

CENL Copyright Working Group



CENL Copyright Working Group Newsletter
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COPYRIGHT

“[Digital Opportunity](#)” the UK’s review of intellectual property reported in May 2011 and the Government issued its endorsement of the recommendations in August. The key findings are summarised in [this article](#). Given the broad remit of the review and the limited time in which was conducted there is much further work to do before it is brought into statute. Last month a feasibility study into a Digital Copyright Exchange was announced and a series of expert panels have reported to [a Parliamentary committee](#).

The UK’s collecting society the Copyright Licensing Agency has launched [copyright signposting](#) designed to simplify messages around reuse of online content and to enable rights holders to benefit from payments for copying of their online material

In September the Author’s Guild launched legal action against the Hathi Trust for copyright infringement for the publication of titles Hathi Trust held to be orphan works. The Author’s Guild has been regularly [updating its blog](#) with tales of easily identified authors. This [blog post](#) accuses them of revelling in the problem rather than addressing the orphan works issue constructively.

As part of their response to the research copying survey, the Swiss National Library sent this [link to the DICE Project](#) - an educational website on digital copyright. Although it applies to Swiss law, readers may find it an interesting tool.

INFRINGEMENT AND PIRACY

Throughout Europe there has been debate over the role of ISPs in the prevention of piracy. These articles look at some individual cases - [20th Century Fox vs Newzbin](#) and [SABAM vs Scarlet](#). Last month it was ruled [contrary to EU law for ISPs](#) to be forced to introduce anti piracy measures. Hot off the press, on 1st December a number of French film associations [launched a writ](#) against Google, Orange, Microsoft and other major internet players requiring them to block illegal streaming.

[An update on the ACTA treaty](#). Although 8 countries have now signed up to this voluntary IP enforcement agreement, the EU took the decision not to sign on behalf of member states. You can read a [joint press statement](#) from the signatories here.

[This article](#) looks at the statistics on actions taken by HADOPI. 650,000 downloaders have received their “first strike”. Just 60 on their 3rd strike. The subsequent debate argues whether this is a sign of HADOPI’s success or more evidence that copyright is an outdated concept.

EUROPE

Aging musicians are [delighted](#) by extension of performers' rights to 70 years. The extension only applies to phonograms (i.e. it is unclear whether it extends to recorded performances of theatre). Proponents of open access are furious that the public domain is being put back 20 years arguing that the money will only benefit record labels and rich stars, not the session musicians and [deems the change to be a cultural disaster](#).

On 28th October 2011 the EU published the memorandum "[Digital Agenda: Recommendation on the digitisation of cultural material and its preservation on line](#)" updating the 2006 recommendation in the light of the Comité des Sage report and of new technologies over the last 5 years and calling on European nations up their game in their digitisation efforts. The memo gives the contribution of each member state to Europeana and directs readers to a progress report on each nations' digitisation achievements to date.

In September, EU economist Phil Vickery published his [report on reuse of public sector information](#), exploring the markets and benefits of data use since the 2003 Directive. This research comes ahead of likely review of the PSI Directive in 2012 in line with InfoSoc's digital agenda.

TECH COMPANIES AND DIGITISATION

French publishing giants [La Martinière and Hachette](#) have settled with Google to agree a revenue share on out of commerce titles digitized and commercialized by Google. The decision follows Google's appeal against previous French court rulings against Google and is perhaps surprising as these publishers had been so vehemently anti-Google. Flammarion, Albin Michel and Gallimard [have dropped their legal actions](#) and intend to find similar resolution.

Google, along with Microsoft, IBM and others endorsed [a set of principles](#) to protect the free flow of information and with it economic growth.

An [update on the Google Books Settlement](#). A status conference was held on 15th Sept and the case will come to court again 31st July. It is reported that the parties have made progress in discussions to find a settlement but the plaintiffs will resort to litigation again if no resolution is found by next summer.

DIGITAL LIBRARIES

The French government set out [their proposal for changes to law](#) to facilitate digitisation of 20th century works. Their argument focuses on the need for this activity to be nationally controlled, not in the hands of Google who may opt out of such a service.

The National Library of Sweden has published a statement heralding [its open access policy](#) which seeks to ensure widest access to national collections.

This [article from the National Library of Finland](#)'s reader bulletin gives a snapshot of their digitization processes.

Scientific publisher Springer is digitizing its back catalogue back to 1840s and will make the Springer Book Archive (SBA) [available via SpringerLink](#). The 100,000

books / 35mil pages will be available online and as print on demand. Springer undertook a huge rights clearance programme. It would be interesting to know how many titles were discounted from the programme because of rights clearance. Springer also gave a [seminar on the programme](#) at the Frankfurt Book Fair.

LICENSING

Reports appeared recently on the recent upholding of a Creative Commons licence in the [German](#) and subsequently [Belgian courts](#) which may signify that CC is moving towards the mainstream.

Once again, Neelie Kroes's used the Forum d'Avignon as an opportunity to discuss the need for realism about copyright and its usefulness in the fight against piracy. She highlighted technology and direct business models that can help deliver a better than income for the artist than the current status quo and the need to improve current frameworks such as collective management systems before the creative industries hit a crisis. The speech can be [read here](#) and an analysis [here](#).

Following on from the last newsletter, here is a brief update on the [Newspaper Licensing Agency vs Meltwater](#) case following the initial judgement that copyright does subsist in headlines and subscribers to digital press cuttings need a licence.

MISC

A call for [more high quality public domain images](#) to be available on the internet. As this is an American article the author is perhaps unaware of Europeana. Interestingly it highlights the value that exists amongst the illustrations in books which are not often extractable from the full text of a scanned monograph.

Commissioner Viviane Reding gave a speech last month to the European Newspaper Association and included a demand for digital archives to respect [the right to be forgotten](#).

The full text of the speech can be [read here](#).

Please share stories about national digital library and major digitisation projects in your country with cenl-copyright@bl.uk!

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