



# ENCES – an International Association for the Promotion of a Scholarship-Friendly Copyright

5th UNICA Scholarly Communication Seminar:  
„Find it, Get it, Use it, Store it“  
7-9 November 2010, Universidade Nova de Lisboa

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**Find it, get it, use it, store it, but ...**

**consult your copyright lawyer before!**



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# EU Copyright Directive





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- ENCES = European Network for Copyright in Support of Education and Science

- 2008: Network of experts



- 2010: International, non-governmental, not-for-profit association (registered in Berlin)
- Information and knowledge should be easy to access for anyone from any place at any time for purposes of education and research





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- Studies in copyright law (exceptions for education and research)
- Lobby group for education and research sector





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- Members:

- National networks and lobby groups for copyright
- Legal researchers, research institutes
- Science organisations
- Libraries and other information intermediaries
- University publishers
- ...





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## Communication



- Infrastructure of ENCES

- Office in Berlin
- Networking tool SINAPSE: <http://europa.eu/sinapse/>
- Mailing lists for ENCES network partners and members
- ENCES on Twitter: <http://twitter.com/ENCESeu>
- ENCES website: <http://www.ences.eu>





## Series of Workshops



- National workshops
  - Start or foster national debates in particular countries
- International conferences
  - Improvement of EU directives and international treaties
- General assembly







# EU project employing virtual research environment





## Copyright, Designs and Patents Act 1988

*Auteursrecht*

droit d'auteur et aux droits voisins dans la société de l'information

code de la propriété intellectuelle

## Código do Direito de Autor e dos Direitos Conexos

*Ley de Propiedad Intelectual*

*diritto d'autore e diritti connessi nella società dell'informazione*

Ophavsret

## Tekijänoikeuslaki 8.7.1961/404

ustawa z dnia 1 kwietnia 2004 r. o zmianie ustawy o prawie autorskim i prawach pokrewnych (Dziennik Ustaw Nr 91, Poz. 869), ustawa z dnia 28 października 2002 r. o zmianie ustawy o prawie autorskim i prawach pokrewnych (Dziennik Ustaw Nr 197, Poz. 1662)

UrhG

§ 52a

Autorské právo

Bundesgesetz über das Urheberrecht an Werken der Literatur und der Kunst und über verwandte Schutzrechte i.d.F. der UrhG-Novelle 2003

Szerzői jog

Πνευματική ιδιοκτησία

Only parts of published works, small works and single contributions to journals



## Germany: § 52a UrhG



“Making Available for Educational and Scientific Purposes”

**limited** until the end of 2012

(1) It shall be permissible to make available to the public, to the extent this is necessary for the respective purpose and justified for the pursuit of non-commercial purposes,

for the use of **members of a well-defined** research group only

1. [...]

2. parts of published works, small works and single contributions to journals and newspapers only to a clearly distinguishable group of persons for their own scientific research.

[...]

For the making available of a work to the public according to sentence (1) the author or rights holder shall be entitled to payment of equitable remuneration. Remuneration can only be claimed by a collecting society.

each use has to be **reimbursed**

**without** any direct or indirect **commercial interest**

Slide inspired by Rainer Kuhlen



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## Conclusion



Guido Westkamp, **The Implementation of Directive 2001/29/EC in the Member States**, February 2007

*Queen Mary Intellectual Property Research Institute*, Centre for Commercial Law Studies, Queen Mary, University of London

- Copyright law is:
  - Confusing
  - Complicated
  - Difficult to understand for laypersons





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## Topics for Discussion



- Legal questions of:

- (1) Open Access publishing
- (2) mass digitisation of orphan works
- (3) long-term preservation of Europe's cultural heritage
- (4) online delivery services
- (5) e-learning systems
- (6) digital environments for research groups
- (7) ...





- 27 EU Member States
- 6 different exceptions for scholarly communication issues

**27 x 6 = 162 exceptions !**



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Proposal



One **general exception**  
for education and research?!



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**PLEASE JOIN!**





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Contact



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