

# *Conference report*

## Copyright and beyond: Libraries in the public sphere

**Inga-Lill Nilsson**

First, I would like to thank LM Information Delivery for giving me the opportunity to attend the IFLA CLM & EBLIDA Satellite Meeting, 13-14 August 2014 in Strasbourg, *Copyright and beyond: Libraries in the public sphere*.

IFLA and the Committee on Copyright and other Legal Matters (CLM) has together with EBLIDA (The European Bureau of Library Information and Documentation Associations) participated in international discussions, works and guidelines on copyright in libraries.

The satellite meeting focused on how we can build a better understanding of the changes occurring in the copyright field and the effects of such on society and our coinciding access to knowledge.

Several things attracted me to the international discussions. Earlier this year, the European Commission launched a public consultation into the review of the EU copyright regulations. The IFLA, on the other hand, also conducted a survey to gather input for future debates. There was a meeting with the WIPO (World Intellectual Property Organization) in the beginning of May but unfortunately the EU did not support an international solution for library and archive copyright issues, which led to a breakdown in discussions. Today, these impending copyright issues are gaining a great deal of attention in the information and education sectors.

My hope for the conference was to acquire an overall picture of the different aspects of copyright and future trends. I also looked forward to meeting representatives from academic libraries to see how they worked with copyright issues.

### **Background**

Copyright has a great influence on the majority of library activities. Copyright affects the way libraries store, protect and makes their collections available. Academic libraries are

involved in copyright issues through work with course reserves, licensed library resources, and assisting faculty authors.

Libraries are engaged with copyright laws and policies and are grappling with the move from public law to the private law of contract and the consequences of trade agreements. Licenses increasingly determine relationships between right holders and users. Most countries have national copyright legislation protecting their creative works but the copyright policymaking comes from multilateral treaties. Libraries have been at the forefront of the technological wave but how can we provide services with our increasingly outdated copyright laws. Copyright has to be reassessed in the light of the new electronic environment.

## Conference report

The conference took place in the Palais du Rhin close to the National & University Library Strasbourg. Over 60 delegates from most countries in Europe, North America and Africa participated in the two day conference. From Scandinavia however, there was myself and the Swedish chair of EGIL (Expert Group on Information Law) Ulrika Domellöf Mattsson. The conference brought together a good mix of law librarians, lawyers, library directors, professors, copyright consultants, representatives from national libraries and various library and copyright organizations. High quality presentations were held and it was great to see so many professional from various disciplines. The major theme of the conference was about the shift from analogue to digital, the trends in information policy and what role libraries will play in the future.

The Keynote speaker was Heather Morrison (Assistant Professor at the University of Ottawa's School of Information Studies). Her current research focus is on the means of transitioning scholarly communication from the current system towards a system that is fully open access, affordable, and free to prioritize the needs of scholars and the public good. Her vision was a global public sphere that can support freedom, research and access to information. Libraries and groups like EBLIDA and IFLA are important in this work. Libraries cannot avoid discussing or trying to solve new problems because they are difficult and supporting open access is vital. Copyright law should not hinder progress of research.

Ingrid Parent (University of British Columbia) continued to talk about the role that libraries can and should play. National law and international treaties do not keep up with the digital changes in the future. There are a number of grey areas in terms of copyright where we can be advocates, for example, text and data mining, education and research and in digital preservation. We have to advocate for our users rights and cooperate with other library or open access organizations. We have to develop new skills and go out physically to our users. Campaigning for copyright reform was discussed throughout the whole conference as well as different ways to achieve a better balance between copyright holders and users, for example through contracts and licenses.

Lucie Guibault (Associate professor at the Institute for Information Law of the University of Amsterdam) described the extended collective licensing system used in the

Scandinavian countries and there was a discussion about limitations, exceptions, fair use, legislation and collecting licenses and how they were suitable for different purposes.

Reformation of the law is too slow but it is unclear as how licensing solutions can provide a significant improvement to an out of date copyright system. University libraries are dependent on electronic resources. If there is commercial interests the licenses can be expensive and there is the risk, in certain cases, that the licenses limit more than legislation does. Copyright exceptions and limitations must be safeguarded and not overridden by contract or technological protection measures.

Researchers are increasingly collaborating across borders and it is not only important to reduce legal uncertainties but also implement international exceptions. One of the representatives from USA proclaimed “we are proud of our exceptions”. Open ended exceptions can better keep pace with evolving technologies and services and ensure that future copyright amendments are in harmony with future digital innovations. It is necessary to allow European research institutions to compete with those in the United States and Asia where fair use is already in place.

Not only reformation of legislation will be important, trade agreements will also play an important role. The Trans-Atlantic Trade Investment Partnership and the Trans-Pacific Partnership were described. Transatlantic trade agreements can be one way of achieving a better copyright balance and maybe easier than to get agreements within the EU or at WIPO.

The problems are that the agreements are complex with sometimes huge differences between the countries. Secret negotiations make it difficult to get insight. The agreements can restrict fair use, various copyright exceptions and those limitations which are crucial for access to research and culture.

There were several presentations about preserving collections and the problems in mass-digitization, especially the “orphan work problem”. There were also presentations about national laws, access to e-books and a practical example of how to increase the level of compliance of copyright at a university.

Margaret Law, (Director of the University of Alberta Library), examined the causes of copyright breach. There are areas of poor understanding of copyright law, particularly about what constitutes “fair use” in the education world. Margaret Law examined the causes of copyright breach in a large university and suggested options for increasing the level of compliance

## Conclusion

There were many different views on how to find a better balance. A reformed copyright, better suited for the digital era, seems far away. Some of the problems are differences between countries, difficulties reaching international agreements and how to define exclusions of the law. However, nothing seemed impossible and there was a very optimistic spirit and a willingness to collaborate, both nationally and internationally.

Key messages taken from the conference was the need to create better awareness of copyright issues in the library and to make politicians aware of the need of reform. One of the last items on the program was a round table discussion between conference participants on strengthening communications and advocacy on copyright reform within their country. The discussions were about how to lobby, with our users, stakeholders, and with our politicians, etc. We need to engage national libraries and library organizations. The library voice is strong and we have to act!

## **Personal outcomes**

The IFLA/EBLIDA conference was far more than I had expected. I have a new understanding of the complexity of copyright and the importance of international policymaking. It has broadened my interests in copyright legislation and political decisions, and I got deeper insights into what factors influence Scandinavian copyright and what are the challenges in the near future.

The conference room was well suited for the meeting and it was easy to engage in the discussions after the presentations. At a satellite meeting you are able to focus on specific questions and there is also plenty of time to follow up and start new conversations during lunches and other breaks. The most valuable thing about conferences is often the informal meetings between seminars and those informal meetings have led to some valuable contacts for the future. It was also very reassuring to hear colleagues speak about their own experiences.

It was particularly interesting to hear and discuss the role of the library and how we can take a leading role. Even if the future is unanimously uncertain there is fantastic enthusiasm and many dedicated individuals out there committed to change. I believe everyone felt inspired to continue working for a better balance for access to information.

I also enjoyed the city of Strasbourg. Since Strasbourg is the official seat of the European Parliament European it gives you a cosmopolitan feel. Strasbourg is an important center of manufacturing and engineering and University of Strasbourg is currently the second largest in France. The first day was ended by a visit to the renovated building of the Bibliothèque nationale et universitaire (BNU). The BNU is a national public establishment, and the second most important library in France.

Strasbourg's historic city center, the Grand Island is classified as World Heritage site by Unesco and is a wonderful place to stroll around. Strasbourg is also called "The Venice of France" because of all the canals and bridges surrounding the isle. There are many historical sights and with help from the immense Cathedral and the trails of the modern tram, it is relatively easy to find your way. It is a wonderful place to visit for pleasure or work.

I am thankful to LM Information Delivery and SFIS for this fantastic opportunity. I will share my experiences with colleagues at Karlstad University and elsewhere and I am positive that there will be an increased interest in copyright at all types of libraries and educational institutions.

## Further readings

Conference site: <http://www.eblida.org/copyright-and-beyond>

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Lipinski, T. A. (2013). *Librarian's legal companion for licensing information resources and services*. Chicago, IL, USA: American Library Association.

Ligue des Bibliothèques Européennes de Recherche. *LIBER Position Statement: Copyright in the Digital Age*. Retrieved from <http://libereurope.eu/liber-position-statement-copyright-in-the-digital-age/>

## About the author/Om författaren

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*Inga-Lill Nilsson är ämnesbibliotekarie vid Karlstads universitet och har under en lång tid varit engagerad i upphovsrättsfrågor på bibliotek. Hon fick 2014 stipendiet Creo från DIK med syfte att öka intresset för upphovsrätt. Ett nätverk har bildats för att gå MOOC-kursen Copyright for Educators & Librarians och få till stånd en diskussion om kompetensbehov. Det har även bildats ett expertnätverk inom Svensk biblioteksförening, Svensk biblioteksförenings nätverk för bibliotek och upphovsrätt.*

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