



Trade considerations concerning UK withdrawal from the EU

UK Department for International Trade

Association of Illustrators

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We are writing in support of the British Copyright Council's trade consideration feedback following the joint consultative meeting with IPO and DIT.

The Association of Illustrators (AOI) was established in 1973 to advance and protect illustrators' rights and is a non-profit making trade association dedicated to its members' professional interests and the promotion of contemporary illustration. As the only body to represent illustrators and campaign for their rights in the UK, the AOI has successfully increased the standing of illustration as a profession and improved the commercial and ethical conditions of employment for illustrators. AOI offers members professional and business advice.

The IP our members create contributes considerably to the value of the UK's culture, economically and culturally, creating imagery for a large area of the creative industries across the world; book publishing, newspapers and magazines, merchandising, digital content for online and mobile platforms, fashion, design, cards and giftware, animation, storyboarding, character design and much more.

Today, the AOI has some 2000 members who consist of freelance illustrators, illustration agents, over 30 art colleges and individual students and commissioning bodies. Member illustration agents act for about a further 500 leading illustrators.

Considerations concerning the withdrawal from the European Union:

Consultation: We believe it is important that there is consultation on UK's current copyright system regarding necessary modifications on withdrawal from the EU/ European Economic Area.

Balance: There must be level playing field between individual creators and online content-sharing services and other tech companies. Our members create imagery, which has to be online to be able to promote their illustration services to potential clients, both on their own websites and also increasingly on social media platforms which insist on non-exclusive

rights to the work. Users of platforms should not have to agree to a licence in their uploaded content to be able to use the platform.

Illustrations online are susceptible, like photographs, to copying and sharing, and visual artists need to be able to control use of their artwork.

Framing of images when presented via an online 'image search' encourages users to remain on the ISP page and not click through to the creator's website, from which the creator could derive income and wider exposure.

Trade arrangements with other countries: any agreements must expressly refer to the international copyright treaties, which must be applied. This will encourage future trading partners to come up to UK copyright standards.

'Reciprocity gap' following withdrawal from the EU: Orphan Works Directive 2012, where there is mutually recognising the status of orphan works throughout the EU, and Collective Rights Management Directive 2014. Many of our members receive secondary rights payments through collective management organisations, and some of those payments come from European CMOs. Ongoing co-operation between CMOs should be promoted in trade agreements.

Exhaustion of rights: We are aware that the UK is currently undecided what level of exhaustion there will be in the UK (national exhaustion is supported by BCC). Exhaustion of rights will potentially affect publishing. Many illustrator members work with the publishing industry, on book covers, children's books (as illustrators and also author/illustrators), graphic novels and on the increasing merchandising attached to successful titles. They often receive royalties on sales of these items, and royalty payments can be a significant element of the income from publishing arrangements. Any impact on the publishing industry may affect them.

UK Copyright: We very much support the BCC comment that copyright should not be used for bargaining on trade agreements. Our members make their income based on licensing the copyright in their artwork and benefit from the high level of protection of the UK's copyright system, and this must be maintained.

Trade agreement with the European Union

Taxation: The UK should work with the EU to improve the alignment of tax regimes, e.g. reduce the incidence of withholding tax. This affects illustrators being commissioned by clients in EU countries.

Trade agreements with other countries

Non-Tariff barriers: We strongly support the BCC comments in this area regarding the opportunity with new trade agreements to address some of the issues that UK rightholders face with specific third countries: US, Canada, China and Australia, including the streamlining of the withholding tax procedure for the US.

Artist's Resale Right: This right has been beneficial for artists and although it is not mandatory under the Berne Convention the creation of a level field would benefit artists in the UK and other nations. We support the BCC proposal that the introduction of an Artist's Resale Right should be mandatory under every trade agreement with third countries.

Thank you for the opportunity to offer our comments.

Association of Illustrators

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