

CENL Copyright Working Group



CENL Copyright Working Group Newsletter
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LICENSING

The EU Commission has backed a proposal for a “28th regime” providing an opt-in jurisdiction that could negate issues caused by incompatibility of individual states’ laws when signing cross border agreements. [Read more....](#)

In [this article](#), Dutch lawyers Debrauw report on the ECJ judgment on the requirement on cross-border traders of blank CDs and DVDs to pay private copying levies.

Following the [original case in November](#) on whether a licence is required to supply URLs as part of a clippings service, [Meltwater appealed](#) against the judgement in the newspaper Licensing Agency’s favour began. The ruling came on 25th July reinforcing the original judgement. [This brief article interviews](#) CEOs of both parties and asks whether this makes all bloggers copyright infringers. In the meantime, [NLA has launched its own clipping service](#).

Meanwhile in Spain, newspaper societies have been fined by the National Competition Commission for [anti-competitive practices](#) around press clippings.

Following the ECJ’s recent ruling against the Spanish collecting society SGAE [on copyright levies](#), there is more news bad news for SGAE which was raided by police investigating misappropriation of funds. The full story is reported [in English in El Pais here](#). Just days later, the International Federation of the Phonographic Industries’ offices in Germany were raided as part of a tax evasion investigation much to the [delight of open rights advocates](#). A report is available [here in German...](#)

COPYRIGHT

This interesting [article from WIPO](#) sets out the rights and wrongs of forwarding articles to colleagues and makes the point that being copyright compliance across borders when your offices are in different countries is a particular challenge.

The IPKat blog hosted a recent seminar entitled “Do Bad Things Happen When Works Fall into the Public Domain” in which Professor Paul Heald set out counterarguments to proponents of term extension. A summary of the presentation can be found [here....](#)

In the UK, the Hargreaves review of Intellectual Property was commissioned by the Prime Minister’s office to explore whether the current IP regime was fit for purpose and for supporting innovation in 21st Century. The findings were published in May 2011. Here you can read a summary [from a leading newspaper](#) and one from [an IP lawyer](#). The government’s response is expected in early August.

On 27th July, the UK High Court ruled in favour of the Motion Picture Association’s request for an injunction demanding that the ISP British Telecom block access to Newzbin2, a source of illegal film file sharing. You can [read the ruling on the case here](#) while [this newspaper article](#) gives reaction from some of the interested parties.

INFRINGEMENT AND PIRACY

Representatives from German content industries, backed by the Börsenverein, have called for content creators to be better protected if quality content is to thrive in a digital world. Read an [outline here](#) or the full declaration is available [here \(in German\)](#).

In France, HADOPI has come under fire for a data protection breach. These two articles look at its progress to date with the [NY Times](#) finding it to be a fairly convincing body achieving a reduction in infringement while the [BoingBoing blog](#) considers it incompetent.

After considerable debate, a new Spanish law has authorized the Department of Culture to close down copyright-infringing websites. An outline including details of the criteria for shutdown can be [read here...](#)

New Zealand introduced "3 strikes" legislation in April but some politicians are now having second thoughts when faced with the realities of the consequences and libraries are concerned that they will have to withdraw. [Read more....](#)

On 12th April, a court in Rome found against Yahoo Italia for permitting illegal downloading of an Iranian film and ruled that search results revealing infringing links should be deleted. The case sets an interesting precedent for the liability of search engines in online infringement. [Read more...](#)

This month a group of major American ISP agreed to move towards slowing internet access to combat illegal downloaders. Bandwidth would be reduced following a series of warnings to the infringer. Hollywood is delighted. The reader comments under this article set out the usual counter arguments. [Read more...](#)

As a final note on this subject, in June UN rapporteur Frank LaRue issued a report on the importance of keeping the web open in the interests of freedom of expression. [Read here...](#)

EUROPE

On 7th June, Neelie Kroes gave a speech entitled "*Copyright for the Single Market – good for artists, good for consumers, good for the economy.*" Read the [full text here....](#)

The EU's draft Orphan Works directive was published on 24th May 2011 and a [link to the full text](#). Here is a digest from the [Kluwer Law blog](#). On the same day, the EU also presented its strategy for IP in a single market "*A Single Market for Intellectual Property Rights: Boosting Creativity and innovation to provide economic growth high quality jobs and first class products and services in Europe.*" The full report is [available here](#) and a [blog digest here....](#)

Commissioner Kroes also [set out her stall on DRM](#) demanding that consumers should not be forced into proprietary systems.

GOOGLE

The British Library has signed a digitisation agreement with Google for 250,000 18-19th Century books. Read the full press release and watch a video about [the project here...](#)

In April it was announced that Google Video would close down - [this article](#) is rather inaccurate as it questions whether Google is a safe place to hold digitised national collections which of course would be copied back to the library at the time of digitisation, but the issues it raises serve as a cautionary tale on the importance of digital preservation and the dangers of reliance on the commercial sector.

DIGITAL LIBRARIES

Library of Congress, EMI and Sony have worked together on "[National Jukebox](#)" to make a range of pre 1925 recordings available free of charge to the public for online listening. Downloading is not permitted.

Following the launch of the Digital Public Library of America initiative at the end of last year, in May the DPLA steering committee has put out a call for codes and technologies that might contribute to underpinning the infrastructure. [Read more...](#)

MISC

UK publisher Bloomsbury in partnership with literary agents Rights House has made a commitment to reviving out of print titles. They will launch with 500 titles which are out of print and where the rights have reverted to the author. [Read more...](#)

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).