

CENL Copyright Working Group



CENL Copyright Working Group Newsletter

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COPYRIGHT

This [article from the Scholarly Kitchen blog](#) highlights that use of CC licences within open access journals, intended to give simple licensing signposts, is actually causing some confusion. It is not always clear to readers whether the article or the underlying data is being licensed. This issue has also arisen in relation to Europeana projects with different licensing terms being used for the metadata and the digital object itself.

In Finland, judicial process for intellectual property matters is to be simplified by appointing the [Market Court to be a dedicated and centralised point](#) for all patent, trade mark and other copyright issues. In the UK, [the Patents County Court](#) has been appointed as the central point for small scale IP cases.

Do other countries have experience of streamlining legal process for copyright cases?

With perfect timing, ahead of term extension for the published sound copyright, [Sony Music released a Bob Dylan anniversary collection](#) ensuring the previously unreleased material would remain in copyright until close to the end of this century.

In Germany, a new law was passed this week giving publisher exclusive control of the use of their content online. The final text was a weakened version but will limit use by search engines and aggregators to very short snippets or as little as a single word unless a licence has been acquired. Links here to summaries in [English](#) and [German](#)...

In [this report from UK lawyers Pinsent Masons](#), Ian Hargreaves author of the recent government review of UK IP structure discusses his views on the need for a private copying exception. Draft legislation resulting from the recommendations from the Hargreaves Report is currently going through parliamentary process.

MASS DIGITISATION AND PPP's

There is lively debate in France around digitisation strategies. Firstly the proposed law on out of commerce works. [Actualité has published a number of articles](#) (in French) on the controversies which continue to surround the draft law which opponents say is in breach of the Berne Convention. The law is due to progress through Parliament in March 2013.

Meanwhile public domain campaigners have [criticised the BNF's commercial partnerships](#) through BNF Partnariats. Bruno Racine has [defended the policy in this article](#) (in French) explaining the challenges in digitising a national library's holdings.

5 years on [Bibliothèque Municipale de Lyon assesses the huge benefits from their "Faustian" pact with Google \(in French\)](#). Their director believes 200,000 books online

at the end of 2014 will make their Numelyo site the most important digital library in Europe and stands by the agreement as a positive venture. He indicates that Google have since loosened their stance on some of the tougher contractual points for example around limitations on downloads.

The documentary [Google and The World Brain](#) was screened at the Sundance festival last month exploring whether Google's book scanning had the potential to make sci-fi reality and create an omniscient machine. The comments following this article are predominantly pro-Google. Much of the documentary's focus was on Google riding rough shod over in-copyright materials and the issue of author/publisher compensation. Although Google's potential control of all orphan books was touched on in the programme, no-one appears to have grasped this issue in reviews and subsequent debate.

Reveal Digital [creates a commercial digitisation model for small special collections](#) which aims for open access. A little like the [Knowledge Unlatched model](#) for scholarly monographs, libraries sign up for a subscription in advance to activate the project. 2 years after costs are recovered, the resources becomes open access.

LICENSING

Digital Public Library of America is gearing up for launch in April and has taken the step of [recommending application of CC0 licence to all metadata](#) used in or created for DPLA. Part of the rationale for this policy is to ensure maximum interoperability with Europeana.

This [article from the 1709 Copyright blog questions](#) whether Universal Music's step back from collective licensing damages hopes for one stop licensing and the EU's vision for simplified cross border licensing.

INFRINGEMENT & PIRACY

[HADOPI has published its report](#) on its proposals for extending its reach into illegal streaming through use of content recognition software and agreements with site operators. Critics feel it is revisiting the sorts of methods proposed for ACTA and SOPA, both unpopular and unsuccessful pieces of legislation. While HADOPI has seen some success in reducing peer to peer activity, users have move to other methods to obtain free content. The full report (in French) [is available here....](#)

The last newsletter highlighted that New Zealand's 3 strikes law had come under intense criticism before the ink was dry on the statute book. Criticism continues with [an academic paper from Monash University](#) setting out why the law is unlikely to prevent illegal file sharing. Meanwhile, New Zealand's [copyright tribunal has levied its first fine](#) of ca. €400 for a download of 2 songs.

A Dutch court ruling against a teacher has indicated that [web linking equates to use of copyright material](#) in Netherlands. The teacher linked to an infringing copy of a maths exam and while he claimed that there was no copyright in the answers which are facts and that the use was personal the court disagreed. There are many questions about the decision – surely the infringer is the person who uploaded the material not the user and therefore is this a dangerous precedent?

EUROPEAN UNION

Commissioner [Kroes has outlined her 7 priorities](#) for the Digital Agenda in 2013/14. These include boosting digital infrastructures such as Europeana and updating the copyright framework. With the latter in mind the Commission launched [Licences For Europe](#) a series of stakeholder dialogues seeking solutions to a variety of issues from cross border licensing, encouraging online access to audio-visual content, to user generated content and text and data mining. The discussions were not entirely positive as [it became clear a licensed solution was the only option on the agenda](#), rather than exceptions as called for in the CENL [position statement](#). A large number of high profile research organisations [have signed a letter](#) expressing their reservations about the proposed dialogue as it is currently shaped.

The EU Commission has [called for digitisation of audio visual material](#) following [a report by DAEFH highlighting the importance of digitising](#) fragile material before analogue film technologies cease to exist. However no recommendation is made on funding other than calling on citizens to press their national governments to act. Meanwhile EU copyright policy does not make this ideal any easier.

Compiled by Rachel Marshall (British Library).