

COU13-0702

Neuilly-sur-Seine, July 30th 2013

To
Ms Dilma Rousseff
President of Brazil

On behalf of the artistic creators of the world, we are writing to express our grave concerns with the amendments to the Copyright Law (Senate Project No. 129 of 2012, “the Bill”) which will severely and unfairly undermine the ability of music creators to obtain fair royalties for the performance of their songs in Brazil.

Considering all of the talk in Brazil about “democratization of cultural access” and “transparency,” we are shocked by the decidedly undemocratic and opaque process that has led to this bill. The people of the Brazilian creative community, and the Collective Management Organizations acting on their behalf, would be the ones most impacted by the proposed legislation, yet they have not been consulted. The reasons for urgently passing this bill, which is not only imperfect but appears unconstitutional in parts, remain a mystery.

While we are certainly enthusiastic about streamlining licensing and innovating the collective management system, this needs to be accomplished via a thorough, respectful discussion between all interested parties. Specifically, we are concerned that the bill threatens the independence of Brazilian authors societies’ as legally-operating associations subject to the guarantees provided in the Brazilian Constitution. In particular, we are concerned about provisions that could result in significant interference in the internal operations of our societies, and require that our societies release sensitive information regarding creators’ royalties and other documents to the general public.

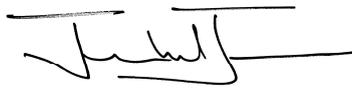
Across the world, our collective management organizations exist to serve us, the creators. They defend our rights, represent us in negotiations, and ensure that royalties are paid and distributed. While their dedication to securing the largest possible audience for our works certainly benefits the people who have come to love our music, movies, books and images, they are not representatives of the public interest. Therefore, while we, the members, have a right to demand transparency regarding collections and distributions, we believe that releasing unnecessary information to the public (and our competitors) violates our right to privacy and data protection. Thus, the provisions in the bill related to authors’ societies’ responsibility to the public interest must be changed.

Additionally, other provisions in the bill which effectively ban blanket licenses and introduce state-sponsored fragmentation of the licensing marketplace, would overwhelm societies’ resources, preventing them from upholding their obligations to their members. This would also lead to mass confusion. As we all know, content users who want to duck out of their royalty obligations thrive on confusion.

We therefore call on you to halt this rash and potentially damaging bill in order to find mutually beneficial solutions in consultation with all stakeholders, including creators. We also demand that an impact analysis be carried out to ascertain the potential risks of enacting this legislation to both the creative economy and the national economy as a whole.

The licensing system needs to be modernized; we can all agree on that. Let's put a stop to this ill-conceived bill and work together - creators, content users and the government - to build a piece of legislation that will guarantee Brazil's cultural predominance and economic vibrancy well into the future.

Sincerely,



Jean Michel Jarre
President of CISAC



Angélique Kidjo
CISAC Vice President



Ousmane Sow
CISAC Vice President



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