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German Rectors' Conference and German Library Association emphatically welcome draft reform of copyright law

The reform of copyright law drafted by the Federal Ministry of Justice and Consumer Protection and currently under discussion is emphatically welcomed by the German Rectors' Conference (HRK) and the German Library Association e.V. (dbv). The research-friendly changes envisaged are an appropriate response to the increasing digitalisation of research, teaching and methods of lifelong learning, the resultant innovative usage possibilities and new technical conditions.

There is the serious risk of Germany falling behind without appropriate reforms in support of education, research, teaching and instruction.

Much to their dismay, the HRK and dbv realise that shareholders in the publishing sector are making false and misleading allegations in an attempt to block this legislative reform.

HRK and dbv take the following position on the draft legislation:

1. Separate licence systems

HRK and dbv welcome the introduction of separate licence systems ("barriers") proposed in the draft legislation for the use of works protected by copyright in teaching and research, as well as for the core activities of libraries, archives and museums. This makes it clear that science, research and education have different requirements as regards a functioning copyright law than, for example, commercial undertakings in the film or entertainment industry.

2. Lump sum payment

Authors of published scientific literature should be fairly and adequately paid for the use of their works within teaching and research. The envisaged lump sum payment should be made via the relevant copyright collecting agencies.

3. Statutory authorisation over individual contracts

The balance of interests between authors and publishers on the one hand and science, teaching and research on the other carefully considered by the legislator must not be undermined by individual publishing contracts. Otherwise, it would be likely that every publisher would regulate certain forms of use differently. Furthermore, the effort involved in having to enquire about and assess the applicable licence conditions before each planned use would be a major obstacle to efficient research and contemporary forms of teaching. Ultimately, there are fears that many contractual regulations for schools and universities would be unfavourable and result in increased costs for public budgets.

4. Text and data mining

Text and data mining procedures for previously acquired materials (licensing) must be permitted. The technical and legal framework conditions for this must be regulated. It must be possible to use data from databases of varying content acquired from publishers for mass analyses. This is of vital importance for new forms of research, such as life sciences or digital humanities.

The HRK and the dbv support this important and balanced reform in the interests of their millions of users; a failure of the reform due to individual interests would result in major obstacles and restrictions to efficient and innovative teaching and research, including in courses of study and lifelong learning. The reform is essential for increasing social acceptance of copyright law, which is often seen as an obstacle, and minimising illegal use for the benefit of all parties involved.

Federal governments, state governments and municipalities currently spend more than one billion euros a year on making works protected by copyright accessible in academia. Of this, only around 2.5 percent, approximately 26.5 million euros, is paid out via copyright collection agencies – the vast remaining balance goes straight to the producing and distributing book trade. Even if the copyright law reform is implemented, it is unlikely that spending on scientific literature will decrease over the next few years.

German Library Association e.V. contact information

Maiken Hagemeister, Spokesperson and Head of Communications, tel. +49 (0) 306 449 899-25

Email: hagemeister@bibliotheksverband.de, <http://www.bibliotheksverband.de/metamenu/english>,

<http://www.bibliotheksportal.de/english>