

Assessing Copyright and Related Rights Systems

# Efficiency of Copyright as an Incentive to Create and Invest in Creative Works

Report on Piloting in Finland

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Focus: Literature (Book Publishing Industry)





cupore

**Assessing Copyright and Related Rights Systems: Efficiency of Copyright as an Incentive to Create and Invest in Creative Works – Focus: Literature (Book Publishing Industry). Report on Piloting in Finland.**

This report is the result of the first pilot study implementing Methodology Card 15 – *Stakeholders’ Opinions Concerning the Incentive Function of the Copyright System*, one of the 37 indicators constituting a methodology framework for assessing the operation of national copyright and related rights systems. The methodology framework has been developed at the Foundation for cultural policy research (Cupore) in Finland as part of a project financed by the Finnish Ministry of Education and Culture. The pilot study was conducted by Project Researcher Milla Määttä together with the core project team (Tiina Kautio and Nathalie Lefever) between April 2014 and January 2015. The results were first published in January 2015 on the website of Cupore.

*A handbook presenting the methodology framework is available on the website of Cupore at [www.cupore.fi](http://www.cupore.fi).*

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## Executive summary

This document presents data collected in application of a methodology framework to assess the operation of copyright and related rights systems. More precisely, the information and analysis below correspond to Methodology Card 15 presented in the methodology handbook, titled “Efficiency of Copyright as an Incentive to Create and Invest in Creative Works”<sup>1</sup>. The goal of this report is to provide an overview of the incentive function of the copyright system in the Finnish literature/book publishing industry.

The analysis is based on the assessment of the stakeholders’ opinions on the importance of copyright and the copyright system in encouraging creative work and publishing activities in the field of literature. The efficiency of the copyright system in creating economic incentives for the creation of works by authors and for book publishing is discussed together with information on different sources of income. The significance of moral rights provisions in motivating creative work is also covered. Other topics discussed in this study are the support (financial or otherwise) from the state and other parties as an incentive for the creative work of authors and translators of literature, and the significance of other incentives to the work in copyright-based industries than those generated by copyright. The information collected for this indicator is mainly subjective data collected through focus group studies. Focus is on the opinions of two focus groups 1) the representatives of Finnish authors and translators, and 2) Finnish publishers.

The representatives of authors and publishers had varying experiences on the possible barriers for creative work and exploitation of rights caused by legislation, public actions or compulsory administrative duties. The majority of the authors' representatives saw that copyright rules, although being complex, have not made the creative work of their members more difficult. On the contrary, most respondents in the focus group of publishers felt that there have been copyright rules which have complicated their copyright-based business activities.

Based on the results, the Finnish authors and translators of literature receive their income from various sources, and the importance of copyright revenue in their overall income varies. Hence, copyright revenue seems to be only one of the economic incentives motivating the creative work of authors and translators of literature. Also the moral rights provisions were considered to be important or highly important motivators for the creative work of authors and translators.

Nearly all interviewees in the focus group of publishers felt that the national copyright system is able to ensure proper remuneration for their work. However, some publishers noticed this was not always the case with digital publishing. Possible discontent concerning the level of remuneration is primarily related to the changes in the operational environment and the imbalances in the bargaining power of different parties in the book publishing industry.

Public and private financial support for the creative work was considered to be a highly important motivating factor for the members of the authors' organizations represented. They also ranked self-fulfillment and the possibility to receive income other than direct copyright revenue from working as a professional in the field of literature as highly important incentives for the creative work of authors and translators. Almost all respondents from authors' organizations classified also the contribution to the cultural environment and/or belonging to a social group as an important or highly important incentive.

All in all, copyright and the copyright system were considered important factors encouraging the creative work of authors and translators as well as publishing activities in the field of literature.

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<sup>1</sup> After the first publication of this pilot report, the title of this methodology card has been changed into “Stakeholders’ Opinions Concerning the Incentive Function of the Copyright System”.

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## Introduction

### **A. CONTEXT OF THE PILOT STUDY**

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A methodology framework for assessing the operation of national copyright and related rights systems has been developed at the Foundation for cultural policy research (Cupore) in Finland. It is a collection of tools for achieving a systematic assessment of the functioning, performance and balanced operation of national copyright and related rights systems.

In the methodology, the assessment is determined through a framework consisting of so-called description sheets and methodology cards. The description sheets constitute guidelines to produce a comprehensive presentation and description of a country's copyright and related rights system and its operating environment. The methodology cards propose the collection of specific sets of data, either quantitative, descriptive or qualitative, that will be used as indicators of the functioning, performance and balanced operation of the system. Description sheets and methodology cards are accompanied by detailed information on the data to be collected, as well as analysis guidelines that will help connect them to each other.

The methodology framework is meant to be continuously improved through application feedbacks. For more information, see the Cupore website, [www.cupore.fi/copyright.php](http://www.cupore.fi/copyright.php).

This report presents data collected in application of Methodology Card 15 of the methodology framework, titled "Efficiency of Copyright as an Incentive to Create and Invest in Creative Works"<sup>2</sup>. It is the result of the first pilot study applying this indicator in Finland.

This study was conducted by Project Researcher Milla Määttä together with the core project team (Tiina Kautio and Nathalie Lefever), between April 2014 and January 2015.

### **B. PRESENTATION OF THE INDICATOR**

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The indicator implemented here is part of the third pillar of the methodology framework, "Operational balance of the copyright system", and its first area, "Incentives". Its aim is to get a general understanding of the incentive function of the copyright system from the perspectives of different stakeholder groups, in order to support the analysis of the operation of the national copyright and related rights system.

As explained in the methodology handbook, this indicator can be used to analyze if copyright is effective as a motivator for the creation of copyrighted works, and for investing in their production and making available to the public/distribution.

An incentive could be understood as an expected potential of reward, either material (such as income) or immaterial, from the efforts in copyright-based industries, activities adding value to creative works and other copyrighted material (i.e. the work in copyright-based industries, such as the production and distribution processes), and investments in copyright-based activities. In order to build a complete picture of the issues motivating creative or other work in a copyright-based industry, and the issues motivating investment in copyright-based activities, also other incentives than those generated by copyright could be studied.

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<sup>2</sup> After the first publication of this pilot report, the title of this methodology card has been changed into "Stakeholders' Opinions Concerning the Incentive Function of the Copyright System".

In the context of this pilot study, the incentives are deemed as either economic (an expected potential of income or other award from creative effort) or other kinds of incentives relating to recognition of artists' and performers' work and protection of their moral rights.

### **Economic incentives**

Copyright grants a temporary, limited monopoly on reproduction, public performance, distribution, and communication to the public, including broadcasting. It enables the copyright holder to appropriate the reward of his efforts or other inputs through a price that is higher than the price that would be charged in a perfectly competitive market.

Whereas financial grants and subsidies to arts organizations and individual creators can be deemed as direct incentive mechanisms (paid by taxpayers), the copyright incentive is generated through the exclusive right granted to the creator (paid by the consumers of the copyrighted products and services) (Towse 2008, 247)<sup>3</sup>. The expected return on investment, on the other hand, can be deemed as a key driver of decisions for investors.

### **Other than economic incentives**

On the other hand, the incentives created by copyright might be other than economic, relating to recognition of artists' and performers' work and protection of their moral rights. When the economic rights of copyright generate extrinsic reward, the moral rights bring rewards that are almost entirely intrinsic, that is, based on motivation driven by the own interest and enjoyment of an individual (see for example Towse 2010 and Frey & Jegen 2001)<sup>4</sup>.

Analyzing both the extrinsic and intrinsic motivation will give an overall picture of the incentives generated by economic and moral rights. There might however be large differences between individuals in creating stimulus to creative activity through monetary and other incentives.

The sources of motivation, as well as the architecture of value creation differ between industries. For this reason, the different types of creative activities and creative industries should be analysed separately on these topics. Moreover, the methodology implemented in this study has been designed to be modular: it is possible to apply it to a national copyright system as a whole, or to specific sections of it. This study illustrates the use of the methodology when applied to one area of the copyright system: the literature/book publishing industry in Finland.

The area covered concerns both a specific subject matter and a particular industry. The subject matter selected, "literature", includes both fiction and non-fiction books published in Finland<sup>5</sup>. It does not include news publications, journals and periodicals. When analyzing the market for literature from the economic point of view, the focus is on the book publishing industry, including all actors involved into the creation and publication of a book on the Finnish market: typically writers, illustrators, translators and publishers. The distribution channels of books are not analyzed in this study.

This methodology card aims at building a complete picture of the issues motivating creative work and investment in copyright-based activities, but also discusses other incentives than those generated by copyright:

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<sup>3</sup> Towse, Ruth (2008). Why has cultural economics ignored copyright? *Journal of Cultural Economics* (2008) 32, pp. 243–259.

<sup>4</sup> Towse, Ruth (2010). Creativity, copyright and the creative industries paradigm. *Kyklos* Vol. 63, Issue 3, pp. 461-478, August 2010; Frey, Bruno S. & Jegen, Reto 2001. Motivation Crowding Theory. *Journal of Economic Surveys* Vol 15, No. 5, 589-611.

<sup>5</sup> When relevant, a distinction has been made between digital and physical material.

As presented in the methodology handbook, the alternative parameters for studying the incentive function of copyright could include the expected potential of income from creative effort, and the stakeholders' opinions on the significance of different copyright provisions in creating incentives. This pilot study concentrates on stakeholders' opinions on the significance of the copyright system and its different elements in motivating their work in the field of literature and in book publishing industry.<sup>6</sup>

In order to get a complete picture of the issues motivating the artistic work and the investment in copyright-based activities, other incentives than those generated by copyright have also been studied.

In order to study this aspect more in detail, the size of authors' income from different revenue sources was studied. In order to better understand the distribution of revenue between the authors and other stakeholders in the value chain, the different types of copyright revenue (royalty, salary, fee or other revenue) were included as background information.

This report follows the structure of the methodology card, covering the following topics:

- The importance of copyright and the copyright system in encouraging creative work and publishing activities in the field of literature;
- Barriers for creative work, copyright-based business activities and exploitation of rights caused by legislation, public actions or compulsory administrative duties;
- The efficiency of the copyright system in creating economic incentives for the creation of works by authors and for book publishing (including information on the different sources of income);
- The significance of moral rights provisions in motivating the creative work of authors;
- The support from the state and other parties as an incentive for the creative work of authors and translators of literature; and
- The significance of other incentives for the creative work of authors and translators of literature.

Methodology card 15 presenting the indicator can be found in Appendix A of this report.

### **C. METHODS**

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This pilot study is part of a package of six pilot studies applying the methodology for assessing the copyright and related rights system with a focus on the literature and book publishing industry. This package includes pilot studies made in application of the following indicators:

- *Description Sheet 4. Markets for Copyrighted Products and Services*
- *Description Sheet 11. Individual Exercise of Rights*
- *Methodology Card 15. Efficiency of Copyright as an Incentive to Create and Invest in Creative Works*
- *Methodology Card 18. Transaction Costs in Transfer and Licensing of Rights*
- *Methodology Card 19. Terms for Transfer and Licensing of Rights*
- *Methodology Card 22. Analysis of Stakeholders' Opinions.*

These studies provide relevant background and complementary information that were used when conducting this study and analyzing its results.

The information collected for this indicator is mainly subjective data that was collected through focus group studies, surveys and interviews with representatives of authors and book publishers. An initial desktop analysis was conducted to identify the relevant stakeholders in the industry and the existing literature.

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<sup>6</sup> Methodology Card 15 suggests assessing the incentive function of the copyright system through analyzing the opinions of different stakeholder groups. Definitions of the different stakeholder roles are presented in Pillar I of the methodology framework.

## ▪ DESKTOP STUDY AND EXPERT INTERVIEWS

Initial desktop analysis was necessary to identify the relevant stakeholders in the industry considered, and the elements of the copyright law and system that are most likely to affect these stakeholders.

Interviews with experts in the field of literature were conducted in order to better understand the operation of copyright in the industry, and to test the questionnaires that were used when conducting the focus group sessions.

## ▪ SELECTION OF PARTICIPANTS

Following the initial desktop study, participants were selected to take part in the focus groups. The main purpose was to gather a number of participants small enough to result in meaningful discussions, but representative enough to offer a broad overview of the opinions of the industry as a whole. Ideally, the focus groups composition should also cover as wide a selection of types of works (fiction books, non-fiction books, comics, works in both national languages and translations) as possible.<sup>7</sup>

The issue of representativeness was dealt with differently when deciding on the composition of each focus group. The stakeholder group of authors and translators is composed of representatives of the main organizations in the field. As described in the pilot report on *Description sheet 4. Markets for copyrighted products and services*, a number of organizations exist in Finland to represent the interests of this category of stakeholders and to support them with various issues connected to their work. As a result, these associations had the representativeness and the expertise necessary to be able to provide information on the functioning of the copyright system from the point of view of their members. The following representatives from these organizations were invited to take part in this study:

### *Focus group 1: Representatives of authors in the field of literature*

Karola Baran, Executive Director, The Finnish Association of Translators and Interpreters

Merete Jensen, Executive Director, Finlands Svenska Författareförening

Sonia Meltti, In-house Counsel, The Union of Finnish Writers

Suvi Oinonen, Executive Director, The Union of Finnish Writers

Jukka-Pekka Pietiäinen, Executive Director, The Finnish Association of Non-Fiction Writers

Kalervo Pulkkinen, Secretary, The Finnish Comics Professionals

The stakeholder group of publishers, on the other hand, is composed of a limited number of organizations which each deal with a large number of works. The idea was to have a balanced representation of publishers of both fiction and non-fiction. The group is therefore able to provide a broad overview of the issues connected to the copyright system. However, this category of stakeholders is also organized in associations, of which the widest in scope and the most representative is The Finnish Book Publishers Association<sup>8</sup>. It was therefore decided to invite a representative of this association together with individual publishers dealing with different categories of literature in the focus group. The following representatives were invited to take part in this study:

### *Focus group 2: Representatives of the Finnish book publishing industry*

Satu Kangas, Director/Copyright Expert, The Finnish Book Publishers Association

Antti Kasper, Editorial Director (Fiction), Otava Publishing Company Ltd

Vesa Kataisto, Editor (Comics), Arktinen Banaani

Tero Norkola, Publishing Director, Finnish Literature Society

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<sup>7</sup> For the purposes of the methodology implemented here, four main stakeholder roles in the copyright system were distinguished: authors and performers, professional users, intermediaries and end-users. This study focuses on the opinions of authors and professional copyright users.

<sup>8</sup> The 100 members of the association account for about 80 % of commercially published titles and over 70 % of book sales in Finland.

## ▪ QUESTIONNAIRES

For the purposes of this study, the questionnaires presented in the separate questionnaires toolkit were translated in Finnish and adapted in order to fit in an assessment of the operation of the Finnish copyright system in the field of literature and the book publishing industry. The questionnaires used in the focus group studies are presented in Appendix E.

In order to facilitate the discussion, the questionnaires were sent to the focus group members two weeks before the first group session and answered in writing. Based on these answers, a selection was made to determine the questions that required further discussion. The sets of topics covered in the focus group sessions were narrowed on the basis of this selection.

It should be kept in mind that although the methodology and the piloting studies are conducted in English, both the questionnaire's questions and answers and the opinions during the focus group meetings were provided in Finnish. Some translation issues have arisen, and some terms needed to be clarified together with the participants.

## ▪ FOCUS GROUP MEETINGS

The meetings with representatives of each focus group were organized on 06.06.2014 for the focus group of authors' organizations and on 17.06.2014 for the focus group of publishers.<sup>9</sup> The discussions were structured around the topics selected based on the questionnaires and took the form of a free-flowing conversation rather than a strict questions-answers format. The discussions were recorded and later transcribed. The discussions focused on certain topics that already were covered in the questionnaires but needed more clarification. As a result, some issues were not tackled in details while some topics that had not been part of the questionnaires were also covered. The answers provided in writing were revised orally after discussing the scope of the questions. In the results chapter, the answers provided in writing and the discussions during the focus groups meetings are clearly distinguished whenever necessary.

A list of national and international information sources used for this report as well as a list of interviewees and commentators can be found in the Appendices.

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<sup>9</sup> The discussions were conducted by Project manager Tiina Kautio (Moderator) and Project researcher Milla Määttä (Secretary).

## Results

The focus of this pilot report is on the stakeholders' opinions on the efficiency of copyright system in creating economic incentives and the significance of moral rights provisions in motivating creative work. Other topics covered in this study are the support (financial or otherwise) from the state and other parties as an incentive for creation, and the significance of other incentives for creative or other work in copyright-based industries than those generated by copyright.

When considering the results of this study, it should be kept in mind that the information provided by the participants are the results of their individual opinions and experiences. The subjective quality of their answers can result in contradictions between the opinions of participants in the same focus groups and the opinions of representatives of the two stakeholder categories interviewed. This study was not designed to be an objective overview of, for instance, the differences in the remuneration levels of stakeholders in the book publishing industry. Moreover, even though this study was designed to include a set of actors as representative as possible of the industry as a whole, it cannot be considered to present all the various points of view of actors in the industry.

### SECTION 1. IMPORTANCE OF COPYRIGHT AND THE COPYRIGHT SYSTEM IN ENCOURAGING CREATIVE WORK AND PUBLISHING ACTIVITIES IN THE FIELD OF LITERATURE

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The first topic of the study was the opinions of the stakeholders on the importance of copyright and the copyright system in encouraging creative work and investments in copyright-based activities in the field of literature in general. In addition, the experiences of the authors' representatives and the publishers on the possible barriers for creative work and exploitation of rights caused by legislation, public actions or compulsory administrative duties are discussed.

The *authors' organizations* were presented with the following questions:

- How do you consider the importance of copyright and the copyright system in encouraging creative work in the field of literature?<sup>10</sup>
- Have you come across copyright rules that made it difficult for the members of your organization to write or create?<sup>11</sup>
- Have you come across public actions or compulsory administrative duties that made it difficult for the members of your organization to exploit their rights in the course of trade?<sup>12</sup>

The focus group of *publishers* was presented with the following questions:

- How do you consider the importance of copyright and the copyright system in encouraging your publishing activities?<sup>13</sup>
- Have you come across copyright rules that made it difficult for your company to exploit its rights?<sup>14</sup>
- Have you come across public actions or compulsory administrative duties that made it difficult for your company to exploit its copyrights?<sup>15</sup>

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<sup>10</sup> The question presented in Finnish: *Kuinka tärkeitä edellytyksiä tekijänoikeus ja tekijänoikeusjärjestelmä ovat kirjailijana toimimiselle?*

<sup>11</sup> The question presented in Finnish: *Oletko kokenut, että tekijänoikeuslainsäädäntö olisi vaikeuttanut organisaatiosi jäsenkunnan luovaa työtä?*

<sup>12</sup> The question presented in Finnish: *Oletko kokenut, että jokin tekijänoikeuteen liittyvä julkinen toimenpide tai hallinnollinen velvoite olisi vaikeuttanut organisaatiosi jäsenkunnan tekijänoikeuksiin perustuvaa liiketoimintaa?*

<sup>13</sup> The question presented in Finnish: *Kuinka tärkeitä edellytyksiä tekijänoikeus ja tekijänoikeusjärjestelmä ovat kustannustoiminnalle?*

<sup>14</sup> The question presented in Finnish: *Oletko kokenut, että tekijänoikeuslainsäädäntö olisi vaikeuttanut tekijänoikeuksiin perustuvaa liiketoimintaanne?*

▪ **IMPORTANCE OF COPYRIGHT AND THE COPYRIGHT SYSTEM IN ENCOURAGING CREATIVE WORK AND THE WORK OF BOOK PUBLISHERS**

All authors' organizations were of the opinion that copyright and the copyright system are crucial factors encouraging creative work in the field of literature. Some respondents feel that unlike for example visual artists, authors and translators of literature have no opportunity to make a living by selling original manuscripts as their only sales object. Instead, their income is generated through the exclusive right granted to the creator in copyright legislation.

All the respondents in the focus group of publishers felt that copyright and the copyright system are important or highly important factors encouraging their publishing activities. Copyright is considered to be a fundamental precondition for all business activities in book publishing and an essential requirement for investing in publishing and producing books. It was stated during the focus group session that the copyright system also provides legal certainty and means to defend one's business against other business actors: for example, publishers feel that copyright enhances their bargaining power when negotiating over digital distribution and exploitation of creative contents on the Internet.

▪ **BARRIERS FOR CREATIVE WORK, COPYRIGHT BASED BUSINESS ACTIVITIES AND EXPLOITATION OF RIGHTS CAUSED BY LEGISLATION, PUBLIC ACTIONS OR COMPULSORY ADMINISTRATIVE DUTIES**

The majority of the respondents in the focus group of authors' organizations saw that *copyright rules* have not made the creative work of their members more difficult. The representatives of the authors and translators of literature feel that the copyright system has not been created to make things more complicated, but to facilitate contracting and the functioning of the market. Although complex, the system includes various provisions that make the use of existing works easier. Furthermore, copyright is regarded as a great concept which makes it possible to work as a professional author. It was also pointed out during the focus group session, that the system increases the bargaining power of individual authors by providing basic rules for the market of rights.

Only one respondent in the focus group of authors' organizations stated that they have come across certain *public actions or compulsory administrative duties* which have made it difficult for their members to exploit their rights in the course of trade. Examples of these kind of public actions or compulsory administrative duties are the mandatory open access standards applied in the academia and the exclusion of educational and research libraries out of the national remuneration system for public library lending.

In contrast, all except one of the respondents in the focus group of publishers felt that there have been copyright rules which have made their copyright based business activities more difficult. Examples of these rules mentioned by the respondents concerned:

- the length of the protection period;
- the incompatibility of certain provisions of the Copyright Act with electronic publishing;
- the extent of the limitations of copyright for example on public lending and educational use; and
- the two-tier protection of different types of photographs<sup>16</sup>.

Similarly, all except one of the publishers had come across public actions or compulsory administrative duties which had made their copyright based business activities difficult; however these kinds of

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<sup>15</sup> The question presented in Finnish: *Oletko kokenut, että jokin tekijänoikeuteen liittyvä julkinen toimenpide tai hallinnollinen velvoite olisi vaikeuttanut tekijänoikeuksiin perustuvaa liiketoimintaanne?*

<sup>16</sup> The two-tier protection of photographs means that there are different terms of protection for this category of works. Photographs that are considered as works of art are protected for 70 years (section 43 of the Copyright Act). Those that are not considered as works of art are protected for 50 years (section 49a of the Copyright Act). The difference between photographs and photographic works of art can be difficult to assess in practice.

situations have taken place only rarely. According to one respondent, the interests of Finnish publishers are poorly represented in the national extended collective licensing system, and the process of selecting the licensing organizations is not considered to be transparent/open. Furthermore, one respondent stated that the interests of publishers have been ignored also in the national system of remunerations for public library lending.

## **SECTION 2. THE EFFICIENCY OF COPYRIGHT SYSTEM IN CREATING ECONOMIC INCENTIVES**

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### **A. SOURCES OF INCOME FOR AUTHORS**

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The economic incentive created by copyright can be deemed as an expected potential of income from creative effort. In this study, the sources of income motivating the creative work of authors and translators of literature have been divided into three main categories:

- 1) *Copyright revenue*, including income generated through the exclusive right granted to the creator
- 2) *Direct incentive mechanisms*, including tax-based financial grants and subsidies to arts organizations and individual creators
- 3) *Other income from work related to the creative profession*, including e.g. rewards for public performance and teaching

The importance of copyright revenue and other income from the creative work has been studied by presenting a number of background questions to the representatives of the authors of Finnish literature in a questionnaire. In addition, information from previous studies focusing on the working life of Finnish authors has been provided when suitable.

In this section, the share of authors and translators working full time in their creative profession has been studied in order to assess whether or not authors and translators are able to provide for themselves financially through creative work. Other important background information is the size of an author's yearly income or turnover, as well as the main sources and the estimated size of direct copyright revenue and other income from creative work or work related to the creative profession.

#### **▪ SHARE OF AUTHORS AND TRANSLATORS WORKING FULL-TIME IN THEIR CREATIVE PROFESSION**

The authors' organizations were first asked to estimate the *share of their members who work as full-time authors or translators in the field of literature*<sup>17</sup>. According to the Union of Finnish writers and the Society of Swedish Authors in Finland (FSF), approximately 80 percent (altogether around 700 persons) of their members work full-time as professional authors of fiction. In contrast, the share of members working full-time as professionals in the field of literature was clearly smaller with regards to non-fiction writers, comics professionals and translators. Currently, a third of the members of Finnish Comics Professionals (around 30 persons) are actually working full-time in their creative profession. According to the Finnish Association of Non-fiction Writers, only 15 percent (450 persons) of their members work full-time as authors. Furthermore, approximately a fifth of the members of the Finnish Association of Translators and Interpreters (80 persons) are working as full-time translators.<sup>18</sup>

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<sup>17</sup> The question presented in Finnish: *Arvioi, kuinka suuri osuus organisaatiosi jäsenkunnasta työskentelee kirja-alalla päätoimisesti.*

<sup>18</sup> According to a study conducted by Kaija Rensujeff (The Arts Promotion Centre Finland), in 2010 nearly 80 percent of Finnish authors had worked over 10 years in their creative profession; see Rensujeff, Kaija (2014), *Taiteilijan asema 2010. Taiteilijakunnan rakenne, työ ja tulonmuodostus*, p. 41. Arts Promotion Centre Finland. Available at: <http://www.taike.fi/documents/10921/0/Taiteilijan+asema+2010.pdf>. Visited on 10.12.2014.

It was pointed out during the focus group session by the interviewees that the number of authors and translators of literature who have to work in another occupation for financial reasons, has been increasing altogether. The writers of non-fiction and fiction often work also for example as freelancers, teachers or academics, and in these cases it may be hard to define whether or not the person is working full-time as a literary author.

According to a study by Rensujeff (2014), only two percent of Finnish authors were in an employment relationship in 2010; the share of all artists included in Rensujeff 's study (which covered various fields of art) in an employment relationship was 25 percent. In contrast, over 60 percent of Finnish authors of literature were working as free artists that year (share of free artists out of artists of all fields being 36 %) and 23 percent were working as freelancers. It was pointed out also in this study, that authors rather have to work in other fields than literature in order to safeguard a certain level of income. The share of these authors (62 % out of the 37 % of authors who had had to work in other fields in 2010) has grown during the last decade. Furthermore, approximately a fourth of all Finnish authors perceived non-artistic work as their most important source of income.<sup>19</sup>

According to a survey of the Union of Finnish Writers, the share of those authors who had worked in other fields than literature in order to be able to continue in their literary profession was 52 percent. The study showed that grants are a highly important source of income for their members. Two thirds of the respondents had received a grant in 2010, the median being 8 500 euros.<sup>20</sup>

Rensujeff's study showed that the (taxable) income level of over 40 percent of Finnish authors was below 20 000 euros in 2010. A fifth of authors received an income of over 40 000 euros that year. However, the median income for the artistic work of authors in 2010 was only 5 000 euros and a fifth of all their taxable income.<sup>21</sup>

In conclusion, it seems that at the moment, the majority of non-fiction writers, comics professionals and translators of literature covered in this pilot study are not working full-time in their creative professions. The share of full-time writers seems to be higher in the field of fiction. However, it should be noted that this data concerns only the members of the authors' organizations represented in the focus group. Evidently, there are also authors and translators who are not members of these associations but who still provide their creative input in the field of literature. For example, the 80 percent share of the members of the Union of Finnish writers working full-time may seem high at first; however, the conditions for the membership of the association requires that the members have written at least two published works. Hence, the total share of Finnish authors and translators with another profession/job may be higher than the figures concerning the members of these organizations indicate.

#### ■ MAIN SOURCES OF COPYRIGHT REVENUE

Secondly, the respondents were asked to identify the *main sources of copyright revenue for their members* in 2013 by selecting them from a list of possible revenue types.<sup>22</sup> The following table

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<sup>19</sup> See Rensujeff, Kaija (2014), Taiteilijan asema 2010. Taiteilijakunnan rakenne, työ ja tulomuodostus, pp. 55–58, 70–89 and 95–96. Arts Promotion Centre Finland. Available at: <http://www.taike.fi/documents/10921/0/Taiteilijan+asema+2010.pdf>. Visited on 10.12.2014.

<sup>20</sup> For further information, see: Grönlund, Mikko (2011), Kirjailijoiden taloudellinen asema Suomessa 2010. Available at: [http://kirjailijaliitto-fi-bin.directo.fi/@Bin/1ae2d8ecc0dfbead897b025f551c37a6/1418292264/application/pdf/35172/Kirjailijat\\_tulotutkimusraportti-2010.pdf](http://kirjailijaliitto-fi-bin.directo.fi/@Bin/1ae2d8ecc0dfbead897b025f551c37a6/1418292264/application/pdf/35172/Kirjailijat_tulotutkimusraportti-2010.pdf). Visited on 10.12.2014.

<sup>21</sup> See Rensujeff, Kaija (2014), Taiteilijan asema 2010. Taiteilijakunnan rakenne, työ ja tulomuodostus, pp. 99–106. Arts Promotion Centre Finland. Available at: <http://www.taike.fi/documents/10921/0/Taiteilijan+asema+2010.pdf>. Visited on 10.12.2014.

<sup>22</sup> The question presented in Finnish: *Mitä seuraavista vaihtoehtoista lukeutuivat organisaatiosi jäsenkunnan suoraan tekijänoikeuteen perustuviin tulonlähteisiin vuonna 2013?* and *Mitä edellä luetelluista vaihtoehtoista ovat organisaatiosi jäsenkunnan pääasiallisimmat tekijänoikeuteen perustuvat tulonlähteet?*

represents the types of copyright revenue received by the members of the authors' associations included in the focus group:

| Table 1. Sources of copyright revenue in the field of literature.  |  |                              |                                      |                                  |   |
|--|--|------------------------------|--------------------------------------|----------------------------------|---|
|  | The Finnish Association of Non-Fiction Writers | The Union of Finnish Writers | Finlands Svenska författare-förening | The Finnish Comics Professionals | The Finnish Association of Translators and Interpreters |
| Estimation of the share of members who work as full-time authors or translators in the field of literature                           | 15 %   | >80 %                        | 80 %                                 | 30 %                             | 20 %  |
| Sources of copyright revenue for members in 2013   |  |                              |                                      |                                  |   |
| Royalty <sup>23</sup>  | X  | X                            | X                                    | X                                | X   |
| Fee <sup>24</sup>  | X  | X                            | X                                    | X                                | X   |
| Remunerations paid for public library lending <sup>25</sup>  | X  | X                            | X                                    | X                                | X   |
| License <sup>26</sup>  |  | X                            | X                                    | X                                | X   |
| Right <sup>27</sup>  | X  | X                            | X                                    |                                  | X   |
| Remunerations for derivative works <sup>28</sup>   |  | X                            | X                                    |                                  | X   |
| Grants and awards granted by authors' organizations on the basis of compensations for private copying and photocopying <sup>29</sup> | X  | X                            | X                                    | X                                | X   |
| Salary/wage <sup>30</sup>  | X  |                              |                                      |                                  |   |

According to all respondents, their members receive copyright revenue as royalties, fees, remunerations paid for public library lending and photocopying, as well as grants and awards distributed from private copying compensations. Licenses are relevant sources of income in all other fields except in non-fiction.

<sup>23</sup> Author's royalty from a publisher; in Finnish "Tekijänpalkkio (esim. kustannussopimuksessa määritelty rojaliti)".

<sup>24</sup> For example a lump sum payment for a single text written for a newspaper; in Finnish "Muu palkkio (esim. palkkio sanoma- tai aikakauslehteen laaditusta kirjallisesta työstä / palkkio juhlaruostasta)".

<sup>25</sup> In Finnish "Korvaukset yleisölle lainaamisesta kirjastoissa (lainauskorvaus)". See Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property, article 5.

<sup>26</sup> Exclusive or non-exclusive permission to use the author's work for example on a postcard; in Finnish "Käyttöluvasta (lisenssi) maksettava korvaus (esim. korvaus myönnetystä luvasta käyttää kirjallista teosta tai sen osaa muuttamattomana painetussa kortissa)".

<sup>27</sup> For example performing right, licensed by collective management organizations; in Finnish "Muu korvaus teoksen käytöstä tai julkaisesta esittämisestä (esim. Sanaston asiakkuussopimuksen perusteella tilittämät korvaukset teoksen esittämisestä runoilla tai teoksen käytöstä osana radio-ohjelmaa)".

<sup>28</sup> For example dramatizations; in Finnish "Korvaus oikeuden luovutuksesta muutettaessa teos toiseen teoslajiin (esim. kirjailijan saama korvaus teoksen dramatisoinnista / teoksen käytöstä säveltaiteen teoksessa)".

<sup>29</sup> In Finnish "Tekijäjärjestöjen jakamat apurahat ja palkinnot, jotka rahoitetaan yksityisestä kopioinnista ja valokopiointiluvista kerätyistä korvauksista (hyvitysmaksu ja valokopiointikorvaus)".

<sup>30</sup> Remuneration for works made under employment; in Finnish "Palkka (kirjailijalle työ- tai virkasuhteessa maksettu palkka)".

Comics professionals receive licensing income also from products based on, for example, comic characters and strips. Remunerations for adapting the work into other types of works (derivative works) are a relevant source of income only in the field of fiction. Remunerations for public performance or use were relevant in all other fields except in comics.

Interestingly, only non-fiction writers have received salary for their creative work. Remunerations have been paid as a salary for example for historical works and reports written for different kinds of organizations. Currently, especially the so-called "stakeholder-publishers", whose main business is not publishing, assign experts to compile written works in exchange for a salary or other type of lump sum remuneration.

Royalties paid by publishers were considered to be one of the most important sources of copyright revenue for the members of all organizations in the focus group. However, in the case of translators and also for example for anthologies and edited books, lump sum payments are typical. Lump sum fees paid for example for writings and comics published in newspapers and magazines are important sources of copyright revenue for comics professionals and non-fiction writers as well.<sup>31</sup>

Remunerations paid for adapting original literary works into other categories of works are important in the field of fiction. According to the Union of Finnish writers and the FSF, these kind of adaptations include for example dramatizations and audio works based on novels, poems and other types of fictional writings.

Grants distributed from private copying levies are considered to be important from the point of view of comics professionals and non-fiction writers. Furthermore, as non-fiction works are being offered for public lending widely in different types of organizations nationwide, the remunerations paid for public library lending are also an important source of copyright revenue for Finnish writers of non-fiction.

The Union of Finnish Writers and the Finnish Association of Non-fiction Writers have conducted studies on the income structure of their members. According to the latest income survey of the Union of Finnish Writers, the median gross income of their members from writing fiction works was only 2000 euros in 2010; however, the highest income gross income level was approximately 200 000 euros. The gross income level for literary work in the field of non-fiction exceeded 16 800 euros only in the case of 10 percent of the respondents. Furthermore, the median gross income for the respondents for all work related to their creative profession (including grants and awards) was approximately 9700 euros.<sup>32</sup>

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<sup>31</sup> The remuneration survey of the Union of Finnish Writers, conducted in May 2014, provided an up-to-date picture of the remuneration levels of the authors of Finnish fiction. The average royalty percentage for hardcovers has recently been 21 percent. However, a third of authors receive more royalty than the average percentage is. Average royalty for e-books, on the other hand, was 24 percent; however, this information is based only on the answers of 75 Finnish authors. Average royalty for paperbacks has been 13 %.

The study of the Union of Finnish Writers showed also that all respondents in their survey had assigned their works for publication in exchange for no compensation at all. Lump sum compensation for different types of texts (not book length) has been up to 4000 euros, but payments received by authors have varied greatly, evidently partly due to differences in the length of texts. Authors have evaluated that an appropriate compensation for a column is between 500 and 1500 euros and for an essay from 100 to 4000 euros. See: The Union of Finnish Writers, Palkkiokysely 2014. Available at: <http://www.kirjailijaliitto.fi/@Bin/6918988/palkkiokysely+2014+tulosten+yhteenveto.pdf>. Visited on 10.12.2014.

According to the Finnish Association of Non-fiction Writers, approximately in 50 percent of the cases the author's royalty is a prefixed percentage of the net sales of the book – the percentage typically being around 20 percent. It has also become more common that the royalty is progressive so that the percentage increases as certain sales goals are achieved. See: The Finnish Association of Non-fiction Writers (2013), Tietokirjailijan jäljillä. Suomen tietokirjailijat ry:n jäsentutkimus 2013, pp. 33–40. Available at: <http://suomentietokirjailijat-fi-bin.directo.fi/@Bin/235e85ab1bc8496a832f42f28fde1519/1418295146/application/pdf/273968/Jasentutkimus%202013.pdf>. Visited on 10.12.2014.

<sup>32</sup> For further information, see: Grönlund, Mikko (2011), Kirjailijoiden taloudellinen asema Suomessa 2010. Available at: [http://kirjailijaliitto-fi-bin.directo.fi/@Bin/1ae2d8ecd0dfbead897b025f551c37a6/1418292264/application/pdf/35172/Kirjailijat\\_tulotutkimusraportti-2010.pdf](http://kirjailijaliitto-fi-bin.directo.fi/@Bin/1ae2d8ecd0dfbead897b025f551c37a6/1418292264/application/pdf/35172/Kirjailijat_tulotutkimusraportti-2010.pdf). Visited on 10.12.2014.

## ▪ OTHER SOURCES OF INCOME FROM CREATIVE WORK OR WORK RELATED TO THE CREATIVE PROFESSION

Thirdly, the respondents were asked to point out *other sources of income from creative work or work related to the creative profession of their members* in 2013.<sup>33</sup> The members of all organizations represented in the focus group have received both public and private financial subsidies as different kinds of grants, awards and prizes. According to all respondents, authors and translators have also received rewards for teaching and performing in different kinds of events.<sup>34</sup>

## ▪ IMPORTANCE OF COPYRIGHT REVENUE FOR INDIVIDUAL AUTHORS

Finally, the respondents were asked to estimate *the current share of copyright revenue out of all income of their members*.<sup>35</sup> According to the representatives of fiction writers (FSF and Union of Finnish writers), only 15 percent of the income received by their members is based on copyright (sources of revenue listed in table 1). In contrast, for translators and comics professionals, the share of copyright revenue out of all income received for the creative work is higher: approximately 60 percent of the income received by translators and around 80 percent of income received by comics professionals for their creative work can be currently classified as copyright revenue. The share of copyright revenue out of income received by the members of the Finnish Association of Non-fiction Writers has not been studied, and no estimation has not been provided.

In conclusion, it seems that the authors and translators of literature in Finland receive the income for their creative work from various sources, and the financial importance of copyright revenue for individual authors and translators of literature varies. Hence, copyright revenue seems to be only one of the economic incentives motivating the creative work of authors and translators of literature. The interviewees still wanted to emphasize during the focus group session, that even though all individual money flows from different sources are financially rather small, copyright revenue is very important for the authors and translators of literature in a psychological sense.

## ***B. THE EFFICIENCY OF THE COPYRIGHT SYSTEM IN CREATING ECONOMIC INCENTIVES FOR THE CREATION OF WORKS BY AUTHORS***

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The analysis of the importance of the economic incentives for the creation of works by authors is based on the following questions presented to the authors' representatives in the questionnaire:

- How important do you consider the following issues (the question included a list of economic incentives, see below) in motivating the creative work of authors/translators?<sup>36</sup>
- According to your experience, how would you qualify the ability of your national copyright system (including rules, policies and enforcement of rights) in ensuring that copyrighted works and performances are properly remunerated?<sup>37</sup>

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<sup>33</sup> The question presented in Finnish: *Mitä muita tuloja organisaatiosi jäsenkuunta on saanut kirjailijan työstä vuonna 2013?*

<sup>34</sup> Only a fifth of the authors taking part in the survey of the Union of Finnish Writers had not performed in any event during the past two years. The median reward for these performances was 250 euros; however, over 70 percent of the authors stated that they would be willing to perform in events related to their work also for free. See: The Union of Finnish Writers, Palkkiokysely 2014. Available at: <http://www.kirjailijaliitto.fi/@Bin/6918988/palkkiokysely+2014+tulosten+yhteenveto.pdf>. Visited on 10.12.2014.

<sup>35</sup> The question presented in Finnish: *Arvioi, mikä osuus organisaatiosi jäsenkunnan tuloista tällä hetkellä on suoraan tekijänoikeuteen perustuvaa tuloa?*

<sup>36</sup> The question presented in Finnish: *Kuinka tärkeitä kannustimia seuraavat tekijät ovat kirjailijana/kääntäjänä toimimiselle?*

<sup>37</sup> The question presented in Finnish: *Arvioi kokemuksesi perusteella, kuinka tehokkaasti Suomen tekijänoikeusjärjestelmä (säännökset, politiikka, oikeuksien hallinnointi ja valvonta) kykenee takaamaan oikeudenhaltijoille asianmukaisen korvauksen heidän teostensa käytöstä.*

▪ **IMPORTANCE OF ECONOMIC INCENTIVES FOR CREATIVE WORK STEMMING FROM THE COPYRIGHT SYSTEM**

For the second question *How important do you consider the following issues in motivating the creative work of authors/translators?*, the respondents were provided a list of possible economic incentives for creative work stemming from the copyright system (copyright elements financially encouraging creation).<sup>38</sup> The list included the following examples:

- Author's exclusive rights to decide on the reproduction of the work and on making the work available to the public
- Authors' exclusive rights to deny the use of his work and demand remuneration for the use of the work
- Rights to equitable remuneration from public performance or communication to the public
- Private copy levy / fair remuneration system (right to get economic compensation for the private copying of copyrighted works)
- Remunerations paid for public library lending
- Other compensations and remunerations paid for the use of the work
- Possibility for the authors to transfer the rights on their works and the legal provisions facilitating it
- Possibilities for authors to protect their works internationally

All respondents considered the economic incentives stemming from the copyright system to be important or extremely important motivators for the creative work of authors and translators. However, during the focus group session, the representatives of the authors and translators of literature stated that it is actually very hard to estimate the importance of the economic incentives motivating the creative work of an individual author.

The interviewees stated that the copyright system itself is not the main incentive encouraging taking part in creative work. The interviewees feel that authors would write creative works even if no copyright protection existed. There are a lot of non-professional authors who are not interested in the rights they have, but rather on the fact that their creative work will be published and the public will have access to it. Furthermore, a factor motivating individual authors and translators for their creative work may also be the requests for works from the publishers' side.

The authors' organizations agreed that it is important that the copyright system and the economic rights provide individual authors the possibility to monetize their creations. The representatives of the authors feel that the copyright system is essential for working professionally as an author, and it assures a certain level of quality in the works that are made available to the public. For example, the opportunity provided by the copyright system for the individual authors to monetize their works and to transfer their rights makes it possible for individuals to work as a professional creator of learning materials, which may enhance the quality of learning materials produced. The interviewees feel that the economic incentives for creative work stemming from the copyright system are also evidently connected to the main objectives of the national copyright system, as they promote the dissemination of intellectual and artistic works, benefiting the society at large.

▪ **ABILITY OF THE NATIONAL COPYRIGHT SYSTEM TO ENSURE PROPER REMUNERATION FOR COPYRIGHTED WORKS AND PERFORMANCES**

The opinions of the respondents concerning the *ability of the national copyright system* (including rules, policies and enforcement of rights) *in ensuring proper remuneration for copyrighted works and performances* varied: there were those who believed that the system is able to ensure proper

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<sup>38</sup> The respondents had also the opportunity to point out other economic incentives for creative work stemming from the copyright system.

remuneration efficiently, but also those who felt that the system ensures proper remuneration inefficiently.

According to some respondents, the problems encountered concerning the level of remunerations are primarily related to the changes in the operational environment and in contractual practices of the book publishing industry and not to the copyright system. For example, a problem recognized by the representatives of the authors is related to the increased number of possible channels for using and accessing creative content: instead of authors' and translators, parties benefiting financially from the digital consumption of literature are different types of intermediaries and technology providers. According to the respondents, the willingness of users to pay for the contents has also been weakening in recent years. The representatives of the authors and translators feel that as a consequence, the quality of creative contents may worsen, as professional creative work becomes more difficult financially.

Direct incentive mechanisms (tax-based financial grants and subsidies to arts organizations and individual authors and translators of literature) have also been declining. Furthermore, some respondents felt that copyright legislation should ensure the fairness of contract terms more efficiently. According to some respondents, the inefficiency of the system to ensure proper remuneration is also connected to the negotiating culture and the imbalances in the bargaining power of different parties operating in the market for rights.<sup>39</sup>

### **C. THE EFFICIENCY OF THE COPYRIGHT SYSTEM IN CREATING ECONOMIC INCENTIVES FOR BOOK PUBLISHING**

The analysis of the stakeholders' opinions on the efficiency of the copyright system in creating economic incentives for book publishing is based on the following question presented to the focus group of publishers in the questionnaire:

- According to your experience, how would you qualify the ability of your national copyright system (including rules, policies and enforcement of rights) to ensure that the use of copyrighted works is properly remunerated?<sup>40</sup>

In addition to the question concerning the ability of the national copyright system to ensure proper remuneration for different right holders, the publishers were presented with the following question related to other incentives for publishing activities:

- Have you published works that were in the public domain (*e.g. protection period expired, orphan works*) at the time of the publication? <sup>41</sup>

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<sup>39</sup> The opinions of the stakeholders in the industry on their bargaining positions have been assessed in the pilot report on Methodology card 19 – *Terms for transfer and licensing of rights*.

The member study of the Finnish Association of Non-fiction Writers has also briefly touched upon the bargaining position of authors; some authors felt that they are in no position to bargain over the contract terms. It was also stated that the actual contracts are drafted after the book is almost finished, and the authors feel they have already committed to the publishing of the work and cannot back off from the contract even if the terms of were unfair from their perspective.

A clear majority (82 %) of non-fiction writers have signed a written publishing contract, whereas only 6 percent have made oral agreements with publishers. Furthermore, approximately seven percent of those authors who took part in the survey stated that their publishing contract did not explicitly express the scope of the rights assigned. See: The Finnish Association of Non-fiction Writers (2013), *Tietokirjailijan jäljillä*. Suomen tietokirjailijat ry:n jäsentutkimus 2013, pp. 33–40. Available at: <http://suomentietokirjailijat-fi-bin.directo.fi/@Bin/235e85ab1bc8496a832f42f28fde1519/1418295146/application/pdf/273968/Jasentutkimus%202013.pdf>. Visited on 10.12.2014.

<sup>40</sup> The question presented in Finnish: *Arvioi kokemuksesi perusteella, kuinka tehokkaasti Suomen tekijänoikeusjärjestelmä (säännökset, politiikka, oikeuksien hallinnointi ja valvonta) kykenee takaamaan oikeudenhaltijoille asianmukaisen korvauksen heidän teostensa käytöstä.*

<sup>41</sup> The question presented in Finnish: *Oletteko julkaisseet teoksia, joiden suoja on rauennut tai jotka eivät muuten saa tekijänoikeussuojaa (esim. tilanne, jossa tekijää ei löydy)?*

#### ▪ **ABILITY OF THE NATIONAL COPYRIGHT SYSTEM TO ENSURE PROPER REMUNERATION FOR RIGHT HOLDERS**

Nearly all respondents in the focus group of publishers felt that the national copyright system is efficient in ensuring proper remuneration for copyrighted works and performances. The publishers focused mainly on the remunerations received by the original authors: according to one respondent, only in situations, where the original author or other right holder of a work is impossible to identify, the works are not being properly remunerated.

It was pointed out that without the protection provided by the system, no right holder would be able to prevent unauthorized use of the works they have created or produced. In order to ensure that publishers also receive a proper remuneration for the work they have produced, it is beneficial for them to acquire rights with a scope as wide as possible. The publishers also highlighted the importance of the possibility to transfer rights; for example in the case of book publishing, it is the publisher who produces the end-product and invests in monetizing the original creation.

The ability of the national copyright system in ensuring that the investments and business activities related to the production and distribution of copyrighted works are secured was also discussed during the focus group session. According to the interviewees, the businesses of larger publishing houses have been clearly profitable in recent years. However, print sales have decreased, and although there clearly is demand for digital books, the Finnish e-book market is not as developed as in the English speaking market. Some respondents also feel that consumers are willing to pay less for accessing a work than before.

According to the interviewees, e-book publishing clearly requires investments from the publishers. However, there have been situations where the publishers have felt that the legal practice has unnecessarily favored authors and translators of literature when individual publishing contracts have been interpreted in courts. Due to the narrow interpretation of older publishing contracts, where the transfer of all publishing rights has been considered not to include digital publishing, some interviewees feel that the investments of publishers made during the production of books are not properly protected by the law.

#### ▪ **MOTIVATION TO PUBLISH WORKS IN THE PUBLIC DOMAIN**

All except one of the publishers in the focus group have published works that were in the public domain at the time of the publication. Publishers were asked to tell about the motivating factors behind publishing copyright-free literary works during the focus group session. Publishing public domain works was considered to be highly non-profitable as royalties and other copyright based remunerations are only a fraction of the costs related to publishing a book. According to the interviewees, publishers provide public domain works because they want to support for example research and education in some field. Demand for some literature classics exists also after the protection period expires, and some publishers consider it as an important part of their work to preserve culture, even when it is not profitable. The interviewees emphasized that even though many of the original classics of literature may already be in the public domain, the fact is that not too many translation rights for their Finnish versions have expired yet.

### SECTION 3. THE SIGNIFICANCE OF MORAL RIGHTS PROVISIONS IN MOTIVATING THE CREATIVE WORK OF AUTHORS

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The significance of the rewards brought by moral rights is examined by reviewing the opinions of the representatives of Finnish authors and translators. The incentives other than monetary can be significant, especially for authors. Recognition of artists' and performers' work, and protection of their moral rights are likely to breed considerable incentives creating stimulus to creative activity.

The focus group of authors' organizations was provided with a list of possible motivating factors<sup>42</sup> for creative work stemming from moral rights provisions (non-economic incentives stemming from the copyright system), accompanied with the question:

- How important do you consider the following issues in motivating the creative work of authors/translators?<sup>43</sup>
  - Existence of protection of an author's or performer's non-commercial interests and personal interests in his work (moral rights in general)
  - Right to attribution (requirement to acknowledge or credit the author of a work which is used or appears in another work) or right to claim authorship
  - Right to the integrity of the work (forbids any alternation, distortion or mutilation of the work that may detract from the artist's relationship with the work)
  - Right to have a work published anonymously or pseudonymously
  - Right to the respect of the author's honor and reputation (forbids for instance the use of one's name on any work the author did not create or on a work distorted, altered or mutilated in a way that would be prejudicial to the author's honor or reputation)
  - Right of publication (right to decide when the work may first be made available to the public)
  - Right of withdrawal (prevent further reproduction, distribution or representation in return for compensation paid to the distributor of the work for the damage done to him)

Nearly all moral rights provisions listed were considered to be important or highly important motivators for the creative work of authors and translators. Some interviewees noted that it is important also from the consumers' point of view to know the author of a book (name as a sign of quality). The authors' representatives feel also that, compared to music for instance, it is rather clear in the field of literature that using an authors' work as part of another persons' work is not considered as acceptable.

### SECTION 4. THE SUPPORT FROM THE STATE AND OTHER PARTIES AS AN INCENTIVE FOR THE CREATIVE WORK OF AUTHORS AND TRANSLATORS OF LITERATURE

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In addition to economic and non-economic incentives for creative work stemming from the copyright system, the representatives of authors and translators were asked to share their opinions concerning the importance of other incentives for the creative work of their members than those generated by copyright. In this section, the importance of the direct incentive mechanisms, including support from the state and other parties have been studied.

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<sup>42</sup> The respondents had also the opportunity to point out other incentives for creative work stemming from the moral rights provisions.

<sup>43</sup> The question presented in Finnish: *Kuinka tärkeitä kannustimia seuraavat tekijät ovat kirjailijana/kääntäjänä toimimiselle?*

According to the interviewees in the focus group of authors' organizations, public and private financial support for the creative work was considered to be a highly important motivating factor for their members. One interviewee stated that the significance of grants is highlighted by the fact that there are a number of literary works that would never have been created without the possibility to work full time in the creative work. The focus group was also of the opinion that the better the individual authors or translators of works want to provide for themselves through creative work, the more important are also the grants and other financial support from the state and private organizations.

The importance of public and private financial support has been pointed out also in Rensujeff's (2014) study; for 18 percent of authors, grants were perceived as the most important source of income in 2010. The average amount of grants received in 2010 was 7 950 euros. Furthermore, receiving an award or some other acknowledgement has been regarded as a starting point for the careers of many Finnish authors.<sup>44</sup> As stated before, the study of the Union of Finnish Writers showed also that grants are a highly important source of income for their members: the median for grants in their study was 8 500 euros in 2010.<sup>45</sup>

## **SECTION 5. THE SIGNIFICANCE OF OTHER INCENTIVES FOR THE CREATIVE WORK OF AUTHORS AND TRANSLATORS OF LITERATURE**

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In this section, the significance of the other incentives for the creative work of authors and translators of literature are discussed. These incentives can include for example the recognition of artists' and performers' work and the feelings of self-fulfillment and satisfaction of working in a specific profession or industry.

The authors' representatives were asked to evaluate the significance of the following examples<sup>46</sup> of incentives for the creative work of their members than those generated by copyright:

- Self-fulfillment
- Public recognition, fame and reputation
- Influencing people / Taking part in or stirring public debate<sup>47</sup>
- Contribution to the cultural environment and/or belonging to a social group
- Possibility to receive income other than direct copyright revenue from working professionally as an author/translator/illustrator

Self-fulfillment and the possibility to receive income other than direct copyright revenue from working as a professional in the field of literature were considered to be highly important incentives for the creative work of authors and translators by all respondents in the focus group. All except one respondent classified contribution to the cultural environment and/or belonging to a social group also as an important or highly important incentive.

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<sup>44</sup> See Rensujeff, Kaija (2014), *Taiteilijan asema 2010. Taiteilijakunnan rakenne, työ ja tulonmuodostus*, pp. 42, 70–76, 95–98 and 106–117. Arts Promotion Centre Finland. Available at: <http://www.taike.fi/documents/10921/0/Taiteilijan+asema+2010.pdf>. Visited on 10.12.2014.

<sup>45</sup> For further information, see: Grönlund, Mikko (2011), *Kirjailijoiden taloudellinen asema Suomessa 2010*. Available at: [http://kirjailijaliitto-fi-bin.directo.fi/@Bin/1ae2d8ccd0dfbead897b025f551c37a6/1418292264/application/pdf/35172/Kirjailijat\\_tulotutkimusraportti-2010.pdf](http://kirjailijaliitto-fi-bin.directo.fi/@Bin/1ae2d8ccd0dfbead897b025f551c37a6/1418292264/application/pdf/35172/Kirjailijat_tulotutkimusraportti-2010.pdf). Visited on 10.12.2014.

<sup>46</sup> The respondents had also the opportunity to point out other incentives for creative work.

<sup>47</sup> In Finnish: "Yhteiskunnallinen vaikuttaminen/Osallistuminen julkiseen keskusteluun tai keskustelun herättäminen".

The opinions of the stakeholders on the significance of public recognition, fame and reputation as a motivating factor for authors and translators of literature varied. According to one interviewee, if an author wants his work to be published, there are always at least some hopes of publicity and expectations of being identified as the author of the book. Furthermore, in the field of non-fiction, expertise is considered to be a good quality for an author, but the status of an expert can be also acquired through publications. Publicity can thus be a very significant incentive for individual authors. Publicity and public performances of authors and translators are also ways of marketing one's work, which can be used by the authors and translators of literature to achieve a higher financial return for their creative effort.

For non-fiction writers, comics professionals and translators also the possibility to influence people and to take part in or to stir public debate through literary works is an important motivator for creative work.

The interviewees felt, however, that it is hard to identify the issues motivating individual authors, and the results should be interpreted accordingly.

## Conclusions

### A. ANALYSIS AND SUMMARY OF THE RESULTS

Both the focus groups of the authors' organizations and publishers agree that copyright and the copyright system in general are crucial factors encouraging their activities. Furthermore, copyright is considered a fundamental precondition for all business activities in the book publishing industry, providing legal certainty and means to compete with other business actors.

According to authors' organizations, *copyright rules* had not made the creative work of their members more difficult. Although complex, the copyright system facilitates the use of existing works and makes it possible for individuals to work as professional authors. On the contrary, almost all the respondents in the focus group of publishers felt that there have been copyright rules which have complicated their copyright-based business activities. Examples of such rules mentioned by the respondents concerned:

- the length of the protection period;
- the incompatibility of certain provisions of the Copyright Act with electronic publishing;
- the extent of the limitations of copyright for example on public lending and educational use; and
- the two-tier protection of different types of photographs<sup>48</sup>.

Both focus groups also discussed *public actions or compulsory duties* making it difficult to exploit the rights. Cases mentioned in the focus group of authors' organizations concerned:

- the mandatory open access standards applied in the academia; and
- the exclusion of educational and research libraries out of the national remuneration system for public library lending.

Among the publishers, most had come across difficulties, albeit only rarely, resulting from the following issues:

- The interests of Finnish publishers are poorly represented in the national extended collective licensing system and in the national system on remuneration for public library lending;
- The process of selecting the licensing organizations is not transparent.

#### ▪ THE EFFICIENCY OF COPYRIGHT SYSTEM IN CREATING ECONOMIC INCENTIVES

The share of authors and translators working full time in their creative profession was studied in order to assess whether or not authors and translators are able to provide for themselves financially through creative work. It seems that at the moment, the majority of non-fiction writers, comics professionals and translators of literature represented by the organizations are not able or willing to work full-time in their creative professions. Furthermore, the number of authors and translators of literature that work in another occupation for financial reasons has been increasing in recent years.

The members of the authors' organizations represented receive copyright revenue as

- royalties: the most important source of copyright revenue for the members of all organizations in the focus group;
- fees: writings and comics published in newspapers and magazines are an important source of copyright revenue for comics professionals and non-fiction writers;
- remunerations paid for public library lending and photocopying: also an important source of copyright revenue for Finnish writers of non-fiction;

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<sup>48</sup> The two-tier protection of photographs means that there are different terms of protection for this category of works. Photographs that are considered as works of art are protected for 70 years (section 43 of the Copyright Act). Those that are not considered as works of art are protected for 50 years (section 49a of the Copyright Act). The difference between photographs and photographic works of art can be difficult to assess in practice.

- grants and awards distributed from private copying compensations: particularly important sources of copyright revenue for comics professionals and non-fiction writers; the members of all organizations represented in the focus group of authors and translators have received both public and private financial subsidies as different kinds of grants, awards and prizes;
- salaries: only non-fiction writers had received salary for their creative works, such as historical works and reports written for different kinds of organizations;
- remunerations for transformative use, e.g. dramatizations and audio works based on novels, poems and other types of fictional writings: a relevant source of income only in the field of fiction;
- remunerations for public performance or use: relevant in all fields except in comics; the members of all organizations have also received rewards for teaching and performing in different kinds of events.

According to the representatives of fiction writers, only 15 percent of the income received by their members is based on copyright. In contrast, approximately 60 percent of the income received by translators and around 80 percent of income received by comics professionals for their creative work can be currently classified as copyright revenue.

Furthermore, the ability of the national copyright system to ensure proper remuneration for copyrighted works and performances was discussed. The opinions of the respondents concerning the ability of the national copyright system (including rules, policies and enforcement of rights) in ensuring proper remuneration for different right holders varied. Nearly all respondents in the focus group of publishers felt that the national copyright system is able to ensure proper remuneration for copyrighted works and performances efficiently. Without the protection provided by the system, no right holder would be able to prevent unauthorized use of the works they have created or produced. However, the authors' organizations were also of the opinion that copyright legislation should ensure the fairness of contract terms more efficiently.

Problems concerning the level of remunerations are primarily related to the changes in the operational environment and to the contractual practices and the imbalances in the bargaining power of different parties in the book publishing industry. Direct incentive mechanisms (tax-based financial grants and subsidies to arts organizations and individual authors and translators of literature) have also been declining. Furthermore, due to the narrow interpretation of older publishing contracts, where the transfer of all publishing rights has been considered not to include digital publishing, some publishers feel that the investments of publishers made during the production of books are not properly protected by the law.

#### ▪ THE SIGNIFICANCE OF MORAL RIGHTS PROVISIONS IN MOTIVATING THE CREATIVE WORK OF AUTHORS

The focus group of authors' organizations was provided with the following list of possible motivating factors for creative work stemming from moral rights provisions:

- Existence of protection of an author's or performer's non-commercial interests and personal interests in his work (moral rights in general)
- Right to attribution (requirement to acknowledge or credit the author of a work which is used or appears in another work) or right to claim authorship
- Right to the integrity of the work (forbids any alternation, distortion or mutilation of the work that may detract from the artist's relationship with the work)
- Right to have a work published anonymously or pseudonymously
- Right to the respect of the author's honor and reputation (forbids for instance the use of one's name on any work the author did not create or on a work distorted, altered or mutilated in a way that would be prejudicial to the author's honor or reputation)
- Right of publication (right to decide when the work may first be made available to the public)

- Right of withdrawal (prevent further reproduction, distribution or representation in return for compensation paid to the distributor of the work for the damage done to him)

Nearly all moral rights provisions listed were considered to be important or highly important motivators for the creative work of authors and translators. It is important also from the consumer point of view to know the author of a book. Especially in the field of literature using an authors' work as part of another persons' work is considered not to be acceptable.

#### ▪ THE SIGNIFICANCE OF OTHER INCENTIVES

Public and private financial support for the creative work was considered to be a highly important motivating factor for the members of the authors' organizations. A number of literary works would never have been created without the possibility of working full-time. Self-fulfilment and the possibility to receive income other than direct copyright revenue from working as a professional in the field of literature were also considered to be highly important incentives, as were the contribution to the cultural environment and/or belonging to a social group.

The representatives of authors' organizations had varying opinions on the significance of public recognition, fame and reputation as a motivating factor for authors and translators of literature varied. Publicity and recognition of expertise can be very significant incentives for individual authors. Publicity and public performances of authors and translators are also ways of marketing one's work and achieving a higher financial return for their creative effort.

Non-fiction writers, comics professionals and translators also enjoy the possibility to influence people and to take part in or to stir public debate through literary works.

Almost all publishers in the focus group have published works that were in the public domain at the time of the publication. Although it is considered to be non-profitable, publishers want to support research and education in certain fields and consider publishing public domain works to be preserving culture work.

#### ▪ GENERAL REMARKS

In conclusion, it seems that publishers are satisfied with the capacity of the copyright system to create incentives for publishing activities, even though some individual copyright rules and administrative requirements create difficulties in their operation. The situation is more complex from the point of view of authors and translators of literature. In Finland, they receive the income for their creative work from various sources, and the financial importance of copyright revenue for individual authors and translators of literature varies. Copyright revenue seems to be only one of the economic incentives motivating the creative work of authors and translators of literature. However, even though all individual money flows from different sources are financially rather small, all respondents considered the economic incentives stemming from the copyright system as important or extremely important motivators for the creative work of authors and translators. It is considered important that the copyright system and the economic rights provide individual authors the possibility to monetize their creations in order to assure a certain level of quality in the works that are made available to the public. Moreover, moral rights are also highly important motivating factors for authors and translators, as are other psychological factors not related to copyright. It seems that altogether, the copyright system itself was not seen as the main incentive encouraging creative work, as authors would engage in the work even if no copyright protection existed.

## ***B. METHODOLOGICAL FINDINGS***

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### ▪ **LIMITATIONS**

The interviewees were of the opinion that it is hard to identify the incentives and motivators of individual authors, and the results should be interpreted accordingly.

### ▪ **GUIDELINES FOR FUTURE RESEARCH**

The data should offer a thorough but focused picture of the industry in question. In the case of Finland, data on book publishing industry was relatively easily available. This might, however, not be the case with other industries.

The time needed for this pilot study will depend on the availability of relevant information sources. In the case of Finland, the workload for collecting data and drafting this report could be evaluated at three weeks of full-time work. The information was collected for a package of pilot studies which reduced the total time needed for the study. This should be noticed when planning future studies based on the methodology card.

## Appendices

### A. METHODOLOGY CARD

Methodology card as presented in the Methodology Handbook, version 20.12.2013.

| Aspect:<br>Incentive           | Methodology card 15. The efficiency of copyright as an incentive to create and invest in creative works   |   |
|--------------------------------|---|---|
| Key question                   | What are the opinions of the different stakeholders concerning the efficiency of the copyright system in providing incentives for creation, for activities adding value to creative works (such as the work in copyright-based industries) and for investments in copyright-based activities?   |   |
| Type of data                   | <i>subjective data</i>  |   |
| Description                    | <p>Analysis of stakeholders' opinions on the incentive function of the copyright system. The opinions of the following stakeholders could be collected<sup>49</sup>:</p> <ul style="list-style-type: none"> <li>- creators</li> <li>- performers</li> <li>- professional copyright users that are granted specific rights by law (such as producers of phonograms and films or broadcasting organizations)</li> <li>- professional copyright users without specific rights granted by law</li> </ul>  |   |
| Parameters to measure          | <ol style="list-style-type: none"> <li>1. <b>Stakeholders' opinions on the efficiency of copyright system in creating economic incentives</b></li> <li>2. <b>Creators' and performers' opinions on the significance of moral rights provisions in motivating their creative work</b></li> </ol> <p><u>Additional information:</u></p> <ol style="list-style-type: none"> <li>3. <b>Stakeholders' opinions on the support (financial or otherwise) from the state and other parties as an incentive for creation</b></li> <li>4. <b>Stakeholders' opinions on the significance of other incentives for their creative work (or other work in copyright-based industries) than those generated by copyright</b> (consider for example the recognition of artists' and performers' work, the feelings of self-fulfillment and satisfaction of working in a specific profession or industry)</li> </ol> |   |
| Guidelines for data collection | <p>The information can be collected by the means of a survey, stakeholder interviews or focus group studies.</p> <p><b><i>Exemplary questionnaires for surveys and interviews are presented in a separate toolkit.</i></b></p>  |   |
| Definitions                    | <i>Moral rights</i>   | <i>Rights created by copyright that do not result in economic advantage and that are not transferable. Moral rights include for example the right of attribution, the right to have a work published anonymously or pseudonymously, and the right to the integrity of the work.</i> |
| Limitations of the indicator   | There might be large differences between individuals in creating stimulus to creative activity through monetary and other incentives.   |   |

<sup>49</sup> Definitions of the different stakeholder roles are presented in Pillar I of the methodology framework.

## **B. INFORMATION SOURCES**

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### **International:**

- Bruno S. Frey and Reto Jegen, 2001: Motivation Crowding Theory. *Journal of Economic Surveys* Vol 15, No. 5, 589-611
- Ruth Towse, 2008: Why has cultural economics ignored copyright? *Journal of Cultural Economics* (2008) 32, pp. 243–259.
- Ruth Towse, 2010: Creativity, copyright and the creative industries paradigm. *Kyklos* Vol. 63, Issue 3, pp. 461-478, August 2010.

### **Finland:**

- Kaija Rensujeff, 2014: Taiteilijan asema 2010. Taiteilijakunnan rakenne, työ ja tulonmuodostus. Arts Promotion Centre Finland. Available at: <http://www.taike.fi/documents/10921/0/Taiteilijan+asema+2010.pdf>.
- Mikko Grönlund, 2011: Kirjailijoiden taloudellinen asema Suomessa 2010. Available at: [http://kirjailijaliitto-fi-bin.directo.fi/@Bin/1ae2d8ecd0dfbead897b025f551c37a6/1418292264/application/pdf/35172/Kirjailijat\\_tulotutkimusraportti-2010.pdf](http://kirjailijaliitto-fi-bin.directo.fi/@Bin/1ae2d8ecd0dfbead897b025f551c37a6/1418292264/application/pdf/35172/Kirjailijat_tulotutkimusraportti-2010.pdf).
- The Finnish Association of Non-fiction Writers (2013), Tietokirjailijan jäljillä. Suomen tietokirjailijat ry:n jäsentutkimus 2013. Available at: <http://suomentietokirjailijat-fi-bin.directo.fi/@Bin/235e85ab1bc8496a832f42f28fde1519/1418295146/application/pdf/273968/Ja-sentutkimus%202013.pdf>.
- The Union of Finnish Writers, Palkkiokysely 2014. Available at: <http://www.kirjailijaliitto.fi/@Bin/6918988/palkkiokysely+2014+tulosten+yhteenveto.pdf>.

## **C. CONSULTED PARTIES**

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### **Expert interviews:**

- Sakari Laiho, Director, The Finnish Book Publishers Association (Interviewed on 08.04.2014)
- Suvi Oinonen, Executive Director and Tuula-Liina Varis, Chairman, The Union of Finnish Writers (Interviewed on 09.04.2014)
- Annaliina Rintala, Secretary General, WSOY Literature Foundation (Interviewed on 14.04.2014)

### **Focus group of authors' organizations** (Interviewed on 06.06.2014):

- Karola Baran, Executive Director, The Finnish Association of Translators and Interpreters
- Merete Jensen, Executive Director, Finlands Svenska Författareförening
- Sonia Meltti, In-house Counsel, The Union of Finnish Writers
- Suvi Oinonen, Executive Director, The Union of Finnish Writers
- Jukka-Pekka Pietiäinen, Executive Director, The Finnish Association of Non-Fiction Writers
- Kalervo Pulkkinen, Secretary, The Finnish Comics Professionals

### **Focus group of publishers** (Interviewed on 17.06.2014):

- Satu Kangas, Director/Copyright Expert, The Finnish Book Publishers Association
- Antti Kasper, Editorial Director (Fiction), Otava Publishing Company Ltd
- Vesa Kataisto, Editor (Comics), Arktinen Banaani
- Tero Norkola, Publishing Director, Finnish Literature Society
- Anna Suominen, Rights Manager, Werner Söderström Corporation / Bonnier Books Finland

**The questionnaires are based on a set of exemplary questions for surveys, interviews and focus group studies that can be found in a separate toolkit of questionnaires.**

## **KYSELY KIRJA-ALAN TEKIJÄJÄRJESTÖILLE**

*Tämä pilottitutkimus on osa Kulttuuripoliittisen tutkimuksen edistämissätiössä (Cupore) käynnissä olevan tekijänoikeusjärjestelmän toimivuuden arviointihankkeen kokonaisuutta ja keskittyy valikoituihin tekijänoikeuskysymyksiin kirja-alalla. Hankekokonaisuudesta löytyy tietoa Kulttuuripoliittisen tutkimuksen edistämissätiön (Cupore) internetsivuilta: <http://www.cupore.fi>.*

*Tämä kysely käsittelee 6.6. klo 9:30-12:30 järjestettävässä ryhmähaastattelussa esiin nostettavia teemoja ja toimii ryhmähaastattelun esikartoituksena. Pyydämme osallistujia vastaamaan kysymyksiin ja **palauttamaan kyselyn ma 26.5. mennessä** osoitteeseen --.--@cupore.fi.*

### **Ohjeita vastaajalle:**

*Kysymyksiin vastataan sen organisaation puolesta, jota vastaaja edustaa. Vastaukset käsitellään luottamuksellisesti ja mikäli osallistujat eivät halua tuoda nimiään tai organisaatiotaan julki tutkimusraportissa, näin voidaan erillisestä pyynnöstä toimia. Kyselyn täyttämiseen tarvittava aika on n. 30 minuuttia. Kiitos ajastanne!*

|              |
|--------------|
| TAUSTATIEDOT |
|--------------|

1. Valitse seuraavista vaihtoehdoista yksi tai useampi kategoria, joka parhaiten kuvaa organisaatiosi jäsenkunnan tuotantoa.

- Kaunokirjallisuus (kertomakirjallisuus (proosa, epiikka) ja runous)
- Draama (näytelmät, kuunnelmat, elokuva- ja televisiokäsikirjoitukset)
- Sarjakuva
- Lasten- ja nuortenkirjallisuus
- Tietokirjallisuus
- Oppimateriaali tai –kirjallisuus
- Käännökset
- Muu, mikä?

Mikä on organisaatiosi jäsenkunnan koko?

2. Arvioi, kuinka suuri osuus organisaatiosi jäsenkunnasta työskentelee kirja-alalla päätoimisesti: prosenttia
3. Mitkä seuraavista vaihtoehdoista lukeutuivat organisaatiosi jäsenkunnan suoraan tekijänoikeuteen perustuviin tulonlähteisiin vuonna 2013? Valitse yksi tai useampi vaihtoehto. (Suluissa mainittu esimerkkejä.)

- Palkka (kirjailijalle työ- tai virkasuhteessa maksettu palkka)
- Tekijänpalkkio (esim. kustannussopimuksessa määritelty rojaltili)

- Muu palkkio (esim. palkkio sanoma- tai aikakauslehteen laaditusta kirjallisesta työstä / palkkio juhlarunosta)
- Käyttöluvasta (lisenssi) maksettava korvaus (esim. korvaus myönnetystä luvasta käyttää kirjallista teosta tai sen osaa muuttamattomana painetussa kortissa)
- Korvaus oikeuden luovutuksesta muutettaessa teos toiseen teoslajiin (esim. kirjailijan saama korvaus teoksen dramatisoinnista / teoksen käytöstä säveltaiteen teoksessa)
- Korvaukset yleisölle lainaamisesta kirjastoissa (lainauskorvaus)
- Muu korvaus teoksen käytöstä tai julkisesta esittämisestä (esim. Sanaston asiakkuussopimuksen perusteella tilittämät korvaukset teoksen esittämisestä runoillassa tai teoksen käytöstä osana radio-ohjelmaa)
- Tekijäjärjestöjen jakamat apurahat ja palkinnot, jotka rahoitetaan yksityisestä kopioinnista ja valokopiointiluvista kerätyistä korvauksista (hyvitysmaksu ja valokopiointikorvaus)
- Muu, mikä?

Mitkä edellä luetelluista vaihtoehtoista ovat organisaatiosi jäsenkunnan pääasiallisimmat tekijänoikeuteen perustuvat tulonlähteet (mainitse 1-3 pääasiallisinta tulonlähdettä):

4. Mitä muita tuloja organisaatiosi jäsenkunta on saanut kirjailijan työstä vuonna 2013?

- Apuraha
- Palkinto
- Esiintymispalkkio (esim. kirjailijavierailu tai esiintyminen televisiossa)
- Opetuspalkkio
- Muu, mikä?

5. Arvioi, mikä osuus organisaatiosi jäsenkunnan tuloista tällä hetkellä on suoraan tekijänoikeuteen perustuvaa tuloa (*tekijänoikeuteen perustuvia tulonlähteitä lueteltu kysymyksessä 3*)?      prosenttia

|  |
|--|
| TEKIJÄNOIKEUSJÄRJESTELMÄN KANNUSTINVAIKUTUKSET |
|--|

6. Kuinka tärkeitä edellytyksiä tekijänoikeus ja tekijänoikeusjärjestelmä ovat kirjailijana toimimiselle? *Valitse yksi vaihtoehto seuraavalta asteikolta, jossa 1 = ei lainkaan tärkeä, 5 = erittäin tärkeä.*

- |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1                        | 2                        | 3                        | 4                        | 5                        |
| <input type="checkbox"/> |

**Vapaaehtoinen kuvailu:**

7. Kuinka tärkeitä kannustimia seuraavat tekijät ovat kirjailijana/kääntäjänä toimimiselle?  
Valitse yksi vaihtoehto seuraavalta asteikolta, jossa 1 = ei lainkaan tärkeä, 5 = erittäin tärkeä.

|  | ei<br>lainkaan<br>tärkeä |                          |                          |                          |                          | erittäin<br>tärkeä |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------|
|  | 1                        | 2                        | 3                        | 4                        | 5                        |                    |
| • Tekijän luovutettavissa olevat oikeudet päättää teoskappaleiden valmistamisesta ja teoksen saattamisesta yleisön saataviin | <input type="checkbox"/> |                    |
| • Tekijän oikeus kieltää teoksen käyttö ja vaatia korvausta teoksen käytöstä   | <input type="checkbox"/> |                    |
| • Tekijän oikeus vaatia korvausta teoksen julkisesta esittämisestä tai teoksen saattamisesta yleisön saataviin               | <input type="checkbox"/> |                    |
| • Korvaukset yksityisestä kopioinnista (hyvitysmaksu)  | <input type="checkbox"/> |                    |
| • Korvaukset yleisölle lainaamisesta kirjastoissa (lainauskorvaus)   | <input type="checkbox"/> |                    |
| • Muut tekijänoikeuteen perustuvat korvaukset teoksen käytöstä   | <input type="checkbox"/> |                    |
| • Tekijänoikeusjärjestelmän takaama mahdollisuus siirtää teosta koskevat taloudelliset oikeudet toiselle oikeushenkilölle    | <input type="checkbox"/> |                    |
| • Tekijän mahdollisuus saada teokselleen kansainvälinen suoja  | <input type="checkbox"/> |                    |

8. Kuinka tärkeitä kannustimia seuraavat tekijät ovat kirjailijana/kääntäjänä toimimiselle?  
Valitse yksi vaihtoehto seuraavalta asteikolta, jossa 1 = ei lainkaan tärkeä, 5 = erittäin tärkeä.

|   | ei<br>lainkaan<br>tärkeä |                          |                          |                          |                          | erittäin<br>tärkeä |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------|
|   | 1                        | 2                        | 3                        | 4                        | 5                        |                    |
| • Tekijän persoonaa ja teoksen omalaatuisuutta suojaava sääntely (tekijän moraaliset oikeudet yleensä)  | <input type="checkbox"/> |                    |
| • Oikeus tulla ilmoitetuksi hyvän tavan mukaisesti teoksen tekijänä sen käytön (kappaleenvalmistuksen tai yleisön saataviin saattamisen) yhteydessä (nk. isyysoikeus)   | <input type="checkbox"/> |                    |
| • Kielto muuttaa teosta tekijän kirjallista tai taiteellista arvoa taikka omalaatuisuutta loukkaavalla tavalla, sekä kielto saattaa teos yleisön saataviin tekijää loukkaavassa muodossa tai yhteydessä (nk. kunnioittamisoikeus) | <input type="checkbox"/> |                    |
| • Oikeus julkaista teos anonymisti tai salanimellä  | <input type="checkbox"/> |                    |
| • Kielto käyttää tekijän nimeä muiden kuin hänen omien teostensa yhteydessä sekä tekijän mainetta ja kunniaa loukkaavien muunneltujen teosten yhteydessä  | <input type="checkbox"/> |                    |
| • Oikeus päättää teoksen ensimmäisen julkaisun tavasta ja ajankohdasta  | <input type="checkbox"/> |                    |
| • Oikeus keskeyttää teoksen kopiointi, jakelu tai esittäminen suorittamalla korvaus jakelijalle keskeytyksestä aiheutuvasta vahingosta  | <input type="checkbox"/> |                    |

9. Kuinka tärkeitä kannustimia seuraavat tekijät ovat kirjailijana/kääntäjänä toimimiselle?  
Valitse yksi vaihtoehto seuraavalta asteikolta, jossa 1 = ei lainkaan tärkeä, 5 = erittäin tärkeä.

|  | ei<br>lainkaan<br>tärkeä |                          |                          |                          |                          | erittäin<br>tärkeä |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------|
|  | 1                        | 2                        | 3                        | 4                        | 5                        |                    |
| • Mahdollisuus itsensä toteuttamiseen  | <input type="checkbox"/> |                    |
| • Julkinen huomio, kuuluisuus ja maine kirjailijana  | <input type="checkbox"/> |                    |
| • Julkinen taloudellinen tuki luovalle työlle (apurahat, tuet, palkinnot, verovähennykset) | <input type="checkbox"/> |                    |
| • Yksityinen tuki luovalle työlle (apurahat, palkinnot, stipendit)                         | <input type="checkbox"/> |                    |
| • Yhteiskunnallinen vaikuttaminen ja/tai julkisen keskustelun lisääminen                   | <input type="checkbox"/> |                    |
| • Osallistuminen kulttuuriympäristöön ja/tai kuuluminen sosiaaliseen ryhmään               | <input type="checkbox"/> |                    |
| • Mahdollisuus saada tuloja kirjailijana/kääntäjänä/kuvittajana                            | <input type="checkbox"/> |                    |
| • Muu, mikä?   | <input type="checkbox"/> |                    |
| • Muu, mikä?   | <input type="checkbox"/> |                    |
| • Muu, mikä?   | <input type="checkbox"/> |                    |

10. Arvioi kokemuksesi perusteella, kuinka tehokkaasti Suomen tekijänoikeusjärjestelmä (säännökset, politiikka, oikeuksien hallinnointi ja valvonta) kykenee takaamaan oikeudenhaltijoille asianmukaisen korvauksen heidän teostensa käytöstä. Valitse yksi vaihtoehto seuraavalta asteikolta, jossa 1 = erittäin heikosti, 5 = erittäin tehokkaasti.

1                      2                      3                      4                      5

                                                                                      

Jos valitsit vaihtoehdon 1, 2, tai 3: Mitkä tekijät mielestäsi vaikuttavat järjestelmän tehottomuuteen? (esim. liiketoimintaympäristön muutokset, sopimustoimintaan liittyvät haasteet, ..)

11. Oletko kokenut, että tekijänoikeuslainsäädäntö olisi vaikeuttanut organisaatiosi jäsenkunnan luovaa työtä?

- Kyllä, usein  
 Kyllä, harvoin  
 En

**Vapaaehtoinen kuvailu:**

12. Oletko kokenut, että jokin tekijänoikeuteen liittyvä julkinen toimenpide tai hallinnollinen velvoite olisi vaikeuttanut organisaatiosi jäsenkunnan tekijänoikeuksiin perustuvaa liiketoimintaa?

- Kyllä, usein  
 Kyllä, harvoin  
 En

**Vapaaehtoinen kuvailu:**

## KYSELY KIRJANKUSTANTAJILLE

Tämä pilottitutkimus on osa Kulttuuripoliittisen tutkimuksen edistämissätiössä (Cupore) käynnissä olevan tekijänoikeusjärjestelmän toimivuuden arviointihankkeen kokonaisuutta ja keskittyy valikoituihin tekijänoikeuskysymyksiin kirja-alalla. Hankekokonaisuudesta löytyy tietoa Kulttuuripoliittisen tutkimuksen edistämissätiön (Cupore) internetsivuilta: <http://www.cupore.fi>.

Tämä kysely käsittelee 17.6. klo 9:30-12:30 järjestettävässä ryhmähaastattelussa esiin nostettavia teemoja ja toimii ryhmähaastattelun esikartoituksena. Pyydämme osallistujia vastaamaan kysymyksiin ja **palauttamaan kyselyn ma 9.6. mennessä** osoitteeseen --.--@cupore.fi.

### **Ohjeita vastaajalle:**

Kysymyksiin vastataan sen organisaation puolesta, jota vastaaja edustaa. Vastaukset käsitellään luottamuksellisesti ja mikäli osallistujat eivät halua tuoda nimiään tai organisaatiotaan julki tutkimusraportissa, näin voidaan erillisestä pyynnöstä toimia. Kyselyn täyttämiseen tarvittava aika on n. 20 minuuttia. Kiitos ajastanne!

### TAUSTATIEDOT

1. Toimenkuvasi ja tehtäväsi organisaatiossa?

**Ohje vastaajalle: Vastaa seuraaviin kysymyksiin koko organisaatiosi puolesta.**

2. Valitse seuraavista vaihtoehdoista yksi tai useampi kategoria, joka parhaiten kuvaa tuotantoanne.

- Kaunokirjallisuus, Vapaaehtoinen täsmennys:
- Sarjakuva
- Lasten- ja nuortenkirjallisuus
- Tietokirjallisuus
- Oppimateriaali tai –kirjallisuus
- Muu, mikä?

Julkaisetteko käänöskirjallisuutta?

- Kyllä
- Ei

3. Kuinka monta teosta olette julkaisseet vuonna 2013?

4. Kuinka tärkeitä edellytyksiä tekijänoikeus ja tekijänoikeusjärjestelmä ovat kustannustoiminnalle? *Valitse yksi vaihtoehto seuraavalta asteikolta, jossa 1 = ei lainkaan tärkeä, 5 = erittäin tärkeä.*

1                      2                      3                      4                      5

                                                                                      

**Vapaaehtoinen** kuvailu:

5. Arvioi kokemuksesi perusteella, kuinka tehokkaasti Suomen tekijänoikeusjärjestelmä (säännökset, politiikka, oikeuksien hallinnointi ja valvonta) kykenee takaamaan oikeudenhaltijoille asianmukaisen korvauksen heidän teostensa käytöstä. *Valitse yksi vaihtoehto seuraavalta asteikolta, jossa 1 = erittäin heikosti, 5 = erittäin tehokkaasti.*

1                      2                      3                      4                      5

                                                                                      

Jos valitsit vaihtoehdon 1, 2, tai 3: Mitkä tekijät mielestäsi vaikuttavat järjestelmän tehottomuuteen? (esim. liiketoimintaympäristön muutokset, sopimustoimintaan liittyvät haasteet, ..)

6. Oletko kokenut, että tekijänoikeuslainsäädäntö olisi vaikeuttanut tekijänoikeuksiin perustuvaa liiketoimintaanne?

Kyllä, usein  
 Kyllä, harvoin  
 En

**Vapaaehtoinen** kuvailu:

7. Oletko kokenut, että jokin tekijänoikeuteen liittyvä julkinen toimenpide tai hallinnollinen velvoite olisi vaikeuttanut tekijänoikeuksiin perustuvaa liiketoimintaanne?

Kyllä, usein  
 Kyllä, harvoin  
 En

**Vapaaehtoinen** kuvailu:

8. Oletteko julkaisseet teoksia, joiden suoja on rauennut tai jotka eivät muuten saa tekijänoikeussuojaa (*esim. tilanne, jossa tekijää ei löydy*)?

Kyllä  
 Ei

Jos vastasit ”kyllä”, mitkä asiat motivoivat julkaisemaan nämä teokset?

**Assessing Copyright and Related Rights Systems: Piloting of the methodology framework in Finland**

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