

How can intellectual property legislation benefit translators?

Conference in The Hague on 23 November 2018

After being welcomed by Hugo Keizer, EU Commission field officer at The Hague, Kevin Quirk, President of FIT, and Annette Schiller, chair of FIT Europe, attendees heard an opening talk given by Heiki Pisuke, an expert on intellectual property and Head of the Estonian Department at the Directorate-General for Translation.

The talk, entitled *Intellectual Property, a Challenge for Translators*, dealt with the importance of intellectual property for translators, not only because, legally, translators have a moral and economic right to their work, but also as a tool to strengthen the profession and its identity, along with credibility and respect for translation.

The morning continued with three talks from copyright lawyers: Ines Duhanic;



Evert van Gelderen, of the Clairfort Lawyers partnership; and Joanna Stephenson, of the James Ware partnership. The lawyers focused on the most important legal aspects for translators. These three talks emphasised the idea that, culturally, the true international ambassadors are translators and interpreters. Internationally, translators are covered by the Berne Convention and in the EU they are

covered by seven different directives (see below). Meanwhile, individual countries have their own legislation.

The three experts emphasised that translators are covered by the law, which means translators are the ones who have to set their conditions with clients. If translators give up the exclusive right to their translations in literary, audiovisual or other fields, or to their memories or databases, they are the ones who must say when and where these resources can be used and at what cost. That means that if translators do not excel at negotiating or feel uncomfortable with it, the best thing to do is seek professional advice.

After a brief pause for a buffet lunch at the Commission Representation, the afternoon sessions began with a talk entitled *The Use of Machine Translation for*

Patent Discovery by Laura Rossi, an expert in translation technologies at Lexis Nexis. She presented the TotalPatent One database, a research and analysis program for texts, bibliographies, citations and patents being used to make automatic translation easier, largely in China, Japan and Korea. Considering the controversy that automatic translation has aroused since its origins, the speaker ended her presentation with a quote from Margaret Heffernan: "For good ideas and true innovation, you need human interaction, conflict, argument, debate."

Afterwards, Morten Visby, chairman of CEATL, the European Council of Literary Translators' Associations, presented the talk *The EU Copyright Directive with Particular Focus on its Significance and Implications for Translators*. The speaker highlighted the three main elements of the directive (the right to receive fair remuneration, the right to receive additional remuneration if it is shown that a work has generated more royalties than expected and the original payment has proved unfairly low, and the right to have an impartial mechanism to resolve contract disputes). He also noted the recurring concept of "disparity" of opinions among stakeholders (translators and clients) in the sector, a real situation in which the articles of the Berne Convention are being breached. He ended his talk by discussing the way current market deregulation is exerting pressure on freelancers, breaking the value chain for the work they do. Because of the nature of their work, rights to translations should be a central issue, but instead it has been placed at the end of the chain. The EU is currently debating



George Zannos. His slide features three forms of collection.

a very controversial new law on the matter, which should be approved in the next couple of months.

The next talk, *How Collecting Societies Benefit Translators*, was given by George Zannos, a specialist in intellectual property and representative of OSDEL, an organisation that manages copyright and reprographic rights in Greece. The talk concerned the different types of work that are likely to generate copyright (not only literary and audiovisual translations, but also those in the commercial sector), the different forms of collection and how to monitor our rights.

The last presentation of the day was by Elin Urkedal, an expert in intellectual property and representative of Norwaco, the organisation for audiovisual copyright holders in Norway, who spoke about the collective management of audiovisual rights and the development of copyright law in her country.

The three associations organising the

The seven EU Directives

1. Council Directive 91/250/EEC of 14 May 1991 on the legal protection of **computer programs**
2. 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
3. Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (**communication and diffusion rights**)
4. Council Directive 96/98/EEC of 29 October 1993 harmonising the **term** of protection of copyright and certain related rights
5. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the **legal protection of databases**
6. Directive 2001/29/EC of the European Parliament and the Council of 22 May 2001 on the **harmonisation of certain aspects of copyright and related rights in the information society**
7. Directive 2001/84/EC of the European Parliament and the Council of 27 September 2001 on the resale right for the benefit of the author of an **original work of art**



Wanda Ruíz-Brunelot, representative of SFT and member of the FIT Europe Board

conference – the Belgian Chamber of Translators and Interpreters, ALTI and NGTV – closed the event with brief words of thanks to the speakers and the audience.

Such a great conference was made possible thanks to the support of the European Commission, FIT Europe and the joint effort of the three Benelux Translators' Associations: the NGTV (NL), CBTI-BKVT (BE) & ALTI (LU). Thank you!

*By Marta Morros Serret
FIT Council member, FIT Europe liaison and
APTIC representative
English version: Rob Lunn & Simon Berrill*