

23 December 2016

Interim agreement on the use of written works for teaching and research at universities

The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK), collecting society VG Wort and the German Rectors' Conference (HRK) have agreed that another lump sum payment will be made for uses under section 52a of the UrhG, the German Copyright Act, at universities up to 30 September 2017.

The background to this decision is an agreement in principle signed today, in which the framework agreement between the Federal and State Governments and VG Wort dated 22/28.09.2016 – and therefore also the individual recording and remuneration agreed therein – have been suspended by mutual consent until 30 September 2017. It was originally anticipated that from 1 January 2017 uses of copyright-protected written works under section 52a of the UrhG would be settled with VG WORT by the universities themselves, which are parties to the framework agreement, based on the recording of individual use.

The KMK, VG WORT and the HRK have now resolved to establish a joint working group to guarantee a feasible and appropriate solution for all parties. The working group is to develop a uniform national solution by 1 October 2017 for paying compensation to VG WORT for copyright claims for use under section 52a of the UrhG, taking into account the judgement handed down by the Bundesgerichtshof, the Federal Court of Justice (BGH), on 20 March 2013 (I ZR 84/11).

The working group comprises:

State Councillor Gerd-Rüdiger Kück, Bremen
State Secretary Dr Thomas Grünewald, North Rhine-Westphalia
Executive Board member Rainer Just, VG WORT
Executive Board member Dr Robert Staats, VG WORT
Vice-President Prof Dr Holger Burckhart, HRK
Secretary-General Dr Jens-Peter Gaul, HRK