



Modernisation of the EU copyright framework

**New copyright rules to promote
culture, innovation and digital
empowerment**

Libraries - custodians of our cultural heritage



Libraries in a digital world Opportunities and Challenges





Previous Commission actions

Policy & coordination

- ✓ Recommendation on the digitisation and online accessibility of cultural material and digital preservation
- ✓ Directive on the re-use of Public Sector Information (PSI)
- ✓ Orphan works Directive
- ✓ Expert Group on Digital Cultural Heritage and Europeana (DCHE)



Previous Commission actions

Funding

- ✓ H2020/Societal Challenge 6: support of research & innovation actions with a total budget of 40 million euros
- ✓ FP7, supported 50 research projects in cultural heritage with a total budget of ~195 million euros
- ✓ over 900 cultural institutions supported under previous funding programme CIP ICT PSP, with a total budget of ~ 125 million euros
- ✓ support for the further development of Europeana, Europe's digital platform for cultural heritage
- ✓ European structural & investment funds

Copyright modernisation package adopted on 14 September 2016

- 4 legislative proposals and an accompanying Communication:
 - ✓ Implementation of the Marrakesh Treaty for people with print disabilities through a Directive and a Regulation
 - ✓ Regulation on online transmissions and retransmissions of TV and radio programmes
 - ✓ Directive on copyright in the Digital Single Market

Three main objectives

1. Modernising the EU rules on key exceptions and limitations in the areas of research, education, and preservation of cultural heritage
2. Facilitating cross-border access to copyright protected content online
3. Introducing fairer rules of the game for a better functioning copyright marketplace

1 - Modernising the EU rules on key exceptions and limitations

- New copyright exceptions – mandatory for Member States:
 - For digital uses of protected content to **illustrate teaching**, including across borders
 - For **text and data mining**
 - For **preservation**
 - For the benefit of **blind or otherwise visually impaired persons**

2 - Facilitating cross-border access to content online

- Measures to facilitate the clearance of rights for broadcasters online services (live TV, catch-up) and retransmission service providers (IPTV, satellite, mobile)
- **Legal framework to help cultural heritage institutions to digitise and make available across borders out-of-commerce works**
- Negotiation mechanism to facilitate the licensing of European films on VoD platforms

3 - Introducing fairer rules of the game for a better functioning copyright market place

- Introduction of a **new related right for press publishers**
- New rules requiring that **online services providing access to large amounts of content uploaded by users** put in place appropriate measures and cooperate with right holders
- New rules to ensure **increased transparency to authors and performers** on the exploitation and remuneration of their works and help them to obtain appropriate remuneration

Text and data mining (TDM) exception

- Objective: facilitate the use of TDM to support research in Europe by giving full legal certainty for research organisations carrying out TDM, including across borders
- Beneficiaries: research organisations
- Condition: lawful access (e.g. subscriptions to scientific journals or open access)

Teaching

Scope and conditions of the new exception

- Scope: digital uses for the sole purpose of "illustration for teaching"
- Conditions:
 - Non-commercial purpose
 - Digital uses on the premises of the establishment or through secure electronic network accessible only by students/teachers
 - Indication of the source
- Possibility for Member States to make the exception –totally or partially- subject to the availability of adequate licences
- Cross-border effect through legal fiction
- Possibility for Member States to provide for fair compensation

Preservation exception

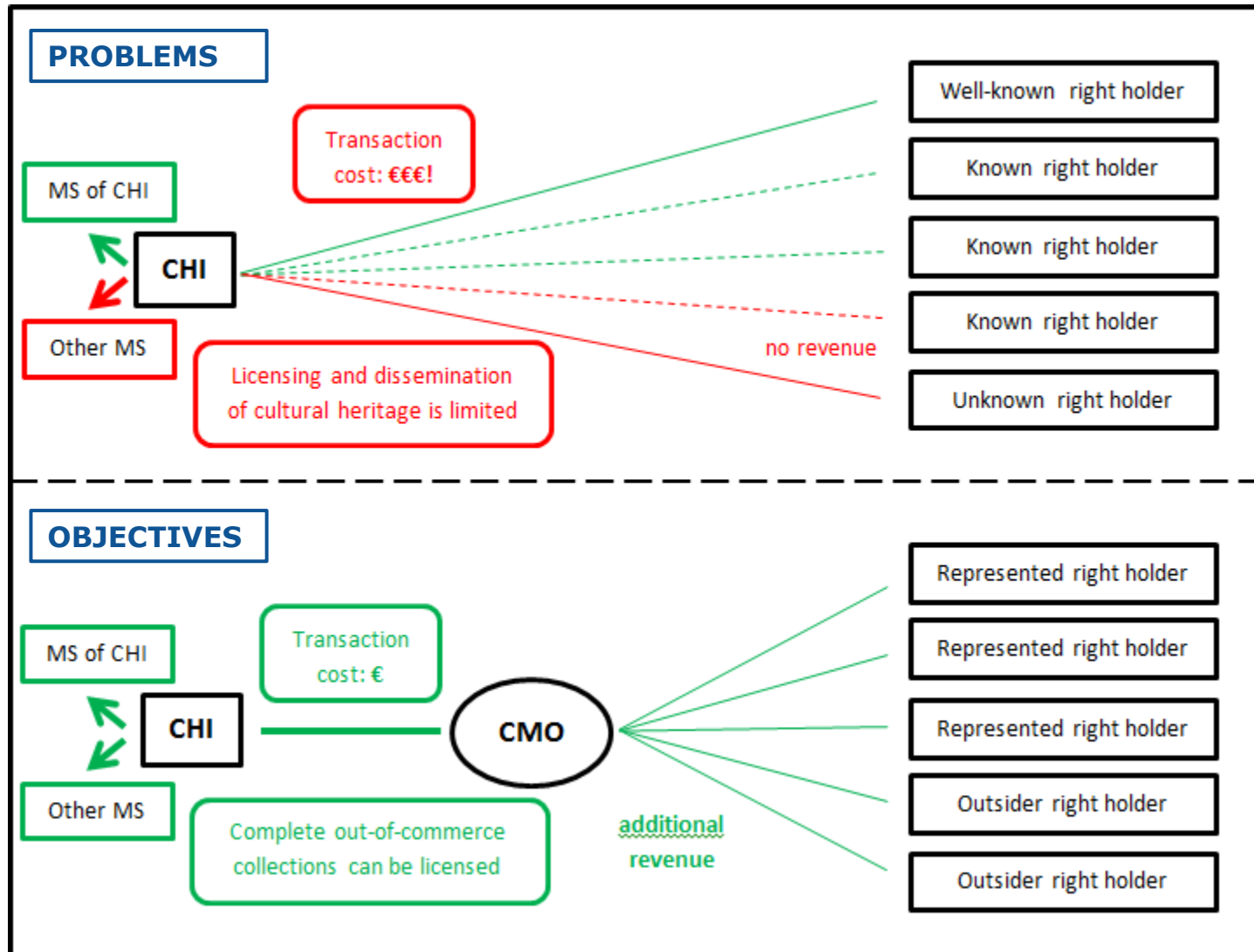
- Mandatory exception to the reproduction right for preservation purposes
 - Objective: provide clear, broad space for preservation, fit for digital age and capable of accommodating future solutions
 - Beneficiaries: cultural heritage institutions ("publicly accessible library or museum, an archive or a film or audio heritage institution")
 - Scope: works and subject matter *permanently* in their collection

Licensing of out-of-commerce works

- Legal framework to help cultural heritage institutions to digitise and disseminate across borders **out-of commerce works**
 - Objective: reduce transaction costs in mass digitisation projects
 - Member States to introduce the possibility of extended collective licensing or presumption of representation for licensing OOC works for non-commercial uses
 - Safeguards for right holders: possibility to opt-out; publicity requirements
 - Cross-border effect
 - Stakeholders' dialogue to facilitate the use of such mechanisms for different categories of works



European
Commission





**Thank you very much
for your attention!**

Manuel Mateo Goyet
Member of Cabinet of
Commissioner Gabriel