

EU Copyright Reform

Performing for Libraries?

The European Union is currently reforming its copyright laws. How well are the Commission, Council of Ministers (Member States) and European Parliament (EP) Committees doing in responding to the needs of libraries?

This infographic shows where they stand, from unfavourable (left) and favourable (right) to the institutions that serve over 100M Europeans.

Text and Data Mining

- Limited to research institutions, and to 'scientific research purposes'
- Obligation to destroy datasets
- 'Security' measures, licences can override access
- Extra payment required

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- No discrimination between users/uses, once access is legal
- Preservation of data for verification
- Only reasonable security measures allowed
- No additional payments

Illustration for Teaching

- Different rules for digital/ analogue uses
- Limitation to formal education
- Licences override use in many cases
- Payments required, even for minor uses

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- Same rules for digital/analogue uses
- All education providers covered (including libraries)
- Licences only needed for more extensive copying
- No harm = no payment

Preservation Copying

- No clarity on cross-border preservation networks' legality
- Limitation to works in permanent collections
- No provision for other internal uses

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- Cross-border preservation networks legal
- All library holdings covered
- All internal uses covered, i.e. copies for cataloguing, insurance

Out-of-Commerce Works

- Narrow definition of OOCW
- Use of OOCW dependent on existence of representative, well-governed CMOs
- Use of never-in-commerce works left to the discretion of CMOs
- Third country national works excluded

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- Practical definition of OOCW
- Libraries given space to act where CMOs don't exist
- Never in commerce works not covered by licensing
- Third country national works included

Press Publishers' Right

- Broad definition of publications includes research literature
- Libraries included as licensees
- Long term-length

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- No additional rights
- Presumption of representation for news publishers in conflicts over infringing uses
- Research literature excluded from scope

Safe Harbours

- Open access repositories no longer benefit from safe harbour provisions
- Repositories must buy filtering tools, or face liability
- Foundation of Open Access weakened

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- Clear exclusion of non-commercial entities from scope of this directive
- No new obligations on repositories
- Safe harbour principles in e-Commerce Directive protected

eLending

- No clarity on the application of the CJEU judgement
- Licences and TPMs can prevent lending
- Publishers can refuse to sell eBooks to libraries

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- Clear right of libraries to buy and lend eBooks
- Licence terms and TPMs cannot prevent lending
- Encouragement to libraries, publishers to find best models

Acronyms:

COM = Commission, Council = Council of Ministers*, CULT = EP Culture Committee, ITRE = EP Industry and Research Committee, IMCO = Internal Market Committee, LIBE = EP Civil Liberties Committee

* indicates that the position is still under discussion

