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## Press Release

### German Federal Court of Justice Verdict on Translator Remuneration Dispute

The literary translators' association receives the verdict of the Federal Court of Justice favourably, in principle. The court has awarded translators a share in profits, as a rule from 5000 copies sold, amounting to 0.8% for hardcover titles and 0.4% for paperbacks. Although this verdict is well below the percentages awarded by the previous judgements at the regional and higher regional court levels, it must be emphasised that this royalty fee is to be paid in addition to the page rate and is therefore not offsettable against the basic fee.

We regret, however, that the Federal Court of Justice has not further appraised the currently paid usual page rates, which are considerably less than sufficient. The court has at least established that remuneration solely on the basis of the current usual page rates cannot be considered adequate.

On the positive side, the court has awarded literary translators 50% of publishers' net revenue from the sale of subsidiary rights, for example paperback rights. This is significantly above the rates previously usual in the industry.

The dispute itself is not yet resolved, however, as it has been referred back to the Munich higher regional court to establish whether "specific circumstances" require a deviation from this regulation. The nature of these "circumstances" will be detailed in the written ratio decidendi, which will be released in due course. Regardless of this remission, the verdict confirms the translators' view that every use of their works must be remunerated.

The Chair of the Association of German-Language Translators (VdÜ e.V./Bundessparte Übersetzer im VS in ver.di), Hinrich Schmidt-Henkel, has issued the following initial statement in reaction to the verdict:

‘At the bottom line, the Federal Court of Justice verdict sets a legal framework – regardless of the remission to the lower court – and it is now up to the translators and publishing houses to reach agreement, taking this framework into account. As I have emphasised in the past, it is

the mutual task – and I believe in the mutual interest – of the publishing houses and the translators’ association to conclude a remuneration agreement acceptable to both sides. The legislator referred to the 2002 amendment to German copyright law as an ‘empowerment law’; however, this empowerment of translators of literature has not yet taken place. I believe today’s verdict offers opportunities to implement this law at long last.’

In doing so, it will be important for the literary translators that a remuneration agreement benefits all genres of literary translation. However, we will also aim to achieve a differentiation of remuneration according to the level of difficulty, again across all genres. Translators of difficult works of world literature with small print runs should not, after all, be placed in a worse position than translators of easier to read novels, which are less complex to translate and have far greater chances of becoming bestsellers.

We are happy to answer any questions you may have. Please contact:

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