

CENL Copyright Working Group



CENL Copyright Working Group Newsletter
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COPYRIGHT – GENERAL

Following the Danish ruling on snippets last summer, a case brought in the UK in November by the Newspaper Licensing Agency against news aggregator Meltwater has been referred to the copyright tribunal. You can read the court report [here \(Case EWHC 3099\)](#) or a [comment piece here](#).

A Scottish academic has published a discussion paper on property rights and the arguments around applying a “use it or lose it” period to copyright just as the concept exists for patents and trademarks. [See discussion paper 144](#).

Researchers at Virginia Tech have been using [text mining techniques](#) to identify possible cases of plagiarism. The full results of the research were [published in an article](#) in pLOS One.

The Nordic library associations have formed a joint copyright group, the NCCCommittee, which consists of 1-2 representatives each from Denmark, Finland, Iceland, Norway and Sweden, appointed by the respective national library associations. The aim of the group is to be an advisory committee for the Nordic library community on issues around copyright, access, digitization and governance. Full information on [the group's aims and terms of reference can be viewed here....](#)

COPYRIGHT LEGISLATION

A number of reviews of copyright/IP legislation have been launched across European states.

- In the UK, [a new review into IP was launched in October 2010](#). The Hargreaves review will look particularly at the current patents system and whether a fair dealing system closer to that of the USA will facilitate innovation and start-ups.

In the wake of the announcement, [this article](#) by Cory Doctorow asked what we want copyright to do.

- In Ireland, [the government has called for a review of copyright law](#). As in the UK, it is intended to see whether the current copyright system helps or hampers innovation.

- The Norwegian Ministry of Culture has appointed two working groups to consider the revision of both the Legal Deposit Act and the Library Act.

At the beginning of February, Swedish Justice Minister met representatives from the National Library, SVT (a public service company) and several right holders organizations, regarding the work on the revision of the Swedish Copyright Act. A revised Copyright Act is expected to enter into force by January 1st 2012 and will increase the possibilities for libraries and archives to give online access to their collections.

ONLINE COPYRIGHT INFRINGEMENT

According to [a survey by HADOPI](#), almost half of French consumers have illegally downloaded despite the introduction of “3-strikes” legislation in 2009.

In the UK, the law firm [ACS has ceased sending out letters](#) to alleged file sharers which demanded payment to avoid litigation. The *modus operandi* was much criticised: letters were sent demanding payment of a fine to avoid charges being brought but many of the accused claim to have been wrongly identified and much of the content allegedly downloaded was potentially very personal in nature.

The implementation of online copyright infringement provisions in the Digital Economy Act in the UK have been very controversial. One small part of this has been the inclusion of libraries and universities in the Act as both ISPs and subscribers. [A Judicial Review is being undertaken](#) in regards to the Act.

EU NEWS

The Comité des Sages published its report on mass digitisation on 12th Feb 2011. The full text is [available here....](#)

Commissioner Neelie Kroes made a high profile speech on the subject of copyright at the [Forum d'Avignon](#) focussing on pan-European licensing and orphan works as the main issues to be tackled.

A leak claims that the European Commission is apparently involved in "[secret](#)" talks to introduce a three strikes Hadopi-style rule throughout the EU. Furthermore the controversy over the secrecy surrounding the [ACTA negotiations](#) continues.

On 22nd December, the Commission [presented a report](#) assessing the effectiveness of the EU Directive on enforcement of IP. The report concludes that the Directive issues in 2004 did not anticipate the challenges the internet would bring to IP enforcement. Feedback on the findings is requested by 31st March 2011.

The EU Copyright Unit set up a series of [stakeholder workshops](#) bringing together publishers, licensing agencies, libraries and other parties to discuss solutions and guidelines for the digitisation of out of commerce works.

LICENSING

Three Spanish collecting societies are [under investigation](#) by the competition commission for abusing their monopoly position.

A recent ruling ([Case C-403/08 Football Association vs QC Leisure](#)) by the European High Court legitimises [cross border licensing](#) where TV rights are concerned despite objection from the English Football League who derive revenue from the sale of TV rights.

DIGITAL LIBRARIES

Robert Darnton wrote in the New York Times arguing for [the creation of a US National Digital Library](#). This provoked quite a response and a selection of further related articles and blogs on the same subject are listed below:

[Why we can't afford not to create a well-stocked digital library](#) by David Rothman

[How Google can save America's books](#) by Robert Darnton

[French publishing giant caves in to Google's great copyright heist](#) by Robert McCrum

The National Library of Norway has entered into private public partnerships with several Norwegian newspaper publishers for digitization and digital distribution. The costs of newspaper digitization will be divided between the National Library and the publishers. Digital transfer and digitization will from now on replace the current system of microfilming of newspapers at the National Library and the newspaper publishers have undertaken to deliver digital as well as printed versions under legal deposit. The digital newspapers will be provided free of charge to users/borrowers via terminals in Norway's public and university libraries. The National Library has also developed a new interface to enable searches of the digital material.

The Swedish government has decided to form a "Coordination Secretariat" for digitization, digital preservation and digital dissemination of the cultural heritage. The secretariat will be a resource for agencies, institutions and media companies in the field of cultural heritage.

The UK's Joint Information System Committee launched its [IP risk management calculator](#), a tool designed to give guidance on the level of risk inherent in a digitisation project.

[This article](#) tells the story of a Harvard graduate's digital library of 85,000 free downloadable music scores following crowd sourced copyright checks from users. The site was withdrawn following pressure from music publishers in 2007 but relaunched a year later and is going from strength to strength.

Under the theme *Libraries driving access to knowledge: Action for Europe*, IFLA and FOBID are arranging a conference on for libraries on the subjects of copyright, open access and human rights. You can view the [programme here....](#)

GOOGLE

Google has signed an agreement with the [Czech National Library](#) to digitize up to 200,000 books from their collections. This is their 12th agreement with a European library.

Correction

In the third issue of the CENL Copyright Working Group Newsletter under News from the Nordic Countries it was stated that in Denmark a letter is sent out to the offender if illegal downloads has been recorded. This is what is expected to be the outcome of the work of a ministerial committee but the committee hasn't finalized its report and thus legislation has not been adopted.

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

Compiled by Rachel Marshall and Ben White (British Library), Frida Petersen (National Library of Sweden).