



National Library of Sweden

Interlibrary Loans in the Future – How to Fix the Digital Link?

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Should (Could) you or should (Could) you not Digitise the Whole Library Corpus?

- Is it a given objective to digitise a whole library corpus?
- If it is – why?
- If it is apparent you should digitise a whole corpus – to whom is it obvious?
- In the overall budget discussions will the apparent need to digitise a whole corpus prevail?
- Is there possible a different approach available?



Does Copyright Prevent the Large Scale / Mass Digitisation?

- You need to clear rights on a large scale through Collective Rights Management Organisations (CMO).
- When clearing rights through CMO:s the problem has been with the Outsiders [non members as well as Orphan Works]
- Sweden and other Scandinavian Countries have had a regime for 50 years called Extended Collective Licensing (ECL) which
 - enables mass usage of copyright protected works including Outsiders to relatively low cost / deliver revenue to right holders – incentive for both



Background

- EU's digital libraries initiative
 - all Europe's cultural resources and scientific records accessible to all
 - Europeana - a single access point
- Google Settlement 1.0 and 2.0 – in essence an ECL not underpinned by legislation
- How to reach the objective – Mass digitization
- Mass digitization would have to include outsiders [non members as well as Orphan Works]
- Digital Agenda for Europe 2010: Commission said it would convene a stakeholder dialogue on the interactive making available of out-of-print works <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0245:FIN:EN:PDF>



MoU on Key Principles on the Digitisation and Making Available of Out-of-Commerce Works

- The first meeting **16 November 2010**
- In the next 8 months a MoU setting “Key Principles on the Digitisation and Making Available of Out-of-Commerce Works” was negotiated



MoU on Key Principles on the Digitisation and Making Available of Out-of-Commerce Works

- National projects presented (Best Practice)
- The Swedish Writers' Union, The Swedish Publishers' Association, The National Library of Sweden and The Visual Arts Copyright Society in Sweden signed a MOU 2009 concerning the digitisation of the Swedish literary heritage – The Swedish Digital Library:
 - Access to digitized books that are not available in commerce [print or E-book].



MoU on Key Principles on the Digitisation and Making Available of Out-of-Commerce Works

- National projects presented (Best Practice)
- The best way to adapt the making availability of the Digital Library is for the Parties to:
 - negotiate an agreement [ECL] and
 - modulate such an agreement when needed
 - Heads Up / Early Warning [e.g. Advertise]



MoU on Key Principles on the Digitisation and Making Available of Out-of-Commerce Works

- Recognising legislation might be required to create a legal basis to ensure legal certainty when the CMO:s represent Outsiders
- Recommending that MS give effect to the key principles in accordance with:
 - national legal mechanisms and
 - collective licensing traditions **IMPORTANT – SAME BUSINESS MODELS IN ALL EUROPE / SAME KIND OF MARKETPLACE?**
- **Streaming – Not Down Loading**



The undersigned participants to the Stakeholder Dialogue agree to the following guiding principles:

- A work is out of commerce when:
 - the whole work, in all its versions and manifestations is no longer commercially available in customary channels of commerce,
 - regardless of the existence of tangible copies of the work in libraries and among the public (including through second hand bookshops or antiquarian bookshops)
 - **IMPORTANT – SAME BUSINESS MODELS IN ALL EUROPE / SAME KIND OF MARKETPLACE?**
 - **IS THIS A PROBLEM? WE DON'T KNOW YET!**



Therefore you need:

- Pilots to identify problems and solutions before you scale up
- Mutual understanding among stakeholders – building trust.

Commission Recommendation on the digitisation and online accessibility of cultural material and digital preservation

- October 2011 European Commission adopted a Recommendation
- The European Commission encourages the setting up of dialogues involving stakeholders to achieve similar results to those achieved in the print sector with the MoU of 20 September 2011 setting “Key Principles on the Digitisation and Making Available of Out-of-Commerce Works”:
http://ec.europa.eu/internal_market/copyright/docs/copyright-info/20110920-mou_en.pdf
- Cp Licences for Europe WG 3 Audiovisual Works



The European Commission Recommends that Member States:

- Encourage partnerships between cultural institutions and the private sector to
 - create new ways of funding digitization of cultural material and
 - to stimulate innovative uses of the material
- Creating the legal framework to underpin licensing mechanisms identified and agreed by stakeholders in the MoU – e.g. France and Germany



Recent Developments on ECL in Sweden

- The National Library of Sweden negotiating a PPP:
 - digitization of 5 000 000 newspaper pages
 - approximately 50 000 000 copyright protected works
 - Special ECL is a prerequisite
- The National Library's intent is to provide Digital Service based on the ECL – Cross border availability is a priority
- The Library and the Finnish National Library:
 - digitise newspapers of mutual interest first published in Sweden in the Finnish language
 - To make available in both MS – cross border availability