



Since the last IAA-Europe meeting and during 2019, the BBK of the Netherlands was actively present in all the national meetings concerning the currently addressed issues in the field of visual arts.

On the Directive on Copyright in the Digital Single Market

The European Parliament endorsed at the beginning of the year (2019) a new directive on authors' rights. This new voting was mostly about Social Media. In Social Media we have often three relevant parties: the users that share photos and films, those who have rights on this material and the platform where this visual material is uploaded: Google, YouTube and Facebook. At present it is so that users of Social Media often make 'free' use of a platform. But in the meantime, the platform earns a lot of money on the placed content through advertisements and through collected data. The rights owners like photographers and other visual makers receive nothing. This is also called the 'value gap', and the new directive is finally doing something about it.

Pictoright, the author's rights organisation for visual creators in the Netherlands (illustrators, artists, graphic designers, photographers and other professional image creators) had lobbied for this in Brussels for many years. The new directive on authors' rights will facilitate the (easier) use of legally covered works and at the same time it will make sure that the makers also receive a (humble) payment. After an incredibly stormy voting in the European Parliament there came a positive end to a long and eventful legislative process. The European legislator unfortunately did not make the step to an obligatory collective management, the kind that would have created a one-stop-shop for users and that would guarantee a fair share for authors and artists. On the division of the online incomes the new directive still fails to set a framework. Pictoright considers this a point of concern.

For many years the platforms could hide behind a law of the beginning of this century. That law says that they are not accountable for what happens on them (the platforms) because the law suggests that they cannot control what is posted on them. The new law breaks this and states that in order to use the content the platforms must have licenses from those who have author's rights on the presented material. Pictoright finds this good but the battle is not won yet and for sure this all must still be worked out. A directive is not a law. And the platforms want to push the discussion to a different direction. They claim that the whole internet is in danger. With the use of filters it could be that protected material will cease to be available; this is the most heard argument. However, authors and artists do not look forward to filters: they want their work to be heard, read and seen. They do not want to prevent the dissemination, but they do want a fair cut in the exploitation of their work. Pictoright requests to the Dutch legislator to formulate the legislation from this point of view. The new European directive offers in this area a good starting point: the obligation to offer to the authors and artists not only a fair but also a proportional remuneration.

It can be that the platforms will start a fight with the makers so that they will not have to pay anything. From our side, we would find this a pity and think that this is certainly not the intention of the directive. So, there is a lot of work to be done! BBK participates in the

meetings for visual artists of Pictoright with one of its board members.

<https://pictoright.nl/english/>

Relevant info: home copying royalty by Pictoright

The 'thuiskopie' (home copying) royalty is a compensation meant for makers whose work is copied by consumers on digital carriers like smartphones and tablets; this refers to musicians, authors, film directors, and visual artists. To compensate the creators of music, books, movies, and images for lost revenues due to private copies (In the Netherlands one is allowed to make a copy of copyright protected work for personal use or study).

How it works: The selling price of every blank CD, DVD, PC, HDD-Drive, smartphone, MP3 player or settopbox includes a royalty for the makers of the programmes, texts and images which the consumer copies onto those media at home. Stichting de Thuiskopie (Home Copying Foundation) passes on to Pictoright (the authors' rights organisation for visual artists in the Netherlands) the share intended for visual creators, and Pictoright distributes it to those makers who are registered; since 2017 it also distributes it to the professional associations for visual artists. BBK is one of the associations that receives and distributes the compensation to its members. <http://www.thuiskopie.nl/nl/about-thuiskopie>

Artists Exhibition Remuneration – status 2019

By mid-2019 all the visual arts museums in The Netherlands had signed the *Covenant Exhibition Remuneration*, including the Stedelijk Museum Amsterdam (that had implemented the directive already the year before), Boijmans Van Beuningen in Rotterdam, Kunstmuseum in The Hague (former Gemeentemuseum Den Haag) and Museum de Fundatie in Zwolle. Beeldende Kunst Nederland (BKNL), while happy for this progress, noted that also after 2020 there must be an available budget in order to guarantee the feasibility of the plan. The Mondriaan Fonds assigned towards this goal for 2019 and 2020 a yearly amount of 690.000 euro; with this amount it wants to stimulate the art institutions to pay the artists for exhibiting. After 2020 all art institutions have to include the artists' remunerations in their regular budgets.

BKNL is an informal consultation platform consisting of organizations standing up for the interest of visual artists, museums, presentation institutions and galleries in the Netherlands. The members of BKNL are Platform BK, Museumvereniging, the Kunstenbond, Kunsten '92, Beroepsvereniging van Beeldende Kunstenaars (BBK), the Dutch Gallery Association (NGA) and the association for presentation institutions De Zaak Nu. The Mondriaan Fonds facilitates and coordinates BKNL.

Summary Covenant Exhibition Remuneration: In the covenant, four exhibition categories and respective fees are defined: exhibition of new work, of existing work, adaptation of existing work, and activities (often requested from the exhibiting artist, such as curatorial work, lectures, tours, educational activities, workshops, etc.). Also, the institutions are categorized by their size, namely whether their annual turnover is more than € 500.000 or not, according to the 2017 price indication. In case of a solo exhibition the smaller institutions pay the artist a fee of € 6.500 for new work, € 500 for existing work, and € 2.500 for an adaptation of existing work. For a duo exhibition, the corresponding amounts are € 3.606, € 277, and € 1.387 per person. For exhibitions of more than two artists, the amounts per person are correspondingly different.

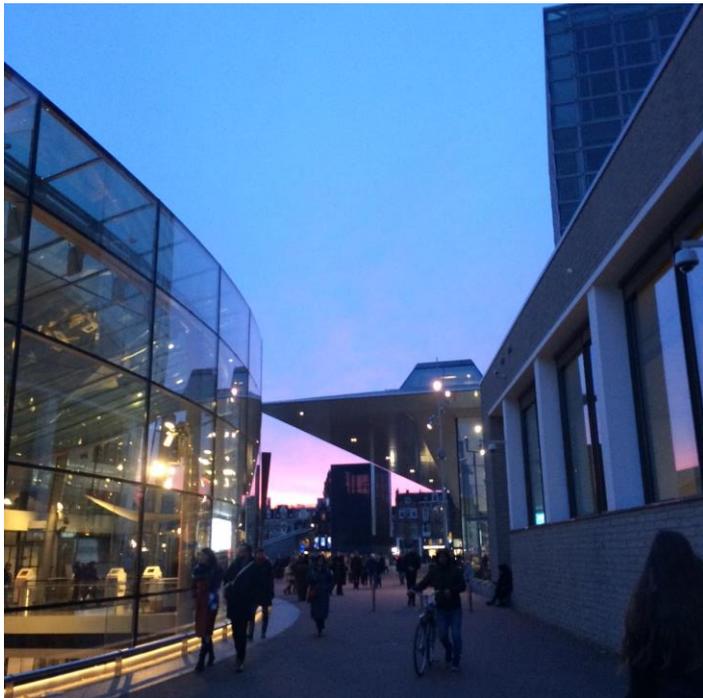
A separate charter, the 'experimenting regulation', states the amounts of money that museums and presentation institutions receive from the Mondriaan Fonds by way of compensation. This only applies when the remuneration level amounts to minimally 50% of the remuneration mentioned in the guideline. When applying 100% of the remuneration mentioned in the guideline the compensation amounts to 50%. When applying 70% of the remuneration mentioned in the guideline the compensation amounts to 40% of the artist remuneration; when

applying 50%, the compensation is 30%. An adjustment period is granted: only in 2020 institutions have to fully comply with the covenant. Finally, institutions that join the covenant have to keep to the apply-or-explain regulation: they are not bound to offer remuneration to the artists, but they are bound to explain the reasons when they don't.

Museums in The Netherlands that grant free entrance to IAA card holders:

- Stedelijk Museum Amsterdam
- Museum Van Gogh (in Amsterdam)

For the Museum Van Gogh: Go directly to the main entrance of the museum, stand in the queue (most often), then show your card to the ticket controller. Say that it is of the International Artists Association. The ticket controller will communicate through their system with their office and then will let you go inside without a ticket. The more often they have someone with an IAA card at their door the faster they will learn what the card is and they won't have to ask any more. The two museums are next to each other. So please go ahead!



On behalf of the BBK Executive Board

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