

Aktueller Stand der EU-Urheberrechtsreform

- Bericht über Gespräche mit der EU-Kommission -

Sind Bildung, Wissenschaft und Vergütung europäische oder nationale Aspekte des Urheberrechts?
Offener Workshop des „Urheberrecht für Bildung und Wissenschaft e.V.“

Berlin, 16. Oktober 2015

Harald Müller



Lobbyarbeit der Bibliotheksverbände



- **EBLIDA** =
(www.eblida.org)



- **LIBER** =
(libereurope.eu/)



*LIBER is Europe's largest network of research libraries,
with over 400 members.*

- **IFLA** = International Federation of Library Associations and Institutions (IFLA) is the leading international body representing the interests of library and information services and their users.

(www.ifla.org)



Treffen mit EU-Kommission



TUESDAY 29 SEPTEMBER

Services DG RTD

Jean-Claude Burgelman (Head of Unit)

Jean-François Dechamp

Wainer Lusoli (who works on the European Research Cloud)

Fragkiskos Archontakis (who works on Big Data : data intensive science)

WEDNESDAY 30 SEPTEMBER

Services DG CNECT

Gerard de Graaf, Head of Unit.

Maria Martin-Prat, Head of Unit F5

Marco Giorello, Deputy Head of Unit F5

Tonnie De Koster, Assistant to the Director.

THURSDAY 01 OCTOBER

Cabinet of Commissioner Navracsics (Education, Culture, Youth and Sport)

Ms Adrienn Kiraly – Deputy Head of Cabinet.

Treffen mit EU-Kommission



Themen:

- Julia Reda report and follow-up / Review INFOSOC Directive
- Cross-border access for Research & Education
- TDM (Text & Data Mining)
- Legal protection of exceptions & limitations from contract override
- eLending by libraries

TUESDAY 29 SEPTEMBER

Services DG RTD



- EU Commission is planning to release on 9 December 2015 a proposal on Portability and may include the Marrakesh Treaty. They will also release a workplan for the timing of the subsequent copyright reform proposals. Nothing more before the end of the year.
- The impact assessment is still going on and will continue through January. The focus, as before, is economic, and not on principles or access
- Launch of new Open Science Policy platform that should go live under the EU Presidency (Ron Dekker is the contact person).
- It looks like the EU Commission would be in favour of an exception for TDM, but that other copyright reform proposals will be issued over the next 2-3 years. From the perspective of DG RTD, they expect limited scope, i.e. supporting exceptions and limitations for scientific and research purposes.
- Also talk about alternative metrics, i.e. new ways to assess researchers in universities, so that publication in the prestigious journals is not the only method of determining success.

WEDNESDAY 30 SEPTEMBER

Services DG CNECT



- Before the end of the year (by 09 December 2015) the Commission will issue a communication on a work plan and a 1st legislative proposal should be a regulation on cross-border portability of content.
- The package of exceptions on “easier” topics will be addressed in the 1st part of 2016. Other topics will continue over the next couple of years.
- There seems to be agreement in looking at increasing harmonisation for some exceptions and limitations.
- For TDM they will focus on content to which there is “legal access”. They want to provide full legal certainty for researchers including for public-private partnerships. They are not planning to address business purposes, such as for pharmaceutical companies. Next is looking for a balanced way to address technology concerns with impact of TDM on the publishers’ servers.
- For elending, they were interested in receiving more specific data about elending and the lack of availability of content. They asked about specific concepts for solutions, including how to introduce friction in legislation, including equitable remuneration as in PLR for print, what should be in the EU legislation and what should be left to national.

THURSDAY 01 OCTOBER

Cabinet of Commissioner Navracsics

(Education, Culture, Youth and Sport)



- On copyright reform, she confirmed what we heard previously from DG RTD and DG CNECT and that the decisions are into the hand of Ansip and Oettinger with little input from Navracsics.
- She confirmed the release of a regulation on portability of content mainly focussed on the audio-visual sector.
- She made clear that Commissioner Navracsics is really interested in safeguarding content and protecting creativity and that any copyright reform needs to ensure protection of creators.
- She also mentioned the fact that copyright was taken in a lot of different public consultations where it doesn't appear as a central issue and referred for example to the public consultation on geo-blocking.
- Our impression is that DG EAC is far away from the copyright question, as well as from libraries. They would need to be fed with data on libraries and their in fostering cultural diversity and access to knowledge, and how libraries support creators and creativity among the population they serve as well as provide access to cultural heritage.

Drafting Options for Limitations or Exceptions to Confirm eLending, pt. 1



EU Rental and Lending Directive

add a sentence to article 2.1.b of the EU Rental and Lending Directive:

For the purposes of this Directive the following definitions shall apply: [...] (b) ‘lending’ means making available for use, for a limited period of time and not for direct or indirect economic or commercial advantage, when it is made through establishments which are accessible to the public, ***including the reproduction and transmission of digital copies of literary works contained in the collections of these establishments to members of the public, provided that those digital copies can only be used for a limited period of time;***

add a sentence to article 6 of the EU Rental and Lending Directive:

Member States may derogate from the exclusive right provided for in Article 1 in respect of public lending, provided that at least authors obtain a remuneration for such lending. Member States shall be free to determine this remuneration, taking account of their cultural promotion objectives. ***As far as public lending through the reproduction and transmission of digital copies to individual members of the public for use, for a limited period of time, is concerned, “the remuneration for such lending shall be equitable”.***

Drafting Options for Limitations or Exceptions to Confirm eLending, pt. 2



INFOSOC Directive

Introduce a new exception after article 5.3.n INFOSOC Directive, which could read as follows:

Member States may provide for exceptions or limitations to the rights provided for in Articles 2 and 3 in the following cases: [...]

(n bis)

the making available for use, for a limited period of time and not for direct or indirect economic or commercial advantage, when it is made through establishments which are accessible to the public, including the reproduction and transmission of digital copies of literary works contained in the collections of these establishments to members of the public, provided that those digital copies can only be used for a limited period of time and on condition that the right holders receive fair compensation.

Vielen Dank fürs Zuhören!



Fragen?

Dr. Harald Müller

Aktionsbündnis Urheberrecht für Bildung & Wissenschaft

IFLA Document delivery section & CLM

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