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CISAC Declaration on the Collective Administration
of Authors' Rights

1- Authors' rights are based on the individual, exclusive right which belongs to any creator of a literary or artistic work to exploit that work - or authorize others to do so with due respect for his or her right - while being guaranteed that he or she will be acknowledged as the author of the work and that it will be communicated to the public without distortion; as such, this right contributes to the cultural development of society.

2- In view of the large number of potential users of works and the ever-wider variety of ways in which works can be exploited, this individual, exclusive right is proving increasingly difficult, if not impossible, for an author to exercise effectively on his or her own. Authors have taken the initiative therefore of uniting within collective organisations responsible for representing them and looking after their interests through the proper enforcement of their rights and, where applicable, those of some of their successors in title.

3- The importance and the role of these organisations are recognized by the two international intergovernmental Organisations within the United Nations system responsible for copyright matters (UNESCO and WIPO) which, in their concern to preserve the balance between the interests of rights owners and the interests of users, have clearly expressed their preference for collective administration of authors' rights rather than any non-voluntary licensing system.

4- The collective administration of authors' rights by authors' Societies or similar organisations addresses the challenge of modern technological means of disseminating works, and facilitates, in the widest and easiest manner, lawful access to those works by the public. Experience shows that collective administration is so significant for the enforcement of authors' rights as to justify its being made compulsory by law, to the extent that this proves essential for the interests of both authors and users to be effectively safeguarded.

5- Collective administration organisations not only secure the protection of authors' rights in accordance with the provisions of national copyright laws and the international copyright conventions, they also contribute to the proper application of these laws and conventions by making it easier for users to fulfil their obligations under them. Furthermore, collective administration organisations help to keep the cost of the many operations required to exercise authors' rights on a worldwide basis to a reasonable level, especially since these organisations of a professional nature are managed by representatives of their members whose sole interest is to keep administration costs as low as possible.

6- The collective administration of authors' rights is based on the principle of national treatment which means that, in each country, foreign authors are secured the same rights, guarantees and conditions as those enjoyed by national authors. This equality of treatment between foreigners and nationals concerns not only the licensing of works, the monitoring of uses and the collection of royalties, but also the establishment of reasonably sufficient documentation on works and their right owners, the amounts deducted for administration costs or for social and cultural purposes and the distribution of royalties.

7- Collective administration organisations, in making it possible to exercise certain rights which laws and the international conventions confer on authors, should be in a position to assume such responsibilities with all the independence that is desirable, whether it is a question of the terms of licences to be issued to users, the negotiation of tariffs for the use of works or the definition of parameters and procedures relating to the distribution of royalties.

8- Collective administration organisations should monitor the use of works and collect and distribute royalties as extensively and fully as it is technically possible for them so that this way of proceeding does indeed prove to be financially beneficial to authors and their successors in title.

9- The amounts withheld by collective administration organisations from the sums collected by them should serve exclusively to cover their operating costs, except insofar as they may be used, to a limited extent, to achieve certain social and/or cultural goals, subject to explicit prior agreement having been received in this regard from the national and foreign right owners entitled to the sums in question or from the bodies or organisations which represent them.

10- The operations carried out by collective administration organisations in performing the numerous and varied tasks with which they are entrusted should be conducted with all the necessary transparency vis-à-vis their national members and those of similar organisations abroad with which they have concluded representation agreements. The same transparency should also apply vis-à-vis both the users of the repertoires administered and the public authorities.

11- The professional rules and other provisions of an ethical nature established within the framework of CISAC and proposed by the latter to its member Societies constitute a set of reference standards for them which, through the harmonization they secure in administration methods, lead to self-regulation of the activities of these Societies and contribute to the transparency of their operations.

12- The appropriateness of turning to competition or antitrust law to judge the activities of collective administration organisations should always be assessed in the light of the specific nature of intellectual works which, adding to each other in time and space without ever replacing one another, differ in this way from other commercial goods; hence the particular modalities of the administration of the rights existing in these works.

13- The existence of a difference, from one country to another, in the level of the tariffs charged by collective administration organisations, following negotiations with their contractual partners, cannot be considered in itself to constitute a reprehensible situation arising from the position which most of these organisations occupy on the market.

14- The exclusive rights conferred on authors by national legislation pursuant to the Berne Convention for the Protection of Literary and Artistic Works should not, even when they are exercised collectively, be overridden by legislative or administrative means, except to the limited extent permitted by the provisions of that Convention.

15- Within the framework of their international obligations concerning the protection of authors' rights and the promotion of culture, States have a duty to introduce and develop appropriate measures to support the collective administration of authors' rights with a view to improving the application of the national laws and international conventions on the subject.