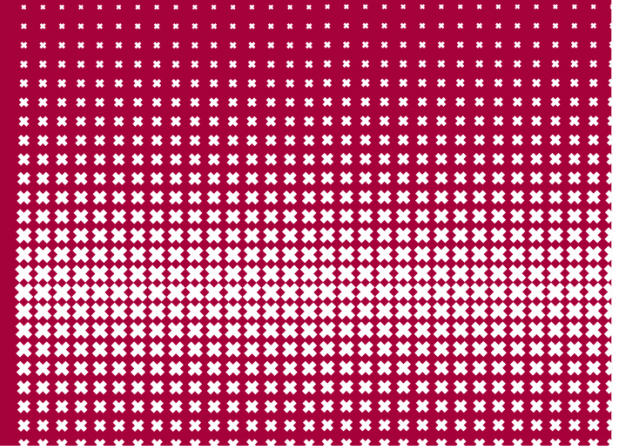




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Norm setting in copyright law

Library event – European Parliament

Dr. Lucie Guibault


30.05.2012



One example: Europeana

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





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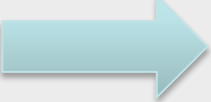
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Contreforts de la grange d'Allaertshuize... 	Le grand pignon de la grange d'Allaertsh... 	[Priuré Amay] [graphic material] 	Priuré des Moines de l'Union d'Amay s/M... 
			

International norm setting

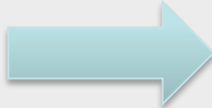
- Last modification of the Berne Convention on L&E in 1971  no specific L&E for libraries
- Current international consensus only on the 'three-step-test'
- Discussions at WIPO since 2008 on a possible Treaty on L&E
- No attention to L&E in other instruments (WTO, ACTA, bilateral)



COMMISSION RECOMMENDATION of 27 October 2011 on the digitisation and online accessibility of cultural material and digital preservation, Recital 5

“...the development of digitised material from libraries, archives and museums should be further encouraged in order to ensure that Europe maintains its place as a leading international player in the field of culture and creative content and uses its wealth of cultural material in the best possible way.”

European norm setting

- Information Society Directive of 2001:
 - Reproduction by libraries for certain uses
 - Display on terminals within premises of libraries for private research and study
 - Reprography, private use
- All but one L&E optional  mosaic of applicable L&E across Member States

European norm setting

- What's coming?
 - Public Sector Information Directive
 - Orphan works directive
- Individual initiatives of Member States
 - French law on out-of-commerce works
 - German discussions on orphan works
 - Contractual solutions in others



Unresolved issues

- In mass-digitization projects:
 - (non)commercial use : Public/Private Partnerships
 - Remuneration of rights owners
 - Liability for past use
 - Cross-border use
 - Search, registration and technical standards