IL-KUNSILL NAZZJONALI TAL-KTIEB

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Abbozz ta' Proposti dwar id-Drittijiet Ekonomiċi tal-Kittieba

Bħala l-unika entità li hija fdata bis-salvagwardja tad-drittijiet u l-interessi tal-awturi u tal-pubblikaturi f'Malta, hija r-responsabbiltà tal-Kunsill Nazzjonali tal-Ktieb (KNK) li jipprovdi gwida għat-trawwim ta' relazzjonijiet ekonomiċi u kuntrattwali ġusti u proporzjonali bejn il-pubblikaturi u l-awturi. Il-funzjoni tal-Kunsill hija li jiżgura li l-industrija tal-kotba tikber u li l-pubblikaturi jżidu d-dħul u l-profitti tagħhom. Ilna nimmiraw lejn dan it-tir b'mod rigoruż bil-ħidma politika, l-investimenti u l-inizjattivi tagħna. Bħala dawk li qed nipproduċu l-kontenut, u, flimkien mal-pubblikaturi, bħala msieħba ewlenin fl-industrija tal-kotba, nemmnu wkoll li l-awturi għandhom ikollhom dħul ġust mix-xogħlijiet tagħhom tali mod li jkunu kapaċi jaqilgħu l-għajxien tagħhom minnu. Huwa f'dan l-ispirtu li dan id-dokument se jipprova jħares id-drittijiet tal-awturi filwaqt li fl-istess ħin jiżgura relazzjoni koeżiva u stabbli bejn il-partijiet interessati kollha fl-industrija.

Sabiex jiġi żgurat id-dħul għall-awturi u tiġi garantita l-eżistenza kontinwa tal-industrija tal-kotba nnifisha, huwa imperattiv li l-awturi jkunu konxji tad-drittijiet ekonomiċi tagħhom. Wara laqgħat ta' konsultazzjoni estensivi li l-Kunsill Nazzjonali tal-Ktieb kellu mal-awturi lokali, qiegħed jiġi hawnhekk ippreżentat l-abbozz għal-Liġi tad-Drittijiet Ekonomiċi tal-Kittieba bil-għan li tiggarantixxi d-drittijiet ekonomiċi bażiċi u minimi għall-kittieba u l-awturi f'Malta.

Il-kundizzjonijiet minimi kif spjegati mill-Att huma:

1. Skont l-Att dwar id-Drittijiet tal-Awtur, Kap. 415, l-ebda trasferiment tad-drittijiet tal-awtur u ta' drittijiet relatati ma jkollu effett jekk ma jsirx bi ftehim bil-miktub bejn il-partijiet. Fit-trasferiment tad-drittijiet tal-pubblikazzjoni għal xogħol letterarju, l-awturi għandhom jiffirmaw kuntratt bil-miktub mal-pubblikatur tagħhom.

2. Għandu jkun hemm somma (royalty) li titħallas lill-awtur ta' kwalunkwe ktieb ippubblikat, bl-eċċezzjoni tal-kotba ta' poeżiji, u li m'għandhiex tkun inqas minn 10 % tal-bejgħ nett. Din ir-rata qed tiġi stabbilita minħabba l-kundizzjonijiet kurrenti tas-suq domestiku, meta għandek il-bejjiegħ ewlieni tal-kotba f'Malta li qed jimponi rata netta ta' 50 % fuq il-pubblikaturi. Jekk il-kundizzjonijiet ekonomiċi jippermettu, huwa rrakkomandat li l-awturi jagħżlu rata ta' ħlas ta' 15 % fuq il-kotba mibjugħa direttament mill-pubblikaturi, bħal f'fieri tal-kotba jew onlajn.

3. Skont id-Direttiva 2006/115/KE dwar id-drittijiet ta' kiri u ċerti drittijiet relatati mad-drittijiet tal-awtur fil-qasam tal-proprjetà intellettwali, l-awturi huma es-

klużivament intitolati għal pagamenti ta' Drittijiet ta' Self Pubbliku u għalhekk il-pubblikatur m'għandux jirċievi dan il-ħlas relatat mad-Drittijiet tas-Self Pubbliku.

4. Sakemm ma jkunx miftiehem mod ieħor fil-kuntratt, id-drittijiet anċillari kollha li jirriżultaw minn ktieb ippubblikat, inklużi drittijiet ta' traduzzjoni, drittijiet ta' films, drittijiet ta' teatru u kwalunkwe forma oħra ta' drittijiet ta' adattament, huma esklużivament u kompletament miżmumin mill-awtur.

5. Skont id-Direttiva tal-UE 2019/790 dwar id-drittijiet tal-awtur u drittijiet relatati mas-Suq Uniku Diġitali, l-awturi għandhom id-dritt ta' aċċess għal informazzjoni dwar il-bejgħ tal-kotba tagħhom, inkluż l-għadd ta' kotba mibjugħa. Għaldaqstant, l-awturi huma intitolati li jirċievu rapport tal-bejgħ wara kull ċiklu ta' bejgħ komplut.

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Draft Writers' Bill of Economic Rights

As the sole entity trusted with safeguarding the rights and interests of authors and publishers in Malta, it is upon the responsibility of the National Book Council (NBC) to provide guidance towards the establishment of appropriate and proportional economic and contractual relationships between publishers and authors. The function of the Council is to ensure that the book industry grows and see that publishers increase their revenues and profits. We have been pursuing this objective rigorously with our policy-work, investments and initiatives. As content creators and, together with publishers, necessary stakeholders in the book industry, we also believe that authors should be fairly remunerated and able to make a living from their work. It is in the spirit of this document to uphold authors' rights while simultaneously ensuring a cohesive and stable relationship between all stakeholders in the industry.

In order to ensure revenues for authors and guarantee the continued existence of the book industry itself, it is imperative that authors are aware of their economic rights. Following extensive consultation meetings which the National Book Council held with local authors, the Council is hereby presenting the draft Writers' Bill of Economic Rights with the aim of guaranteeing the basic and minimum economic rights for writers and authors in Malta.

The minimum conditions as elucidated by the Bill are:

1) Pursuant to the Malta Copyright Act, Cap. 415, no transfer of copyright or neighbouring rights shall have effect unless it is effected by an agreement in writing between the parties. When transferring any form of publishing rights for a literary work, authors shall sign a written contract with their publisher.

2) The royalty payment due to authors of any published book, with the exception of poetry books, shall be no less than 10% of net sales. This rate is being established on account of current domestic market conditions wherein Malta's main bookseller charges publishers a 50% net rate. Economic conditions permitting, it is recommended that authors opt for a 15% royalty rate on books sold directly by the publishers, such as in book fairs or as online sales.

3) Pursuant to EU Directive 2006/115/EC on rental rights and certain rights related to copyright in the field of intellectual property, authors are exclusively entitled to Public Lending Rights payments and thus shall not be shared by publishers.

4) Unless contractually agreed otherwise, all ancillary rights stemming from a published book, including translation rights, film rights, theatre rights and any other form of adaptation rights, are exclusively and fully held by the author.

5) Pursuant to EU Directive 2019/790 on copyright and related rights in the Digital Single Market, authors have the right of access to information concerning the sale of their books, including the number of books sold. Accordingly, authors are entitled to receive a sales report after every completed sales cycle.