Advocating for better copyright

It is our business

Serbian Library Association Conference 2022
16 December 2022

@knowledge21org
Why copyright matters
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
Copyright can change
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!
<table>
<thead>
<tr>
<th></th>
<th>A. STARTER</th>
<th>B. BASIC</th>
<th>C. INTERMEDIATE</th>
<th>D. ADVANCED</th>
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<tbody>
<tr>
<td>1</td>
<td>UNDERSTANDING THE COPYRIGHT AND OPEN ACCESS POLICY LANDSCAPE</td>
<td>We are aware in broad terms of how decisions about copyright and open access are made.</td>
<td>We have a strong knowledge of the process for copyright and open access decisions and what opportunities there are to influence</td>
<td>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</td>
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<td>2</td>
<td>COORDINATING YOUR WORK</td>
<td>We have someone focused on copyright and legal issues, who also coordinates the work of others.</td>
<td>We have a team working on copyright and OA issues who can share responsibilities amongst them, according to availability and skills.</td>
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<td>MOBILISING LIBRARIES</td>
<td>There is an awareness of the need for copyright advocacy with one responsible person ready to act when necessary.</td>
<td>There is an active group of people with a variety of skills ready to get involved in basic copyright advocacy when needed.</td>
<td>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.</td>
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<td>4</td>
<td>GATHERING EVIDENCE</td>
<td>We have a limited set of examples and stories we can use to support our copyright advocacy by showing the need for reform.</td>
<td>We have a good collection of stories and data we use in our advocacy making the case for copyright reform.</td>
<td>We can share well-evaluated evidence of the need for copyright reform, both through anecdote and value, and use examples from home and abroad.</td>
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<td>5</td>
<td>COMMUNICATIONS</td>
<td>We do not have capacity to communicate with specific target groups or the general public in our advocacy.</td>
<td>We can explain messages and asks clearly, in depth and attractively, and communicate using more than one channel with relatively well-defined target audiences.</td>
<td>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.</td>
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<td>6</td>
<td>BUILDING RELATIONS WITH DECISION-MAKERS</td>
<td>We know which person or team is leading on decisions about copyright and open access funding, support or other related issues.</td>
<td>We have a relationship with the person leading on copyright and open access, and who else is involved in decisions.</td>
<td>We have a strong, regular relationship with the lead decision-maker on copyright and open access, and others involved in the process.</td>
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<td>7</td>
<td>BUILDING ADVOCACY PARTNERSHIPS</td>
<td>We have a relationship with people and organisations working on copyright and open access.</td>
<td>We have strong relationships and successful cooperation with a number of people and organisations working on copyright and open access.</td>
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<td>8</td>
<td>EVALUATING ADVOCACY</td>
<td>We do not set goals or evaluate the effectiveness of our copyright advocacy.</td>
<td>For each major action, we carry out an assessment of what did and didn't work, referring to our goals.</td>
<td>We pre-define baselines and indicators of success for all major actions, and then evaluate against these at the end.</td>
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Crucial to this are associations, connections and networks!

Photo: Ferran Llorens, CC-BY-SA 2.0, bit.ly/3WgMyYY
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
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
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!)
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
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.**
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

info@knowledgerights.org