

15 December 2016**Designing copyright rules supportive of education and research:
HRK supports Bundesrat recommendations on EU rules**

“The HRK unconditionally supports the recommendations made by the Bundesrat towards a European copyright law supportive of education and research,” said the President of the German Rectors' Conference (HRK), Prof Dr Horst Hippler, in advance of the Bundesrat debate tomorrow on the proposals by the EU Commission on copyright law in the digital single market. “The HRK has been also calling for a harmonisation of copyright rules at European level for a long time in its capacity as a member of the Alliance of Science Organisations in Germany. Science lives on the unimpeded exchange of information and publications – including across national borders. It is therefore imperative that regulations be created at European level that do justice to these requirements and at the same time provide for a fair balance between copyright creators and users.”

The EU Commission presented its proposals for a reform of European copyright law in September. Along with a further harmonisation of the so-called exception provisions in copyright law, a rule on text and data mining (TDM) is included for the first time. The Alliance of Science Organisations in Germany made a statement welcoming the proposals as a step in the right direction.

“This step could perhaps have gone even further in a few places,” said HRK President Hippler. “We support the introduction of a rule on text and data mining. However, the exchange between academia and industry is also precisely what generates innovation. For this reason, the TDM rule should apply not only to the academic sector – as provided for in the Commission's proposal – but should also include businesses and start-ups.”

The HRK takes a critical view of the proposal by the Commission to give priority to publishers' licensing offers when copyright-protected works are used for teaching. “Such a priority clause would be a de facto circumvention of the exception provision and therefore tend to prevent rather than support the elimination of legal uncertainty the reform actually aims to achieve,” said Hippler. “We are currently seeing the sort of consequences a priority clause has for the use of exception provisions in the debate surrounding the framework agreement on section 52a of the UrhG, the German Copyright Act. Where there is any doubt, those entitled do not even apply the relevant standard due to legal uncertainty. That cannot be what the legislator intends.”