



SERVING AUTHORS WORLDWIDE  
AU SERVICE DES AUTEURS DANS LE MONDE  
AL SERVICIO DE LOS AUTORES EN EL MUNDO

**COU13-0845**

Excelentísimo Señor Don Mariano Rajoy Brey  
Presidente del Gobierno  
Palacio de la Moncloa  
Madrid  
Spain

Neuilly sur Seine, 26/09/2013

Your Excellency, Mr. President,

We are writing to you in our roles as President and Vice-Presidents of CISAC, to seek your urgent intervention in legislative proceedings on copyright issues.

CISAC, the International Confederation of Authors and Composers Societies, brings together 227 authors societies from 120 countries. Through its membership, CISAC represents a community of over 3 million creators from all over the world and from all artistic fields, including music, film, visual-arts, drama and literature.

As the voice of creators worldwide, we were concerned to learn of the new Bill to amend the Intellectual Property Law in Spain ("the Bill"). We understand that this Bill has already been adopted on first reading by the Government of Spain.

The Bill deals with key issues for creators; issues which require careful thought and consideration. Large parts of the Bill address matters that are currently under consideration at EU level and are the subject of ongoing and pending debates in Brussels. We were therefore surprised to learn of the urgency in which the Bill is being promoted and is currently moving forward in the legislative process.

One of the key issues addressed by the Bill is private copying. This topic is currently pending before a number of courts (including the EU Court of Justice) and is also under review at EU level. This is one of the issues that require further consideration before the Bill moves forward. Any new rules that are made now in a rush may need to be changed to comply with new EU rules that could be adopted in the near future.

There are additional rules proposed under the Bill which are a cause for concern to the creative industries, as they represent a major change to existing law in a manner that could seriously harm creators and the creative industry as a whole. We have set out below some of the most urgent issues for the authors' community:

INTERNATIONAL CONFEDERATION OF SOCIETIES OF AUTHORS AND COMPOSERS  
CONFÉDÉRATION INTERNATIONALE DES SOCIÉTÉS D'AUTEURS ET COMPOSITEURS  
CONFEDERACIÓN INTERNACIONAL DE SOCIEDADES DE AUTORES Y COMPOSITORES

20-26, boulevard du Parc ■ 92200 Neuilly-sur-Seine ■ France **T**+33 (0)1 55 62 08 50 **F**+33 (0)1 55 62 08 60 **@** cisac@cisac.org **www.cisac.org**  
SIRET : 784 668 667 00024 - APE : 913E - TVA FR 22 784 668 667

- **Tariffs collected.** The Bill would lead to a decrease of 30% in the level of royalties collected for the use of creative works. This is because it obliges collective management organizations to re-negotiate and publish new tariffs but at the same time, allows users to pay or deposit only 70% of the current tariffs. This new rule completely disregards the numerous agreements already in place with commercial users.
- **Status of societies.** We are alarmed by the changes to authors societies' status, through new procedural requirements which could deny them the ability to bring judicial proceedings on behalf of their members (the authors).
- **One stop shop licensing.** While we support simplified and efficient licensing solutions, imposing a general obligation for joint licensing by authors and other rightholders under a "one stop shop" approach undermine the interests of authors and requires further consideration.
- **Allocation of royalties.** Mandatory rules on the allocation of royalties to certain specified activities should be avoided. It is only reasonable that authors should decide on the allocation of all income originating from the use of their works, and that there should be no public intervention in this regard.

In conclusion, the Bill requires further consideration and discussion and in light of the above, we are appealing to you, Mr. President, to request your urgent intervention to put this Bill on hold and open a dialogue with all parties concerned, including those who will be most affected by it - the creators. We strongly believe that through a meaningful dialogue with all parties, we can develop a modern Intellectual Property Law for Spain that promotes creativity and benefits not only Spanish creators but the society as a whole.

Yours sincerely,

Jean Michel Jarre  
President of CISAC

Angélique Kidjo  
CISAC Vice-President

Javed Akhtar  
CISAC Vice-President

Marcel Piñeyro  
CISAC Vice-President

Ousmane Sow  
CISAC Vice-President