

Statement of Authors Guild CEO Mary Rasenberger at the World Intellectual Property Organization's 2022 Conference in Geneva

Thank you Mr Chair, this is our first appearance as observers at WIPO. Congratulations to you and the vice chairs on your appointments and for a well-run meeting.

The Authors Guild is the largest and oldest professional org for writers in the US. It serves as the collective voice of US authors. We support a rich and diverse literary culture and literacy for all. Our members include novelists, nonfiction writers, journalists, historians, poets, and translators, both traditionally published and self-published.

Authors care enormously about broad public access to literary works as readers and because they wish to be read widely. As such, we support balanced exceptions and limitations that allow for preservation, research, certain educational uses, as well as access to persons with disabilities; and digital access is a key part of that -- as the pandemic has brought into relief. At the same time, we believe that copyright limitations and exceptions can only be balanced within the context of each country's particular circumstances and laws. As such, we do not support an international instrument, but strongly support providing tools and capacity building for member countries to help them develop exceptions and limitations within the contours of Berne.

Balanced exceptions and limitations are necessary to ensure that cultural heritage can be preserved and that all have access to it. But it bears keeping in mind that it is not just **access to past works** that is important, but also access to **future works**, and most importantly **the production of those future works**.

Exceptions are balanced only to the extent they do **not** interfere with future creativity by materially diminishing income streams. We have seen that when publishers' revenue per book decrease – and especially those of the smaller publishers, they must make up for it by **either increasing** prices, **decreasing** what authors get paid, or **concentrating future** investments in likely best sellers. This results in a decrease in the diversity of what gets published.

Many publishers also stay in business by reducing in one way or another what is paid to authors. US authors incomes declined by 42% from 2009 to 2018 and during the pandemic almost 70% saw a reduction of an average of half of their income. Our fellow author orgs around the world report similar statistics.

The total effect is that fewer authors get paid enough from their work to make a livable income. Those writers – people who often have spent their lives training and perfecting their craft – must then take on other work --- and they publish less or not at all. Why should we care? Because this further decreases the diversity of what gets published.

We live in a time when the publication and broad dissemination of diverse voices and perspectives is more important than ever. In order to have healthy future societies, we need to hear the stories of people all over the world, with all their different experiences and viewpoints, including and especially indigenous peoples and those whose voices have been suppressed. And those voices are the first to go when publishing economies need to rely on proven best sellers to survive.

In sum, it is important to bear in mind the future of diverse creativity in any discussion about limitations and exceptions.

Increased access will not make up for a lack of new work representing the experiences of future voices from all the corners of your countries and of the world.

Let me add in conclusion that any discussion of limitations and exceptions for mass copying of works for AI training purposes (referred to as data mining) – is premature. And to the extent considered, such exceptions must not allow mass copying for purposes of training AI machines to create new creative works – because that will greatly damage the market for new works representing the experiences and viewpoints of future generations.

Thank you.