



FEDERATION INTERNATIONALE DES ACTEURS
INTERNATIONAL FEDERATION OF ACTORS
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FEDERACION INTERNACIONAL DE ACTORES

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The European group of the International Federation of Actors (EuroFIA) rejects plan to introduce "work for hire" in Finland

The European group of the International Federation of Actors (EuroFIA) gathers performers' unions, guilds and professional associations from 25 EU member states and speaks on behalf of tens of thousands of professional performers working in theatre, television, film, new media and radio.

EuroFIA is extremely concerned about recent attempts to introduce "work for hire" in the Finnish Copyright Act. A draft amendment was recently brought to our attention, seeking to vest all economic rights of performers and other right holders in their employer, unless otherwise agreed individually or collectively. Such a proposal would inevitably and fundamentally weaken the contractual position of those performers that are hired under an employment contract and is totally unacceptable.

Performers wish the industry to be successful and their work to be as widely used as possible. But they also rely on the revenue generated by their intellectual property rights to make a living. As the exploitation of their fixations increasingly outlives the original act, generating profits under old and new business models, they need to be able to negotiate with their employers a fair share of these benefits.

Exclusive intellectual property rights give them a chance to achieve this, especially when enshrined in collective agreements, setting minimum acceptable fees for first and secondary uses. Such agreements are vital for most performers, whose limited leverage would otherwise often prevent them from negotiating acceptable terms and conditions of use. Intellectual property provisions in collective agreements offer employers security and a cost-effective rights clearing mechanism, enabling them to obtain the rights they need to successfully exploit audiovisual productions in all forms and media.

The introduction of "work for hire" in national legal systems would dramatically tip this frail balance in favour of employers. It would weaken performers' individual and collective bargaining power, making it much easier for their employers to take advantage of their dominant position, pressure fees downwards and get all possible rights for a symbolic upfront payment.

Employers do not need work for hire to license their productions, recoup their costs and make a profit. This is evidenced by many countries where no such presumptions exist and where the industry is extremely successful. On the other hand, performers need to be given meaningful tools to continue to licence their rights, if those are to remain a valuable asset for them. Work for hire simply is not an acceptable option for most of them. This group therefore urges the Finnish government to refrain from introducing such a damaging change for performers in its copyright legislation.

On behalf of EuroFIA,

Agnete Haaland
President of FIA

London, 14 November 2009

FIA represents performers' unions in Albania Argentina Australia Austria Belarus Belgium Bhutan Brazil Bulgaria Burkina Faso Cameroon Canada Chile Colombia Croatia Cuba Cyprus Czech Republic Denmark Ecuador Estonia Finland France Georgia Germany Ghana Greece Hong Kong Hungary Iceland Ireland Israel Italy Ivory Coast Japan Kazakhstan Korea Kyrgyzstan Latvia Luxembourg Madagascar Mexico Moldova Morocco Namibia Nepal Netherlands New Zealand Nigeria Norway Pakistan Panama Peru Poland Portugal Romania Russia Serbia Slovakia Slovenia Spain Sweden Switzerland Turkey Ukraine United Kingdom United States of America Uruguay Zambia Zimbabwe