



THE LAW SOCIETY
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European Commission
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Society and Media
Unit 'access to information'
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Ec-digital-libraries@ec.europa.eu

Date: 12 November 2009

Dear Sir/Madam,

Europeana – Next Steps Consultation

The Intellectual Property Sub-Committee of the Law Society of Scotland (the Sub-Committee) has considered the above consultation and has the following comments to make.

With respect to question 8, the Sub-Committee believes that if an author is unknown and has not enforced copyright, his or her descendants should not automatically be able to enforce those rights. Some thought should be given to a pan-Europe copyright registry. This would require the author of a work to take certain steps to register copyright; without these steps there would be no remedy available.

Furthermore, a right of reversion to the author would be useful. This would mean that if a publisher allows a book to go out of print, the copyright should revert to the author. Deciding on an appropriate reversion time is difficult, but 50 years may be a useful starting point for discussion.

With respect to question 9, the Sub-Committee suggests that any copyright that comes into existence by virtue of digitisation should expire with the copyright for the original work. There *may* be some exceptions to this in the case of digitising images, which arguably requires more skill.

I trust these comments will be of some assistance. If you require any further information, please do not hesitate to contact me.



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Yours sincerely

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