

Advocating for better copyright

It is our business

Serbian Library Association Conference 2022

16 December 2022

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21st Century Access
to Culture, Learning
& Research



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Why copyright matters

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Why copyright matters

- Determining factor in what libraries can or cannot do with materials in their collection
- Existing protections risk being undermined by contracts and digital locks
- Paying more and more is not an option
- In effect, copyright is as much a determinant of our ability to achieve impact as our collections budgets

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Copyright can change

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Copyright can change

- Copyright is an invention, not a given!
- We do see progress – see Marrakesh...
- There are others arguing for more restrictive provisions that could hurt libraries and our values
- There are opportunities in countries looking towards EU accession...

Time to
mobilise!



	A. STARTER	B. BASIC	C. INTERMEDIATE	D. ADVANCED
1. UNDERSTANDING THE COPYRIGHT AND OPEN ACCESS POLICY LANDSCAPE	We are not aware of how decisions are made about copyright and open access.	We are aware in broad terms of how decisions about copyright and open access are made.	We have a strong knowledge of the process for copyright and open access decisions and what opportunities there are to influence	We have a detailed understanding of the policy process for copyright and OA, as well as related policy-areas, and know well how and when to influence effectively
2. COORDINATING YOUR WORK	We do not have anyone responsible for copyright and OA advocacy in our team.	We have a person formally responsible for copyright and OA in our core team.	We have someone focused on copyright and legal issues, who also coordinates the work of others.	We have a team working on copyright and OA issues who can share responsibilities amongst them, according to availability and skills.
3. MOBILISING LIBRARIES	There is a passive attitude to influencing decisions around copyright and OA, and no-one is engaged in advocacy.	There is an awareness of the need for copyright advocacy with one responsible person ready to act when necessary.	There is an active group of people with a variety of skills ready to get involved in basic copyright advocacy when needed.	There is a large and well-organised group (with well-mapped out skills and strengths) with whom you can work on copyright advocacy, in all parts of the country.
4. GATHERING EVIDENCE	We do not have stories or data we can use to support advocacy by showing how copyright doesn't work now, and so the need for reform.	We have a limited set of examples and stories we can use to support our copyright advocacy by showing the need for reform.	We have a good collection of stories and data we use in our advocacy making the case for copyright reform.	We can share well-evaluated evidence of the need for copyright reform, both through anecdote and value, and use examples from home and abroad.
5. COMMUNICATIONS	We do not have capacity to communicate with specific target groups or the general public in our advocacy.	We have can define and share basic messages with contacts and the general public, and define broad target audiences.	We can explain messages and asks clearly, in depth and attractively, and communicate using more than one channel with relatively well-defined target audiences.	We can use a variety of channels and tools in order to get our message across most effectively to well-defined audiences and engage them in our efforts.
6. BUILDING RELATIONS WITH DECISION-MAKERS	We don't know who is taking decisions about copyright and open access.	We know which person or team is leading on decisions about copyright and open access funding, support or other related issues	We have a relationship with the person leading on copyright and open access, and who else is involved in decisions.	We have a strong, regular relationship with the lead decision-maker on copyright and open access, and others involved in the process.
7. BUILDING ADVOCACY PARTNERSHIPS	We do not work with anyone else around copyright and open access.	We are aware of other people and organisations working on copyright and open access.	We have a relationship with people and organisations working on copyright and open access.	We have strong relationships and successful cooperation with a number of people and organisations working on copyright and open access.
8. EVALUATING ADVOCACY	We do not set goals or evaluate the effectiveness of our copyright advocacy.	When planning ahead, we think about what did and didn't work in the past, and try to set goals.	For each major action, we carry out an assessment of what did and didn't work, referring to our goals.	We pre-define baselines and indicators of success for all major actions, and then evaluate against these at the end.

Crucial to this
are associations,
connections and
networks!

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The Knowledge Rights 21 Programme

Thanks to the generosity of the Arcadia Fund

Running provisionally until July 2024

Covers Council of Europe Member States, as well as focusing on Brussels

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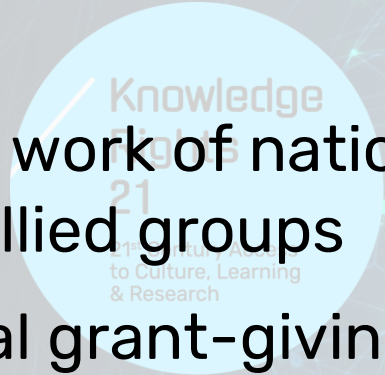
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Sustainable National Advocacy Capacity on Copyright

Identify, support and connect the work of national networks of libraries and library-allied groups

Regional coordinators and national grant-giving

Provide evidence in support of advocacy



Delivering Concrete Policy Reform

A better deal for library eLending, based on a backstop in law

Contract override and technological protection measures

Flexible exceptions

Legislated secondary publishing rights

Rights retention

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A Better Deal for Library eLending

Libraries currently have no guarantee of their ability to acquire and lend eBooks. This puts them in a position of weakness when negotiating with publishers

In too many countries, high prices, restrictive terms, or a simple refusal to sell is undermining libraries' ability to fulfil their missions

We need: a backstop in law, potentially on the basis of market investigations (plus other elements!)



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Contract Override

Long-standing, and hard-won rights under copyright law are all too easily undermined by effectively non-negotiable contract terms and technological protection measures

As digital content takes on an ever more central role in libraries' work, libraries' ability to do their work is more and more controlled by private, for-profit interests

We need: to protect library rights in law



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Flexible exceptions

Any effort to predict precisely how libraries and their users are going to be using work into the future is doomed to failure.

COVID in particular has demonstrated the need for flexibilities that deliver on public health priorities

We need to build understanding and appreciation of principles-based, flexible exceptions as part of future copyright reforms



Secondary Publishing Rights

Taxpayers continue to pay for academic research which ends up behind paywalls, both denying the public access, and reducing impact and reach

Publishers still request exclusive rights which limit what researchers can do with their own work.

We need other countries to follow the example of six European countries, and introduce legislated secondary publishing rights with zero embargo



Rights Retention

Despite doing the work, and being funded by their institutions, researchers still themselves required to sacrifice rights over their work in order to get published

There is no need for the handover of rights for academic works – it is authors who can licence works to publishers, not the other way around

We want to spread uptake of rights retention policies among funders, publishers, institutions and authors



KR21 – How to get involved

Engage in national networks – check out the list of national coordinators on our website, in particular Maja Bogataj (maja@ipi.si)

Support research aimed at bridging evidence gaps – see surveys and get in touch if you have something to share (eLending law, contracts, more)

Look out for further calls for national grant proposals

Look out for further information and opportunities, by e-mail and on social media - @knowledge21.org

Hvala za pažnji

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