Libraries and Copyright in the Digital Environment

Sue Warren, 6 December 2017, Hanoi, Viet Nam

Libraries **PRESERVE** and **GIVE ACCESS** to knowledge to promote **PERSONAL** and **SOCIAL DEVELOPMENT**

Preservation:

Making copies of works to ensure they survive for future generations

Copying:

Allowing researchers, students and others to make copies for non-commercial purposes

Lending:

Allow users to take works away to read in their own time

Document Supply/Inter-library Loan:

Supply a work to a user in another library for private study or research purposes

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In an increasingly digital world, libraries too have digitised

Digitisation, and born-digital heritage

E-Lending

Digital copying

Digital document supply

Digitisation and Internationalisation: Challenges

Uncertainty about how laws work in a digital age

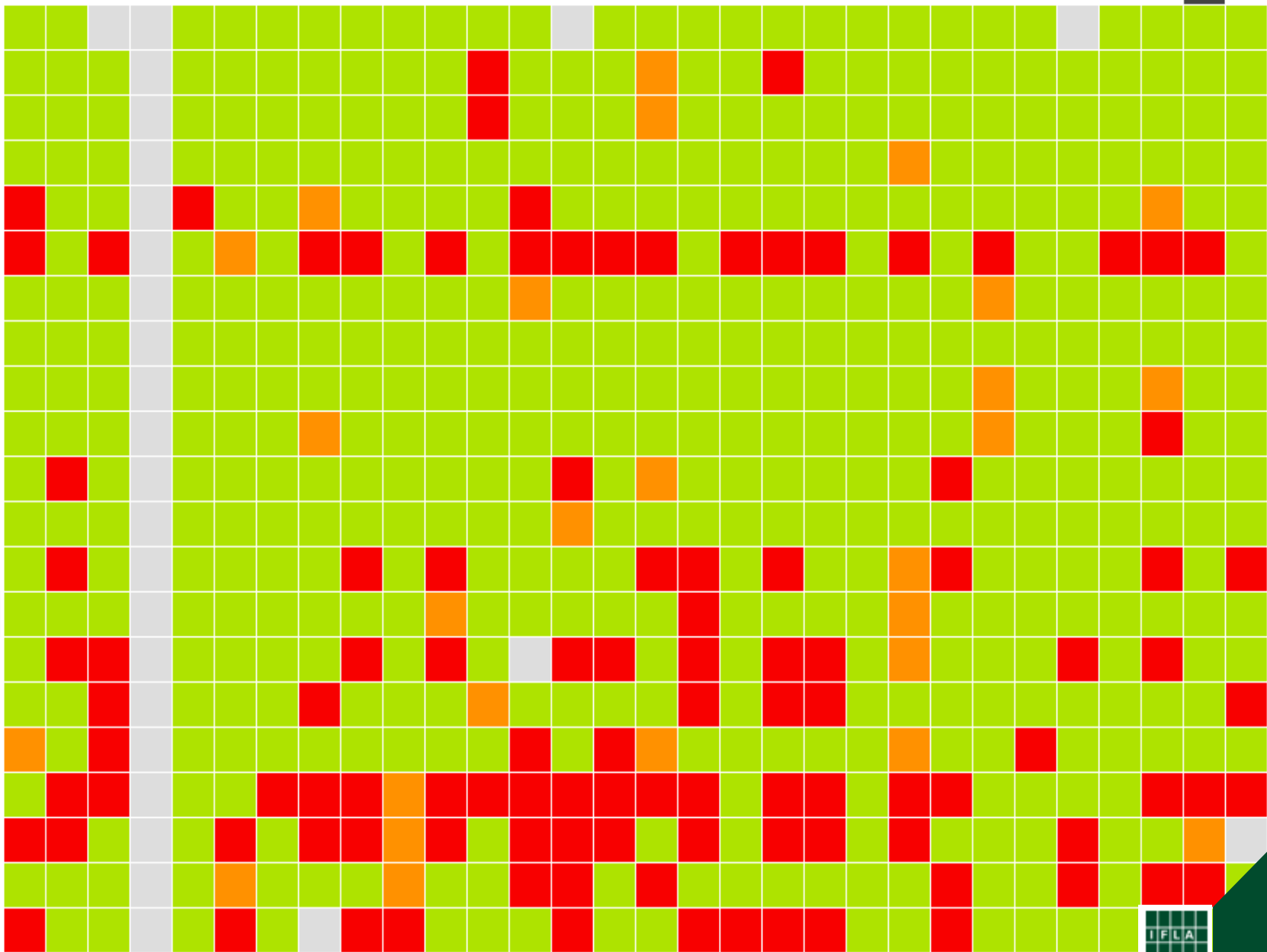Digital locks prevent enjoyment of copyright exceptions

Override by contract terms

Lack of clarity over international uses

Inconsistency between national laws

AT BE BG CH CZ DE DK ES EE FI FR GB GR HR HU IE IT LT LU LV MT NL NO PL PT RO SK SI SE CY

- Temporary acts of reproduction
- (a) Photocopying/photo-reproduction
- (b) Private copying
- 5.2(c) Reproductions by Libraries, Archives & Museums
- 5.2(d) Ephemeral recordings made by broadcasters
- 5.2(e) Reproduction of broadcasts by social institutions
- 5.3(a) Illustration for teaching or scientific research
- 5.3(b) Use for the benefit of people with a disability
- **5.3(c) Reporting by the press on current events**
- 5.3(d) Quotation for criticism or review
- 5.3(e) Use for public security purposes
- 5.3(f) Use of public speeches and public lectures
- 5.3(g) Use during religious or official celebrations
- 5.3(h) Use of works of architecture or sculptures in public spaces
- 5.3(i) Incidental inclusion
- 5.3(j) Use for advertising the exhibition or sale of works of art
- 5.3(k) Use for the purpose of caricature, parody or pastiche
- 5.3(l) Use for the demonstration or repair of equipment
- 5.3(m) Use for the purpose of reconstructing a building
- 5.3(n) Use for the purpose of research or private study
- 5.3(o) Pre-existing exceptions of minor importance

Legend:
- Implemented
- Partly Implemented
- Not Implemented
- Unknown

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Australian Copyright reform

The Bill amends provisions in the Copyright Act 1968 (Act) to:

- harmonise and modernise the preservation exceptions for copyright material in libraries, archives and key cultural institutions

- set new standard terms of protection for published and unpublished materials and for Crown copyright in original materials

Australian Copyright reform

The Act provides libraries with a harmonise and modern piece of legislation, that is

- flexible

- simple, to the point and don't include unnecessary specificity that will lead to restrictions, and

- provides principle-based and less prescriptive approach to copyright law for libraries in Australia

Australian Copyright reform

While the amendments provide important first steps towards a copyright system that is fit for purpose in the digital age, it does not fix all of the problems faced by Australian libraries.

Significant copyright reform issues Australian libraries would like addressed include…

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Australian Copyright reform

- the introduction of fair use style copyright exceptions as recommended by the Australian Law Reform Commission and supported by the Productivity Commission and Australian Library and Information Association

- expansion of safe harbour provisions to include education and libraries

SCCR

Crews Studies

Eleven themes:

- Preservation
- Reproduction
- Lending
- Legal Deposit
- Parallel Importation
- Cross-Border Access
- Orphan and Out of Commerce Works
- Limitations on Liability
- Contract Override
- Technological Protection Measures
- Translation

But what objective?

Photo: WIPO

Thank you
for your time today