

**NATIONAL WRITERS UNION
DIGITAL BILL OF RIGHTS
and
CAMPAIGN FOR DIGITAL RIGHTS**

PREAMBLE

We are living in a time of profound changes in the publishing industry—changes that directly threaten the livelihoods of writers. With the advent of instant copying through digital technology and Internet distribution, writers’ works are being reproduced without their knowledge and/or permission and then marketed without compensation. This is in violation of the U.S. Constitution, which vests the ownership of creative works in the name of the creator and protects creators against copyright infringement. While software companies like Google and Microsoft trumpet the importance of making creative works instantly accessible and often free to consumers (while being highly profitable to the Internet giants), writers are finding their work being devalued and their profession reduced to that of “content providers.”

In response to this erosion of our copyright and demeaning of our profession as creators, we, the freelance writers of the National Writers Union, have created a Digital Bill of Rights as a means of educating other writers and the public at large about the importance of preserving the most important possession writers have: our copyright.

WRITERS’ RIGHTS

Because a free society cannot long exist without a thriving community of independent writers free to write and publish the truth as they perceive it, the National Writers Union proclaims the following rights for all writers:

Freelance writers published in the United States possess exclusive ownership of their work according to the historic principle of copyright established in Article 1, Section 8 of the U.S. Constitution. This ownership allows the author to license or sell various copyrights (digital, geographic, foreign language, and others). The one exception is when an author signs a work-for-hire contract, and in return for just compensation, the publisher owns the work, not the writer.

When writers publish their work on the Internet, their copyright protection and exclusive ownership of the content remain. Electronic reproduction and distribution of the document, or of substantial portions of it, do not abrogate the writer's title to the intellectual property. Content that can be read on the Web without a fee is still protected by copyright.

When Digital Publishers (DPs) electronically copy or publish all or substantial portions of a work on the Internet for gain without the author's permission, in violation of Constitutional law, writers have the right to demand redress for the violation of their copyright and theft of their intellectual property.

When writers discover that a DP has illegally reproduced all or substantial portions of their work from any source, they have the right to demand immediate cessation of the infringement, removal of the content from display or sale within 48 hours, and/or either payment of damages or a negotiated fee for past and/or continued use based on current fee standards.

PRINCIPLES NEEDED TO DEFEND RIGHTS

In defense of these rights the National Writers Union affirms the following principles:

The NWU shall champion the principle that writers' greatest assets are ownership of our intellectual and artistic property, a constitutionally protected right.

DPs are legally bound to request the writer's permission to distribute or license his or her work. DPs must contact the writer or an authorized collective licensing organization and sign a contract with the rights' holder before they begin to distribute or sell that work.

Rather than offer vague, open-ended contracts, DP contracts must delineate which specific rights are bought for a specific amount of money or other compensation and licensed for a specific length of time.

Writers who find that DPs have copied or distributed substantial portions of their work in any media without permission, compensation, or attribution in order to generate income may demand that the DP remove the work from their files and cease reproduction of it.

If a DP sells or uses a work to generate income from advertising, subscriptions, downloads, or any other means of commercial gain, writers must receive a fair and just share of the revenues generated from their work. If the DP does not provide the writer a fair price and a fair share of revenues generated from the work, or if the DP steals the writer's work outright, the writer may seek redress through civil or criminal penalties.

The right of writers to limit the duration of licenses must be respected. At the end of the license period, all rights revert to the writer.

The right of writers to offer nonexclusive rights shall be respected. DPs must sign a new contract with the writer for any set of

additional rights. Furthermore, each set of rights requires an additional fair fee.

Noncommercial DPs must give the writer the courtesy of requesting permission to reprint all or substantial portions of a document. Reproduction of the material must contain full attribution to the writer as well as a link to the writer's website or email address, if the writer so wishes.

Government agencies and courts must vigorously enforce existing copyright laws and treaties signed by the United States that uphold writers' rights.

If libraries or educational institutions purchase subscriptions to digital journals, a portion of the subscription fee collected by the DP shall be shared with the writers. Libraries must be able to permanently purchase annual subscriptions to digital journals for a single, reasonable fee rather than having to annually repurchase access to past-year volumes.

Writers may continue to quote or otherwise use small portions of copyrighted material for creative purposes as long as full attribution is provided in accordance with the traditional fair use principle.

CAMPAIGN FOR DIGITAL BILL OF RIGHTS

To promote the above rights, the NWU will:

- Campaign for vigorous enforcement of copyright laws,
- Advocate for new copyright legislation needed to codify writers' rights in the digital era. That would include requiring permission, attribution, and payment for commercial use of writers' work; enacting penalties for infringement that would escalate from

monetary fines to imprisonment; and setting up a monitoring and enforcement mechanism to ensure protection for writers' rights.

- Advocate for an agreement with periodical publishers whereby the copyright for the writer's individual work must be automatically registered at the same time that the issue of a magazine, journal, or other published entity containing the work is registered with the U.S. Copyright Office.
- Promote the creation of an ASCAP-type royalty system for freelance writers and publishers. Writers need a fair, transparent system for tracking usage/resale of writers' digital work for the purpose of copyright monitoring and collection of royalties and fees.
- Educate writers and the general public of the need to honor the rights of writers. If democracy is to prevail, writers cannot continue to contribute to the nation's cultural growth and inform its citizenry if they are unable to make a living from their own creations.
- Publicize the illegal and unjust profits made by DPs who reprint copyrighted material without permission or fair compensation
- Champion the cause of writers who seek help in enforcing these rights.
- Reach out to, work with, and make coalitions with our natural allies such as librarians, researchers, and information consumers.

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