

CENL Copyright Working Group COPYRIGHT DIGEST



CENL Copyright Working Group Newsletter
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- **Google**

This [interesting piece](#) looks at the shortcomings of Google's digitisation programme from the perspective of a cataloguer and highlights some of the issues that will impact on scholars. Meanwhile Google has reconfirmed its commitment to [supporting digital scholars of humanities](#) by setting up a system of research grants.

Pamela Samuelson, Law Professor at Berkeley, published paper on effects of Google Book Search entitled the [Google Book Settlement As Copyright Reform](#) arguing that the book settlement is forcing congress into making amendments to copyright law they would not otherwise have entertained.

- **EU News**

On July 1st, the EU published its preliminary report on [orphan works](#). It will be no surprise to library and archive insiders that circa 13% of in-copyright books are orphan and the figures for other materials such as sound, film and newspapers may be as high as 90% in some collections. Read the [full report here....](#)

This [article from The Bookseller](#) looks at the issues publishers are grappling with as authors and agents try to break down electronic rights into more granular divisions but consumers are frustrated by such restrictions that prevent cross border purchases. Meanwhile following a [Green Paper](#) published in July 2010, the Commission has held the first round table discussion on harmonisation of contract law across the Union's member states. [Read more....](#)

On 5th November Neelie Kroes [made a speech on digital opportunities](#) at the Forum D'Avignon highlighting the positive role that the digital world has to play in the dissemination of culture.

- **Copyright News**

[It was announced](#) that Canadian copyright law is likely to be subject to changes including facilitating fair dealing for academics but making circumvention of DRM a crime.

The US Librarian of Congress has [announced 6 classes of works](#) that will be except from the Digital Millennium Copyright Act provision against circumvention of DRM. The exemptions are only valid for educational and other non-infringing purposes.

Since July a spate of reports have been published in the UK which may be of interest to colleagues. The Strategic Advisory Board on Intellectual Property published a report on the relationship between contract law and copyright law. You can you [the full report here](#) and a [comment piece here](#). (SABIP was axed in August and its functions absorbed by the UK Intellectual Property Office).

The same month saw a [collection of essays commissioned by the British Library](#) in which members of the research and education community present their experiences of working within the existing IP framework.

Finally, last month the UK Intellectual Property Office [published a report](#) on the models for IP transfer of research between universities and external stakeholders such as industry.

In Spain, a [CNC report on collecting societies](#) found that their monopoly was a disincentive to efficiency and made recommendations for reform. Four collecting societies launched Ibercrea to improve understanding of their role.

In August, Professor Ruth Towse (Rotterdam University) presented a paper to Ibercrea on the economics of collecting societies within the copyright framework which may be of interest. [Read here....](#)

In May [a EUCJ ruling](#) found that Spanish copyright levies may be contravening other laws. The case [C-467/08: SGAE v Padawan](#) heard that copyright fees are charged indiscriminately to producers of blank CDs/DVDs and the fees were challenged on the basis that this was not fair compensation.

Following negotiations in Tokyo, the final draft of ACTA (Anti-Counterfeiting Trade Agreement) was published on 2nd October and the full text is [available here....](#)

- **Licensing News**

The UK government released [its new open licence](#) intended to simplify the existing Click-Use licence scheme and encourage innovative use of public sector information in line with the PSI Directive.

One author discovered the pitfalls of Creative Commons licensing when her work released on Wikipedia was reused for another's commercial gain. [Read on....](#)

[A French study](#) compared author rights in 4 different territories from perspective of publisher-author agreements.

Creative Commons has [launched a Public Domain mark](#) to be used to indicate works in which copyright has expired. The mark has already been adopted by Europeana.

- **Digital Libraries**

The US Association of Digital Libraries is promoting a set of principles for mass digitization projects in partnership with commercial organizations. [The document is available here...](#) It may be interesting to compare this with CENL's own report on public private partnerships.

[This article](#) from the New York Times calls for the creation a national digital library in the USA. Referring to that article, the UK's [Guardian newspaper reflects](#) on how the same goal could be achieved in the UK.

[This article reports](#) on efforts to identify the copyright status of millions of scans held in the HathiTrust programme.

Finally, 16th November will see the first meeting in Brussels of the EU Stakeholder Dialogue on the Mass Digitisation of Out Of Print works. Jerker Ryden is one of the panellists and will no doubt be updating the group in due course.

- **News from the Nordic territories.**

Pekka Heikkinen reports:

“In Finland a Government Proposal was given to the Parliament last week, regarding illegal downloads. The content is much the same as in Denmark: if illegal downloads are recorded, an ISP could send a letter of notice. But e.g. rights holder organisation would not be able to identify the individual person who is responsible.

“Yesterday we had discussions with a national RRO (Kopiosto). They informed us that Kopiosto is sending an application to act as organisation administering extended collective licences in library, archives and museums sector to the Ministry next week. However, the scope of this application covers only newspapers and magazines, not books. The approval is expected next Spring at the earliest.

“I met Jukka Liedes at a Ministry reception. He informed me that the Norwegian Ministry of Culture has withdrawn its proposal for a working group, with the task to make suggestions for cross-border licensing between the Nordic countries. It seems this question has to be prepared on an administrative/Ministry level before it can be taken to Council of Ministers.

He also told me that the orphan works draft directive is to be expected "any day now". Whether this is correct or not, I can not say.”

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

Compiled by Rachel Marshall, Ben White (British Library), Frida Petersen (National Library of Sweden). With thanks to Pekka Heikkinen (National Library of Finland)