

# CENL Copyright Working Group



CENL Copyright Working Group Newsletter  
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## COPYRIGHT

On the 100<sup>th</sup> anniversary of the Dutch Copyright Act, [this short article by Bernd Hugenholtz](#) reviews some of the specific features of the law, such as employees retaining a stake in copyright work produced under employment contracts, and the Dutch Supreme Court's recognition of copyright in areas such as chemical formulae.

This [thorough piece by American law professor Pamela Samuelson](#) on the importance of copyright reform sets out how achievable a 21<sup>st</sup> century copyright system is and how vital it is to digital libraries. Samuelson concludes that while wholesale reform cannot be expected from the US government, some moderate changes would begin to make a better system. The comments following the article broaden out into an interesting debate.

[This piece](#) discusses visually impaired access and the proposed WIPO treaty. It's always interesting to see articles on copyright in the mainstream media and reminds us that copyright needs to serve the end users, not just content owners and legal theorists.

The German government has announced [plans to introduce licence fees](#) for use of even small snippets of content by online aggregators. This seems to be aimed at Google, preventing them from benefiting from advertising revenue earned on the back of other providers content and to support the ailing newspaper industry.

Should private copying levies apply to the cloud? A leaked document suggests this is something being considered by the Commission. [The article discusses](#) how practical this is, particularly given that not all EU nations have private copying levies.

## INFRINGEMENT AND PIRACY

Søren Clausen reports: The Danish minister for Culture has decided to strengthen the development of legal creative content service online and will therefore not introduce a model of sending letters to persons who violate copyrighted material on the internet. He has announced a series of initiatives aimed at making it easier to use creative content online legally, focusing on the development of legal content services, and at the same time will motivate the consumers to choose the legal solutions. The initiatives will also be focusing on the rights holders' continued efforts to limit the illicit piracy. For further information read the [press release in English](#):

In May, French antipiracy agency HADOPI opened [public consultation](#) on peer to peer sharing which is due to report in August 2013. On 5<sup>th</sup> Sept the president of the Commission de Protection des Droits [gave a presentation reporting on the progress](#) over the last 2 years made by HADOPI although its future now seems uncertain as the Hollande government is less favourable to the practice.

HADOPI scored its [first conviction last month](#), somewhat controversially as the defendant was fined just €150 and stated that although he owns the line it was his ex-wife who made the downloads.

Last month, [the Dutch courts ruled](#) that linking to infringing material may in itself an infringement in Netherlands. There is clearly a subtlety of wording in the judgement that requires reference to a more detailed précis but the defendant declared the ruling terrifying for every journalist and everyone with a website.

## **EUROPE**

EU Commission has [published a draft directive on collective management](#) of copyright and related rights which aims to improve transparency, service and practice among CMOs and facilitate cross-border licensing of music.

The [Orphan Works directive was adopted](#) by the EU commission on 13<sup>th</sup> September. While it is a positive step, the Directive fails to deal with all classes of material and requires a detailed diligent search leading [some to comment](#) that it has fallen far short of anything practical.

On 10<sup>th</sup> September in Lisbon [Neelie Kroes made a speech on copyright and innovation](#) in which she highlighted that although recent steps such as the orphan works directive and consideration of cross border licensing have helped us to make progress, copyright in the EU needs to be truly modernised and integrated to enable the Union to respond to the changes and opportunities that exist in the digital world.

## **MASS DIGITISATION**

In early October, [Google announced an out of court settlement](#) with the Association of American Publishers. While the details of the settlement remain confidential it gives publishers a right to opt out of digitisation, and Google the right to use snippets of up to 20%. Sales from Google play will result in a revenue split. Other groups

## **MISC**

The Open Access agenda has been widely covered in the news in the UK due to two key announcements. In May the [Universities minister announced that it was government policy](#) to ensure all publicly funded research findings were to be made freely available. In June, [the findings of the cross sector Finch committee were](#)

[published](#), recommending a gradual move towards a “gold” open access solution where publication is funded by academics

The [ACTA treaty was voted down](#) by EU parliament in July. Although its proponents still plan to press ahead with this agenda many MEPs see this as an opportunity to close the door on this approach to copyright and [to focus on positive](#) rather than punitive steps.

[This article looks at Google’s battles](#) with national governments across the globe ranging from the availability of a controversial anti-Islamic film (and whether this makes Google somehow complicit in the resulting violence) to data privacy issues. It is a reminder of the complexity of the global online information landscape.

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Compiled by Rachel Marshall and Ben White (British Library). Thanks for Søren Clausen

If you have stories to share in the next issues of the newsletter, please email them to [cenl-copyright@bl.uk](mailto:cenl-copyright@bl.uk)