

## **CENL Copyright Working Group Annual Report 2010/2011**

The group held its second meeting in London on 29<sup>th</sup> September 2010 at the British Library to coincide with the wider CENL conference.

Sophie Septjan gave a detailed presentation on digitisation developments in France in the light of the "National Loan" for library digitisation, the French government's commitment to Gallica and the introduction of the HADOPI law.

Following this, each group member gave a précis of the main copyright and digitisation issues in their own country, the key issues being:

- member states' differing appetites for digitisation and approaches to funding.
- difficulties in managing cross-sectoral projects involving museums as well as libraries or multiple media.
- orphan works, ARROW and extended collective licensing.
- e legal deposit and web archiving.
- 3 strikes legislation.
- data protection issues including the French concept of the "right to be forgotten."

During the meeting the draft document "Mass digitisation of content with commercial partners" was reviewed and the group also discussed EU developments including the Gallo report on intellectual property and the trade in counterfeit goods.

The third meeting was hosted by the Royal Library in Brussels on 24<sup>th</sup> March 2011. In addition to the core group, network members Christian Recht from the National Library of Austria and Maria Jongers from National Library of Norway also attended.

Søren Clausen gave a presentation on the origins and successes of extended collective licensing (ECL) and it was useful to have Maria Jongers's comments on Norway's experience of ECLs as the group readied itself to make its recommendations to the Commission's orphan works hearing. There was some debate over the merits of ARROW and the reality of the EU accepting ECL.

The group reviewed warmly the recently published Comité des Sages report noting that due to the high level nature of its proposals a lot of detailed work is still required. The meeting preceded one of the out of commerce stakeholder workshops and the Memorandum of Understanding proposed by the publisher groups was also discussed.

During the country by country reports, issues of note included the difference in copyright term for Danish art and press photos and the Netherlands' bold move into an ECL-like arrangement for their newspaper digitisation programme without the legal framework being in place. The group also compared approaches on newspaper acquisition with some national libraries moving to e-acquisition. In 2012-13 amendments to Swedish, UK and Irish copyright law are anticipated.

The following position statements have been produced by the group:

- ARROW
- Cross Border Licensing
- Online Infringement
- Orphan Works
- Text Mining

Beyond the meetings, the group has discussed and shared information on a number of key issues electronically:

- Out of commerce stakeholder dialogue / Memorandum of Understanding was discussed by the group from November 2010 – summer 2011 with members of CENL from Germany, UK, Denmark and Sweden attending the meeting in Brussels.

As part of the out of commerce discussions, Ben White co-ordinated compiling a matrix comparing approaches to rights clearance for mass digitisation and the mandates of relevant collecting societies to licence such uses (still circa 8 countries outstanding for which information needs to be compiled).

The 5<sup>th</sup> issue of group's copyright newsletter has been circulated and this continues to be a welcome and useful summary of important and interesting copyright, licensing and digitisation news.

The group has lost two members: Jan Kovacik (Slovakia) and Esperanza Ruíz de Velasco Echevarría (Spain).

The next meeting is scheduled for 14<sup>th</sup> September at the Deutsche Nationalbibliothek in Frankfurt.

#### **Members:**

- o Ben White (UK), (Chair)
- o Jerker Rydén (Sweden), (Vice-Chair)
- o Patrick Lefèvre (Belgium)
- o Marc Dhoore (Belgium)
- o Søren Clausen (Denmark)
- o Harald v. Hielmcrone (Denmark)
- o Pekka Heikkinen (Finland)
- o Sophie Sepetjan (France)
- o Dorothea Zechmann (Germany)
- o Annemarie Beunen (Netherlands)

#### **Network:**

- o Patrick Peiffer (Luxembourg)
- o Kristín Bragadóttir (Iceland)
- o Maja Bogataj Jancic (Slovenia)
- o Maria Jongers (Norway)
- o Pierantonio Metelli (Italy)
- o Karmen Linsack (Estonia)