

# CENL Copyright Working Group COPYRIGHT DIGEST



## CENL Copyright Working Group Newsletter Issue 1, 8<sup>th</sup> February 2010

Welcome to the first issue of the CENL Copyright Working Group Copyright Digest. The purpose of this newsletter is to provide a roundup of copyright and licensing stories from across the countries represented by CENL to inform and to stimulate debate. The newsletter will be circulated three times a year. If there are items or stories you would like to include in subsequent digests, please email details to [cenl-copyright@bl.uk](mailto:cenl-copyright@bl.uk).

### In this opening issue:-

- All Things Google
- EU News
- Copyright News
- Licensing News
- Digital Libraries

### ALL THINGS GOOGLE

The Google Books Project has been very much in the news over the last few months and the settlement hotly debated by authors, publishers and libraries alike throughout Europe.

#### **Hearing on the Google Book Settlement Agreement**

The European Commission organised a hearing on 7 September 2009 on the effect of the Google Book Settlement Agreement in the EU. At the same time, the EU Commissioners Viviane Reding and Charlie McCreevy made a joint statement underlining the importance of book digitisation in Europe and welcoming public-private partnerships as means to boost the digitisation. [More...](#)

#### **The Google Book Settlement Agreement 2.0**

The Google Book Settlement Agreement 2.0 was made public on 13<sup>th</sup> November 2009. The main change to [the Amended Settlement Agreement](#) is the reduced scope of the class from the Settlement Agreement, which results in a geographical limitation. A work is now included in the settlement only if, by 5 January 2009, it has been registered with the United States Copyright Office, or published in Canada, the UK or Australia.

#### **Varied national responses to Google**

The French government and publishing community in particular have reacted negatively to Google's plans and a consortium of French publishers [took action](#) against Google for copyright infringement. In January, Marc Tessier presented his [report into digitisation of the national heritage](#) which included an analysis of Google's contract with Lyon public library.

Meanwhile, the Danish Royal Library has entered into discussions with the American giant over a digitisation agreement. [Read more...](#)

### **Latest news...**

On Thursday, ahead of the 18<sup>th</sup> February hearing, the US Department of Justice filed a statement of interest, advising the court that despite the progress made, concerns around antitrust and copyright issues still remain. [More....](#)

## **EUROPEAN UNION NEWS**

### **New EU commission**

On 27 November 2009 President Barroso announced the portfolios for the next Commission. Responsibilities of the [commissioners designate](#) which might touch on our sector are:

Vice-President Neelie Kroes: Digital Agenda

Vice-President Joaquín Almunia: Competition

Michel Barnier: Internal Market and Services

Máire Geoghegan-Quinn: Research, Innovation and Science

Androulla Vassiliou: Education, Culture, Multilingualism and Youth

### **Digitisation on the agenda**

The European Commission put the challenges of book digitisation for authors, libraries and consumers on the EU's agenda. [More...](#)

## **COPYRIGHT NEWS**

### **Copyright in the Knowledge Economy**

In October the EU published a communication giving an overview of the outcome of the public consultation on the Green Paper on Copyright in the Knowledge Economy. It announced a series of preparatory actions to form a basis for an intellectual property strategy to be presented by the next Commission. [Read the full communication.....](#)

### **Public Domain works**

In December, the Public Domain consultation paper provoked debate amongst the CENL copyright email group. This story about Wikimedia and the UK's National Portrait Gallery may be of interest in this regard. [More...](#)

### **Orphan Works**

A public hearing on Orphan Works was held in Brussels on 26 October 2009 as a follow up to the Green Paper on Copyright in the Knowledge Economy (COM(2008) 466/3). The aim was to gather further information about orphan works. [Read the report...](#)

The European Parliament Committee on Legal Affairs held a workshop on 10 November 2009 entitled "Tackling orphan works and improving access to works for visually impaired persons". [Read more....](#)

Colleagues may not already be aware of ARROW (Accessible Registries of Rights Information and Orphan Works towards Europeana), a pan-European project looking for a solution to the orphan works issue to support the i2020 Digital Library Project. Partners include National Libraries, publishers associations, agencies representing rightsholders and an ISBN agency. [More....](#)

### **Copyright Legislation**

The Swedish, Norwegian and Icelandic governments have all announced intentions to revise their copyright legislation during 2010. The issues of collective licensing issues and illegal downloads are at the forefront of the agendas.

The Swedish Parliament is also currently drafting legislation on digital deposits.

### **Danish Supreme Court ruling about snippets/copies**

Case C-5/08 was prompted by a reference for a preliminary ruling on proceedings between Infopaq International A/S and Danske Dagblades Forening. Infopaq's media monitoring service clips newspaper articles using an automated process to scan, digitise and process clippings. The court concluded that Infopaq's process comprises reproduction and therefore cannot be carried out without the consent of the right holders. [More on the case...](#)

See also article on *News International* below.

### **Three strikes and you're out**

As debates continue at national and European level about how to control online activity and guard against infringement and illegal downloads, this story about a pub owner fined when his wifi was misused by a customer may ring alarm bells amongst public buildings which provide a wifi network. [More...](#)

## **LICENSING NEWS**

### **Use of Creative Commons licences for government information**

The UK government announced it is considering [licensing public sector information](#) under CC licences following the example of [Obama – Biden campaign](#) material which is already available in this way.

*Are there examples of other governments embracing or promoting open licensing movements? Email [cenl-copyright@bl.uk](mailto:cenl-copyright@bl.uk)*

### **Row over free use of weblinks for paid for services.**

The UK Newspaper Licensing Agency has introduced a licence for commercial use of weblinks to news stories which one aggregator has referred to the UK Copyright Tribunal. [More...](#)

Meanwhile Rupert Murdoch's News International group has taken action against Google and others news aggregators crawling NI sites for newlinks. [More...](#)

### **Electronic rights agreements**

International publisher Random House to the bold step of claiming digital rights in pre 1994 author agreements, interpreting "book" or "volume" rights also to mean ebooks. [More...](#)

Random House has taken action on [this issue before](#), losing a case heard in the USA in 2002 against digital publisher Rosetta Books.

## **DIGITAL LIBRARY NEWS**

### **Europeana News**

The Europeana project launched a consultation into next steps in November. An overview of the responses can be read [here...](#)

### **National Digital Programmes**

Last month, the [German government](#) announced it plans to launch a National Digital Library in 2011. [More...](#)

*Please share stories about national digital library and major digitisation projects in your country with [cenl-copyright@bl.uk](mailto:cenl-copyright@bl.uk)!*

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