



Committee on Legal Affairs

Working Group on Intellectual Property Rights and Copyright Reform

Meeting of 26 March 2015 from 9:00 - 11:00

in Brussels

Minutes

1. Adoption of agenda.

The agenda was adopted.

2. Approval of minutes of meeting of 12 February 2015.

The minutes were approved.

3. Exchange of views with Tibor Navracsics, Commissioner for Education, Culture, Youth & Sport.

The following spoke: Jean-Marie Cavada, Tibor Navracsics, Julia Reda, Sabine Verheyen, Pavel Svoboda, Adina-Ioana Vălean, Daniel Dalton.

Commissioner Navracsics recalled that he was responsible for cultural content when it comes to copyright. He said that the technological evolution in the cultural sphere calls for assessing how to get easier access to cultural content and at the same time preserve the sophisticated structure of the copyright regime which remunerates creators. He underlined the substantial contribution of culture and of the creative industry to the EU economy. According to him, one of the main obstacles in the digital single market is territorial barriers, and the best solution to overcome this problem would be the introduction of portability. This would dismantle the territorial barriers and ensure access to digital content while at the same time keep copyright regimes - one of the pillars of the success of EU culture - intact. He also considered that, given the digitisation and new developments in regulation of copyright regimes, copyright systems should be modernised when necessary. According to Commissioner Navracsics, copyright - which is a way of remunerating creators- and geo-

blocking - a constraint of access to services- are not synonymous; that is why the solution should be, according to him, portability and not a modification of the copyright regime. As regards education and exceptions, he said to believe that the result is not flexibility but legal uncertainty. Commissioner Navracsics said that the Commission was preparing a study on mapping up the practices in Member States and the problems of implementation of legal instruments. The discussion with Members mainly focussed on the exceptions for research and education and geo-blocking and portability, but also tackled the issue of private copy levies.

4. Exchange of views on "Publishing and copyright issues in the digital environment - focus on scientific research and educational issues".

The following spoke: Jean-Marie Cavada, Jean Martin, Susan Reilly, Barbara Kalumenos, Albert de Roos, Julia Reda, Pavel Svoboda, Marco Giorello (Commission).

- Legal background

Jean Martin presented the conclusions of a report on text and data mining (published in July 2014). He explained that copyright law was applicable to TDM but that the existing exceptions were not relevant in this case. Jean Martin said that individual management of copyright is incompatible with TDM given the very nature of it. He concluded that the development of TDM should not be detrimental to the production of content, as TDM would not be without content. Regarding exceptions, he considered that the distinction between commercial activities/non-commercial activities as regard research is not so clear, and that there is a need for a smart system where research should gain benefits from its work.

- The point of view of research libraries

Susan Reilly from LIBER recalled the increasing amount of money spent by libraries and research institutions in buying content, especially digital content. She explained that digital content enabled interdisciplinary research which is the new innovative research. She considered TDM as the best way to exploit digital collections. According to her, TDM intention is to extract data and facts in order to create new knowledge and not to copy or reproduce knowledge. However she said, during the discussion with Members, that the actual

act of TDM itself can infringe copyright especially the sui generis database directive, which can be an issue. Therefore, she called for an exception for TDM which would not limit itself to non-commerciality and called for legal clarity.

- The point of view of academic publishers

Barbara Kalumenos (STM) explained that STM publishers have made materials available electronically and online and constantly innovate to facilitate access to it. She recalled that educational and research is a key market for STM publishers and that publishing industry depends on copyright to produce work and innovate, which require constant investment. She said that STM's business relies on the conclusion of enforceable contracts and licences, which complement the framework of exceptions. She went into the three main concerns STM publishers have, namely broadening exceptions for education and research, e-lending and text and data mining. She finally proposed to make a thorough demonstration on TDM in the future if Members are interested. In the discussion, she stressed the need to facilitate the technical environment to make the content fit for TDM.

- The operational part of TDM

Albert de Roos showed how the "David" toolbox, which is a free-to-use publicly funded website built by the scientific community, is used by researchers, giving the example of the analysis of genes.

Finally, Marco Giorello (European Commission) answered a question mentioning that they were currently looking at the "non-commercial purposes" limitation to the current exceptions which brings legal uncertainty, and stressed the difference between research made by purely commercial operators and research undertaken by research institutions in partnership with private operators.