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THE ISSUE

The repeated merging and consolidation of media companies and the proliferation of stock houses are transforming the graphic arts industry. An imbalance of power in the marketplace exists that threatens to render commercial artists' protections under copyright law economically meaningless. Individual creators lack the leverage to negotiate effectively with increasingly large and concentrated media companies, and their ability to act collectively is severely limited by antitrust law. As a result, the prevalence of non-negotiable, "take it or leave it," contracts is increasing, and industry standards we once took for granted are being rapidly eroded.

ARTISTS ARE DENIED BARGAINING RIGHTS OTHERS ENJOY

In the past, anti-trust law was used to thwart the efforts of employees to join together to deal with their employers collectively. To protect such employees seeking fair working conditions, Congress passed laws that broadly exempted the activities of such employees from antitrust scrutiny. Congress did not extend the same exemption to independent contractors. The Supreme Court has repeatedly ruled that for independent contractors, the very act of joining together may be a violation of antitrust law. Ironically, the cases that have come before the Court to date have involved "independent contractors" who were in fact large corporate entities themselves.

Labor and anti-trust laws were not devised to stop small groups of independent artists from collectively working to ensure standards, while allowing media

companies set prices and contract terms without restriction. This conflicts with the spirit of antitrust and copyright law, creates economic disincentives for creators, and ultimately hurts consumers of media and information.

By obtaining an exemption from anti-trust law for independent contractors who create copyrighted works, the Guild seeks to obtain a greater ability for our members to act collectively, while retaining the copyright protections to which all authors are entitled.

GUILD POLICY

Guild policy is to promote and protect the economic interests of our members.

ACTIONS TAKEN

Working with the National Writers Union, our sister local, and lobbyists and attorneys from the UAW, the Guild has presented and discussed these issues with key congressional members and staffers, and discovered bipartisan interest in the issue.

The Guild has taken an active role in establishing the Coalition of Visual Artists (CVA), a group representing approximately 40,000 independent artists, mostly photographers, who are dedicated to lobbying Congress to obtain collective bargaining rights.

RESULTS

Several members of Congress have devoted staff time to the issue and have been identified as potential authors of legislation. The next step will be to study the composition of the as yet unnamed Judiciary Committee, and begin to seek allies there.



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