

13.10.2016**HRK calls for workable regulations for digital teaching materials**

The Senate of the German Rectors' Conference (HRK) has today called for workable options for the use of copyright-protected materials in digital teaching. The framework agreement reached between the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK), the federal government and collecting society VG Wort, to which the universities are currently supposed to accede, does not satisfy this requirement, the Senate believes.

The agreement provides that from 1 January 2017, the universities must render account individually to VG Wort for the incorporation of teaching materials in higher education learning management systems. Hitherto, the states have made a flat-rate payment to VG Wort for using such materials under section 52a of the Urheberrechtsgesetz (UrhG, the German Copyright Act). However, VG Wort prevailed in a legal dispute before the German High Court with its position that billing on an individual basis was fundamentally preferable.

"We certainly acknowledge the efforts of the KMK to reach an acceptable solution that provides legal certainty. However, the universities have major concerns that the agreed process is too complex to be implemented across the board. The fear is that digital teaching at the universities will be severely impacted by the changed framework conditions," said HRK President Prof Dr Horst Hippler after the Senate meeting.

If the universities did not accede to the framework agreement negotiated, they would no longer have a simple option for making extracts from text books or short essays available to the relevant seminar participants on the intranet.

"In general, we need copyright law that allows sensible conditions for modern teaching at universities. The impediment represented by section 52a of the UrhG is only one of many problems, and it reveals the inadequacy of the current legal arrangements overall. For this reason, we very much hope that the Federal Government will soon provide a remedy in the form of a general, and above all inalienable, education and academic threshold. Otherwise the efforts of the German universities to provide modern digital teaching will be at serious risk," said HRK President Hippler.

The HRK had already voiced its scepticism concerning the feasibility of case-by-case invoicing in its position statement in the summer of 2015, warning of the negative consequences for digital learning and teaching at universities. A pilot process at the University of Osnabrück had already revealed this problem.