



Ligue des Bibliothèques Européennes de Recherche
Association of European Research Libraries

Pavel Svoboda
Chair, JURI
Parlement européen

17th November 2014

Re: the Future Development of Copyright in Europe

Dear Mr. Svoboda,

LIBER (Ligue des Bibliothèques Européennes de Recherche / Association of European Research Libraries) is the principle European organisation representing university libraries as well as national libraries. Our current membership includes over 400 education and learning institutions in more than 40 countries across Europe.

As you are aware, the acquisition and reuse of knowledge in the Information Society is a key tenant of this continent's economic success. The benefits of a highly-educated workforce, cutting-edge scientific research, and knowledge transfer from universities to companies are well documented. Fundamental to these activities is the ability to have appropriate access to information, as well as to disseminate it. Innovation and creativity are driven by "standing on the shoulders of giants."

As a sector we believe that research requires a rebalancing of the copyright regime. Generally speaking university IP investments, and the intellectual investments of academic authors are very well protected. European academic authors in the fields of science alone create over €3.6 billion worth of copyright value¹, so we recognise the importance of the time-limited monopolies that copyright law creates. However the appropriate flexibilities that underpin copyright, are lacking or functioning weakly, if at all, in a digital environment. This, in our opinion, is hampering innovation growth.

To give just three examples:

- i) A researcher in Belgium that finds her university library does not have a scientific article she wants to read, is limited to searching for that article in Belgium. Under copyright law she could not ask a university in Holland, or France to supply a copy to her under research exceptions.
- ii) Digital preservation of this continent's history must occur in country silos according to copyright law. A shared preservation infrastructure between Estonia, Latvia and

¹ European academics write 1 in 3 science articles or books published.

Lithuania (a real example being discussed) is not lawful without the permission of millions and millions of individual rights holders.

- iii) Analysis of data on the internet or in the journals we purchase² by computers is unlawful across the EU. The only exception to this is the UK, and even there, because of the European Copyright Directive, this is limited to non-commercial research purposes only. This inhibits the Knowledge Transfer agenda from universities to private industry. It also goes without saying that European technology companies, many who learn their skills in universities, cannot compete with their American competitors who can shelter under the flexibilities, such as fair use, that exist in US copyright law.

We note that on the 11th November JURI held an event on the Future Development of Copyright in Europe. However, we were very disappointed to see that, while individuals who research Intellectual Property were invited to speak, no one who can represent education, universities or research institutions was present. It is of vital importance that JURI recognises that intellectual property laws, including copyright, affect not only the entertainment industries, but how cutting-edge research and innovation is performed. In short, we are very concerned that the US, and countries in East Asia have far more technology focussed and research-friendly copyright regimes than Europe. We would therefore ask the Committee to follow up the event of the 11th, with a second one looking at the Future Development of Copyright Law from the perspective of technology-driven education, R & D and libraries. LIBER would be more than welcome to help shape the event with JURI and recommend speakers, in order that the Committee receives a well-rounded picture of the need for copyright reform from all stakeholders in Europe.

Yours sincerely,



Kristiina Hormia-Poutanen,
LIBER President

² According to 2012 Library Market Size, Share & Forecast Report by Ned May, Outsell, European libraries spent €4.32 billion on content acquisition.