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### **Comments of Springer Science+Business Media on the Commission Communication on *Europeana – next steps***

Springer Science+Business Media (Springer) is one of the world's leading suppliers of scientific and specialist literature. The company is headquartered in Berlin, with major editorial offices in Heidelberg (Germany), Dordrecht (Netherlands) and New York (US). It has operations in about 20 countries in Europe, the USA, and Asia, and some 5,000 employees.

Springer is the second-largest publisher of journals in the science, technology, and medicine (STM) sector, the largest publisher of STM books and a trusted provider of local-language professional publications in Europe, especially in Germany and the Netherlands. In the STM sector, the group publishes around 2,000 journals and more than 6,500 new books a year, as well as the largest STM eBook Collection worldwide.

Springer appreciates the questions for consultation complementing the Commission Communication on *Europeana – the next steps*, and welcomes the opportunity to submit its position on some of the issues addressed in the Communication.

**Question 7:** *What is the best way to encourage cultural institutions and rightholders to take into account cross-border access – including through Europeana – in their agreements on digitisation and dissemination of in-copyright material? Which legal or practical barriers to this cross-border access need to be addressed?*

For international STM publishers, providing online access through licensing on a national, institutional or cross-border basis is already the standard. Scientific and professional content must be available online and must be searchable – this is expected by the science and research community, and publishers provide searchable formats to ensure visibility for their authors. Cross-border access is in

the best interest of publishers and authors, provided that publishers' added value is paid for and authors' rights are protected.

STM content is to a large extent already digital and online: Journals have converted to digital formats as early as the mid-1990s (and many journals have also been digitised back to Volume 1, Issue 1), and eBooks are catching up with this development rapidly. Springer has produced all books since 2004 in print and digital format, and a large part of the book backlist is searchable online through services such as Google Book Search.

Question 8: *How can the difference in the level playing field for digitising and making accessible older works between the US and Europe (in particular the 1923 cut-off date in the US, which places all material from before 1923 in the public domain) be addressed in a pragmatic way – e.g. better databases of orphan and out-of-print works, a cut-off point that imposes lower requirements for diligent search in relation to orphan works?*

Springer fully supports pragmatic solutions to the issue of orphan works, as long as a process of diligent search is ensured. Springer is a signatory to the “Safe Harbour Provisions for the Use of Orphan Works for Scientific, Technical and Medical Literature” launched by the publisher associations STM, ALPSP, PSP and also supported by the Börsenverein in Germany. We also support the Memorandum of Understanding signed by representatives of libraries, archives, audiovisual archives and right-holders in the presence of Commissioner Viviane Reding in June 2008. It will help cultural institutions to digitise books, films and music whose authors are unknown, making them available to the public online.

For any pragmatic solution to this issue, Springer believes that requirements for diligent search are essential to protect the interests of rightholders and to prevent malpractice. A cut-off point that imposes lower requirements for diligent search does not seem the best solution, especially in a complex market with diverse legal traditions such as Europe. Certainly, the cut-off date of 1923 applied in the US would be a drastic change to most European copyright systems.

With regard to out-of-print works, Springer feels that out-of-print will become much less of an issue in the immediate future, as digital formats and print-on-demand spread rapidly. For older book content, digitisation projects such as Google Book Search have proved very successful for us.

Again, Springer appreciates the opportunity to comment on the Commission Communication. Should you have any questions, we would of course be happy to expand on the above.

Yours sincerely,



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Springer Science+Business Media