



**Annual Report**

**April 2004 - April 2005**

**The Hague, April 2005**

## TABLE OF CONTENTS

### EBLIDA Strategy & Work programme

Draft EBLIDA Annual Work Programme 2004 – 2005 .....	5
EBLIDA Strategy 2004 – 2007 .....	5

### EBLIDA Lobbying Policy issues

EC review of the <i>acquis communautaire</i> on Copyright & Related Rights .....	5
Directive on the enforcement of Intellectual Property Rights .....	6
Directive on the harmonisation of certain aspects of copyright and related rights in the information society .....	6
Digital rights management systems .....	6
Article 12 Contact Committee .....	7
“Public Lending Right” .....	7
Data Protection issues related to Intellectual Property Rights .....	7
Directive on the recognition of Professional Qualifications .....	8
Open Access & EC Consultation on Scientific Publications .....	8
Public Domain .....	9
WTO matters .....	9
WIPO matters.....	9
WSIS .....	10
European Info Points .....	11



## **EBLIDA cooperation with other organisations**

IFLA, EUCLID, FEP, ICA, LIBER, etc. ....	11
--	----

## **EBLIDA working groups**

Copyright Expert Group (CEG) .....	12
------------------------------------	----

WTO Working Group .....	13
-------------------------	----

Working Group on Professional Education .....	13
---	----

Working Group on EBLIDA membership issues .....	14
---	----

## **EBLIDA Projects**

CALIMERA .....	14
----------------	----

## **EBLIDA Promotion**

Publications – <i>Hot News</i> .....	15
--------------------------------------	----

Website .....	15
---------------	----

Events .....	16
--------------	----

## **EBLIDA Funding & Finances**

Membership and sponsors .....	17
-------------------------------	----

Financial Statement 2004 & Draft Budget 2005 .....	19
--	----

Preliminary Draft Budget 2006 .....	20
-------------------------------------	----

## Appendices

Appendix 1 – Draft EBLIDA Annual Work programme 2004 – 2005 .....	21
Appendix 2: EBLIDA Position on the EC review of the EC legal framework in the field of copyright and related rights .....	28
Appendix 3: EBLIDA Response to the European Commission consultation on the final report of the High Level Group on Digital Rights Management, <i>March-July 2004</i> .....	31
Appendix 4: EBLIDA Response to the European Commission Working Document on data protection issues related to intellectual property rights .....	33
Appendix 5: EBLIDA Statement <i>“Towards an effective scientific publishing system for European research”</i> , April 2005 .....	35
Appendix 6: Summary Report: EC Workshop on the Public Domain, <i>Luxembourg, 24 November 2004</i> .....	37
Appendix 7: IFLA Statement: <i>“Library-Related Principles for the International Development Agenda of the World Intellectual Property organization”</i> , January 2004 .....	40
Appendix 8: EBLIDA CEG members and contact details .....	41
Appendix 9: EBLIDA WTO Working Group members .....	42
Appendix 10: EBLIDA PEG Working Group members .....	42
Appendix 11: EBLIDA Report on the Seminar <i>“Trading in Knowledge? The World Trade Organization and Libraries”</i> , Cambridge, 2 – 3 March 2005 .....	43

## EBLIDA Strategy and Work Programme

### Draft EBLIDA Annual Work Programme 2004 – 2005

The Draft EBLIDA Annual Work Programme 2004 – 2005, approved by the Executive Committee, will be submitted to Council for final approval during its annual meeting in Cork on May 2005. The document has been uploaded on the [EBLIDA website \[http://www.eblida.org/eblida/workpr04.htm\]](http://www.eblida.org/eblida/workpr04.htm) for public access since December 2004, updated in March 2005, further to amendments agreed by the Executive in their meeting in Helsinki (12 March 2005).

*See Appendix 1.*

### EBLIDA Strategy 2004 - 2007

A review of the EBLIDA Strategy 2001 – 2005 was undertaken in 2003 since the EBLIDA Executive Committee considered it necessary to re-orientate EBLIDA in the mid-term.

The resulting document, the EBLIDA Strategy 2004 – 2007 was approved by the Council during their annual meeting in Estoril (May 2004). A mechanism of periodical review and approval by Council was also approved. Therefore, after the Elections for EBLIDA President and Executive Committee members taking place in Cork (May 2005), the new executive Committee will review the current Strategy document and submit their report to the following Council meeting.

See: <http://www.eblida.org/strategy/index.htm>

## EBLIDA Policy issues

### European Commission review of the *acquis communautaire* on Copyright & Related Rights

The European Commission review on the copyright legislation was largely awaited as its publication had been delayed for some time. Finally, in July 2004, the EC issued a *staff working paper on the review of the EC legal framework in the field of copyright and related rights*, [SEC \(2004\) 995, 19 July 2004](#).<sup>1</sup> EBLIDA submitted an official [Response](#)<sup>2</sup> to this document, focusing its concerns, among other issues, on the legislative inconsistencies between the Term Directive, the InfoSoc Directive and the Database Directive.

*See Appendix 2.*

---

<sup>1</sup> [http://europa.eu.int/comm/internal\\_market/copyright/docs/review/sec-2004-995\\_en.pdf](http://europa.eu.int/comm/internal_market/copyright/docs/review/sec-2004-995_en.pdf)

<sup>2</sup> [http://www.eblida.org/position/Copyright\\_Response\\_CommissionReview\\_October04.htm](http://www.eblida.org/position/Copyright_Response_CommissionReview_October04.htm)



**[Directive 2004/48/EC](#)<sup>3</sup> of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights**

Further to the EBLIDA lobbying strategy initiated in 2003 with the first proposal, the Directive on the enforcement of intellectual property rights was eventually approved in April 2004.

The Directive, which is already in force, should be implemented by the MMSS in a maximum period of two years, before May 2006.

**Directive on the harmonisation of certain aspects of copyright and related rights in the information society**

The European *Directive on the harmonisation of certain aspects of copyright and related rights in the information society* [[2001/29/EC](#)] came into force on 22 June 2001. Some MMSS have not implemented it into their national legislation, which was due by December 2002.

The Commission has recently launched infringement proceedings against Belgium, Finland and Sweden because these Member States have not complied with the 2004 rulings of the Court requiring them to implement the 2001 Copyright Directive (see IP/01/528). The EC has stated that in case these countries continue in not complying with the Copyright Directive, they might be eventually fined. See [press release](#).

The EBLIDA Director and the Copyright Expert Group (CEG) members continue monitoring implementation at national level.

*See also EBLIDA Working Groups.*

**Digital Rights Management systems (DRMs)**

Further to previous workshops and discussions, the European Commission established a High Level Group (HLG) on Digital Rights Management (DRM) issues in March 2004. The Group comprised participants representing the e-content value chain, including content providers, authors and rights holders' organisations, publishers and broadcasters, operators (mobile, fixed), equipment manufacturers, DRM solutions providers, research and consumers.

The HLG met twice, on the 31<sup>st</sup> of March and 8<sup>th</sup> of July 2004 under the chairmanship of Commissioner Liikanen and with the participation of several Commission services. Four working level meetings were held to prepare the HLG Report which was issued on July 2004.

EBLIDA reacted to this document requesting the inclusion of the libraries point of view within the groups' discussions and expressing its concerns regarding DRMs on a Position Paper submitted to the European Commission in September 2004, which was made available also through the [EC Information Society website](#) area devoted to DRMs and the HLG.

---

<sup>3</sup>

[http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l\\_157/l\\_15720040430en00450086.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_157/l_15720040430en00450086.pdf)

Further to this contribution, EBLIDA participated in two more meetings, the last one of which is scheduled for April 2005, convened by the EC in order to summarise the results of the Consultation and continue discussions, especially on the issue of private copying and levies.

EBLIDA will continue its lobbying action in order to reflect the libraries concerns on this subject, as stated in the EBLDIA annual Work Programme 2004 – 2005.

*See Appendix 3.*

### **Article 12 Contact Committee**

EBLIDA attended a consultation meeting in Brussels on 11 October 2004, in order to express its opinion and concerns together with other stakeholders also invited to attend this event, organised by the EC in the context of the Contact Committee established under Article 12 of Directive 2001/29 (*Directive on the harmonisation of certain aspects of copyright and related rights in the information society*). The Contact Committee working group, conformed by European Commission and Member States' representatives, aims at examining the impact of the Directive on the functioning of the Internal Market, especially the impact of differences in national legislations in the area of private copying and the use of technological measures.

Depending on the future continuity of the works of the Contact Committee, EBLIDA will consider the possibility of submitting a Statement on the matter of private copying.

### **Directive 92/100/EC on rental and lending right and certain related rights (“Public Lending Right”)**

Although the Directive has been already implemented in several EU Member States, others are delayed in this complex and controversial procedure which has recently led the EC to initiate infringement actions against some MMSS.

Further to the EBLIDA Statement of March 2004 and the polemical implementation of the Directive provisions in several countries, e. g. Belgium, the European-level controversy continues with the European Commission recently deciding to refer Italy and Luxembourg to the European Court of Justice for failure to implement fully into national legislation the “public lending right”. The EC has explained that *by introducing a “public lending right” the EU is aiming to ensure that creative effort is protected and encouraged throughout the European Union.*

EBLIDA monitors the development of the matter.

### **Data Protection issues related to Intellectual Property Rights**

On 18 January 2005 the European Commission issued a [Working Document on Data Protection](#) issues related to intellectual property rights<sup>4</sup>, prepared by the EC Working Party on Data Protection set up further to the *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.*

---

<sup>4</sup> [http://europa.eu.int/comm/internal\\_market/privacy/docs/wpdocs/2003/wp80\\_en.pdf](http://europa.eu.int/comm/internal_market/privacy/docs/wpdocs/2003/wp80_en.pdf)

Based on the working document above-mentioned, EBLIDA addressed the EC competent representatives in order to reflect its concerns in relation to the potential adverse effects on personal privacy from Digital Rights Managements systems, and recommending Principles of Good Practice.

*See Appendix 4.*

**Directive on the recognition of professional qualifications [COM (2002) 119, 7 March 2002]**

Further to the Council approval of the amended proposal in May 2004 and after translation into the official EU languages, the proposal for Directive continues its progress under the co-decision procedure.

The EBLIDA Executive Committee and the Working Group on Professional Education (PEG) have discussed the matter and the possibility to encourage the creation of a European professional platform for the libraries, archives and information sectors' professionals. It was agreed that, being this Directive related to the current regulated professions, therefore not directly affecting libraries and archives' professionals at present, EBLIDA shall monitor the developments on this regards for future possible actions to be taken on this field.

*Background information:*

[http://europa.eu.int/comm/internal\\_market/qualifications/index\\_en.htm](http://europa.eu.int/comm/internal_market/qualifications/index_en.htm)

*See also EBLIDA Working Groups.*

## **Open Access**

### EBLIDA Workshop on Open Access

EBLIDA has actively raised awareness among its members and the European library & archive community in general on the relevance of the Open Access initiatives going on at European level.

EBLIDA had the intention to organise a Workshop on Open Access in one of the new EU countries during autumn 2005. The fact that LIBER is actually organising one big event on this matter in October 2005, and the decision of the Executive Committee to establish closer cooperation between EBLIDA and LIBER, have derived in EBLIDA offering support and cooperation for the LIBER event, in order to avoid duplication of efforts and clash of dates among the European representatives involved.

María Pía González Pereira has contacted LIBER in order to seek cooperation between both organisations. The organisers of the LIBER event have welcomed the proposal of EBLIDA to cooperate with them and perhaps to sponsor some sessions at the October event.

The Draft EBLIDA Work Programme 2004 – 2005 has been updated accordingly.

### EC Study on Scientific publications

In June 2004, the European Commission launched a study on the economic and technical evolution of the scientific publication markets in Europe, the results of which were expected to be available by the summer 2005. The objective of the EC is to determine the conditions required for optimum operation of the sector and to assess the extent to which the Commission can help to meet those conditions. The study will deal with the main topics of the current public debate, such as the future of printed scientific reviews, the risks



associated with increases in the price of publications in terms of access to information for researchers, open access to research findings for all and the need to reconcile authors' rights and the economic interests of publishers.

The Commission's Study aims at giving answer to the following questions:

- § What are the main changes in Europe?
- § What and who is driving change and why? If there is any resistance to positive change, what/who is blocking it?
- § What are the consequences for users (authors, readers, libraries)?

The overall objective of the study is to eventually identify measures at European level which could help to improve conditions governing access to and the exchange, dissemination and archiving of scientific publications while guaranteeing a high level of quality, diversity and protection of authors' rights.

EBLIDA issued a Statement on this matter, which was submitted to the European Commission representatives and to the *Université Libre de Bruxelles* (ULB) in charge of conducting the study at the EC request [See *Appendix 5*].

*Background information:*

<http://www.europa.eu.int/comm/research/press/2004/pr1506en.cfm>

## Public Domain

On 24 November 2004, María Pía González Pereira attended a workshop on the Public Domain, organised by the European Commission in Luxembourg. The aim of the EC was to acknowledge the concerns of the Libraries, Archives and scientific community in relation to the Public Domain, with a view to include these contributions into a possible future EC Green Paper on the Public Domain.

The participants to the workshop identified a number of major problems which limit the access to and use of digital information and prevent the potential of the new information technologies to be fully realised. Initiatives underway and areas in need for action were also identified.

Based on the contributions by all the participants, the European Commission issued a Summary Report of the Workshop [See *Appendix 6*].

## World Trade Organization (WTO) matters

### GATS (General Agreement on Trade in Services)

The EBLIDA Working Group on WTO matters in cooperation with SCONUL (UK) organised a Conference on the GATS and its implications for libraries under the title "*Trading in knowledge? The World Trade Organisation and Libraries*", on 2-3 March 2005 in Cambridge (UK)

*More information on EBLIDA Working Groups*

## World Intellectual Property Organization matters (WIPO)

### Treaty on "Access to Knowledge" (A2K)

EBLIDA was invited to participate in an Experts Meeting on the WIPO Development Agenda and Treaty on Access to Knowledge (A2K) on February 2005 in Geneva (Switzerland).



At the WIPO General Assembly (27 September - 5 October 2004) the governments of Argentina and Brazil submitted a proposal for "*the Establishment of a Development Agenda for WIPO*" with the support of other Latin America and African developing countries. The Development Agenda proposal asked for fundamental changes in WIPO. Some of the proposals were specifically directed at the special concerns of developing countries, while others were efforts to redirect WIPO to give more weight to general consumer and public interests in matters concerning patents, copyrights and other intellectual property rights. Among the proposals for a Development Agenda is a proposal for a "Treaty on Access to Knowledge and Technology".

During the WIPO General Assembly (October 2004), a decision was taken that creates a rapid evaluation of the Development Agenda. The Development Agenda is also being discussed in the context of WIPO's regular meetings on patents and copyrights (Standing Committee on Patents (SCP), Working Group on Patent Cooperation Treaty (PCT) Reform, Standing Committee on Copyright and Related Rights (SCCR) etc). The SCCR has also agreed to include the issue of limitations and exceptions to copyright and related rights in its June agenda.

IFLA organised this experts' meeting in order to prepare for these meetings and to discuss the proposed treaty on A2K. TWN, CPTech. The invited participants included Geneva-based delegates involved in TRIPS and WIPO negotiations from developing countries; key academics and civil society NGOs from developed and developing countries.

In January 2004 IFLA issued the document '*Library Related Principles for the International Development Agenda of the World Intellectual Property Organization*' (See Appendix 7). María Pía González Pereira attended the meeting in Geneva and informed the EBLIDA Executive Committee members of the content of the discussions and the position of IFLA. EBLIDA is studying the possibility to subscribe the IFLA document.

For background information see: <http://www.cptech.org/ip/wipo/futureofwipo.html>

## **World Summit on the Information Society (WSIS)**

EBLIDA has been monitoring the actions of the EU Civil Society Caucus within the WSIS framework.

Several PrepCom meetings have taken place in Geneva in the last few months, in preparation for the WSIS meeting in Tunisia in November 2005. One of the main issues discussed was the Internet governance. There will be another meeting in Geneva in September 2005 in order to continue discussion about this. Proposals coming from NGOs are not directly accepted so lobbying actions are currently taking place at national level via national Governments.

IFLA is organising a Conference at *Bibliotheca Alexandrina*, to be held on 10 – 11 November, previous to the WSIS summit.

More information at: <http://www.itu.int/wsis> & <http://www.ifla.org/III/wsis.html>



## European Info Points

Further to the EBLIDA letter addressed to the European Commission on November 2003, EBLIDA has kept monitoring the development of this matter.

In February 2005 the [Work Programme for the Financing of Host Structures of Relays](#) was released.

In its Communication of 20 April 2004 (COM (2004)0196), the Commission announced that a second-generation network of relays would be established in 2005 to provide information close to home for the general public covering the EU-25, the Europe Direct Information Relays. The appropriations available will be used to provide financial support in the form of an operating grant for the structures hosting the information relays.

Types of action must extend over a similar period and terminate by 31 December 2008:

- MMSS acceding to the Union in May 2004 - indirect centralised management (delegation of budget-implementation tasks)
- States that were already members in May 2004 - direct or indirect centralised management (call for proposals). In the EU-15 that opted for direct centralised management, proposals will be awarded grants at the beginning of 2005. Overall figures for the financial year (€) and further information can be found at the link above.

See also: [http://www.eblida.org/position/EBLIDA\\_InfoPoints.htm](http://www.eblida.org/position/EBLIDA_InfoPoints.htm)

## EBLIDA Cooperation with other Organizations

### **IFLA** (International Federation of Library Associations and Institutions)

EBLIDA continues cooperation with IFLA on issues relevant to libraries and archives which have an international impact e.g. [WTO](#), [WIPO](#) (e.g. A2K Treaty) and [WSIS](#), with the aim to avoid overlapping actions.

María Pía González Pereira held a meeting with Mr. Ramachandran, appointed Secretary General of IFLA in March 2004, in order to further discuss the matters for cooperation between both organizations. After his resignation, further talks are outstanding with the new Secretary General appointed.

### **EUCLID** (European Association for Library and Information, Education and Research)

Prof. Ragnar Andreas Audunson, EUCLID Chairman, attended the EBLIDA Working Group on Professional Education (PEG) meeting in Helsinki (11 March 2005), invited in order to discuss cooperation between BELIDA and EUCLID on European professional education matters. EUCLID have solved their administrative problems, updated their web site and held a BOBCATSS meeting in January 2005. There was agreement on the discussion about the importance of linking Certification and Accreditation at EU level. The terms for actual cooperation will be further defined but the established communication will continue in order to develop a common understanding.

See also *EBLIDA Working Groups*.



### **FEP (Federation of European Publishers)**

María Pía González Pereira requested closer cooperation with FEP in order to establish regular discussions about matters of common concern for members of both organisations (e. g. DRMs, Open Access initiatives).

After a first informal meeting with the Director of FEP in Brussels, FEP welcomed the proposal and talks are underway in order to set a discussion group with representatives of EBLIDA and FEP. A first meeting of the discussion group is likely to be held in June 2005.

### **ICA (International Council on Archives)**

Berndt Fredriksson (Sweden), member of the EBLIDA Executive Committee, has been appointed member of the ICA Steering Committee on Professional Associations which is concerned with the professional education for archivists. Cooperation with EBLIDA has been reported to be very positive. Cooperation will have to be further defined.

### **LIBER (Ligue des Bibliothèques Européennes de Recherché)**

The EBLIDA Executive Committee approved closer cooperation with LIBER. Among current issues for cooperation is the next LIBER event on Open Access which will take place in Geneva on 21 – 22 October 2005.

### **Frankfurt Group**

The Frankfurt Group is a consensus-seeking forum in which participants represent stakeholders in the information chain, i. e. right holders, reproduction rights organisations, libraries. Discussions of the group focus on issues of common concern such as retro digitization, open access and VAT on electronic services. The Frankfurt Group met in June and October 2003 and in March 2004. Next meeting is expected for July 2004. EBLIDA expects to continue participating in the discussions representing the libraries views whenever possible.

### **eIFL**

María Pía González Pereira reported to the Executive Committee on her recent meeting with the eIFL representatives Monika Segbert (member of management Board) and Rima Kupryte (Director) and transmitted their proposal to cooperate with EBLIDA on European lobbying issues, e. g. copyright and related rights, Open Access, etc.

The EBLIDA Executive Committee decided to monitor eIFL activities. Cooperation would be welcome given that their mission does not overlap the EBLIDA established role at European level.

*For background information see <http://www.eifl.net>.*

## **EBLIDA Working Groups**

### **EBLIDA Working Group on Copyright & related matters (CEG)**

The EBLIDA CEG has continued actively participating in the copyright & related rights' matters in close cooperation with the Director. During 2004 – 2005 several EBLIDA Position



papers and Statements were issued, for which CEG members were requested their comments and approval.

On the request of the CEG members and with the approval of the EBLIDA Executive Committee, Toby Bainton (SCONUL, UK) was appointed Chair of the EBLIDA CEG. The CEG held meetings in Barcelona (April 2004), Paris (November 2004) and Cambridge (March 2005). The next CEG meeting is scheduled to take place in Aarhus (Denmark) on 28 – 29 October 2005.

An updated list of CEG members and their contact details are available under Appendix 8.

### **EBLIDA Working Group on World Trade Organization matters (WTO)**

The EBLIDA WTO Working Group met in London in December 2004 in order to prepare the organisation of the Seminar on GATS in 2005.

#### GATS Seminar

The EBLIDA WTO Working Group, in cooperation with SCONUL (UK), organised an international Seminar under the title "*Trading in knowledge? The World Trade Organisation and Libraries*" on 2-3 March 2005 at the Møller Centre in Cambridge (UK)

Twenty-five people from twelve countries, including the celebrated journalist George Monbiot, met in Cambridge in the prestigious Møller Centre (Cambridge), in order to further analyse the subject of international trade agreements and their potential effects on libraries and educational institutions, which has already been on the EBLIDA Work programme for 3 years.

A Report of the Seminar has been issued by Toby Bainton (SCONUL, UK) [*See Appendix 11*]. A Manifesto resulting from the Seminar is intended to be issued by the EBLIDA WTO Working Group in the course of 2005, in order to widely disseminate the results of the Seminar among the EBLIDA membership.

*See Appendix 9 for a list of members and contact details.*

### **EBLIDA Working Group on Professional Education (PEG)**

The creation of an EBLIDA Working Group on Professional Education was approved by the EBLIDA Executive Committee in 2003 and by Council in 2004.

Since then the EBLIDA PEG has met in The Hague (October 2004) and in Helsinki (March 2005).

Prof. Audunson (EUCLID) was invited to join the Helsinki meeting in order to further discuss the areas of cooperation with EBLIDA.

It was also the intention to set the context of identifying issues to bring forward to the EBLIDA Council. Concerning the proposed Directive on the recognition of professional qualifications, it was decided to monitor the process in order to assess future trends to take up best practice.

The Bologna Process was also on the Agenda and the PEG discussed the possibility of drafting an EBLIDA Position paper on the matter, perhaps in cooperation with EUCLID.

Helena Patricio (attending the meeting on behalf of Eloy Rodrigues (Portugal), informed of a Conference to be held in September in Portugal on the Bologna Process' matters.

Accreditation issues, including noting progress on Certidoc and what EBLIDA may do, were discussed. The PEG agreed that it is important to establish the life expectancy of the project and its future viability. Helena Patricio informed of the Portuguese Observatory to research implementation of Certidoc.

EUCLID announced their next Copenhagen Workshop on 11-12 August, during which 12 Working Groups of library educators will work together in advance of the meeting. EBLIDA PEG members have been invited to attend the conference to contribute to the theme of General Curriculum for LIS.

The connection with the CALIMERA area of Training was also pointed out.

The PEG members proposed the next PEG meeting to be held in November 2005, after the new Executive Committee resulting from the Elections in May has discussed follow up and outcomes from the Council in Cork.

*See Appendix 10.*

### **EBLIDA Working Group on membership issues**

During their meeting in Prague (November 2004), the Executive Committee decided that a working group on membership issues should be created in order to discuss the matters related to the EBLIDA membership and strategy on this regards, and to acknowledge the functioning of the new EU countries' library associations and Institutions with the objective to welcome them on board the EBLIDA membership.

The membership working group representatives are: Frode Bakken, Klaus-Peter Böttger, María Pía González Pereira, Pedro Hípola and Winnie Vitzansky. The group will designate representatives from new EU countries to participate in the discussions too.

## **EBLIDA Projects**

### **CALIMERA**

CALIMERA project is getting to an end on May 2005. Taking into account that the EBLIDA workload and activities have, at least, doubled in the last 2 years, this latest project in which EBLDIA has been involved has added to the overload operation of the Secretariat. Nevertheless, the positive aspects of being involved in a EC-funded Transnational project have outweighed the possible drawbacks and gaps which might have occurred.

EBLIDA wishes to acknowledge the extremely helpful and positive approach of the European Commission representatives, the co-ordinating partners within the project, Lisbon and MDR



Partners, as well as to all the other partners who have been helpful and supportive of the EBLIDA role in the project.

#### Payments

An advance payment of 10.562.88 Euros was received in 2004. Two Cost Claims have been submitted and reimbursed by the EC. A final Cost Claim will be submitted in May 2005 (Period 3: Dec04 – May05).

EBLIDA is involved in the organisation of a 'concertation' meeting in order to explore the interaction and knowledge-share between different EC funded projects in related areas of research and practice.

A final EC Review is due to take place on 27 April.

*All the information concerning CALIMERA is available via its website:*

<http://www.calimera.org>

## EBLIDA Promotion

#### EBLIDA Newsletter *Hot News*

*Hot News* continues to be the main promotional tool of EBLIDA. In 2004 10 monthly issues were produced and sent in hardcopy format to the members and uploaded on the EBLIDA website one month after publication.

The Secretariat has received comments from members and non-members on the usefulness of the information contained in *Hot News*. We wish to thank these colleagues for their support and encouragement.

*EBLIDA Hot News:* [http://www.eblida.org/hot\\_news/index.htm](http://www.eblida.org/hot_news/index.htm)

#### EBLIDA website

During 2004 statistics on the website usage by visitors have been submitted by the Director to the Executive Committee on their request. More detailed statistics are required in order to make an in-depth assessment which leads to the re-designing of the website. The Secretariat will assess the possibility of acquiring new software in order to do this during 2005 – 2006.

*EBLIDA Website:* <http://www.eblida.org/>



## Events

EBLIDA was represented at the following events during the period April 2004 – April 2005:

<b>2004</b>		
Date	Place	Event
6 – 7 April	Brussels	EP Legal Committee
16 – 17 April	Barcelona	CEG Meeting
11 – 18 May	EBLIDA Annual Council	Estoril (Portugal)
7 – 11 June	Geneva	WIPO SCCR
20 – 22 June	Dublin	EC Copyright Conference
23 – 25 June	Lodz (Poland)	Conference on Copyright
29 June – 2 July	St. Petersburg (Russia)	LIBER Annual Conference
1 – 2 July	Vilnius (Lithuania)	CALIMERA Expert Workshop
23 - 26 September	Rome	CENL Conference
4 October	Brussels	CertiDoc Seminar
5 – 7 October	Luxembourg	EC Review of CALIMERA
11 October	Brussels	Contact Committee Consultation meeting
15 October	The Hague	EBLIDA PEG Meeting
3 – 5 November	Sofia (Bulgaria)	Conference
5 – 6 November	Aarhus (Denmark)	CALIMERA Technology Training Workshop
5 – 6 November	Prague	Executive Committee meeting & EBLIDA Seminar
15 – 17 November	The Hague	IST Conference – EC & Dutch Presidency
17 – 21 November	Salamanca	Spanish Public Libraries Congress – Ministry of Culture
24 November	Luxembourg	EC Workshop on Public Domain
25 – 28 November	Paris	EBLIDA CEG Meeting
2 - 4 December	Oslo (Norway)	CALIMERA Management Board Meeting
14 December	Frankfurt	FRAGRO Meeting
<b>2005</b>		
Date	Place	Event
17 January	Brussels	Meeting with FEP (Federation of European Publishers)
20 – 21 January	Copenhagen	CALIMERA Workshop "Access to knowledge"
3 – 4 February	Geneva	WIPO A2K Treaty – Experts meeting
2 – 3 March	Cambridge (UK)	EBLIDA WTO – GATS Workshop
3 – 4 March	Cambridge (UK)	EBLIDA CEG meeting
10 – 11 March	Cork (Ireland)	Conference 'The Word Endures'
11 March	Helsinki	EBLIDA PEG meeting
12 March	Helsinki	EBLIDA Executive Committee meeting

## EBLIDA Funding and Finances

### Membership and Sponsors

#### Membership Fees 2005

Membership fees 2005 have risen at a rate of 2%, as approved by the EBLIDA Executive Committee and Council in May 2004. The Invoices 2005 have been issued to all members in December 2004 (Associates) and January 2005 (Full members, as their annual non-profit turnover has been provided).

Following the advice of Bouwer & Officier (EBLIDA external accountants & auditors), the Administration costs have been included in the membership fee, without making a separation of both figures in the Invoice (as was usual in previous years).

Also following Bouwer & Officier's advice, the VAT percentage charged to Dutch members in concept of publications has been lowered to 9 Euros.

Membership fees 2005:

Band	Non - profit turnover 2003 Euro	Full Membership Fee 2004 (2003 + 4%)	Full membership Fee 2005 (2004 + 2%)	Total Fees 2005 (Incl. Admin. Costs)	VAT 6 % (Dutch Members)	Total (Dutch Members)
A	0-25.000	483,6	493,27	502,35	9,00	511,35
B	25.001-100.0	1.237,6	1.262,35	1.271,43	9,00	1.280,43
C	100.001-250.	2.267,2	2.312,54	2.321,62	9,00	2.330,62
D	250.001-350.	3.239,6	3.304,39	3.313,47	9,00	3.322,47
E	350.001-500.	4.160	4.243,2	4.252,28	9,00	4.261,28
F	500.001 or m	4.950,4	5.049,4	5.058,48	9,00	5.067,48

Band		2004 (2003+ 4%)	2005 (2004+2 %)	Total fees 2005 (incl. Admin. Costs)	VAT 6 % (Dutch Members)	Total (Dutch Members)
G	Associate Membership	395,2	403,1	412,18	9,00	421,18
H	Basic Sponsorship	499,2	509,18	518,26	9,00	527,26

**Note:** 1) Administration costs: € 9,08 / 2) VAT 6 % on publications for Dutch members (costs): € 9,00

#### Full Members 2005 (1 January 2005)

Band	2003	2004	2005
A	9	9	13
B	14	14	12



C	6	4	6
D	2	3	2
E	1	2	2
F	6	6	6
<b>Total Full members</b>	<b>38</b>	<b>38</b>	<b>41</b>

*Note: In the list of Full members 2005 the previous EBLIDA Associate members from new EU countries that have become Full are taken into account (Association of Hungarian Librarians, Malta School Library Association, MaLIA (Malta Library & Information Association), and Slovak Library Association).*

- § FFCB (France/Band D) cancelled as of 1 January 2005. Payments 2003 & 2004 outstanding have been taken into account in the Financial Statement 2004 and Draft Budget 2005 as written off debts.
- § In 2004 Dutch Member NVB was due to move from Band C to Band E (from 2.285,58 to 4.178.38 Euros), according to their annual non-profit turnover provided. In October 2004 they reported financial problems and requested to be allowed to pay the fee of the same band as in 2003 (Band C 2004 = 2.285, 58). The EBLIDA Executive Committee decided (Prague, November 2004) not to allow this concession. NVB were informed of this decision by María Pía González Pereira who invited them to the EBLIDA Secretariat in order to discuss the matter personally. After a very agreeable meeting with the Director of NVB, Mr. Jan van der Burg, NVB decided to accept the change to Band E and pay the total amount due for 2004 (4.178.38 Euros). Their payment has already been received. María Pía González Pereira transmitted NVB her gratitude for their support.
- § In 2005, 4 former Associate members have been requested to formally apply to become Full members as their countries have become members of the European Union. These members are:
  - Association of Hungarian Librarians (Hungary)
  - Malta School Library Association (Malta)
  - MaLIA (Malta Library & Information Association)
  - Slovak Library Association (Slovak Republic)

The EBLIDA Working Group on Membership issues decided, with the Executive Committee approval, to allow these members to be allocated in the lowest Full Membership Band during 2005 (Band A = 502.35 Euros) as a transition measure in order to facilitate their adapting to the new situation. At the end of 2005, they will be requested to provide their annual non-profit turnover in order to decide their Band allocation for 2006, as the rest of Full Members. A letter was sent to these members in January 2005 in order to inform them of these measures. Only the Slovak Library Association has responded and officially requested their Full membership.

### **Associate Members**

The National Agricultural Library and Documentation Centre, Hungary (membership Code 470186), has notified the EBLIDA Secretariat on a letter received 29 January 2005 that due to financial problems they shall not be able to pay their membership fee 2005 (412,18 Euros).

New Members effective as of 1 January 2005 (2): Electronic Publishing Commission (EBIB, Poland); Scientific & Biomedical Info Centre (SBC, Greece); Milutin Bojic Library (Serbia and Montenegro).

Cancellations effective as of 1 January 2005 (6): Frederikshavn Bibliotek (Denmark); Randersgnens Biblioteker (Denmark); Arkivet För Ljud Och Bild (Sweden); Swedish University of Agricultural Sciences Library (Sweden); Reference Library (UK); University of Wales Bangor (UK).

Requested cancellations effective as of 1 January 2006 (6):

Algemeen Rijksarchief (Belgium); Det Nordjyske Landsbibliothek (Denmark); University College Cork (Ireland); World Maritime University (Sweden); Stadtbibliothek Bremen (Germany); Records management Society of Great Britain (UK).

**1 January 2005:**

Associate members:	115
Full members:	41
Basic Sponsors:	4
<b>TOTAL Members 2005:</b>	<b>160</b>

EBLIDA wishes to express a warm welcome to the new members and to encourage current members to actively promote EBLIDA membership, especially within the 10 new EU countries.

EBLIDA also wish to thank those members who have generously sponsored the membership fees for some of the new members (CILIP, UK; MDR Partners, UK).

### Sponsors

The 4 basic sponsors of EBLIDA remain on the membership base, namely: Haworth Press, Inc. (USA); Bibliotekstjänst AB (Sweden); Springer Dordrecht (Netherlands); Dansk Biblioteks Center (Denmark).

### **Annual Financial Statement & Budget**

#### Financial Statement 2004

Bouwer & Officier (external accountants) audited and approved the EBLIDA accounts and administration for the year 2004.

A Financial Statement 2004 has been produced by Bouwer & Officier in cooperation with the Director and approval of the Executive Committee members.

The balance of 2004 shows a very positive result of 5.493, 84 Euros. Compared to the net result in 2003, the balance has been doubled to the positive side, improving the expectations estimated in the EBLIDA Budget 2004 (See *EBLIDA Financial Statement 2004 & Draft Budget 2005*).

Almost all Invoices for the Membership fee 2005 have been sent to the members. Only a few Full members' annual non-profit turnover figures, necessary to produce their Invoice, remain to be sent to the Secretariat. EBLIDA wishes to thank the quick response and support of its members.

### **Draft Budget 2005**

A first draft of the EBLIDA Budget 2005 was presented to the Executive Committee in October 2004. It was further reviewed during its meeting in Helsinki (March 2005) and a final Draft version was produced and uploaded on the website. The EBLIDA Draft Budget 2005 will be presented to the Council in Cork (May 2005) for final approval.

EBLIDA almost only source of financing remains to be its membership. The budget estimate for 2005 is based on actual figures in 2004 as reflected in the Financial Statement 2004. EBLIDA remains auto-sufficient but the expected results for 2005 clearly show that future problems can be foreseen and the stability of EBLIDA might be endangered. The EBLIDA membership Working Group and the members at Council will discuss this matter further.

EBLIDA would like to thank VOB for hosting the EBLIDA Secretariat.

### **Preliminary Draft Budget 2006**

The EBLIDA Executive Committee decided that it could be useful to draft a Budget for 2006. The idea behind is to have enough time in advance for the Council to discuss and approve it. A preliminary Draft Budget 2006 will be presented to the Council in Cork in May 2005.

See: [http://www.eblida.org/eblida/meetings/Council/council05/Cork\\_agenda.htm](http://www.eblida.org/eblida/meetings/Council/council05/Cork_agenda.htm)



# Appendices



## Mission Statement

As stated in the [EBLIDA Strategy 2004 – 2007](#), EBLIDA's main mission is to promote and defend the interests of the library, archive and information sectors and professionals working for the people living in Europe, by:

- § Lobbying at European level
- § Encouraging and supporting national organizations lobbying at national level

## Lobby issues

### Copyright and related rights

[See also *EBLIDA Working Groups*]

#### [EC Review of the \*acquis communautaire\* on Copyright & Related Rights](#)

The European Commission has issued on 19 July 2004 a Staff Working Document in which it states its intention to review the EC legal framework on Copyright and related rights. This includes certain parts of the following Directives: the Software Directive (91/250/EC), the Rental Right Directive (92/100/EEC), the Term of Protection Directive (93/98/EEC) and the Database Directive (96/9/EC). The deadline for submissions of Statements is 31 October 2004.

EBLIDA will prepare and submit a Position Paper to the European Commission before 31 October 2004. EBLIDA will also participate in several EC consultation meetings on Copyright and related rights and monitor the development of the EC future policy and/or legislative proposals on this regards.

Reference:

[http://europa.eu.int/comm/internal\\_market/copyright/review/consultation\\_en.htm](http://europa.eu.int/comm/internal_market/copyright/review/consultation_en.htm)

#### [Directive on the Enforcement of Intellectual Property Rights](#)

EBLIDA will continue to monitor the implementation of the *Directive 2004/48/EC of the EP and of the Council of 29 April 2004 on the enforcement of intellectual property rights* (OJEC L 157, 30 April 2004), eventually approved on March 2004 and which transposition should be fulfilled in two years time.

Reference: [http://europa.eu.int/eur-](http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_157/l_15720040430en00450086.pdf)

[lex/pri/en/oj/dat/2004/l\\_157/l\\_15720040430en00450086.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_157/l_15720040430en00450086.pdf)

[http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l\\_195/l\\_19520040602en00160025.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_195/l_19520040602en00160025.pdf)



## European Union Copyright Directive

EBLIDA will continue monitoring progress of national implementation of the Directive in the EU Member States, including the new member countries and the implications related to the EC Review abovementioned.

## Digital Rights Management Systems and Technical Protection Measures

Following its previous actions on the DRM field the EC created in 2004 a High Level Group on Digital Rights Management (COM (2004)0061 of 3 February 2004) which held its first meeting on 31 March. EBLIDA submitted a Position Paper to the EC in September 2004, in response to the consultation launched on the basis of the HLG on DRM Final Report (July 2004). EBLIDA will continue monitoring the outcome of the discussions of the HLG and participate as appropriate.

Reference:

[http://europa.eu.int/information\\_society/topics/multi/digital\\_rights/index\\_en.htm](http://europa.eu.int/information_society/topics/multi/digital_rights/index_en.htm)

[http://www.eblida.org/position/HLGDRM\\_FinalReport\\_May-July04.htm](http://www.eblida.org/position/HLGDRM_FinalReport_May-July04.htm)

## Database Directive

Further to certain provisions that will be tackled under the abovementioned EC Review, the EC plans to issue a separate Report on the Database Directive by summer 2005. EBLIDA will monitor progress on this and assess need for further intervention.

## PLR Directive

The so-called Rental Directive will be revised under the EC Review of the Copyright legislation. EBLIDA will also continue monitoring the national implementation of this Directive and progress on the actions taken by the EC against certain EU member States on this regards taking into account the situation in new EU countries too.

Open Access
-------------

## European Commission Consultation on Scientific Publications

The EC launched on 15 June 2004 a *study on the economic and technical evolution of the scientific publication markets in Europe*, which results are expected to be available in 2005. The study will focus on the future of printed scientific reviews, the risks associated with increases in the price of publications in terms of access to information for researchers, open access to research findings for all and the need to reconcile authors' rights and the economic interests of publishers. EBLIDA will submit its points of view to the EC on this regards, participate in discussions *ad hoc*, and monitor progress. EBLIDA will seek cooperation with LIBER on this regards.

Reference: <http://www.europa.eu.int/comm/research/press/2004/pr1506en.cfm>



## Professional Education

### Proposal for a Directive on the recognition of Professional Qualifications

EBLIDA will participate actively in the legislative process for the adoption of the [proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications](#). The amended proposal approved by the Council in May 2004 is at the moment of writing under translation into the EU official languages. Further developments are expected for early 2005. EBLIDA will also assess the possibility of contributing in the creation of a European Professional Platform for libraries and archives professional.

Progress on this regards will also be discussed and monitored within the recently created EBLIDA Working Group on Professional Education (PEG). [See also *EBLIDA Working Groups*].

## World Trade Organization

### EBLIDA Workshop on GATS (General Agreement on Trade in Services)

A Workshop on GATS implications for Libraries is being organised by the EBLIDA Working Group on WTO for 2 – 3 March 2005 in Cambridge (UK). EBLIDA in cooperation with its IFLA colleagues will continue to be pro-active in representing European library and archive views to the European Commission and the WTO on the GATS negotiations.

## Monitoring issues

### Lifelong learning

EBLIDA will remain active in promoting library and archive views to the European Union Institutions on lifelong learning. The EBLIDA Working Group on Professional Education will also monitor this issue.

### [Creative Industries](#)

EBLIDA promotes the role of libraries and archives as centres of culture and learning in the knowledge society, including European policies on cultural heritage. EBLIDA will monitor the development of the EC creative industries' support programmes and on-going discussions at the European Economic and Social Committee (EESC).

### World Intellectual Property Organization

EBLIDA, together with its international IFLA colleagues, will continue to assess the development of the issues dealt with by the World Intellectual Property Organisation Standing Committee on Copyright & related rights (SCCR) and the need for action in this forum.



## World Summit on the Information Society (WSIS)

Further to the Geneva meeting in December 2003, EBLIDA will continue to monitor the issues at stake and cooperate and support the IFLA actions on this regards.

## EBLIDA cooperation with other organisations

### IFLA

EBLIDA will continue cooperation with IFLA on issues relevant to libraries and archives which have a European and International impact (e.g. WTO, WIPO & WSIS), avoiding duplication of efforts.

### ICA

EBLIDA will cooperate with ICA on archive related matters.

### EUCLID

EBLIDA will assess the kind of cooperation to establish with the *European Association for Education and research in Library and Information Science (EUCLID)* and assess the proposal made by EUCLID to become a member of EBLIDA.

### Right holders

EBLIDA will continue participating in discussion forums with right holders and editors, such as the [Frankfurt Group](#), on relevant issues in order to ensure that libraries and archives have an active role in the information chain in Europe.

## EBLIDA membership to other organisations

### ICA (International Council on Archives)

EBLIDA will assess the possibility to join ICA as a member of its Professional Associations' section and continue to work in establishing closer cooperation with Archive organisations.

## European Commission funded Projects

### CALIMERA

The CALIMERA Project main aims are to identify a research agenda for local cultural heritage institutions (libraries, archives & museums) in the digital environment as well as sensitising authorities on their needs. The duration of the project, starting in December 2003, will be of 18 months.



EBLIDA, a core partner in the project, with an overall quality assurance role on dissemination and international and political networking, will also produce the project's alert electronic Newsletter. The end of the project is scheduled for May 2005.

## **EBLIDA working groups**

The aim of the EBLIDA Working Groups on specific areas of expertise is to provide support and expert advice to the Secretariat in complex and wide-scoped fields of knowledge relevant to the European library community.

### **EBLIDA Copyright Expert Group [CEG]**

The group will continue to monitor and discuss relevant EU issues on copyright and related rights and its regular meetings twice a year.

### **EBLIDA WTO Working group**

The WTO group will continue to assess the development of the GATS negotiations and its regular meetings for in-depth discussion. The group is organising an EBLIDA Workshop on GATS on 2 – 3 March 2005 in Cambridge (UK) with the intention to raise awareness on the relevance of this matter and to clarify its implications for the library, archive and information communities in Europe.

### **EBLIDA Working Group on Professional Education [PEG]**

EBLIDA has created a new Working Group on Professional Education (PEG). The expert group will monitor the development of the proposed Directive on the recognition of professional qualifications and other professional education related matters. The group's first meeting is scheduled for 15 October 2004 in The Hague.

### **EBLIDA Working Group on Culture**

The EBLIDA Executive Committee will assess the possibility of creating a working group on culture matters.

## **EBLIDA Strategy**

The EBLIDA Council approved in May 2004 the *EBLIDA Strategy 2004 – 2007*. The document will serve as a general guide for the EBLIDA mission and activities in the next few years. The *EBLIDA Strategy* will be reviewed by the new Executive Committee members, resulting from the elections in May 2005, and by the Council in 2006.

## **EBLIDA promotion**

### **Publications**

EBLIDA will continue to issue its monthly newsletter *Hot News*, including *Update on EU Developments*. The possibility of switching to an electronic version will be assessed in 2004 - 2005. A survey will be sent to the EBLIDA members on this regards in 2005.



## **EBLIDA Annual Report**

EBLIDA will produce its *Annual Report 2004 – 2005* in April 2005. EBLIDA will search for a sponsor in order to print the report in 2005.

## **Website and mailing lists**

EBLIDA will continue the development of its website, expanding its content and up-to-date information on lobby issues as well as the EBLIDA mailing list as proven means to disseminate and exchange information among the members. The Executive Committee will assess the EBLIDA website effectiveness and the possibility to devote resources to its improvement in 2005.

## **EBLIDA events**

EBLIDA will continue to participate in major European events by giving presentations, making contributions in Conferences and Workshops, writing articles and maintaining contacts with other organizations. Special attention will be devoted to the EBLIDA presence in new EU countries.

EBLIDA will organise a Seminar on current relevant EU matters in connection with its Executive Committee meeting in Prague on 5 – 6 November 2004. Key representatives from new EU countries will be invited to attend.

The EBLIDA WTO Working Group will organise a Workshop on the GATS issue in March 2005 in Cambridge (UK).

EBLIDA intended to organise a Workshop on Open Access in the autumn of 2005. Since LIBER is also organising a similar event on 20 – 22 October in Geneva and in order to avoid duplication of efforts, EBLIDA will seek cooperation with LIBER in this matter.

## **EBLIDA membership and sponsors**

EBLIDA will work towards increasing its membership with special focus on the new EU countries. The recruitment of new members is crucial for the EBLIDA strength and financial stability, as it constitutes its main source of income.

### **Archive organizations**

EBLIDA will continue to develop its relationship with archives' organizations and increase its archives' membership representation.

### **EU accession countries**

EBLIDA will continue to work towards bringing new EU countries' national associations and Institutions on board its membership. EBLIDA will continue to celebrate its Executive Committee meetings in different locations in the area in order to raise awareness of the EBLIDA mission and policy issues.



## Appendix 2: EBLIDA Position on the EC review of the EC legal framework in the field of copyright and related rights

EBLIDA, the European Bureau of Library, Information and Documentation Associations, is an independent, non-profit umbrella organisation of national library, archive and information sectors associations and institutions in Europe. EBLIDA represents the interests of its members to the European Institutions with a focus on intellectual property rights, DRM, information society, education and culture matters.

EBLIDA promotes access to information and culture in the digital environment for the purposes of education, research and private study.

EBLIDA welcomes and greatly appreciates the European Commission work as regards the review of existing legislation in the field of copyright and related rights with a view to safeguarding and improving the coherence of the existing legislation and to assess whether any inconsistencies on the definitions or on rules on exceptions and limitations between different Directives hamper the operation of the *acquis* or have a harmful impact on the fair balance of rights and other interests such as those of users of information.

EBLIDA believes that there is a lack of coherence in the existing legislation and has expressed its concerns regarding the inconsistencies between the Database Directive and the Term Directive and between the Database Directive and the InfoSoc Directive to the Commission over the last few years.

EBLIDA disagrees with the Commission that several issues relating to the Database Directive should be dealt with in the separate report to be submitted by the Commission regarding the Database Directive pursuant to its Article 16 (3). There is a great need amongst the members of EBLIDA for immediate guidance from the Commission on the issues as set out below as they are causing unnecessary confusion and harm the legitimate interests of the users and of libraries and archives as producers of databases.

The first issue that we would like to raise concerns the Term Directive in relation to the Database Directive as this will be part of the first round of codification. The second issue is in respect of the relation between the Database Directive and the InfoSoc Directive.

### 1. Term Directive versus Database Directive

The Database Directive provides for two different terms of protection of databases. Databases that are eligible for copyright protection are protected until 70 years after the death of the author. Databases protected by the *sui generis* right are protected for 15 years from 1 January of the year following the date of completion. One of the characteristics of a database is that it can be updated. Many databases are updated frequently e.g daily/hourly. According to Art. 10(2) any substantial change to the content of the database shall qualify the database resulting from that investment for its own term of protection. This would potentially give such database owner perpetual protection. This is against the spirit of the Berne Convention and moreover it conflicts with the term of protection for author's rights as set out in the Term Directive.

EBLIDA believes that databases protected by the *sui generis* right should be granted a maximum protection in line with the Term Directive and should not exceed 70 years irrespective of how many times it was updated or the content was changed.

## 2. Database Directive versus the InfoSoc Directive

The Database Directive introduced the concept of a lawful user. This concept was not adopted in the InfoSoc Directive. The InfoSoc Directive refers to users. This has caused confusion for users and producers of databases. A contributing factor has been that the Database Directive does not provide for a clear definition of a lawful user. EBLIDA has always advocated that the lawful user is a user permitted to access and use a database on the basis of a statutory right or on the basis of a licence. Unfortunately, most rights holders define a lawful user only as the user who has obtained a licence for access and use of such database and do not recognise access and use on the basis of a statutory right. The interpretation of Art. 6.1 and the effectiveness of Art. 15 hinge on the definition of lawful user. Therefore, EBLIDA urges the Commission to consider the inclusion of a definition of lawful user in the codification of the Database Directive. EBLIDA is firmly of the opinion that the concept of a lawful user must include a user making use of a statutory exception, which is by definition a lawful use.

Art. 6 of the Database Directive lists the exceptions to the restrictions provided for in Art. 5. Art. 6(1) contains the "normal use" exception and Art. 6(2) the limitations such as the use of a database for private purposes and research purposes. The "normal use" exception has caused great confusion because it is not clear what normal use is and why the limitations in Art. 6(2) do not qualify as "normal use". According to Art 15, only the normal use of the content of a database cannot be overridden by contract law. The codification of the Database Directive would be an opportunity to either make the distinction between normal use and the limitations clearer or to apply Art. 15 to Art. 6(2) as well.

This issue is especially important since the face of journal and book publishing has changed dramatically over the last years. Most publications are available in dual formats and an increasing number of journals, especially in the scientific, technical and medical fields, are only available electronically as part of a database. Journals therefore are increasingly available only as databases.

The question is which Directive prevails: the Database Directive or the InfoSoc Directive. According to Article 1 of the InfoSoc Directive, the InfoSoc Directive shall in no way effect existing Community provisions such as the Database Directive. Yet according to Recital 20 of the InfoSoc Directive, the InfoSoc Directive develops the principles and rules of the Database Directive and places them in the context of the Information Society.

These are contradictory statements and have caused a huge amount of confusion especially in cases where products purchased by libraries for use by their users simultaneously qualify as databases and as literary works of a different category.

The Commission's analysis of the issue in paragraph 2.2.4.1 of this working paper has caused even more confusion as it seems that neither the Database Directive nor the InfoSoc Directive prevails in such instances. According to the Commission the respective provisions of the InfoSoc Directive cannot be invoked to the Database Directive. EBLIDA urges the Commission to provide immediate guidance on this issue in this working paper.

Nevertheless, in this respect EBLIDA welcomes the conclusion of the Commission that an exception for the benefit of people with a disability under Article 5(3)(b) of the InfoSoc Directive should be included in the Database Directive and that it should apply with respect to databases protected by copyright as well as those covered by the *sui generis* right.

EBLIDA also welcomes the Commission's conclusion that a further exception to the reproduction right (similar to Art. 5(2)(c) under the copyright chapter of the Database Directive for the benefit of libraries should be considered. EBLIDA believes that the same should be considered for 5(3) (n) as both provisions are related. The adoption of Art. 5(3) (n) in the Database Directive would provide libraries and archives with the possibility to make the databases, created as a result of the reproductions made on the basis of Art. 5(2) (c), accessible to the public on-site for private study and research purposes. This is extremely important for national libraries and research centres.

The archiving of cultural heritage is very expensive and it would be unreasonable if such institutions were to need additional permission from rights owners and have to pay an additional fee in order to provide access to the materials that they archived. This would be especially unfair since they would have already paid for the material included in the database and as well as incurring the cost of archiving of such material. It would be inequitable, and against the interests of the information society, if they were to have to pay for the same product again: they need to be authorised to make it accessible within their own institution.

*The Hague, October 2004*



### Appendix 3: EBLIDA Response to the European Commission consultation on the final report of the High Level Group on Digital Rights Management, March-July 2004

EBLIDA, the European Bureau of Library, Information and Documentation Associations, is an independent, non-profit umbrella organisation of national library, archive and information sectors associations and institutions in Europe. EBLIDA represents the interests of its members to the European Institutions with a focus on intellectual property rights, DRM, information society, education and culture matters.

EBLIDA promotes access to information and culture in the digital environment for the purposes of education, research and private study.

EBLIDA welcomes the initiative taken by the European Commission in setting up the High Level Group on Digital Rights Management. However, EBLIDA considers it a missed opportunity for the European Commission not to include a representative of the library community amongst the members of this Group. Libraries as content intermediaries and managers of information have a vast amount of experience, especially university libraries, in dealing with access to and use of content by users within a secure network and the rights management thereof. EBLIDA is most willing to propose suitable representatives, especially of the university library community, to the High Level Group meeting in November 2004.

#### 1. DRM and Interoperability

EBLIDA welcomes the definitions as set out in this report. They are clear and simple. EBLIDA supports the conclusion of the report that it is important that DRM ensures and enhances consumer's choice and competition. Choice and competition can only be achieved if consumers can shop around in order to obtain the best price and are able to negotiate the licensing terms that they require for the use of the content. This is very important for content intermediaries such as libraries. Nevertheless the reference to "strong licensing terms" on page 8 raises our concerns in this respect. Does "strong" mean non-negotiable licensing terms or only limited use allowed?

#### 2. Private copying levies and DRM systems

EBLIDA agrees with the HLG members that double payment to rights holders in the respect of private copying levies and technical measures (payment on the basis of a levy and payments on the basis of a licensed use) must be avoided.

#### 3. Promoting migration to legitimate services on the Internet

EBLIDA supports the European Commission and the industries fight against piracy and the need of migration to legitimate services on the Internet. However, not all free of charge uses of content obtained from or transferred over the Internet should automatically be classified as piracy. Copyright laws around the world recognise free of charge uses of material protected by copyright. These are called the exceptions to copyright. DRM systems must respect such exceptions granted to users of copyrighted material under their national copyright laws. Exceptions to copyright are part of the balance of legal provisions and we are disappointed that the HLG has accorded them so little attention. They are very important to users, and, in principle, the exceptions legitimise the right holders' monopoly so they should always be taken into account by right holders.



It is therefore very important that the licences for the access and use of on-line content include a compulsory standard clause stating that nothing in this licence shall override the provisions of statutory exceptions to copyright pertaining in the legal jurisdictions where the material is to be used.

EBLIDA is pleased with the acknowledgement by the European Commission that it is under a duty to examine within the context of Article 12 Contract Committee, whether acts permitted by law are being adversely affected by the use of effective technological measures (so called "the technological lock up"). We would like to offer our full support in any examination the European Commission plans to undertake.

Other issues to be taken into account in respect of DRM systems are:

- § Data protection
- § Lawful circumvention
- § Clear labelling and guidance: permitted and restricted uses of material should be evident to purchasers before they make their purchase
- § DRM systems must be user friendly

#### Data protection

We fully agree with the European Commission that consensus amongst stakeholders and acceptance by consumers is essential for DRM to work successfully. Likewise we fully share the European Commission's concern about DRMs' ability to trace the user's behaviour and support its view that the user's privacy should be preserved.

Security levels should be appropriate for the content. Technical developments must not be driven only by the mass entertainment industry, which may have different requirements to the scientific and academic communities.

#### Circumvention

Circumvention of technical measures in special cases must be possible e.g. for legal or voluntary deposit, preservation and archiving, in order to safeguard the availability of material for future generations.

#### Digital Rights Management Systems must be user friendly

Digital content must be easy to access and use. User friendliness is crucial for DRM systems. The acceptance of the user will only be encouraged by the friendliness of the system.

*The Hague, September 2004*



## Appendix 4: EBLIDA Response to the European Commission Working Document on data protection issues related to intellectual property rights

EBLIDA welcomes the opportunity to comment on the working document xxxx/05/EN (WP104) of 18 January 2005.

EBLIDA, the European Bureau of Library, Information and Documentation Associations, is an independent, non-profit umbrella organisation of national library, archive and information sector associations and institutions in Europe. EBLIDA represents the interests of its members to the European Institutions with a focus on intellectual property rights, DRM, information society, educational and cultural matters.

EBLIDA promotes access to information and culture in the digital environment for the purposes of education, research and private study.

Like the Working Party itself, EBLIDA views with concern the potential adverse effects on personal privacy from Digital Rights Managements systems. If such systems are taken beyond their stated purpose, library users - and in general private users of digital material - could find themselves not merely verified as conforming with copyright law, but also subject to 'ubiquitous surveillance of users' of digital works. If electronic copyright management systems are indeed 'monitoring every single act of reading, listening and viewing on the internet' (as noted on page 3 of the working document), European principles of privacy are being breached to a deplorable degree.

EBLIDA believes that the collection of data about the reading, viewing and listening habits of individuals constitutes the collection of sensitive data, and as such it should be permitted only after prior authorisation through due process of law in defined circumstances and under defined conditions. It is important that such data, if collected, should be kept for the shortest possible time to fulfil a specific purpose. [Data protection principles apply by law in the United Kingdom](#). These principles are reproduced below:

### The eight principles of good practice

Anyone processing personal information must comply with eight enforceable principles of good information handling practice. These say that data must be:

- 1 fairly and lawfully processed
- 2 processed for limited purposes
- 3 adequate, relevant and not excessive
- 4 accurate and up to date
- 5 not kept longer than necessary
- 6 processed in accordance with the individual's rights
- 7 secure
- 8 not transferred to countries outside the European Economic area unless the country has adequate protection for the individual



## The six conditions

At least one of the following conditions must be met for personal information to be considered fairly processed:

- 1 the individual has consented to the processing
- 2 processing is necessary for the performance of a contract with the individual
- 3 processing is required under a legal obligation (other than one imposed by the contract)
- 4 processing is necessary to protect the vital interests of the individual
- 5 processing is necessary to carry out public functions, e.g. administration of justice
- 6 processing is necessary in order to pursue the legitimate interests of the data controller or third parties (unless it could unjustifiably prejudice the interests of the individual)

We recommend that these principles be applied to the processing of all personal information for the purposes of digital rights management systems within the European Union.

We believe it very likely that anonymous user data will be sufficient for the distribution of royalties to right holders through digital rights management systems. EBLIDA therefore supports very strongly the Working Party's reaffirmation of the necessity to allow for anonymous or pseudonymous transactions on the internet (page 5 of the working document). We agree that where DRM technologies are used in order to protect specific information, tools should be used which preserve the anonymity of the user. We agree also with the Working Party that 'the tagging of a document should not be linked to an individual' unless the link is necessary or agreed to by the user.

In summary we are at one with the Working Party's conclusions, which we hope will form a critical element in the development of DRMs in Europe.

*The Hague, March 2005*



## Appendix 5: EBLIDA Statement "Towards an effective scientific publishing system for European research", April 2005

EBLIDA welcomes the timely initiative of the Commission to conduct a study<sup>5</sup> on the economic and technical evolution of the scientific publications market in Europe.

EBLIDA, the European Bureau of Library, Information and Documentation Associations, is an independent, non-profit umbrella organisation of national library, archive and information sector associations and institutions in Europe. EBLIDA represents the interests of its members to the European Institutions with a focus on intellectual property rights, DRM, information society, educational and cultural matters.

EBLIDA promotes access to information and culture in the digital environment for the purposes of education, research and private study.

EBLIDA supports the vision of open access to research material, which has been defined as 'free availability on the public Internet, permitting users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose, without financial legal or technical barriers other than those inseparable from gaining access to the Internet itself.'

There are two main routes to achieving open access, and we wish to register our support for both. The first one is open access journals. The number of open access journals has been growing in recent years, with some publishers offering their entire journals on an open access basis, and others offering it only for selected items.

The second route is self-archiving, where authors deposit the final, post peer reviewed, electronic version of their articles in their private archive, an institutional, or subject-based, repository. A growing number of publishers expressly permit self-archiving of the final version of the research output. This is encouraging; however the majority of those publishers do only allow limited use of such self-archived copy. Usually use is allowed within the institution that owns the repository and for private study purposes only, not for educational or teaching purposes.

EBLIDA believes that open access to European research is a win-win strategy that has tremendous potential reconciling the ownership of intellectual property rights in research findings and the economic interests of the publishers of such findings.

Open Access would be easier to achieve if commercial publishers do not require the assignment of intellectual property rights by the owner of such rights as a condition of publishing the research outputs in a commercial publication. This has been the standard model used by a majority of commercial publishers and, because of the monopoly they thereby achieve, it has allowed them to increase annual subscription charges of research publications by 10% or more. Some commercial publishers are changing their policy and are asking owners of intellectual property rights for a licence to publish the research findings,

---

<sup>5</sup> European Commission study on the economic and technical evolution of the scientific publication markets in Europe: <http://www.europa.eu.int/comm/research/press/2004/pr1506en.cfm>

thus freeing the author, as mentioned above, to deposit the peer reviewed research findings in their own or in an institutional repository.

We believe that raising the awareness amongst owners of intellectual property rights of the consequences of the assignment of intellectual property rights and the non-exclusive licensing of such rights to commercial publisher would benefit the access of information, the use of such information and open access initiatives enormously.

We would recommend that the Commission set up a working group with representatives of the European higher education community, other research institutions and publishers with the aim to agree on model licensing terms for the publishing of research outputs in commercial publications. In a fair and balanced environment such terms should allow for the depositing of a copy of the peer reviewed article in an open access local repository or a subject repository and which can be used for private study, research, education and teaching purposes.

This would contribute to create a more effective and efficient system for scholarly communication inside and outside the European Union.

The current system where outputs of research funded from the public purse have to be bought at a high price from external commercial bodies in order to gain restricted access to the same research outputs needs to be brought to an end as soon as possible.

## Appendix 6: Summary Report: EC Workshop on the Public Domain, Luxembourg, 24<sup>th</sup> November 2004

### 1. Introduction

The aim of this workshop was to get a better overview of public domain issues relevant to the community of libraries, archives and the scientific community. It followed a workshop on the public domain with legal experts organised in May 2004.

### 2. Major problems related to accessibility and use of digital information

The participants to the workshop identified a number of major problems, which limit the access to and use of digital information and prevents the potential of the new information technologies to be fully realised.

#### *Preservation at risk*

- In spite of their importance, long term preservation issues are not high on the political agenda. This will lead to a loss of considerable amounts of digital information, the importance of which can only be valued in retrospect.
- The library community faces increased costs involved in preserving, clearing and making digital content available. More resources are required to allow them to fulfil their task. The amount of content that needs to be preserved is exponentially increasing. At the same time libraries and archives are struggling to update and convert the content resources from the past.
- There is at present no clear European framework for digital repositories, which leads to fragmented efforts and possible duplication of work.
- The advance in technology does not always help: new DRM technologies may further complicate preservation efforts, since by their nature they limit the accessibility of content. New technologies have made old computer programmes obsolete, at the same time rendering much content inaccessible.

#### *Limited access to scientific information*

Business models applied to electronic scientific journals are reducing the number of titles libraries can afford. Since many of these journals are single sources of information and therefore non-replaceable, this also affects the everyday life of students. One recent example from Ireland illustrates the problem. A 20 million euro grant from the state was necessary to allow Irish universities access to private scientific publication databases.

- Libraries used to keep copies of scientific journals available to users, but with the introduction of e-books and similar electronic formats, this option is no longer available to them.
- Limited access to scientific journals may well be one of the elements contributing to the brain drain phenomenon in Europe.
- The present review system embedded in the existing publishing model allows publishers of scientific journals to sustain their business models. Unless credible alternative quality check systems and publishing models which contribute to the reputation of scientists are developed, the present system will prevail.
- There is trend of locking up scientific data and results in proprietary constructions (e.g. protected databases), thus precluding further use.

### ***High transaction costs for clearing intellectual property rights***

- High transaction costs for clearing rights are a barrier to creativity. This is particularly true for material for which it is not directly obvious who the right holders are.
- There is a lot of protected content with little or no market value that could be better used for a range of purposes if re-use of that material was supported by the legal framework.
- There are large information resources in university repositories across Europe which are untapped due to inefficient right clearing mechanisms. More in general, a lot of potentially interesting content is hidden, due to lack of metadata.

### ***A distorted copyright balance***

- While not challenging the principles and mechanisms of copyright, several participants indicated that a better balance should be found between right holders and the user community. Over the last years, interests of right holders have been consistently strengthened against the interests of the users. This has a negative impact on the use of digital content. Intellectual property rights are important to stimulate investments in creativity, but if they are too rigid, they can have a stifling effect on innovation and creativity building on earlier achievements. Teachers avoid for example using digital resources in fear of infringing copyright.
- The exceptions in the copyright directive are optional, which has led to completely different implementations and approaches in the different Member States. To avoid litigation, libraries will operate in a cautious way when digitising content and making it available.
- The gradual erosion of the public domain and the problems of libraries to make digital material accessible contribute to the digital divide. Large groups of the population are denied access to recent historical and cultural expressions if libraries and archives are unable to give access to digital content.
- Licence practices on the side of private publishers risk to undermine the application of the exceptions to copyright. This trend will continue if exceptions are not made mandatory.
- There is no exhaustion of rights (allowing you for example to resell a book without infringing copyrights) in the digital environment. As a consequence, you cannot do things in the digital environment which you were allowed to do in the analogue world.
- The essence of copyright at the time when copyright was introduced was closer to the ideas brought forward by Creative Commons and other public domain initiatives than the copyright regime brought forward by strictly commercial interest today.

### **3. Initiatives underway**

- The existing initiatives to improve the access and use of digital content are fragmented between countries and between sectors of activity. It would be useful to bring these initiatives together at European level.
- In the scientific area, open access publishing models are emerging. The Berlin declaration of December 2003 signed by the major part of the German research establishment contains a strong plea for open access models.
- The Creative Commons initiative is gaining ground in different European countries. It aims at establishing a viable middle ground between stringent copyright controls and unfettered use of digital content. It provides a set of user-friendly online licenses allowing authors, musicians and other creators of content the opportunity to protect some of their ownership rights, while giving away others. Licences are available in three formats; one human readable, one lawyer readable and one machine readable version. A

major initiative likely to use *Creative Commons* licenses is the BBC project to open up its archives for users.

#### 4. Areas for action

The participants in the meeting underlined the importance of the public domain in economic and cultural terms. They identified a number of key issues where the Commission was urged to take action, and which could be part of a positive agenda for the accessibility, usability and preservation of digital content:

##### *Legislative action*

- *New right clearing mechanisms, including fair compensation regimes, should be looked into to allow better use of information resources that are otherwise underused because of legal uncertainty.*
- *Problematic issues in the legal framework for copyright and neighbouring rights should be addressed, in particular the exceptions in the copyright directive, to allow for greater legal certainty on issues relevant to libraries and the scientific community.*
- *User and consumer rights should be treated on a par with the prerogatives of right holders and not as mere exceptions.*

##### *Organisational action*

- *Actions should be undertaken (e.g. project support/guidelines) to arrive at a more standardised approach to information repositories.*
- *Open access publishing regimes should be implemented on Commission publications and documents and on results of Community funded research.*
- *A public domain forum should be established to address and bring forward issues related to the public domain in a structured way.*
- *The Commission should contribute to the development, implementation and use of new publishing models, in particular for scientific publishing (support open science initiatives), including means of stimulating peer to peer reviews in scientific publishing.*

##### *Analysis*

- *Studies should be commissioned to look into 1) the economic value of the public domain and 2) open publishing models and open source type of licensing conditions in scientific publishing to identify the benefits of these models to all actors in the value chain.*

**Appendix 7: IFLA Statement: "Library-Related Principles for the International Development Agenda of the World Intellectual Property organization", January 2004**

**Goal 1: A robust and growing public domain to provide new opportunities for creativity, research, and scholarship.**

- 1.1. All works created by governmental authorities should be in the public domain.
- 1.2. Published works resulting from government-funded research should be publicly available at no charge within a reasonable time frame.
- 1.3. Facts and other public domain materials, and works lacking in creativity, should not be subject to copyright or copyright-like protections.
- 1.4. Consistent with the Berne Convention, the term of copyright should be the life of the author plus 50 years. The term of copyright should not be extended retroactively.

**Goal 2: Effective library programs and services as a means of advancing knowledge.**

- 2.1. A library may make copies of published and unpublished works in its collection for purposes of preservation or to migrate content to a new format.
- 2.2. A work that has been lawfully acquired by a library may be lent to others without further transaction fees to be paid by the library.
- 2.3. A work that has been lawfully acquired by a library or other educational institution may be made available over a network in support of classroom teaching or distance education in a manner that does not unreasonably prejudice the rights holder.
- 2.4. Subject to appropriate limitations, a library or educational institution may make copies of a work for in support of classroom use.
- 2.5. A library may convert material from one format to another to make it accessible to persons with disabilities.
- 2.6. In support of preservation, education or research, libraries and educational institutions may make copies of works still in copyright but not currently the subject of commercial exploitation.

**Goal 3: High levels of creativity and technological progress resulting from individual research and study.**

- 3.1. Copyright laws should not inhibit the development of technology where the technology in question has substantial non-infringing uses.
- 3.2. Copying of individual items for or by individual users should be permitted for personal research and study.
- 3.3. It should be permissible to circumvent a technological protection measure for the purpose of making a non-infringing use of a work.

**Goal 4: Harmonization of copyright.**

- 4.1 The goals and policies set out in this document should not be over-ridden by other bi-lateral or multi-lateral agreements.
- 4.2 The goals and policies set out in this document are important statements of national and international principle and should not be varied by contract.

## Appendix 8: EBLIDA CEG members and contact details

Country	<b>Austria</b>
Name	Dr Isolde Müller
Email	<a href="mailto:isolde.mueller@uni-graz.at">isolde.mueller@uni-graz.at</a>
Country	<b>Belgium</b>
Name	Kaat van Wonterghem
Email	<a href="mailto:kaat.vanwonderghem@bib.kuleuven.ac.be">kaat.vanwonderghem@bib.kuleuven.ac.be</a>
Country	<b>Denmark</b>
Name	Harald von Hielmcrone
Email	<a href="mailto:hvh@statsbiblioteket.dk">hvh@statsbiblioteket.dk</a>
Country	<b>Finland</b>
Name	Heikki Poroila
Email	<a href="mailto:poroila@katto.kaapeli.fi">poroila@katto.kaapeli.fi</a>
Country	<b>France</b>
Name	Michèle Battisti
Email	<a href="mailto:mbattisti@adbs.fr">mbattisti@adbs.fr</a>
Country	<b>Germany</b>
Name	Harald Mueller
Email	<a href="mailto:hmueller@mpiv-hd.mpg.de">hmueller@mpiv-hd.mpg.de</a>
Country	<b>Ireland</b>
Name	Jennefer Aston
Email	<a href="mailto:jaston@iol.ie">jaston@iol.ie</a>
Country	<b>The Netherlands</b>
Name	Wilma Mossink
Email	<a href="mailto:wilma.mossink@ou.nl">wilma.mossink@ou.nl</a>
Country	<b>Norway</b>
Name	Kristine Abelsnes
Email	<a href="mailto:kristine.abelsnes@abm-utvikling.no">kristine.abelsnes@abm-utvikling.no</a>
Country	<b>Norway</b>
Name	Geir Kjell Andersland
Email	<a href="mailto:geirandersland@hotmail.com">geirandersland@hotmail.com</a>
Country	<b>Spain</b>
Name	Patricia Riera Barsallo
Email	<a href="mailto:prierab@campus.uoc.es">prierab@campus.uoc.es</a>
Country	<b>Sweden</b>
Name	Susanna Broms
Email	<a href="mailto:susanna.broms@bibsam.kb.se">susanna.broms@bibsam.kb.se</a>
Country	<b>United Kingdom</b>
Name	Kjell Nilsson
Country	<b>Sweden</b>
Email	<a href="mailto:kjell.nilsson@bibsam.kb.se">kjell.nilsson@bibsam.kb.se</a>
Name	Toby Bainton
Email	<a href="mailto:toby.bainton@sconul.ac.uk">toby.bainton@sconul.ac.uk</a>
Country	<b>United Kingdom</b>
Name	Barbara Stratton
Email	<a href="mailto:barbara.stratton@cilip.org.uk">barbara.stratton@cilip.org.uk</a>



Country	United Kingdom
Name	Emanuella Giavarra
Email	<a href="mailto:eg@cwqlaw.com">eg@cwqlaw.com</a>
	Director EBLIDA
Name	María Pía González Pereira
Email	<a href="mailto:gonzalez.pereira@debibliotheken.nl">gonzalez.pereira@debibliotheken.nl</a>

#### Appendix 9: EBLIDA WTO Working Group members

Name	Frode Bakken, Norwegian Library Association
Email	<a href="mailto:Frode.Bakken@hit.no">Frode.Bakken@hit.no</a>
Name	Toby Bainton, SCONUL, UK
Email	<a href="mailto:toby.bainton@sconul.ac.uk">toby.bainton@sconul.ac.uk</a>
Name	Kjell Nilsson, Director BIBSAM, Sweden
Email	<a href="mailto:kjell.nilsson@bibsam.kb.se">kjell.nilsson@bibsam.kb.se</a>
Name	María Pía González Pereira, Director EBLIDA
Email	<a href="mailto:gonzalez.pereira@debibliotheken.nl">gonzalez.pereira@debibliotheken.nl</a>
Name	Ruth Rikowski, (UK), Observer
Email	<a href="mailto:rikowski@tiscali.co.uk">rikowski@tiscali.co.uk</a>
Name	Liam Ronayne, Library Association of Ireland
Email	<a href="mailto:liam_ronayne@corkcity.ie">liam_ronayne@corkcity.ie</a>

#### Appendix 10: EBLIDA PEG Working Group members

Name	Sue Brown, UK, Chair
Email	<a href="mailto:sue.brown@cilip.org.uk">sue.brown@cilip.org.uk</a>
Name	Pernille Drost, Denmark
Email	<a href="mailto:pernille.drost@webspeed.dk">pernille.drost@webspeed.dk</a>
Name	Berndt Fredriksson, Sweden
Email	<a href="mailto:berndt.fredriksson@foreign.ministry.se">berndt.fredriksson@foreign.ministry.se</a>
Name	María Pía González Pereira, Director EBLIDA
Email	<a href="mailto:Gonzalez.pereira@debibliotheken.nl">Gonzalez.pereira@debibliotheken.nl</a>
Name	Britt-Marie Häggström, Sweden
Email	<a href="mailto:britt.marie.haggstrom@dik.se">britt.marie.haggstrom@dik.se</a>
Name	Pedro Hipola, Spain
Email	<a href="mailto:phipola@ugr.es">phipola@ugr.es</a>
Name	Tove Pemmer Saetre, Norway
Email	<a href="mailto:Tove.Setre@hib.no">Tove.Setre@hib.no</a>
Name	Eloy Rodrigues, Portugal
Email	<a href="mailto:eloy@s dum.uminho.pt">eloy@s dum.uminho.pt</a>
Name	Kristina Virtanen, Finland
Email	<a href="mailto:kristina.virtanen@hel.fi">kristina.virtanen@hel.fi</a>

## Appendix 11: EBLIDA Report on the Seminar "*Trading in Knowledge? The World Trade Organization and Libraries*", Cambridge, 2 – 3 March 2005

Twenty-five people from twelve countries, including the celebrated journalist George Monbiot, met in Cambridge from 2 to 3 March for the EBLIDA seminar on trade agreements and libraries (organised with the assistance of SCONUL). The venue was Churchill College, in the prestigious Møller Centre, designed by the leading Danish architect Henning Larsen, an appropriate setting for an international conference, since it was funded largely as the fruit of Anglo-Danish cooperation. The little explored subject of international trade agreements, and their potential effects on libraries, has for two or three years been on the agenda of EBLIDA (the European Bureau of Libraries, Information and Documentation Associations). But until now EBLIDA has found it hard to assemble sufficient information about the background, and a prognosis for future developments has been even more problematic. The situation is complex and rarely discussed. Only when rioting erupts on the streets (as it did in Seattle in 1999) are the meetings of the World Trade Organisation considered newsworthy. Yet the gathering of librarians in Cambridge soon discovered the far-reaching potential implications for education and libraries of the WTO's deliberations, especially in the General Agreement on Trade in Services (or GATS).

### Introduction

Kjell Nilsson of the Royal Library of Sweden opened the conference, welcoming the delegates and explaining that trade agreements can indeed affect libraries, and that this message needs to be spread amongst the information profession. The World Trade Organisation, with over 140 members, is a powerful body, aiming to promote and to simplify international trade. Trade may include not only goods but also services, where libraries may become involved. Questions the seminar hoped to answer included how the General Agreement on Trade in Services might affect publicly-funded libraries, whether that might be harmful to their current arrangements, and what librarians might do about it. University libraries, though usually funded from government sources, might equally be affected through a possible acceleration of privatisation in education. The General Agreement was not the end of the story, since governments were entering into bilateral trade agreements, and even within a single country the trend may well be for public monopolies to be broken up. Within Europe, libraries would do well to examine the proposed Directive on Services in the Internal Market [COM(2004)2 final/3] which aims to present more compulsion and less choice for Member States in opening up state enterprises to competition.

### George Monbiot

The keynote speaker, the author and journalist George Monbiot, argued that corporations are currently seeking to expand their opportunities for profitability by enhancing economies of scale and expanding the frontiers for capital. For the most part they achieve these aims by persuading governments to deregulate corporations, to widen their global reach and to allow corporations to conduct activities traditionally carried out by governments (privatisation).

Regulation is invariably presented as wholly undesirable, 'red tape' and 'bureaucracy' being invoked as targets for reform, whereas in fact much regulation has been introduced for the protection of consumers, workers, and citizens generally. When the UK government reduced inspections of workplaces in the 1990s (with regard to health and safety regulations) by 25%, deaths at work increased in proportion. Deregulation brings advantage to



international companies, as against smaller companies which know local conditions and markets. Some obstructions to such processes have occurred, for example in October 1998 when the French government caused the collapse of the 'Multilateral agreement on investment' by refusing to host the ratification ceremony. That agreement would have allowed companies to sue governments in respect of any legislative restriction having a negative effect on their notional future profits. However, just such an action was successfully pursued under the North American Free Trade Agreement when a US petroleum company sued the Canadian government for banning the inclusion in petrol of a compound believed to be a neurotoxin, thus inhibiting the company's exports. The Canadian government was required to pay compensation.

George Monbiot advised that the only antidote to a carefully orchestrated corporate campaign is a carefully orchestrated publicity campaign by people interested in the survival of public services. Even if privatisation were beneficial in economic terms (which in most cases it was not), public ownership remained an important principle on the grounds of the accountability it provides.

The next speaker, Dale Honeck, gave his opinions in a personal capacity, though he works for the WTO. He described how the organisation acts as a forum for negotiations and administers trade agreements. It reviews trade policies, and Dale Honeck observed how interesting it was that nations frequently have more than one, sometimes conflicting, trade policies emanating from different ministries.

Trade agreements usually work by countries making 'offers'; announcing to their trading partners that certain kinds of trade will be open to competition from foreign companies. The WTO operates on the 'offer' principle. (Before it joined the European Union, Austria, for example, made the offer that library services were candidates for foreign competition. No country has yet responded to that offer.) Transparency is an important principle for the WTO, which insists that its trade agreements be publicly known. Under GATS, so far most offers have been in respect of tourism, with health and education having the lowest number of offers. However, WTO policy is for trade to be 'liberalised progressively', so a steady increase in offers can be expected. Once a country has made an offer, another country can take advantage of it, creating a mutual trade agreement for competition in that field.

A complication discussed by Dale Honeck is that the General Agreement on Trade in Services does not include 'services supplied in the exercise of government authority'. Inter-library document supply, for example, would therefore appear to be open for offer within GATS, since both libraries and commercial entities engage in it and it therefore cannot be regarded as part of the government's tasks. A major difficulty for libraries is that international civil servants may not have a clear idea about what modern libraries do. It is important for trade agreements to be made on the basis of a full understanding of the service in question.

A note of caution was raised in the final discussion after Dale Honeck's presentation. It is a well-known feature of political economy that the benefits of trade reform are relatively concentrated, whereas the people affected may be very numerous and diverse. Here is the reason for libraries to become involved – their very diversity makes them weaker than the relatively few commercial interests which might stand to gain from trade in library services.

## Susan Robertson

That point led the meeting naturally to the presentation from Professor Susan Robertson of the University of Bristol. She traced recent developments in trade policy which showed, since the 1980s, the deregulation of many protected industries (such as railways and telecommunications) so that various public or social activities had come to be regarded as elements of trade. The trend continues. Australia and New Zealand, for example, have seen very big increases in their trade in educational services. Interestingly, the government department promoting such trade is not the education department, but the trade ministry. Susan Robertson argued that such proceedings may be seen as antidemocratic – in Canada the trade negotiations are necessarily national whereas education is politically within the sphere of the provinces. From experience in New Zealand (where education earns more as an export than the wine industry), Susan Robertson argued that when services are placed firmly in the global economy they become vulnerable: some New Zealand schools became bankrupt during the recent downturn in the Asian economy. Further anxieties were the possibility of companies controlling the acquisition of knowledge; and the failure of the free trade process to help the poor. Despite the theoretical advantages of free trade, poverty may not be alleviated by it. New Zealand, often regarded as a success story since the 1980s in market reform, now has one of the highest levels of income inequality amongst OECD countries. Susan Robertson presented figures indicating increasing inequalities in income within developing countries. Poor countries, she added, are at a disadvantage through the location of the WTO offices in Geneva, where it is expensive to maintain or even send a delegation.

## Ruth Rikowski

Ruth Rikowski is Visiting Lecturer at London South Bank University and the author of a recent book entitled *Globalisation, information and libraries: the implications of the World Trade Organisation's GATS and TRIPS agreements* (Oxford: Chandos, 2005). Her topic was the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) whose copyright provisions are significant for libraries and information. TRIPS, drawn up in 1995, will come into effect in 2005. A complex agreement, it provides that any copyright protection extended by one country to the citizens of another country must be available to all citizens of the WTO member countries on an equal footing. TRIPS differs from most international copyright agreements by excluding any reference to moral rights. Since moral rights can only be enjoyed by individual creators, it suggests that TRIPS is more concerned with corporate copyright than the concept of copyright itself. TRIPS requires member countries to have laws and enforcement measures in support of the agreement – such legal arrangements have existed for many years in industrialised countries but may be new to developing ones. A statement signed in 2001 by a wide variety of non-governmental organisations questioned the legitimacy of TRIPS: 'Contrary to the WTO, TRIPS is being used as a protectionist instrument to promote corporate monopolies over technologies, seeds, genes, and medicines [and] represents a significant shift in the balance in intellectual property rights protection that is too heavily in favour of private right holders and against the public interest'. Ruth Rikowski argued that since TRIPS is designed (through its exclusion of moral rights) with corporations rather than individuals in mind, we may be witnessing a move to greater control of copyright materials by larger companies. Since copyright is by definition a monopoly right, this may cause concern to librarians who have already seen inexorable, above-inflation, price rises for publications carrying scientific information.



The second day of the seminar begun with an expert summing up of the issues facing libraries, conducted without notes by Paul Whitney, former President of the Canadian Library Association, and official delegate (representing IFLA) to the famous meeting of the WTO in Seattle in 1999. Paul Whitney has been following the topic ever since. He foresaw that with a ministerial WTO meeting scheduled for December 2005 in Hong Kong, the next few months will be important for libraries. Education may become a key issue for WTO, since in educational institutions public and private enterprise have long been intertwined. Libraries may be caught in a pincer movement, with the WTO aiming to deregulate and privatise government services, while international copyright law is simultaneously increasing the regulation and protection of privately-held intellectual property.

Paul Whitney pointed out that copyright and IPR generally is the one large trade area where the USA and the European Union hope to generate large trade surpluses. (Computer-based activity is already shifting, through 'off-shoring', to countries like India and China.) GATS allows member states to regulate trade in services within their jurisdiction and there is a vigorous negotiating environment with lots of give and take. International trade treaties can certainly affect public services. In order to avoid decisions taken remotely and catching libraries unawares, pressure should be applied at the domestic political level.

Acting on this advice, the seminar converted itself into a forum for practical action. Delegates to the seminar would raise awareness in their own countries. First they would need a 'manifesto' or statement, drawing attention to the situation and to the dangers of losing a publicly-run library service through misguided bargaining by negotiators who do not appreciate a modern library's functions. The message of the statement must help library associations tackle their governments. It must be jargon-free and call for a robust public sector. It would be drafted by the organisers of the seminar and presented, informally if not formally, to EBLIDA's annual council for members in Cork, Ireland, 13-14 May.

Toby Bainton  
Secretary of SCONUL



*For further information on the matters hereby included or any other issue arising from the content of this report, please contact the EBLIDA Secretariat at:*

Grote Marktstraat 43  
The Hague  
The Netherlands  
P.O. Box 16359  
NL - 2500 BJ The Hague  
Tel.: +31 70 309 0551  
Fax: +31 70 309 0558  
Web: <http://www.eblida.org>  
Email: [eblida@debibliotheken.nl](mailto:eblida@debibliotheken.nl)