

CENL Copyright Working Group COPYRIGHT DIGEST



CENL Copyright Working Group Newsletter
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GOOGLE NEWS

US photographers sue Google

On April 7, US photographers and illustrators launched a class action Google for copyright infringement to demand compensation for images that appear in books being digitally scanned by the company. The plaintiffs include the American Society of Media Photographers (ASMP) and the Graphic Artists Guild. Click [here](#) for a press release by ASMP

German Court: thumbnails in Google does not violate the copyright

Google won dismissal of a lawsuit in the German Federal Supreme Court (Bundesgerichtshof) aimed at stopping the company's use of "thumbnail" preview images. An artist had uploaded images of her paintings to her website, which was indexed by Google Image Search. The court ruled that an artist cannot claim a violation of his copyright if technical measures which prevent robots have not been used. Read the court's press release in German [here....](#) or a summary in English [here....](#)

Italy reaches agreement with Google

Google has reached [agreement with the Italian culture ministry](#) to scan up to a million books housed in the national libraries of Rome and Florence. The agreement is for out-of-copyright books published before 1868. The works will be made available on the Google Books website. Google will also provide the libraries with digital copies of the books to post on their own websites. While Google is viewed with suspicion by some, [this article from ARROW](#) reflects on the positives in the agreement.

Austrian National Library signs agreement with Google

Shortly before publication of this newsletter, it was announced that the Austrian National Library had signed an agreement with Google to digitise 400,000 public domain works which are to be made freely available via their own web platform as well as Google Books and Europeana. The ONB is Google's 10th partner library in Europe. [Read more...](#)

Google madness chart

For those who have not seen it before, [this document](#) attempts to summarise the multitude of possible outcomes from the Google Books Settlement hearing.

Google faces a preliminary anti-monopoly probe by European Commission following allegations that it demotes competitors' services in its search results. Read a report [here](#). Google has also been [under fire over privacy laws](#) after it became apparent that data had

been harvested from houses with unprotected wifi during the course of scanning for Street View mapping.

EU NEWS

EU sets up Digital Reflection group

The EU Commission announced on April 21 the [set up of a Reflection Group on digitisation](#) which will consist of Maurice Lévy, Elisabeth Niggemann and Jacques De Decker. The group will come up with recommendations on how best to speed up the digitisation, online accessibility and preservation of cultural works across Europe.

Kroes: Piracy has created a defacto single market

EU Commissioner Neelie Kroes spoke this month on the effective [digital single market created by piracy](#), highlighting that digital pirates have established the borderless trade in sound and audiovisual material that the EU has not yet been able to achieve.

Gallo report on enhancing enforcement of IPR

Marielle Gallo's [report on IP protection](#) within the EU will be reviewed by the parliament this week. The report takes a rather hardline view on IP infringement which has been welcomed by some rights holder groups but met with concern by other stakeholders. [Read more.....](#)

Digital Agenda

On 5th May 2010, the [EU Parliament passed](#) the proposal for Digital Agenda. A draft of the proposed Digital Agenda is available [here](#).

COPYRIGHT NEWS

European Copyright Code

On 26th April 2010, the [European Copyright Code](#) was launched by the Witten Project, a collective of European copyright scholars. The intention of the Code is to promote transparency in European Copyright law and potentially to serve as a reference to future drafting of legislation ensuring that an academic voice is present in the debate.

Copyright for Creativity

While the Witten Project focuses on the academic debate, the [Copyright for Creativity](#) group was launched this month in Brussels lobbying for any new copyright law to be practical in its application. The group launched a declaration setting out the case for a copyright legislation that supports innovation and creativity, illustrated with real world examples of current legislation hindering the practicalities of life and work in 21st century Europe.

Traditional Cultural Expressions

April's WIPO magazine includes an interesting [article on WIPO's Creative Heritage Project](#) and the role of libraries and archives in caring for collections that include traditional cultural heritage.

Digital Economy Act becomes law

In the UK, the controversial Digital Economy Bill was passed in the final days before the dissolution of parliament for the election amid much public debate. As a compromise to ensure that the bill was passed in the short time available, the government dropped the proposed orphan works provision. You can read a brief outline of the main point of the Act [here](#).

Interestingly [a report by researchers at Rennes University](#) showed an increase in France in some online copyright infringement in spite of the threat of disconnection of peer to peer sites under HAPODI.

Anti-Counterfeiting Trade Association criticised

In March, the EU Parliament called for openness from ACTA, which is developing an international anti counterfeiting framework that has been criticised for its secretive nature and the draconian draft proposal recently leaked. There are concerns that ACTA agreement in its present form would undermine and ultimately replace the role of WIPO. [Read more....](#)

Public Domain Charter

In mid-April, Europeana published a policy statement, the [Public Domain Charter](#), taking a strong position in support of a freely accessible public domain.

Software written by software

[This blog](#) reflects on the question of copyright ownership in algorithms and computer generated software, an interesting dimension in the debate on an exception for text mining.

LICENSING NEWS

Open licensing of national government data

In the UK, Ordnance Survey (the national mapping agency) released some mapping to public under open licence following a government review, pressure from activists and a high profile campaign in the left wing Guardian newspaper to make more publicly funded data freely available to the nation. [Read more...](#)

Meanwhile the Netherlands government launched the Rijksoverheid.nl website publishing government information under a Creative Commons zero licence. [Full story....](#)

Hearing on the Governance of Collective Rights Management

On April 23, 2010, the European Commission held a Public Hearing on the Governance of Collective Rights Management in the EU. The aim of the hearing was to explore how the relationships between copyright owners, collecting societies and commercial users of copyright have evolved over time. [Click the link for a report...](#)

And finally....

On a humorous note, [this brief story shows](#) how a gaming company tried to demonstrate that users don't read Ts and Cs and click through licences.

DIGITAL LIBRARIES

More resources needed for Europeana on-line library

The European Parliament Resolution on "Europeana, the next steps", launched on May 5, strongly supports the further development of Europeana and has been welcomed by Neelie Kroes, Commissioner for the Digital Agenda. The Commission will take account of the Resolution in defining a future policy on Europeana and other areas like copyright questions. [See the press release here:](#)

Spanish Ministry of Culture hosts Cultural Heritage in the Digital World conference

In April, the Spanish Ministry of Culture hosted a conference on Cultural Heritage in the Digital World conference. All of the presentations were filmed and can be viewed on the Ministry of Culture's [YouTube channel](#) and the presentations can be downloaded [here](#). Ben White and Tilman Lüder were amongst the speakers.

Web harvesting in Spain

Thanks to Milagros Del Corral for sending the following outline of the National Library of Spain's web harvesting project:

"The National Library of Spain has undertaken recently the harvesting of the dominium .es for its preservation and access to the future generations.

The first search has lasted approximately four weeks and they have been obtained around 300 million URLs have been obtained. At this time a search is being carried out of patch crawl to cover the holes that had remained in that first massive search. Within the contract signed with Internet Archive, there are foreseen quarterly harvestings along 2010. The information obtained of the search is kept in petaboxes that Internet Archive has. A copy of all is sent to the National Library and shortly this information could be accessible through the computers of the National Library.

In this sense, the BNE participates in a working group of the ISO that should delivery a Technical Report on "Statistical and aspects of quality in the harvesting of the web" (ISO TC 46/SC 8/WG 9).

On the other hand and also in this framework of work, the National Library has been admitted as member of the IIPC (International Internet Preservation Consortium) at the beginning of this year 2010"

Danish Royal Library signs up for digital project

Soren Clausen reports that the Danish Royal Library and the British/American publishing group ProQuest has [entered into a Public Private Partnership](#) to digitize early printed books from the Danish national collection. The first phase which comprises Danish, Norwegian and Icelandic books from the first Danish book was printed in 1482 and up to 1600 has been finished and the digitized material in *Early European Books* is now accessible for subscription or purchase through ProQuest. The digitized material will also be made freely accessible in Denmark, controlled by IP-addresses. 10 years after the publication by ProQuest the digitized material will be made accessible to everybody.

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

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