



Kennisland

Copyright reform for Heritage: where are we now

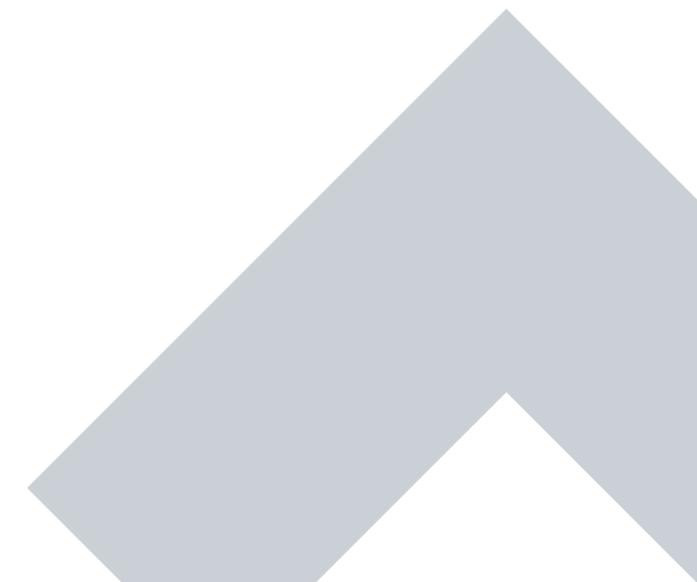
BAAC conference 2016, 2-11-2016 Vilnius

LISETTE KALSHOVEN (@LNKalshoven / lk@kl.nl)



Why we need to talk about copyright

- Through the rise of the digital information society copyright has come to play a more central role in our societies
- Copyright law has great influence on subjects like access to knowledge and culture, education, research and innovation
- To function properly Copyright law needs to balance the interests of makers (exclusive rights) and the society at large (exceptions and limitations to exclusive rights).



International

Berne convention (1896)

Rome convention (1961)

TRIPS (1994)

WIPO copyright treaty
(1996)



European Union

Orphan works directive
(2011)

Copyright term directive
(2006)

Copyright/InfoSoc directive
(2001)

Database directive (1996)

SatCab, Rental, Computer
programs, etc...



The Netherlands

Auteurswet (1912)

Wet Naburige rechten
(1993)

Databankenwet
(1999)

Wet auteurscontractenrecht
(2015)

Wet Toezicht collectief
beheer (2013)



Giving online access to heritage is hard

(and this is 'only' about copyright)

- CHI can't always make digital copies of their collections for preservation
- Even if they can digitise, they can only make available through dedicated terminals on the premises of the institution
- Getting permission from rightsholders for online publication is time confusing and expensive:
 - Orphan Works are time consuming and expensive
 - No solution of out-of-commerce works



- ECL does not work (well) cross border



European Union

Orphan works directive
(2011)

Copyright term directive
(2006)

Copyright/InfoSoc directive
(2001)

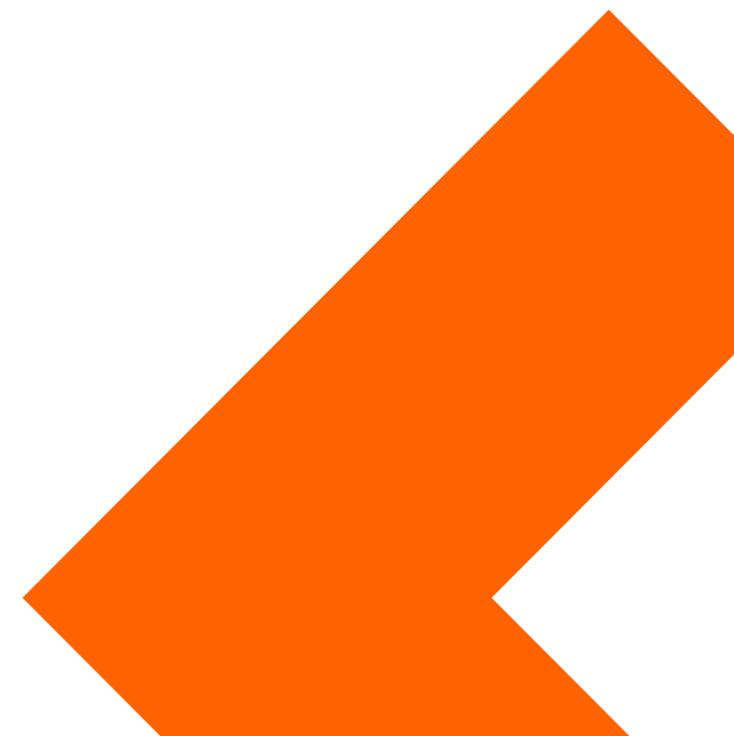
Database directive (1996)

SatCab, Rental, Computer
programs, etc...



What the Commission proposes (broad strokes)

- A mandatory preservation exception (to make internal copies).
- An EU law that would require Member States to implement (extended) collective licensing mechanisms for the making available of Out Of Commerce works.



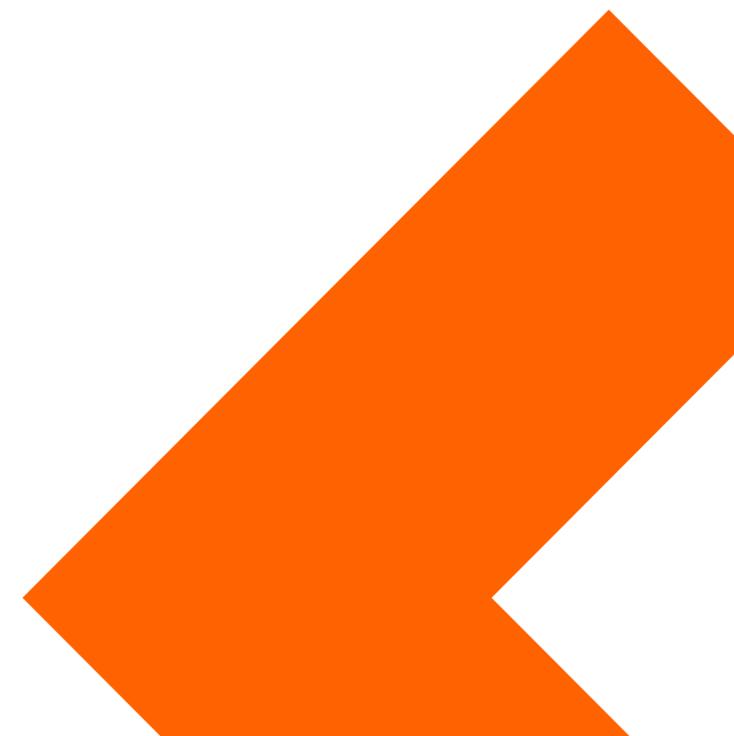
Why the proposal needs to be better

- License approach takes a very long time to show any practical results
- It makes the application of the solution dependent on the willingness of CMOs to offer licenses that meet the requirements of CHI.
- The language proposed by the EC is limited to types of works for which there is an existing ECL practice and where CMOs are broadly representative.
- Which means that there will be a new type of work that falls between solutions that will remain offline.
- This proposal will result in 28 different national laws again.



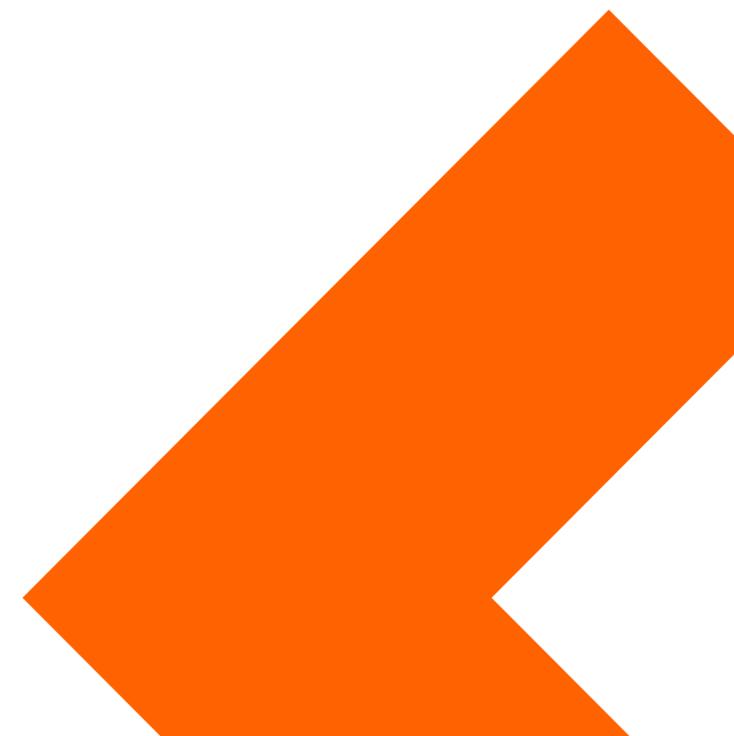
What's next

1. Member States have eight weeks to send their reasoned opinions on compliance of draft legislative texts with the subsidiarity principle to the Council, the European Parliament and the Commission.
2. The European Parliament examines the Commission's proposal and may adopt or amend it.
3. (somewhat parallel to 2) The Council of the European Union can adopt or amend and return the proposal to Parliament.



Want to stay informed on the process?

- Keep an eye on the blog of COMMUNIA:
 - www.communia-association.org
- The Europeana Pro blog features analyses from myself & my colleagues specifically for CHI:
 - <http://pro.europeana.eu/blogposts>
- (Follow me on Twitter: @LNKalshoven)



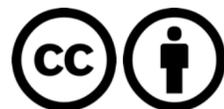


Kennisland

Thank you!

Complex challenges in society require new forms of innovation.

Lisette Kalshoven lk@kl.nl



This presentation is licensed under a Creative Commons Attribution license.
Photo: Marcel Oosterwijk (Kennisland)

