

What is Europe's answer to Google Books ?



In October the Commission published a Communication on 'Copyright in the Knowledge Economy'. The 'knowledge economy' and its relationship to copyright have become topical as more and more information is digitised and made 'searchable' on the internet. But this freedom comes at a price. Those who earn their living from writing or composing may lose out. It is in these circumstances that the Communication makes a variety of suggestions on how copyright-protected material can be legally made available to the widest audience possible.

The Communication takes a clear view in favour of a 'Fifth Freedom' - the open circulation of knowledge in the Single Market. The Communication is one of the first policy papers preparing the broader intellectual property strategy that President Barroso announced under the banner of 'the Digital Agenda'.

A Pan-European Digital Library

One of the big themes addressed in the Communication is how the respect for digital copyright can be reconciled with the speedy roll-out of digital libraries. Innovative solutions are needed so that Europe can develop its digital libraries on a par with what Google has already accomplished in America.

That is why the Communication announces a practical and forward-looking legislative work programme fostering the digitisation of library stock in full respect of copyright rules. The EU's rule-based approach will make it possible for several digitisation initiatives to co-exist on a level playing field. The absence of competition in the creation of digital libraries is one of the pitfalls inherent in the Google Books Settlement. This U.S. arrangement is only beneficial to Google, while excluding competing digitisation initiatives.

One of the main challenges holding up the creation of digital libraries is the issue of orphan books. Orphan books are mostly still in-copyright but it is difficult or impossible to identify or locate the owners. While orphan books are mostly older books, their cultural value should not be underestimated. But without a known or locatable right-holder, the necessary permissions to include the book in an online library cannot be obtained. The Communication announces several options to alleviate the orphan works problem, such as a statutory exception for such works or appropriate licensing schemes. All of these options are based on a central principle: before the orphan work can be used, a diligent search to find the owner has to be carried out.

Another issue is that of digital dissemination of 'out-of-print' books. These books, while still protected, are no longer published or available in bookstores. Here the Communication proposes simple licensing approaches to be worked out in Commission-facilitated negotiations between the collecting societies and the digitisation initiatives.

Persons with disabilities

A point often overlooked in the debate on the 'knowledge economy' is inclusiveness. Persons with disabilities, notably the visually impaired, want to enjoy the benefits of new technologies to access Europe's collective knowledge on the same basis as everyone else. Yet, they continue to experience problems - e.g. only around 5% of European publications are available in accessible formats (such as Braille, audio or large-letter books). In addition, restrictions on cross-border distribution exist, even between countries sharing a language. To remedy this state of affairs, the Commission will set up a stakeholder forum to increase the number of works published in accessible formats for persons with disabilities and to encourage the unrestricted cross-border transfer of these works.

The recent debate on the Google Books Settlement has amply demonstrated that Europe needs to step up its own efforts in the pursuit of a realistic knowledge economy. The work announced in the Communication goes some way in addressing this challenge.



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