

## **Bericht über die von Bll und Goethe geförderte Reise zur Konferenz „Copyright and beyond: Libraries in the public sphere“ (13./14.8.2014)**

**Ort:** Strasbourg, Palais du Rhin (Organisation vor Ort: Bibliotheque Nationale et Universitaire (BNU) de Strasbourg)

**Organisation:** International Federation of Library Associations (IFLA) – Committee on Copyright and other Legal Matters (CLM) und European Bureau of Library Information and Documentation Associations (EBLIDA)

**TeilnehmerInnen:** 55 leitende BibliothekarInnen und RechtsexpertInnen aus 19 Ländern

**Internetadresse:** <http://www.eblida.org/copyright-and-beyond>

**Meine Funktion:** Programmkoordinator, Moderator und Vortragender

Das Format der Satellite Conferences erlaubt einzelnen IFLA-Komitees die Veranstaltung von mehrtägigen Tagungen. Auf diese Weise wird es möglich, sich noch stärker als auf der IFLA-Hauptkonferenz in Diskussionen zu speziellen Themen zu vertiefen. Die Örtlichkeit gab einen idealen Rahmen für Gespräche und Diskussionen unter den Teilnehmer ab.

Das von mir erdachte Abfolge der Vorträge folgte einem Schema, das die TeilnehmerInnen thematisch vom Allgemeinen zum Speziellen, über internationale Rahmenbedingungen zu nationalen rechtlichen Regelungen führte:

1. Rahmen der Tätigkeit der Informationseinrichtungen: Analog nach Digital
2. Allgemeiner rechtlicher Rahmen des Informationszugangs / EU-Reformen
3. Urheberrecht und Digitalisierung
4. (Transnationale) Lizenzierung von Informationsressourcen
5. Internationale Abkommen mit Auswirkungen auf das Urheberrecht
6. Workshop zur (rechts-) politischen Arbeit von Bibliotheksverbänden
7. Nationale Rechtsentwicklungen zu E-books

Fazit: Durch die Vorträge und Diskussionen kam es zu neuen Ideen und Anstößen für die weitere Arbeit von IFLA und nationalen Bibliotheksverbänden. Die Konferenz stellte (auch) aufgrund ihres Formates eine hervorragende Ausgangsbasis für den weiteren fachlichen Austausch zwischen den TeilnehmerInnen dar.

### **Vorträge:**

#### Keynote Address:

Creating a global public sphere - Heather Morrison (University of Ottawa, Assistant Professor, School of Information Studies)

The public sphere, like any truly great overarching idea (love, peace, justice) is hard to define and even harder to create and sustain. This session will present a rationale for creating a collaborative vision of a global public sphere that can support the fullest development of all of humankind in freedom and respect, and how this vision can both support and be supported by the advocacy work of groups like EBLIDA and IFLA.

The shift from analogue to digital: trends in information policy, the role libraries will play in the future - *Ingrid Parent (University of British Columbia, University Librarian)*

**Campaigning for copyright reform: How to improve access to digital works: Presentations and discussion:**

Copyright and access to creative works - *Oleksandr Bulayenko (CEIPI, researcher)*

The topic will present a historic trend in the evolution of copyright towards loosening of exclusivity and discuss the principal mechanisms for facilitation of access to creative works available under the current legal framework of copyright.

Campaigning for copyright reform in the EU: from formal response to EU Public Consultation to the Right to e-read Campaign - *Vincent Bonnet (Director, EBLIDA)*

Unrestricted access to information at a time and at a place individually chosen is the possibility the Internet potentially offers to individuals that have the chance to benefit from high speed broadband connexion in Europe and worldwide.

Within the European Union with its patchwork of 28 member-States legislations roofed under general directives, legislation is far slower to adapt to changes than citizens.

Though a lot is happening within the European Union on the copyright field with a mix of soft law and hard law initiatives, librarians noticed the development of legal uncertainty while users have difficulty understanding why they cannot access to certain type of content.

In this environment, EBLIDA takes an active participation and raise the voice of libraries whenever possible in structured dialogues (MoU on Out of Commerce Work, Licences for Europe) and by answering to Public consultations.

But none of them have proved to be successful from EBLIDA's perspective so far. For this reason, EBLIDA is actively campaigning for the Right to e-read, creating buzz on the necessary copyright reform to keep pace with technologies and ensure strong users rights for citizens in libraries.

EU Copyright Consultation: What libraries and their patrons need - *Uldis Zarins (Head of strategic development at National Library of Latvia)*

Contracts and copyright: A focus on exceptions and extended collective licensing - *Lucie Guibault (Associate professor at the Institute for Information Law of the University of Amsterdam)*

**Digitizing the 20<sup>th</sup> century: Library exceptions and out-of-print works: Presentations and discussion:**

Orphan works developments compared internationally - Armin Talke (Berlin State Library, Academic Services and Copyright Advisor)

The ReLIRE Project – Making available out-of-commerce books published in France before 2001 - Juliette Dutour (Bibliothèque nationale de France)

Digitizing out of commerce and orphan works – a (critical) French perspective - Lionel Maurel (La Quadrature du Net; librarian, blogger and internet freedom activist)

Panel discussion:

Lucie Guibault, Lionel Maurel, Juliette Dutour and Armin Talke

**Licensing in a globalized information environment: Presentations and discussion:**

Licensing in a Globalized Information Environment: Pitfalls in Licensing Terms and Conditions – Tom Lipinski (Director, School of Library and Information Science, Kent State University)

License Terms and Conditions are used by content and service providers such as database vendors or cloud computing services as a way to shift risk from the provider to the institutional or end-user licensee. The “Pitfalls” presentation discusses several of the risk shifting mechanism using examples from actual license agreements. In addition other terms and conditions can be problematic, such as contract formation and changes in content or terms and conditions. Finally, license terms and conditions can impose onerous administrative burdens on the licensee, limit uses that in the absence of the agreement would be lawful, under the copyright law for example, and impact other rights such as privacy or speech.

The national scale: Coordination, negotiation and administration of national licences with international publishers (case study from Germany) – Markus Brammer (General Counsel, German National Library of Science and Technology (TIB) and University Library Hannover)

While the presentation of Tom Lipinski will focus on licensing perils and pitfalls, this presentation will concentrate on the administrative and strategic side of national / international licences from a TIB perspective. By way of a case study, it will offer a view on major funding programmes and administration of national / international licences in Germany.

**International copyright treaties and trade agreements: their impacts on libraries:**

What is the Trans Atlantic Trade Investment Partnership (TTIP) and why it could it affect the information sphere - Ellen Broad (Manager, Digital Projects & Policy, IFLA)

The Trans-Pacific Partnership - what does free trade mean have to do with library services? - Trish Hepworth (Executive Officer at Australian Digital Alliance, Copyright advisor for the Australian Libraries Copyright Committee)

The Trans-Pacific Partnership (TPP) is a 12 country 'free-trade' deal that covers 40% of the world's GDP. It also apparently contains an extensive IP chapter, although due to the secrecy of the negotiations we are relying on leaks of the text for insight. The leaks reveal a chapter focussed on enforcement, and lacking balancing protections for the public domain and essential public services. Extension of the copyright term, bans on parallel imports, strengthening TPM protections and others would all increase the challenges for libraries. This talk will cover the problems when civil society is excluded from input on IP policy, the specific issues arising from the TPP and its likely outcome.

Library and Archive Associations advocating at the World Intellectual Property Organisation: Input and Outcomes - Victoria Owen (Chair, CLM; Head Librarian at the University of Toronto Scarborough),

Exceptions and Limitations for Libraries and Archives: U.S. Engagement at WIPO - Nancy Weiss (General Counsel of the U.S. Institute of Museum and Library Services (IMLS))

Workshop – building copyright advocacy tools

*Round table discussions between conference participants on strengthening communications and advocacy on copyright reform within their countries*

Copyright advocacy workshop: Sharing our copyright advocacy experiences, Ellen Broad

National copyright advocacy - Australia, Trish Hepworth

Regional copyright advocacy – ACTA, and after? Lionel Maurel

**National / regional copyright laws and e-books: Presentations and discussion:**

Why people disregard copyright - Margaret Law (Director, library of the University of Alberta)

As countries develop their copyright laws, and institutions and individuals become more aware of their rights as copyright holders, the copyright environment becomes more closely monitored and examined. There are, however, a number of users who fail to observe copyright laws and regulations. Based on the literature about other kinds of law-breaking, and the speaker's experience in a large university, this session examines the causes of copyright breach, and suggests options for increasing the level of compliance.

Digital Books in Russian Libraries in Transient Legislative Environment - Yakov Shrayberg (Director General, Russian National Public Library for Science and Technology)

Problems and solutions of collection development and user services with digital books in Russian libraries are examined. Legal constraints and exceptions for the Russian libraries are analyzed with the account to the current status and changes made to the copyright legislative framework. The Russian market of digital books is explored, and forecast for the future is given.

Sales law for e-books? After the CJEU's leading case UsedSoft - Thomas Hartmann  
*(Research Fellow, Max Planck Institute for Innovation and Competition)*

The talk summarizes the case UsedSoft v Oracle (CJEU C-128/11) and the following case law emerged by German courts. Even now the German Publishers and Booksellers Association is taking a test case to court relating to e-books and audio books. The presentation analyses possible consequences for consumers in the copyright framework as well as improvements for the licencing practice of (digital) libraries. In the end the case UsedSoft might encourage a legal basis for e-lending in libraries.

eBook Uncertainties: The (Slowly) Changing Library Landscape -  
*Paul Whitney (Head of e-lending working group, IFLA)*

As the sale of trade eBooks continues to both spread to new markets and grow in established markets, uncertainties on the inclusion of eBooks as part of library collections persist. Reviewing the latest publishing developments and the recently completed IFLA 2014 Background Paper on eLending, this presentation will consider the current situation.

**Ein Großteil der Präsentationen ist auf der Konferenz-Webseite abrufbar.**