

## Copyright Committee Post-Congress Report 2019

The Copyright Committee's open meeting in Kraków was well attended, with 10 delegates representing 6 different countries.

The meeting commenced with national updates from the USA, UK and New Zealand.

The USA has in the last year enacted the Music Modernization Act, the most significant aspect of which is the creation of a new federal law governing recordings fixed prior to 1972, which will phase a significant body of sound recordings into the public domain. Additionally there is provision for orphan works, and a study on what constitutes a "good faith, reasonable search" is in progress. A detailed analysis can be found [here](#),

The UK hasn't seen any significant legislative change in the last year, but is close to launching a new licensing scheme for use of printed music in higher education. This was discussed further within the context of the EU Digital Single Market Directive later in the meeting.

New Zealand is going through a period of copyright review. Whilst there had been discussion of increasing copyright term to life + 70 years, the Government subsequently decided to stick to life + 50 years. The New Zealand Branch of IAML has put in a submission to the Government, including matters such as orphan works. More widely one aspect being considered is indigenous rights and whether they would go into the Copyright Act or remain separate. The submission process is expected to last 2 years.

Following on from this the Chair reported on current activities being undertaken by the Standing Committee on Copyright and Related Rights (SCCR) at WIPO.

Typologies have been created in the areas of libraries, museums, archives and educational/research activities in order to facilitate a comparison of how existing statutes define relevant exceptions and limitations.

Three regional seminars have taken place in Singapore, Nairobi and Santo Domingo. The object of the seminars was to bring together representatives from copyright offices from all countries in each region along with WIPO officials and non-governmental organizations (such as IFLA) to discuss exceptions and limitations to copyright. The findings from the seminars will feed into discussions to take place at a global conference on exceptions and limitations which will take place in Geneva in October, immediately preceding the next SCCR.

The rest of the meeting was dedicated to an in-depth exploration of Directive (EU) on copyright and related rights in the Digital Single Market.

In 2018 the Chair of the Copyright Committee wrote to all 703 EU MEPs on behalf of IAML encouraging them to support the articles that would be advantageous to libraries and library users and to oppose those that were likely to place obstacles in the way of access to information. A model letter was also circulated to IAML-L in order that members could also send this to their own MEP. Further to additional debate, redrafting and voting through all the EU mechanisms the final vote was passed on 26 March 2019 and Member States have until 7 June 2021 to transpose it into national law.

Positive outcomes for libraries include exceptions for text and data mining, teaching activities, preservation of cultural heritage, use of out-of-commerce works as well as provision for extended collective licensing. Conversely, other provisions, such as article 17 on the use of content by online content-sharing service providers are likely to inhibit the legitimate use of copyright material.

Member States are required to conduct consultations as part of the process of transposing the Directive into their national laws and the meeting concluded by considering the various ways in which the library sector could engage with the process and ensure our voice is heard.

More detail on all these matters can be found in the presentation delivered at the [meeting](#).

*Claire Kidwell*

*Chair, Copyright Committee*