

CENL Copyright Working Group



CENL Copyright Working Group Newsletter
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COPYRIGHT

US law academic Paul Heald presents an interesting thesis - do bad things happen when works fall into the public domain? [This article supports](#) his theory that copyright causes a black hole in the availability of 20th century material and demonstrates wide availability of recent works and those that are more than 100 years old but fewer works from the early to mid 20th century in circulation, because of copyright restrictions. You can also view a video of Heald's talk [here....](#)

The Fordham IP Conference took place in April. Important topics on the agenda included SOPA and PIPA and speakers included Maria Martin-Prat who talked about the importance of facilitating cross border licensing and mass digitisation. A review of the conference can be [read here....](#)

After a hard fought campaign [including shutdown of major websites](#) such as Wikipedia and Facebook, the proposed SOPA (Stop Internet Piracy) and PIPA (Protect IP) bills were withdrawn at the end of January. However the appetite to counter piracy and filesharing has not been abated and Congress began discussing the proposed [Cyber Intelligence Sharing and Protection Act](#) in April.

INFRINGEMENT AND PIRACY

The French government says there has been a 50% drop in illegal file sharing since the introduction of the HADOPI "3-strikes" internet infringement law. However [this article also states](#) there has been no increase in sales during the same period. With the election of the new French government, [this article questions](#) what direction Hollande will take the issue of piracy in and what the future holds for HADOPI.

In February, the European Court of Justice [ruled in the SABAM vs Netlog case](#) that social networks not obligated to monitor piracy on their platforms.

On 1st January 2012, the new Spanish government abolished copyright levies on reproduction media such as CDs following an EU ruling that they were not in line with the directive and were being indiscriminately applied by collecting societies. [This report from UK law firm Bird & Bird](#) also gives a useful overview of copyright levies across the EU.

EUROPE

In February, 12 EU leaders [wrote to the EU president](#) calling for digital single market to stimulate growth in the ailing EU economy.

Head of the EU's Copyright Unit [Maria Martin-Prat spoke at the Creators Conference](#) in February about the crossroads that copyright finds itself at and the importance of working with collecting societies on transparency and pan-European licensing.

MASS DIGITISATION

Google has announced that it is [scaling back its digitisation programme](#) in the US. This probably isn't anything we didn't already know as Google has a backlog of contracts with European libraries.

This [article from the New York Times](#) gives an update on the Internet Archive's grand plans. Some of their digitisation is currently being undertaken in China in exchange for a copy of the digitized book.

In April, the US Department of Justice [filed a suit against Apple](#) and a series of major publishers for price fixing over their use of the agency model for ebook pricing. A similar [anti-trust investigation](#) into alleged ebook price fixing by major publishers continues in the EU.

The new French law on out of print books was discussed at the last Working Group meeting but has also caused quite a stir in the press. The new provision became law on 1st March 2012 and will facilitate digitisation of out of print books whose authors cannot be traced after a 6 month search period. These two articles summarise the law [in English](#) and [in French](#) while some [this blog post shows the negative response](#) from the UK Society of Authors. In another example of the French state's commitment to digitisation of its cultural heritage, the European Commission last month [approved a national film digitisation programme](#).

The proposed Orphan Works Directive is currently in trialogue in Brussels between member states, the Commission and the European Parliament. As the directive currently stands it is limited only to educational and cultural bodies to enjoy and will be useful only when a diligent search can be carried out on each copyright work, including embedded works.

MISC

The Dutch National Archive announced its [intention to open up its data](#) well ahead of implementation of the PSI directive.

The legality of data mining is being hotly debated in the UK as there is pressure to an exception to facilitate text mining for research. This [layman's guide](#) explains what text mining is and why it is important, while even the mainstream media has recently published [articles in support of the practice](#). In March the JISC published a report on the value of text mining for research which you can [read here....](#)

Following the mention at the last Working Group meeting about a survey on national definitions of "communication to the public" [this piece explores the issue](#).

A survey on the issues to all group members will follow later this month.

Compiled by Rachel Marshall and Ben White (British Library).