



New Newsletter and website

This is the first issue of EBLIDA News, our new newsletter, which, as reported earlier, replaces Hot News as EBLIDA's primary information resource. EBLIDA News will also be available on our website immediately, and with no delay, on publication. The publication schedule for EBLIDA News is fortnightly and we will review this publication frequency at the end of 2007, to determine if it is in accordance with our members' wishes.

The new website, designed by CIM Consult in Denmark, is also launched this month. The main aim of the new website is twofold. Firstly to create a better graphical design and a more logical and easier to use interface. Secondly to use the website as a more active information tool, bringing important and relevant information to our members and the European library sector in general. This will obviously be an on-going development, but will be an important element in EBLIDA's strategy over the next three years.

Report from the Copyright Sub-Group

By: Toby Bainton, Chair, EBLIDA's Copyright Exprt Group

At the end of 2006 Toby Bainton, Chair of EBLIDA's Copyright Expert Group, attended two meetings in Brussels sponsored by the European Commission. They concerned two aspects for study in preparation for the European Digital Libraries Initiative. They were small meetings and the people present were from the range of 'stakeholders' in the European Digital Library, as identified by the Commission - reproduction rights organisations, publishers, librarians and writers.

The meetings formed part of the workprogramme of the European Commission's High Level Group on Digital Libraries, and were organised by its Copyright Sub-Group, of which Toby Bainton is a member. The Commission is seeking voluntary agreements between the stakeholders in order to make the creation of the European Digital Library easier. These agreements will permit or facilitate actions by libraries, beyond the permitted actions found in the copyright laws of the Member States and in the 'Copyright Directive' 2001/29/EC.

The meeting on 18 December - digitisation for preservation

This meeting was held to clarify one important point. All stakeholders had agreed earlier that if a library chooses to digitise a printed work in order to preserve it, the library may make more than one digital copy. Often, copyright laws permit the making of 'one copy', but the right-holders

agree that one digital copy after another, or even two simultaneous digital copies, may be useful for preservation purposes.

Clarification was needed about the availability of such digital copies to end-users. At first it seemed that the right-holders wished them to be unavailable until the expiry of copyright in the work. But the meeting in December made clear a recommendation that digital copies made for preservation purposes may be available to end-users, provided that certain conditions are met. The wording agreed follows -

The Copyright Subgroup wishes to underline that these recommendations deal with digital copying for the purpose of preservation only and are strictly limited to the purpose of preserving, for the long term, cultural and national heritage produced and distributed in different formats and editions. Any copies made in excess of that permitted by applicable law may not be used to increase the number of copies available for access to end users until the expiry of copyright, provided that access to any copy may occur only for onsite consultation.

The meeting on 19 December - digitisation of out-of-print works

The meeting prepared a draft outline of a licence to be used for agreements between a library and a right-holder when the library wishes to digitise (for purposes other than preservation) a work that is out-of-print. Out-of-print in this context means 'no longer available in the normal course of commerce'. The proposed licence will be used when the right-holder's identity is known. The library will ask the right-holder if it can digitise the work, and the Commission hopes that a pre-printed licence, with widely-agreed wording, will make agreements quick and easy.

Nothing much can be concluded yet about the draft outline which was discussed in December, but it was agreed that one clause in the licence would provide that nothing in the licence would affect the library's position under national law - so an exception or limitation for the benefit of the library would take precedence over anything in the licence.

It is important to note that out-of-print works where the right-holder's identity is not known are called 'orphan works', and the Sub-Group will discuss those separately because they produce additional problems.

Copyright toolbox

By: Wilma Mossink, EBLIDA's Copyright Expert Group

Last year SURF (Dutch higher education and research partnership organisation network services and information and communication technology) presented the copyright toolbox and the Licence to publish. The copyright toolbox is an elaboration by SURF and JISC (Joint Information Systems Committee) of the Zwolle Principles and a result of their partnering on copyright. The Zwolle Principles were a major outcome of working conferences on copyright and universities, which took place in Zwolle in 2001, 2002 and 2004. The Zwolle Principles aim at optimizing access to scholarly information in all formats.

This set of core principles focuses on the thoughtful understanding and application of copyright law to the management of scholarly works, can permit the principal stakeholders in scholarly communication-including authors, publishers, librarians, universities and the public-to achieve maximum access to scholarship, to strengthen academic freedom, and to enhance the quality of academic work. The keyword is a balance of rights: to achieve maximum access to scientific publications institutions of higher education set up and manage digital repositories. However to fill the digital repositories often an author needs permission of his or her publisher because of the publishing agreement the author has signed. SURF recognised at an early stage that a publishing agreement is an important step in achieving a balance of rights in the process of scholarly communication. It determines the rights that are important to the stakeholders involved in this process.

Therefore SURF developed this toolbox to assist authors and publishers to achieve a balance between granting maximum access to a journal article and financial compensation for the publication by the publisher of this article. The toolbox is based on a check list of key needs of author and publisher. The interests of both parties often converge but sometimes diverge. Consideration of the key needs of authors and publishers helps each to understand the other's position when entering into a publishing agreement. The list of key needs can help an author or publisher to identify rights he/she may wish to seek to retain when transferring/assigning copyright or licensing for a publication. It also sums up the key needs, which are important to a publisher thereby helping to determine which party could best exercise which rights. The toolbox has three entries. The first one is a licence to publish enabling the author to retain copyright but giving the publisher the rights to publish his/her work. The second one gives sample wording for various options in case an author or a publisher would like to amend a publishing agreement in certain circumstances. The last entry refers to initiatives that other organisations or academic institutes have undertaken to maximise access to scholarly publications. The licence to publish is recommended by SURF and JISC to their communities and endorsed by the Wellcome Trust.

The copyright toolbox can be found at <http://copyrighttoolbox.surf.nl/copyrighttoolbox>.

Gowers review of Intellectual Property Rights

By: Andrew Cranfield, Director, EBLIDA

Gowers Review of Intellectual Property (IP) published in the UK in December last year has met with a fairly positive response from the UK library community. On the whole the review is seen to be balanced between the need to enforce IP rights on the one hand and ensuring that there is flexibility in the use of IP rights in line with the requirements of the digital age.

The Gowers review provides not only a very comprehensive overview of the issues and challenges of IPR (i.e. patents, copyright, trade marks and design), but serves as an excellent introduction to the whole subject of IP. Not surprisingly the review is territorial, but many of the problems focused upon hold true across the whole European community.

One of the issues addressed and of particular interest to libraries (and other cultural institutions) is the length of copyright protection for sound recordings, where the music industry has lobbied intensely for an increase from the present European 50 year term of protection to 95 years (and which the European Commission is reviewing at the moment). By using some very sound economic empirical data, the review argues that an increase in the term of protection would "not increase the incentives to invest, would not increase the number of works created or made available, and would negatively impact upon consumers and industry. Furthermore, by increasing the period of protection, future creators would have to wait an additional length of time to build upon past works to create new products and those wishing to revive protected but forgotten material would be unable to do so for a longer period of time".

By increasing the term of protection, one would stifle new creativity, while at the same time there is no real evidence that an extension of the term would positively influence future investment decisions.

The review can be downloaded at http://www.hm-treasury.gov.uk/media/583/91/pbr06_gowers_report_755.pdf

From the Secretariat

After approximately one and a half years at EBLIDA Martine Koenders left us at the end of December 2006. I would like to take this opportunity to thank Martine for all her excellent work at EBLIDA and wish her all the best for the future. Due to the launch of our new website and electronic newsletter, we will not be seeking a replacement immediately, but will use the next couple of months to assess the changes in work processes here at EBLIDA and then in cooperation with the Executive Committee analyse and evaluate the employment situation at the secretariat.

The newsletter is sent out to the email addresses that EBLIDA has on its members. If you wish to change or add additional email addresses please contact Carmen Morlon at morlon@debibliotheken.nl