

# Great Leap Forwards or Unfinished Business?

**DCDSM from an international perspective**

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International  
Federation of  
Library  
Associations and Institutions



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

- **Is the leading international body representing the interests of library and information services and their users.**
- **It is the global voice of the library and information profession.**

**1500**

**members**

**150**

**countries**

**IFLA.org**

**Exclusive rights = mandatory\***

**Exceptions = optional\***

\* mostly

**IFLA.org**

# **A Bill of Rights for libraries and their users**

**IFLA.org**

Preservation

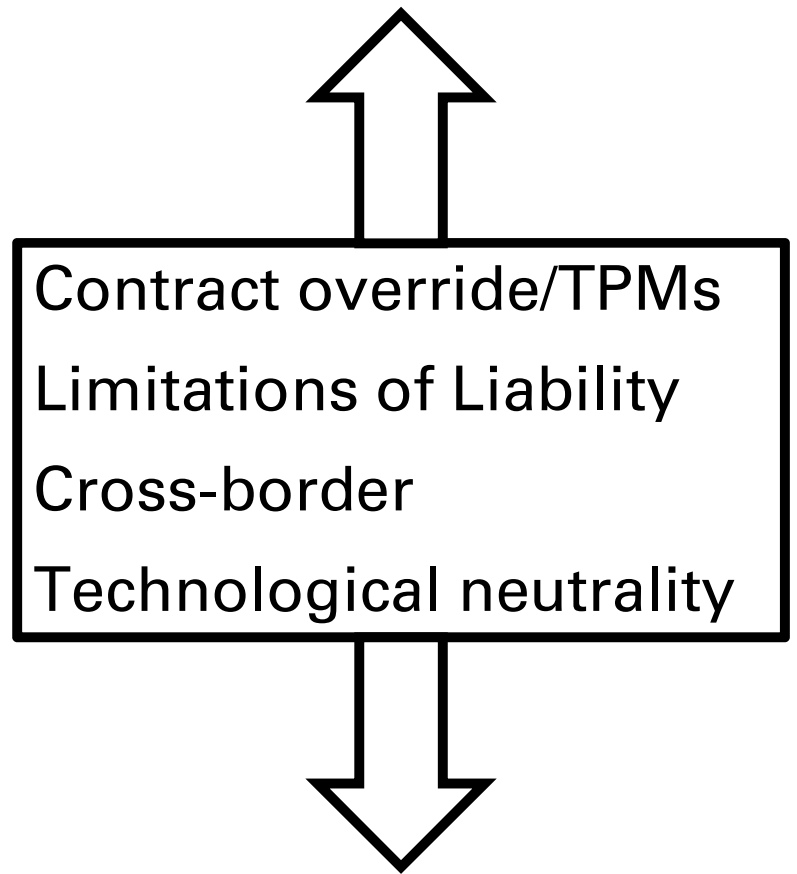
Reproduction

Lending

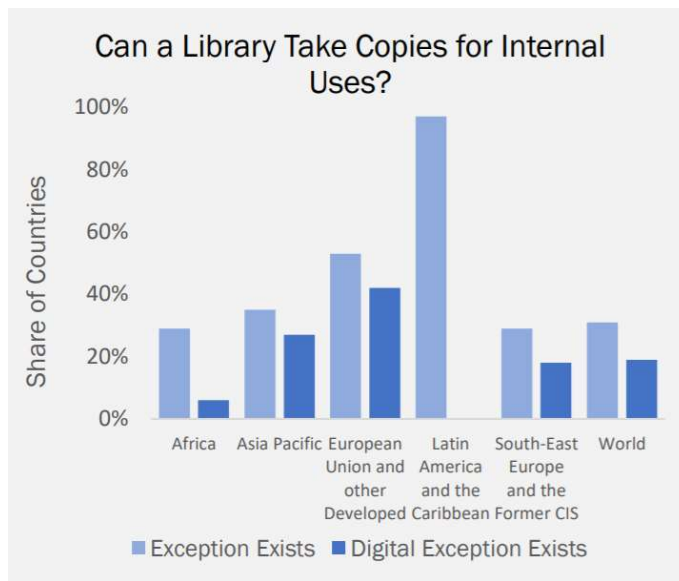
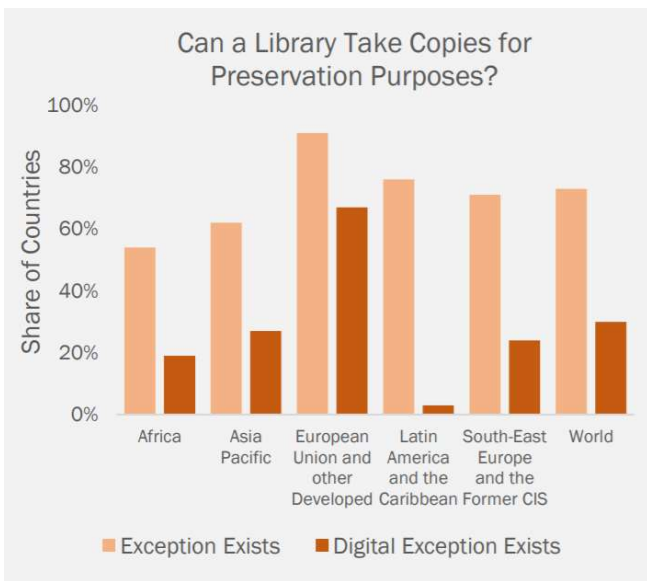
Document supply/resource  
sharing

Orphan, out-of-commerce  
works

Parallel imports



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**EU Law: an opportunity to do better**

**IFLA.org**

**Preservation**

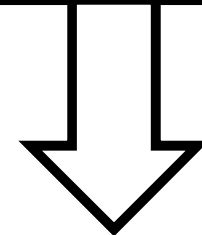
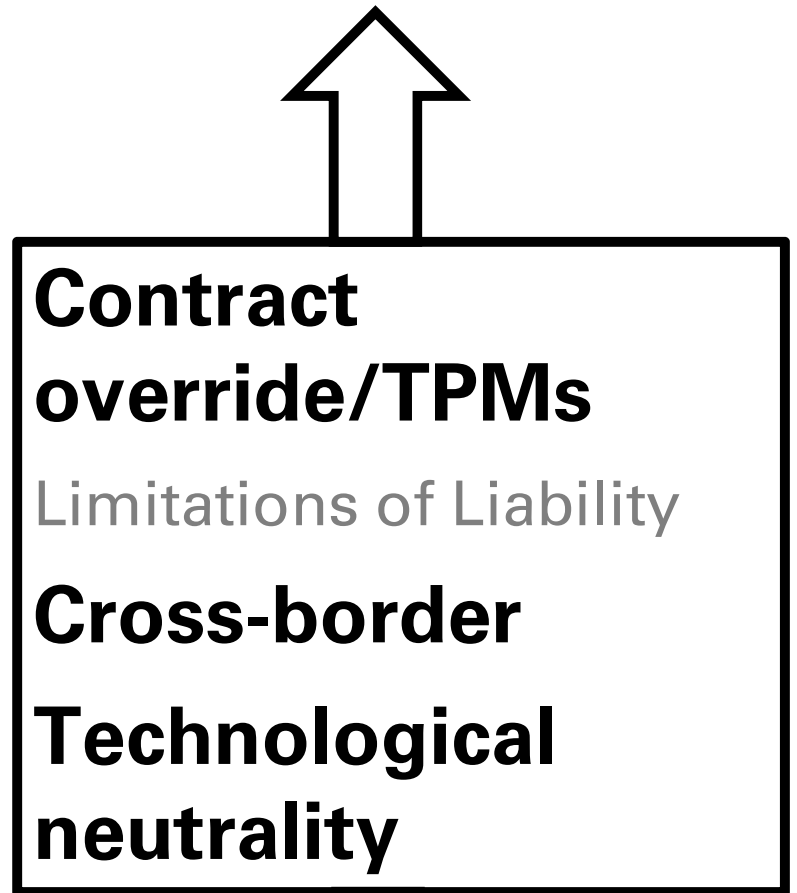
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## **Preservation (Article 6)**

Broad exception for reproductions for preservation purposes, for items in the permanent collection, with the possibility to use international preservation networks

## **Reproduction (Text and Data Mining) (Articles 3, 4)**

Allows research organisations (including libraries) to carry out TDM, including in some case with commercial partners, if data is stored securely, and with an emphasis on rightholder security measures not preventing use

Allows others to carry out TDM, unless this is explicitly forbidden by rightholders

## **Reproduction (Education) (Article 5)**

Allows digital uses of works by educational institutions for illustration for teaching purposes, including across borders and in institutions such as libraries. Member States can decide to make such uses subject to the availability of adequate licences

## **Out-of-Commerce Works (Articles 8-11)**

Allows for out-of-commerce works to be placed online, either when there is a sufficiently representative collective management organisation that is ready to offer the rights, or under an exception when this is not the case. Applies only to EU works, with some expectation of a reasonable investigation of whether a work is out-of-commerce or not

## **Contract Override and Technological Protection Measures (Article 7)**

The provisions of Articles 3, 5 and 6 cannot be overridden by contract terms (except when they can)

The fact of having signed a contract does not mean that it is acceptable to use technological protection measures to prevent enjoyment of these rights (although removal is not always simple)

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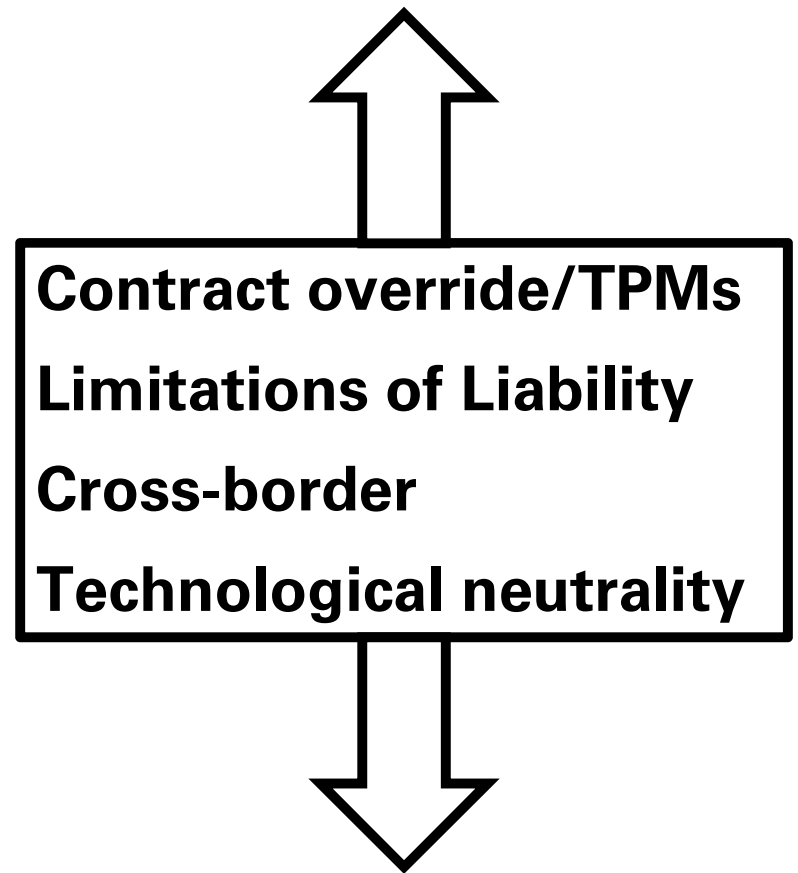
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**Unfinished business?**

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**Remote access to library collections:** What scope to improve on the existing dedicated terminals exception, to make this apply to wider secure networks (including resource sharing)?

**Web Harvesting:** clarifying rights to preserve content to which libraries have access, but which does not form part of their collections

**eLending/Controlled Digital Lending:** ensuring the eLending judgement is enforceable, giving further certainty on CDL

**Promoting open norms:** socialise the idea of fair use-type systems, which are generally better able to respond to change

**Secondary publishing rights:** build on provisions in DCDSM on rights reversion in the research space

**Open up to the world:** facilitate cooperation beyond the EU's borders also!

# Thank you

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