



Activities report
2020

Editorial

In June 2020, we concluded our Bulletin 2019 editorial by looking forward to a rapid return to "normal living" and we presented our 6 challenges for the revival of the visual arts sector to the then Minister of Culture. The extension of the health crisis has thwarted our expectations but certainly not our determination to support artists in the defence of their rights.

The cessation of cultural activities all over the world for so many months has had a serious impact on artists' incomes: e.g. so-called "primary" royalties from abroad fell by 45.1%. We can only hope that 2020 was a bump in the road in an economic context that had been improving year after year for artists. Despite this context, collections amounted to €45.1 million in 2020, up 8% on the previous year. This positive result was achieved through the double collection of private copying royalties (for 2019 and 2020), but this must not mask the real impact of the health crisis on royalties; without this two-year collection, royalties would have been down 17.5% on 2019.

Over this entire period ADAGP never ceased to mobilise all communication, legal and financial resources at its disposal to support artists. To keep in contact with our members, we developed communication tools such as the Member Space, a useful platform during this period of social distancing, and newsletters, including the weekly "Active lockdown" ephemeral newsletter in autumn to keep artists informed about the current events in the sector and the emergency help schemes they were entitled to.

Through videoconferences, we continued training workshops, remote meet-ups, etc. Two new creative scholarships were set up, one for a Photography Book (Transverse) and the other, with the complicity of the Société des Gens de Lettres, for an Artist's Book (Arcane).

In December, ADAGP, jointly with CIPAC and FRAAP, initiated the visual arts sector's petition to the Conseil d'Etat to rule on the merits of keeping exhibition sites closed while all other businesses were reopened for the holiday season. Not surprisingly, we were not given satisfaction by the Conseil d'Etat judges, but it was important that the question be asked, as it reflects our society's priorities.

In February 2021, ADAGP fully played its role as an observatory by conducting a survey among more than 2,000 artists to measure the impacts of the crisis and the effectiveness of the emergency aid schemes on their activities. 86% of artists saw a fall in their income in 2020 and 52% did not benefit from the aid available. The survey also revealed that royalties are the second largest source of income for artists (behind the sale of their works). They are becoming increasingly aware of this as shown by the fact that in one year alone close to 200 artists joined the ADAGP, which now has 15,500 direct members. Thank you all for your trust!

During these last few months of disruption, the ADAGP team was present alongside the artists to support them in their activities and I want to take this opportunity to thank them sincerely for their efforts.

Now more than ever we will keep on this course with commitment and determination to ensure that copyright in the visual arts is respected and that artists are paid for their work. Our recent partnership agreement with Google to support and reward visual arts authors in the digital context is a great step forward.

Marie-Anne Ferry-Fall
Managing Director



Activities
report

Our activities during the financial year 2020-2021

Information required pursuant to Article R.321-14, II-paragraph 2 of the Intellectual Property Code

ADAGP mobilised to support artists and revive the visual arts sector

In early April 2020, the Board of Directors decided that ADAGP would contribute €630,000 to emergency support measures for visual arts artists. This was made possible by the exceptional advance collection of 2020 private copying royalties and the government's decision to allow Collective Management Organisations (CMOs) to assign the share of private copying royalties usually used to finance cultural action and artistic and cultural education and training, to finance these emergency measures instead.

This sum of €630,000 was allocated to 3 sector funds to support the entire spectrum of visual arts disciplines:

– €458,000 was set aside for the emergency aid scheme set up by the Ministry of Culture through CNAP (National Centre for Fine Arts) to compensate for the loss of income suffered by artist-authors, due to the cancellation of exhibitions and artists' residencies. CNAP was thus able to grant aid to 822 artists for a total sum of over 1.5 million euros.

– €150,000 for emergency aid set up by CNL (Centre National du Livre) distributed by SGDL (Société des Gens de Lettres). With over 2 million euros at its disposal, this fund granted 2,312 aids to 678 authors (including graphic artists and illustrators) in order to offset their fall in income between March and June 2020.

– €22,000 to the artistic trades Solidarity Fund (endowment fund of Ateliers d'Art de France) to support emergency aid for artists in the arts and crafts sector.

In mid-December 2020, ADAGP, CIPAC (Federation of contemporary art professionals) and FRAAP (Federation of plastic arts networks and associations) filed an application with the Conseil d'État for an emergency ruling on whether keeping visual arts venues closed was justified or not. But the Conseil d'État dismissed our application due to the emerging British variant and the concerns that it raised and as a result cultural venues remained closed.

In early 2021, 23 cultural organizations – including ADAGP – called on the government to reopen cultural sites as soon as possible.

#Rebrachonslatulture is the rallying cry from arts and culture professionals who wish to alert the authorities about the national emergency that is jeopardizing the future of the French cultural model and risks creating a "sacrificed generation" of artists and cultural players.

At the same time, ADAGP conducted a survey among artists from January 25 to February 5 to measure the impact of the crisis on their activities and to gather their opinions about the emergency aid schemes put in place to support the sector. 2,135 artists responded and 86% of them experienced a fall in income in 2020. 46% said this loss was greater than 50% of their income in 2019.

All sources of revenue were affected (sales of works, royalties, wages and freelance jobs, orders, interventions or workshops).

78% of respondents experienced at least 2 event cancellations in 2020 (shows, meetings, group or monographic exhibitions).

As regards the aid schemes, the survey revealed that 52% of artists did not benefit from them. Of these, 57% considered that they were not eligible after reading the criteria and only 4% made applications that were denied.

As for the 48% of artists who received aid, the Solidarity Fund was the main scheme they applied to (89%) to compensate for lost earnings during the health crisis (remember that this fund is conditional on a loss of more than 50% of income compared to 2019).

Half of respondents felt that the emergency aid schemes should be improved, while a third felt that they could be extended on the same basis.

Among the improvements, new calculation criteria, a broadening of access through less stringent criteria and the implementation of a lump-sum aid are the three spontaneous answers most often advocated by respondents.

Finally, the priority clearly expressed by the artists at the time of the survey when asked about resuming their activities was the reopening of cultural venues.

These results were forwarded to the Ministry of Culture, the DGCA and CNAP to guide their reflections and their work on the recovery plan for the sector and the introduction of new aids (safety nets).

Copyright Protection

Resale right

The resale right, a fundamental copyright provision specific to the visual arts, has now been enacted in 89 countries.

• At the WIPO (World Intellectual Property Organisation)

In October 2019, WIPO established three working groups on the resale right: :

– the first, led by Professor Ricketson, deals with the comparative study of legislation relating to the resale right (rate, basis, payment responsibility, collective management organisation or not);

– the second, led by Aziz Dieng, adviser to the Minister of Culture of Senegal and Vice-Chairman of the Standing Committee on Copyright and Related Rights (SCCR) is responsible for compiling statements and concrete examples to show how resale rights help structure the art market and how emerging-country artists can benefit from the world market;

– the third, overseen by Marie-Anne Ferry-Fall, Managing Director of ADAGP, is focusing on galleries (primary/secondary market, the weight of red tape for small galleries, compliance with transparency obligations).

At the WIPO Standing Committee on Copyright and Related Rights (SCCR) meeting held by videoconference from 16 November to 20 November, 2020, each group chair presented his/her report. A questionnaire had been submitted in the spring of 2020 to the members of the working group as well as to the main European collective management organisations. Among the issues raised in the gallery report, were the distinction between those acting on the primary market and those on the secondary market, but also the responsibility for managing resale right declarations and of course, the traceability of transactions in spite of business secrecy provisions in order to enable resale rights to be correctly enforced.

In addition, in November 2020, ADAGP was accredited as an observer on the SCCR committee, giving it the opportunity to take part on its own behalf in meetings and thus avail of more debate time and greater visibility to promote and defend the rights of the visual arts repertoire.

• Abroad

On 24 December, 2020, the European Union and the United Kingdom reached a last-minute trade and cooperation agreement to govern the post-Brexit era.

One of the major issues for artists was whether or not British legislation would maintain copyright protection rules derived from European legislation, particularly those relating to the resale right, which British art merchants had never really held dear. ADAGP mobilized strongly, as early as 2016, with the French government and the EU chief negotiator, Michel Barnier, to alert about the need to preserve this essential right for artists. As hoped for, the agreement reached does provide for the maintaining of all copyright provisions, including the resale right, specifically enshrined in Article IP.13.

This is great news for European artists and their rights holders who will continue to receive resale royalties from the UK when their works are resold, but it is also good news for British artists, who will also benefit – through the principle of reciprocity – when their works are resold in a Member State of the European Union.

• In France

The symposium originally scheduled for May 2020 to celebrate the centenary of the resale right could not be held or rescheduled in 2021. Scheduled for the start of 2022, the exact date has not yet been decided.

Private Copying

Royalties for private copying are collected from manufacturers and importers of storage devices (from hard drives to set-top boxes, and including smartphones or USB sticks), in return for the right for individuals to freely duplicate legally acquired protected works (films, music, photos, books...) for their own personal use. 75% of these sums are paid to the authors, artists, performers, publishers and producers whose works are copied.

The remaining 25% is used for general interest purposes to support artistic and cultural creation.

The so-called Commission for the Remuneration of Private Copying – bringing together representatives of manufacturers and importers, consumer associations, artist-authors (including ADAGP for the visual arts), publishers and producers – has the task of best assessing private copying practices and recording media in order to determine fair compensation for rights holders.

In February 2021, the association of rights holders mobilised against a request made by retailers of refurbished phones and appliances for an exemption from having to pay private copying royalties in order to encourage consumers to choose second-hand rather than new devices, for environmental conservation reasons and also to reduce consumption of the rare raw materials required for these technologies.

However copying on refurbished phones is similar to that on new devices and the creative sectors have argued that they could not bear responsibility for the environmental issues by waiving their rights to royalties. In the end, a compromise was found with a 40% reduction in royalties for phones and a 35% reduction for tablets voted by the private copying commission.

Copyright in the digital age

In April 2019, the Directive on Copyright in the Digital Single Market was adopted. The French government has since been empowered to issue an order to transpose this directive into French law in the course of 2021.

Article 17 of this directive makes online content sharing platforms (Facebook, Instagram, Twitter, etc.) responsible for the content posted by their users and obliges them to respect copyright, either by entering into agreements with collective management organisations or by withdrawing content the distribution of which is not permitted.

This directive also includes new legal tools. Article 12 thus provides for the possibility of using extended collective licenses. These can be used to deal with large-scale usage of works (sharing platforms, educational uses, illustrations contained in research articles...).

ADAGP has started discussions with the technological players concerned by these texts to enter into agreements for the collection of royalties for the uses made of the works it manages. At the time of writing, ADAGP, Saif and Google have announced the signing of a 10-year partnership agreement to remunerate and support visual arts authors in the digital context.

Application of Exhibition Rights

The minimum royalties model for artists negotiated under the auspices of the Ministry of Culture and published in 2019 – i.e. a down-payment of €1,000 and 3% on ticket sales after the down-payment has been covered – is being gradually implemented. While all venues that receive subsidies from the ministry are obliged to comply with these provisions, the health crisis does not enable us to assess the real impacts of this model to date since they were forced to remain closed for several months.

Since December 2020, several working meetings have been organized, for example between the Direction Générale de la Création Artistique (DGCA at the Ministry of Culture), Frac and ADAGP in order to ensure the practical and lasting enforcement of this right and to support the directors of these institutions in integrating exhibition rights into their operating budgets. Quite appropriately, as part of the economic recovery plan, the Ministry of Culture announced the release of a supplementary budget to cover the implementation of this right.

In order to monitor the effective enforcement of the exhibition right, ADAGP is setting up a barometer based on the rights it manages. A first state of play presenting developments between 2019 and 2020 was published in the January 2021 edition of the half-yearly Esquisses newsletter. It will be updated annually in future Esquisses editions.

Court rulings against forgeries and counterfeit works

ADAGP secured the blocking of the Vietnam-hosted pauloeuvreart.com website, which offered several hundred counterfeit paintings, hand-made in China, for sale to the French public. Nearly 30 direct members of ADAGP were victims of this website as were twenty-eight members of our sister organizations.

In the autumn of 2020, ADAGP took emergency court proceedings to have the court order French Internet service providers to block the said website all over France.

In a ruling of 30 October 2020, the Paris Court of Justice ordered Orange, SFR, Bouygues Telecom and Free to take all steps necessary to make the site inaccessible from France.

These blocking measures, already ordered by the judge in respect of forged audiovisual works, were for the first time ordered for forged graphic and plastic arts works. Forged works are a scourge and while ADAGP and its members are doing all that is legally possible, governments need to be more active in this area.

Another action against forged art had a favourable outcome. On 23 October 2020, the Lille Tribunal Correctionnel sentenced two defendants to pay heavy fines and the sum of €224,042 in damages to ADAGP for forgery committed against some thirty artists in its repertoire.

The investigations carried out by the Central Office for Combating Trafficking in Cultural Property (OCBC), with the support of ADAGP, made it possible to unearth a massive network of art forgers, led by a Gallery owner from northern France and extending down to Spain. In particular, investigators got their hands on a large computer database, containing over 100 scanned artist signatures, thousands of photographs of works sorted by artist, documentation on how to forge lithographs and two professional inkjet printers. The perpetrators used these printers to reproduce works on art paper, incorporating "calibrated and credible signatures" to deceive buyers.

These forgeries, falsely presented as original lithographs, were sold on general sales sites (Leboncoin, Ebay, Priceminister...), on specialised sites, but also by a Parisian sales house and art galleries.

The investigation revealed the existence of several hundred forgeries, including 354 carried out to the detriment of the rights of the artists represented by ADAGP.

The judge condemned the two defendants to pay ADAGP the total sum of €224,042, broken down as follows:

- €25,842 in compensation for the negative economic consequences arising out of the sale of forged goods;
- €150,000 for the first defendant and €28,200 for the second for the undue profits gained from infringement of copyright;
- €20,000 in compensation for the moral prejudice to ADAGP.

ADAGP welcomes this very positive ruling, which is not however the final ruling as the defendants have appealed the ruling. ADAGP will continue to defend its case before the Appeal Court.

Other Professional Actions

In France

● France Créative

The France Créative association brings together the players in the cultural and creative industries (CCI). ADAGP represents the visual arts sector within it.

Throughout this year of crisis, Créative France has sought to measure the extent of the destruction of value in the CCI sectors and to challenge the authorities about the difficulties they are undergoing and the ways and means they can be helped. The organization is working to develop a resolute action plan to help these industries flourish, to boost their technological and environmental innovation capacities, to foster their contribution to social and territorial cohesion and to ensure they are an active part of the recovery of the French economy in a post-Covid context.

● French Coalition for Cultural Diversity

The French Coalition for Cultural Diversity brings together 44 professional cultural organizations (film, television, performing arts, publishing, music, visual and multimedia arts) and advocates for cultural diversity in international trade negotiations.

The new Board of Directors was elected at the general meeting of the coalition on 8 April last: Pascal Rogard, SACD General Manager, remains Chairman for the period 2021-2023, Marie-Anne Ferry-Fall becomes Vice-Chairwoman and Ghislain Gauthier, Deputy General Secretary of CGT Spectacle, is the treasurer.

This General Meeting also provided an opportunity for the Coalition to reaffirm 4 priorities that it has set for itself:

- Ensure compliance with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in international trade negotiations
- Defend and promote Europe-wide implementation of digital regulation in favour of creation and cultural diversity
- Support the modernisation of policies to support and promote European works
- Commit to an ambitious European policy for culture, particularly in the context of the health crisis

● Signing the Diversity Charter

The Diversity Charter is a commitment text drafted in 2004 and today has more than 4,100 signatories (companies, public institutions, associations, local authorities, etc.). Any employer may sign this Charter if they wish to take a proactive approach to foster diversity and thus go beyond the legal framework of the fight against discrimination by making diversity a strategic asset. By signing this convention, ADAGP affirms its belief that diversity is a genuine cultural, social and societal asset.

Abroad

● A Decision of the European Court of Justice

In 2021, the European Court of Justice (ECJ) addressed the issue of technical measures to protect works broadcast on the Internet (ruling of 9 March 2021 case C-392/1).

Our German sister company Bild-Kunst had conditioned entering into an agreement authorising works in its repertoire to be used on the website of a German foundation, to the implementation by the website of effective technical measures to protect against transclusion.

Transclusion is the act of making visible on a second website, a visual or a video visible on a first website, but without copying/pasting on that second website. This visual or video is visible on the second website by "embedding". So, if the content is deleted from the first website, it is instantly deleted from the second website by the knock-on effect. The Foundation, considering that such a contractual condition was not reasonable under applicable regulations, brought an action to ensure that Bild-Kunst was obliged to grant the authorisation in question without having to implement measures to prevent transclusion. The German Federal Court of Justice had to decide whether transclusion should be considered as a communication to the public, which would, in such a case, enable the user to be required to implement protective measures.

The ECJ considered that communication to the public (within the meaning of article 3§1 of the Directive 2001/29/EC) did exist when works protected by copyright were incorporated into a third party's web page by transclusion when such works were freely accessible to the public on another website (with the authorisation of the copyright holder), when this incorporation bypasses protective measures.

The ECJ specified that the introduction of effective technical protective measures was the only means for the rights holder to express his /her opposition to the transclusion of his/her works. Thus, ADAGP will continue to impose such anti-transclusion protective measures in its contracts with users.

● The CISAC report

The International Confederation of Societies of Authors and Composers (CISAC) represents more than 230 authors' societies in over 120 countries. Through this community, CISAC supports the global collective rights management network. Published in October 2020, the Report entitled "COVID-19: Crisis, Resilience, Recovery", shows how creators have been impacted by the pandemic and analyses the continuing effects on their income well into 2021.

It reports on the measures taken by CISAC member societies to limit the damage caused. The report also highlights the resilience of creators and the need for new government measures to support the creative sector.

As regards the amount of collections in 2019, those related to the visual arts sector amounted to 165 million euros, slightly down on the previous year (-1.9%).

Resale royalties increased by 7.4% to €47 million and became the main source of collections for this repertoire for the first time. In 2019, these royalties accounted for 28.2% of global collections for CISAC member societies in the visual arts sector. The leading two countries contributing to resale royalties – France and the United Kingdom – are the main drivers of that growth.

However, this source of income is likely to experience significant falls in 2020 as a result of the net downturn in activities related to the COVID-19 crisis.

Reprography royalties fell by 13.8%. Despite an increase of 24.6% in 2019, royalties generated by the use of visual arts works on digital platforms accounted for only 3.4% of the royalties collected for this repertoire (€5.6 million).

● CIAGP

CIAGP - International Council of Creators of Graphic, Plastic and Photographic Arts - took place on 6 November 2020 in an unprecedented 2-hour fully dematerialised format. The purpose of this meeting was above all to keep channels open between the 50 visual arts authors' societies members of CISAC.

Two specific points were discussed: the campaign for the international recognition of resale royalties and the specific means of enforcing these rights, but also the threat to copyright in WIPO as some countries request exceptions to royalty payments, in particular for educational use or for museums.

Finally, the meeting provided an opportunity to present the automated image recognition software and establish guidelines for the distribution of rights between sister societies.

● EVA Forums

European Visual Artists (EVA) represents the interests of collective management organisations for the visual arts on a European level and in particular with the institutions of the European Union.

On 28 January 2021, ADAGP and its Belgian and Dutch counterparts participated in a Q&A session on private copying. Participants shared their views on the legal, political and economic aspects and general situation of private copying in France. The methodology used to set royalty rates by the Commission for the Remuneration of Private Copying, allocation rules and the practical application of these payments for the various visual arts disciplines were also discussed.

The purpose of this forum was to enable the various collective management organisations (CMOs) to share information on the situations in their respective countries. Indeed, contexts vary from country to country: Some CMOs still have to plead with their governments to acknowledge private copying royalties for the cultural and creative industries, while others are in negotiations on how to share royalty payments between cultural sectors. A second EVA forum was held on 11 March 2021 on the April 2019 Directive on Copyright in the Digital Single Market. The purpose of this meeting was to exchange views on the challenges common to the visual arts, particularly in the context of the transposition of the Directive by member states.

● Study by EY commissioned by GESAC

The European Grouping of Societies of Authors and Composers (GESAC), of which ADAGP is a member, commissioned a study from the EY firm on the impact of the health crisis on the cultural and creative industries (CCI) in Europe.

The study entitled "Rebuilding Europe: The cultural and creative economy before and after COVID-19" was published at the end of January 2021 and presents detailed key figures for these industries in Europe before the pandemic, as well as the dramatic impact of thousands of cultural venues having to be closed and events cancelled.

CCI sectors were among the hardest-hit by the crisis, much more than the tourism sector, for example:

- a fall in activity of over 30% on average and up to 90% in certain sectors or countries,
- a considerable risk to employment (7.6 million people in 2019) and vocations,
- an undermining of small, medium and micro-sized businesses and mostly freelance artists-authors in the face of the financial challenges of creation and the power of the digital players.

Among the European Union's CCIs, the visual arts suffered the greatest absolute loss: – €53 billion down on 2019.

In 2020, the transition to "consumption" of online visual arts accelerated. But, as with other art industries, online income is not enough to offset losses of "offline" income, especially given the higher risk of hacking and unauthorised use.

The report also presents a series of recommendations aimed at strengthening the cultural economy, so that it can be one of the drivers of the European economy's recovery and a lever for social, societal and environmental transformation:

- private or publicly funded growth projects, commensurate with the weight of the sector and its potential reach and impact on a territorial, social and international level,
- protection of authors' rights and intellectual property, but also that of a European cultural entrepreneurship model, within the framework of the European directives adopted or under discussion,
- the use of the collective and individual strength of cultural and creative actors to accelerate digital, social and environmental transitions,

● IFFRO

IFFRO (International Federation of Reproduction Rights Organisations) is the equivalent of CISAC for CMOs in the book publishing sector. It is also an important forum for tackling the challenges facing copyright.

On 9 March 2021, Daren Tang, Director General of WIPO since October 2020, met with IFFRO members. In his opening address, he commented on the impact of the pandemic on the creative sector, including significant income losses for authors, publishers and collective management organisations.

He also conveyed his vision of the role of CMOs in the 21st century. He expressed the view that CMOs are positioned to lead the development of global solutions for access to content, and in doing so they must continually improve their governance and their efficiency to deliver better services to users and rightsholders. The ongoing joint IFFRO-WIPO projects in the area of licensing, private copying levies, and infrastructure, contribute to the sound development of collective management around the world.

At ADAGP

The Repertoire

Between 1 June 2020 and 31 May 2021, ADAGP received 1,161 new members and to date has 15,535 direct members and 190,121 via sister societies and photo agencies.

The Member Space

New features are being continually added to the Member Space which has been accessible to all members since February 2020. In addition to managing their personal information, consulting the amount of their royalties and uploading images of their works on ADAGP Images, members can now:

- Find information of their date of membership, the management category for their rights (Exclusive Rights or Collective Rights) and the social regime of their royalties (social contributions deducted at source or exempted from deduction at source),
- Download their social contributions deduction certificate for the year (for authors whose social contributions are deducted at source),
- Complete returns for the past year: TV + YouTube broadcasts (for Exclusive Rights members) as well as TV + Press + Publishing returns (for members managed only for Collective Rights),
- View and download the summary of royalties paid out by ADAGP (in the "Settlements" section), thus facilitating the annual income tax returns for members.

The Work of the Repertoire Advisory Committees

● Applied Arts

The Applied Arts Committee organises meetings on themes related to the applied arts and design.

Polyvalence is the name of a new quarterly meet-up that gives carte blanche to a guest creator to propose a prospective subject or testimonial based on one of his/her projects, conducted in collaboration with different players (professional partner, expert, scientist, sociologist, historian, critic, economist, etc.).

These events, organised in the ADAGP Auditorium – or by videoconference if the health context so requires – are broadcast live on the ADAGP YouTube channel (and available for subsequent replay). Isabelle Daeron was the first guest and she presented her latest project: a cleaning point supplied by water from the non-drinking water network in Paris.

● Graphic Novels

Following the success of the 2020 calendar, the Graphic Novels Committee repeated the event in 2021 with a calendar showing the highlights in the life of a Graphic Novel author's life in pictures and text.

● Young People's Books

It is now possible for authors to vote for their favourite young people's book fair on the platform votepourtonsalonjeunesse.fr. The site created by the ADAGP Young People's Books Committee invites young authors and illustrators to vote, throughout 2021, for fairs and festivals in which they participated in workshops, book signings or any other intervention and to share their good or not-so-good experiences.

At the end of 2021, the best of them will be celebrated and awarded the "Fair approved by young authors" label.

● Photography

The Photography Committee wanted to provide photographers with a practical and to-the-point tool in the form of a notebook packed with information and advice on their copyright entitlements. "Working As A Photographer: Author's Rights Fundamentals in 20 Points" is available in a paper version (on request from communication@adagp.fr) or can be downloaded on adagp.fr.

Meetings at ADAGP

Over the past year, ADAGP has organized monthly meetings for its members: ADAGP en pratique and Angles Droits.

ADAGP en pratique meetings are led by ADAGP teams with the aim of raising awareness among participants about best practices and the practical details of how ADAGP manages their rights. Adopting – as the name suggests – a more legal point of view, the Angles Droits sessions, led by the Legal Department, inform ADAGP members about the fundamentals of copyright or more specific points of law such as publishing contracts.

Since November 2020, the Ateliers Pros have supplemented these sessions by offering members full training days dedicated to their discipline. Led by two training and education specialists, each workshop aims to provide participants with in-depth solutions and practical tools for their professional activities.

Rights Management

- **New contracts**

Every day, ADAGP negotiates and signs individual or collective contracts for its members.

- **Audiovisual:**

In December 2020, ADAGP, alongside SACD, entered into an agreement on the use of works from their respective repertoires by the Salto platform, created by France Télévisions, the TF1 group and the M6 group and launched on 20 October last. At the end of January 2021, a contract with Prime Video, an Amazon service, for its video-on-demand business and, in March, an agreement with Molotov TV, were also signed.

- **Press:**

3 new agreements were signed with M Le Magazine du Monde (Paper), Le Monde (Paper) and Switch on Paper (website), bringing to 130 the number of agreements signed with the press.

- **Digital uses:**

An amendment to the 2010 agreement with the Georges Pompidou Centre has now been signed enabling them to put high definition images online in order to enable Internet users to zoom in on the works in the collection and observe the finer details.

An amendment to the 2017 contract with Artly Productions was signed enabling them to continue to use ADAGP works in Artips, their free daily newsletter (500,000 subscribers), their application and e-learning platform.

A contract was signed in early 2021 with the Artify company which proposes screening works of art on screens in public spaces, professional establishments (hospitals, hotels, etc.) and in private settings. This contract covers reproduction and performance rights and the provision of the files by ADAGP Images.

About 20 "Digital uses" contracts have also been signed with museums all over France, including the Libourne and Agen Museums of Fine Arts, the Guimet Museum (Paris), the Unterlinden Museum (Colmar), the Betonsalon / Villa Vassilieff Art Centre (Paris), The Franciscans Museum (Deauville) and the Fontevraud Modern Art Museum, the latter two are planning to open in 2021.

Cultural Actions

Cultural actions launched three new scholarships to boost direct aid to artists and to encourage interdisciplinary collaborations and the outreach of the visual arts.

- **Transverse**

In order to contribute to the emergence of works between the different disciplines of the visual arts, ADAGP has partnered with the FreeLens association to create a new scholarship: Transverse. This scholarship invites a professional photographer to design a work in collaboration with an artist from another artistic discipline. From this synergy, an original work, having photography as its source medium, will be created within one year of the award. The final restitution of the work will be in the form of a publication.

- **Arcane**

Artists' books, creations mostly initiated by artists and authors, generate great interest from art lovers. Yet they do not have much financial and distribution support. The Arcane scholarship encourages collaboration between an ADAGP artist and an author from the Société des Gens De Lettres to develop an artist's book.

- **Strada**

The Strada scholarship supports an urban art festival project in a city of less than 50,000 inhabitants to create a territorial momentum and promote the deployment of urban arts outside the usual territories of artistic creation.

- **The 2020 Revelations**

Each year, the Revelations encourage the emergence of new talent in 8 disciplines in the visual arts repertoire. The winners receive an endowment of €5,000, benefit from a portrait filmed by Atelier A and broadcast on the Arte website and a special presentation on the ADAGP's walls.

The artistic disciplines represented are plastic arts, urban art, digital and video art, graphic novels, design, photography, artist's books and young people's books.

In 2020, 6 Revelations were distinguished by dedicated juries, composed of artists and professionals in each discipline concerned. The Plastic Arts Revelation could not be awarded because of the cancellation of the Montrouge Show. As for the biannual Photography Revelation, it will be awarded in 2021. Due to the health crisis, the annual gala evening, organised at Centquatre-Paris, to celebrate the winners could not take place this year. This annual activity report is an opportunity to recall which artists were distinguished in 2020.

Yosra Mojtahedi – Video Art/Digital Art Revelation

In partnership with the Fresnoy, the Video Art/Digital Art Revelation 2020 was awarded to Yosra Mojtahedi's *Éros arbénus* installation.

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Born in Tehran, Yosra Mojtahedi entered Fresnoy in 2018 and explored different fields: art and technology, women's place in society, its relations with nature, sensual and mystical. In reaction to her native country, where the body is a taboo subject, her works question the living and the non-living by means of soft robots, sculpture and drawing in an artistic gesture emerging from the darkness.

Lauren Tortil – Artist's Book Revelation

In partnership with the Multiple Art Days fair (MAD), the Artist's Book Revelation was awarded to Lauren Tortil for her work *Une généalogie des Grandes Oreilles* (published by Tombolo Presses).

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Influenced by "Sound Studies" and media archeology, Lauren Tortil questions the history of contemporary sound technologies and the relationship that humans have with the sense of listening. Her book *Une généalogie des Grandes Oreilles* presents her latest iconographic research about surveillance devices more concerned with listening than seeing.

Agnès Hostache – Graphic Novel Revelation

In partnership with the Festival Quai des Bulles (Saint Malo), the Graphic Novel Revelation was awarded to Agnes Hotache for her album *Nagasaki* (Published by Le Léopard Noir).

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After spending 20 years designing for large advertising agencies and space design studios, Agnes Hocache is now focused on her own projects. In her first *Nagasaki* album, we discover her desire to tell about interiors and the lives of their inhabitants, the fruit of her professional experience and an artistic approach combining modesty and sincerity.

Simon Chauat & Souleimen Midouni – Revelation Design

In partnership with the École des Arts Décoratifs de Paris, Simon Chauat and Souleimen Midouni, students at the end of the course, received the Design Revelation 2020 for their M.E.G.A. diploma project.

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Simon Chauat and Souleimen Midouni feed their common practice with numerous artistic fields in order to rethink the use and aesthetics of objects. Their commitment is expressed in the M.E.G.A project, a platform for the production of ceramic objects that graft onto construction sites in order to exploit the clay strata. The collective expresses a genuine environmental and technical commitment that attests to a designer practice in touch with the most contemporary issues.

Charline Collette – Young People's Books Revelation

In partnership with the Youth Authors and illustrators' Charter, the Young People's Books Revelation has been awarded to Charline Collette for her book *Au Bois* (Published by Les Fourmis Rouges).

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The *Au Bois* album navigates between fiction and documentary and takes the reader into the heart of the forest, judiciously alternating tiny details and vast panoramas. After studying engraving at the Ecole Estienne, graphic novels in Angoulême, silk-screen printing at the Beaux-Arts in Paris then Illustration at the Arts Decoratifs in Strasbourg, the author now focuses on drawing combining traditional techniques and digital tools.

Alexander Raczka – Urban Art Revelation

In partnership with the Palais de Tokyo, Alexander Raczka was awarded the Urban Art Revelation 2020.

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By using the sign, icon and the symbolic, Alexander Raczka's practice breaks away from conventional graffiti. Since 2019, the artist has been reappropriating performance codes and, in collaboration with a geographer, is developing new projects in virtual reality. This medium allows him to bring "underground" urban art into the institution and project the public's imagination on the street. In this way, he raises the question of the work "in-situ", interpreting it "ex-situ".

The background features large, stylized, overlapping letters in shades of blue and purple. The letters 'E', 'S', 'O', and 'E' are visible, arranged in a way that they appear to be part of a larger, abstract graphic design. The 'E' is at the top left, 'S' is in the middle left, 'O' is at the top right, and another 'E' is at the bottom right. The text 'Use of rights' is centered in the lower half of the image.

Use of rights

Use of rights

Information required pursuant to Article R.321-14, II-paragraphs 7 and 9d of the Intellectual Property Code

Collections 2020

Driven by exceptional private copying collections, rights billed in 2020 were up from €41,823,292 in 2019 to €45,164,797 in 2020 (up €3,341,505 or +8%), thereby masking the effects of the health crisis on ADAGP's activity.

Indeed, since the beginning of 2020 Copie France levies no longer go through SORIMAGE (an intermediary that has now been liquidated) and this enabled a full year of processing to be gained. Thus, the monthly payments made throughout the year by Copie France corresponding to private copying royalties for 2020 came in addition to the 2019 collections. So 2020 was marked by the collection of two years of private copying royalties

When this exceptional effect (€9 million) and those related to private copying 2019 vs 2018 (€+1.7 million) are stripped out, collections in 2020 amounted to €34.5 million, i.e. 17.5% down on 2019. This decline is the main objective indicator of the effects of the health crisis on ADAGP's activities in 2020.

The Resale Right

Royalties from resale rights in 2020 were down -26.4% on the previous year, from €15,588,860 in 2019 to €11,468,650 in 2020. These are the royalties that were hardest hit by the crisis. This decline was more marked for foreign royalties (-33.9%) than for royalties from France (-22.8%). In France, gallery sales suffered more (-50%) than auction sales (-17%).

Reproduction Rights

Collections increased by 46.4% compared to 2019, i.e. up €8,067,526, to €25,470,723 in 2020. This is the result of very contrasting developments, with private copying royalties up by €11,171,272 (+152.7%), while French primary royalties were down 12.6% along with foreign royalties down 45.1%.

– On a national level, primary royalties were sharply down €419,782 (-12.6%) to €2,907,934. As regards collective rights, private copying therefore showed an exceptional increase of +152.7% compared to 2019, for the reasons mentioned in the introduction. Reprography rights consolidated, up 4.8% at €571,913.

– Internationally, collections from sister societies fell significantly and were down €-2,580,770 compared to 2019, or -45.1% at €3,137,824 in 2020 (compared to €5,718,594 in 2019).

In detail, primary royalties fell by €-1,378,629 (-38.7%). Collective rights fell by €1,202,141 (-55.6%) down from €2,160,273 in 2019 to €958,132 in 2020. This decline, more marked abroad than in France, reflects the impact of the health crisis on the global economy as a whole and is amplified by the catch-up effect for collections in 2019 not repeated in 2020. For direct management abroad, royalties fell by €-115,268 (-29.7%), consistent with the trend seen in foreign

Performance rights: Audiovisual and multimedia rights

Overall, performance rights were down 6.9% (i.e. €-605,811) from €8,831,235 in 2019 to €8,225,424 in 2020.

In France, broadcasting rights were down 10.3% to €5,607,476 in 2020 from €6,252,561 in 2019. Multimedia rights were down 11% from €1,462,476 in 2019 to €1,301,872 in 2020.

Foreign royalties from sister societies were up 21% to €1,185,445 from €979,731 in 2019, while direct management royalties decreased by -4.3% to



pour le droit des artistes

Rapport de transparence,
exercice 2020

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