

Response from SCONUL to the **Public consultation on content online in the single market**, July 2006 (European Commission, Information Society and Media Directorate-General) 28/07/06

SCONUL is pleased to respond to the Commission's consultation. SCONUL (the Society of College, National and University Libraries) represents the directors of the library and information services in all the universities of the United Kingdom and Ireland, and in most other institutions of higher education in the UK. We also represent the directors of the national libraries of the UK and Ireland.

As a member of EBLIDA ([www.eblida.org](http://www.eblida.org)) SCONUL has collaborated in the formulation of EBLIDA's response, sent to you on 10 October. We support EBLIDA's specific comments on paragraphs 4 and 10 of the Introduction to the Consultation. To EBLIDA's comment on paragraph 10 we add:

*The online creativity conferences pay little or no attention to the treatment of public domain material, to the importance, for public policy reasons, of the exceptions to copyright, or to the growing problem of out-of-print and orphan works (in which no commercial interest subsists in the copyright, which nevertheless continues to hamper the circulation and use of the works). Nor do the conferences pay much attention to creativity beyond the commercial sphere, for example the creativity arising in the realms of education and publicly-funded research, and in cultural institutions. Non-commercial creativity arises on a decidedly non-trivial scale.*

Furthermore we support EBLIDA's comment on the introduction to the questionnaire, and the comments on Questions 1, 3, 4, 6, 8 and 10. We add to EBLIDA's comment on Question 10 the following:

*Many of the supposed safeguards to deal with this problem are completely unworkable in the day-to-day world, where users need the exceptions to achieve rapid access to quantitatively insignificant copies of material. The possibility of an application to a court or administrative system in order to achieve access to the work in such circumstances is of no practical value.*

Finally we support EBLIDA's comments on Questions 12, 14, 16, 17 20, 22, 25, 30 and 33.

Toby Bainton  
Secretary of SCONUL  
10 October 2006