-use-bots

Hyde, Lewis. 2007. *The Gift: How the Creative Spirit Transforms the World.* Edinburgh, Scotland: Canongate Pub Ltd.

International Publishers Association (IPA) and WIPO, *The Global Publishing Industry in 2016: A Pilot Survey by the IPA and WIPO.* Geneva, Switzerland: WIPO, 2018. https://www.wipo.int/publications/en/details.jsp?id=4251&plang=EN

Mansfield, Katie. 2019. "Trade Bodies Welcome EU Breakthrough on Copyright Rules." London, UK: The Bookseller (blog). https://www.thebookseller.com/news/soa-and-ba-welcome-eu-breakthrough-copyright-rules-954026

Pickard-Whitehead, Gabriel. 2018. "What Does the EUs Article 13 Mean for Small Site Publishers?" Florida, USA: Small Business Trends. https://smallbiztrends.com/2018/09/article-13.html

Ross, Orna and Helen Sedwick, *How Authors Sell Publishing Rights: Sell Your Book to Film, TV, Translation, and Other Rights Buyers (An Alliance of Independent Authors Guide: Self-Publishing Success Series, Volume 3.* London, UK: Font Publications, 2017. <u>Buy this book.</u> FREE to members of the Alliance of Independent Authors https://www.allianceindependentauthors.org/members/content/guidebooks.

Seeber, Monica and Richard Balkwill. 2007. *Managing Intellectual Property in the Book Publishing Industry*. Geneva, Switzerland: WIPO. https://www.wipo.int/publications/en/details.jsp?id=255&plang=EN

Shapiro, Carl. "Optimal Pricing of Experience Goods." *The Bell Journal of Economics* 14, no. 2 (1983): 497-507. doi:10.2307/3003650. https://www.jstor.org/stable/3003650?seq=1#page_scan_tab_contents

Society of Authors. 2018. "Back the Copyright Directive." London, UK: The Society of Authors, August 30, 2018. https://www.societyofauthors.org/News/News/2018/August/back-the-copyright-directive

Society of Authors. n.d. "Where We Stand." London, UK: The Society of Authors. https://www.societyofauthors.org/Where-We-Stand/Copyright

US Copyright Office. n.d. "Fair Use Index." Washington, DC: Copyright.gov. https://www.copyright.gov/fair-use/more-info.html

Wagner-Stafford, Boni. 2018. "International Copyright: Four Facts for Indie Authors on World IP Day 2018." Toronto, Canada: Ingenium Books Publishing (blog). https://ingeniumbooks.com/international-copyright-4-facts-indie-authors-need-to-know-on-worldipday/

Woodhouse, Maia. 2019. "IP Enforcement in the Digital Age: Identifying Infringers in an Anonymous Online Environment." Virginia, USA: IP Watchdog (blog). March 23, 2019. https://www.ipwatchdog.com/2019/03/23/ip-enforcement-in-the-digital-age-identifying-infringers-online/id=107610/

World Intellectual Property Organization (WIPO). n.d. Standing Committee on Copyright and Related Rights (SCCR) https://www.wipo.int/policy/en/sccr/

Yuvaraj, Joshua. 2019. "Reversion Laws: What's Happening Elsewhere in the World?" Canberra, Australia: The Authors Interest/Australian Research Council (blog). April 4, 2019. https://authorsinterest.org/2019/04/04/reversion-laws-whats-happening-elsewhere-in-the-world/

Copyright Bill of Rights

8 Fundamental Rights for the Global Author in a Digital World

Orna Ross

Included Inside:

- 1. Right to Operate
- 2. Right to License
- 3. Right to Fair Remuneration

...and more





ABOUT THE AUTHORS

Orna Ross



Orna is founder and director of the Alliance of Independent Authors. In 2011, Orna took her rights back from Penguin to republish her books herself, with the titles and treatment she'd originally envisaged. She launched ALLi at The London Book Fair 2012.

As well as her work for ALLi, which has seen her named one of The Bookseller's "Top 100 people in publishing", Orna writes fiction and poetry, runs a Patreon page for poets and poetry lovers and an active author website. She is on a mission to help eradicate creative poverty, through digital micro-business and enterprise. You'll find her, most days, on Twitter: @ornaross.

What I love most about ALLi is being in daily connection with an engaged, talented, forward-thinking group of authors who are changing the status of writers in the publishing industry but, more importantly, how we write and what we read.

Other books by Orna Ross:

Nonfiction

How Authors Sell Publishing Rights: Sell Your Book to Film, TV, Translation, and Other Rights Buyers (An Alliance of Independent Authors Guide: Self-Publishing Success Series, Volume 3.

A Creativist Compendium: Creative Business, Creative Life

Creative Self-Publishing: How Indie Authors Publish for Pleasure and Profit (forthcoming)

Fiction

The Irish Trilogy:

After the Rising

Before the Fall

In the Hour

Blue Mercy

The Yeats-Gonne Trilogy

Her Secret Rose

Dancing in the Wind

But a Dream

Poetry [list]

Keepers: Selected Inspirational Poetry

Boni Wagner-Stafford (contributing editor)



Boni is ALLi's communications manager. She's a nonfiction author, editor, co-founder of Ingenium Books, an award-winning former Canadian journalist and public-sector communications leader.

I've joined other author associations and none of them holds a candle to the value that ALLi delivers to the indie author. I'm thrilled to be working with ALLi on communications and press, giving back to the organization that has been the source of so much invaluable information for me on my creative, author, and publishing services journey.

Other books by Boni Wagner-Stafford:

One Million Readers: The Definitive Guide to a Nonfiction Book Marketing Strategy That Saves Time, Money, and Sells More Books

Kitty Karma: Big Stories About the Small Cats Who Change Our Lives (anthology contributor and managing editor)

Rock Your Business: 26 Essential Lessons to Start, Run, and Grow Your New Business from the Ground Up

About ALLi

The Alliance of Independent Authors (ALLi) is the only global, non-profit association for self-publishing writers. ALLi aims to foster excellence and ethics in self-publishing; to support authors in the making and selling of their books; and to advocate for author independence through publishing skills, creative entrepreneurship and digital business development.

