



REQUEST FOR PROPOSALS: RESEARCH EXCEPTIONS

Introduction

The [Knowledge Rights 21 Programme \(KR21\)](#) is focused on bringing about changes in legislation and practice across Europe that will strengthen the right of all to knowledge. It is built on a conviction that knowledge is essential for education, innovation and cultural participation, and that everyone should have the possibility - in particular through libraries and archives, and digitally - to access and use it.

KR21 is looking for a contractor who can undertake a work package which will strengthen the legal and empirical evidence base around the diversity of research exceptions currently present in European copyright laws, and the practical impact that they have on efforts to support research and innovation in Europe.

Description of the assignment

Deliver an initial report establishing an overview of research exceptions in copyright laws across at least 20 European countries highlighting differences and commonalities within these, as well as their relationship with research exceptions included in European copyright acquis. This stage would be based on desk research as well as engagement with legal experts nationally, and take care not to duplicate existing work, such as that carried out as part of the [copyrightexceptions.eu](#) project, or the [Recreating Europe](#) project. In particular this first report should account for around 15% of the total value of the project:

- Explore the degree of openness within these exceptions to allow for unforeseen research uses
- Explore how far these support access to, use of, and further communication of materials in the context of research
- Explore how these deal with the question of commercial use (including whether either non-commercial or commercial uses defined, and if so, how)
- Explore how far these exceptions are protected from override by contract terms or technological protection measures (cursory investigation, given that these issues are to be covered in more depth in other reports)

Subsequently, deliver a second report focused on a representative sample of European countries (at least 10) setting out the practical experience of researchers in engaging with these laws. This work will account for around 85% of the work of the project, will need to be based on interviews and engagement with researchers. It will do the following:

- provide examples of the impacts of the specific legal frameworks in different countries, and in particular where copyright laws may be acting as a barrier to research activities which do not interfere in original markets for copyrighted works.
- Provide insights into how variations may be affecting cross-border research initiatives

- Explore how far it is not the letter of the law, but the way in which it is understood/interpreted that is determining decision-making and actions, or whether other factors may be at play.

Collectively, these pieces should provide a strong empirical basis for ongoing discussions at national and European level about how copyright laws can best serve research, and make recommendations around what changes may be needed in order to overcome challenges encountered.

This work package contributes to the broader KR21 goal of supporting more meaningful discussion around flexible copyright laws, as well as the overall theme of enabling 21st century access to research.

We would welcome bids that can provide the first report by July-August 2023, and interim findings on the second report by September-October 2023, with the final second report by the end of November 2023.

Bids are invited up to €100 000 (inclusive of VAT where appropriate), with value for money considered as part of the review process.

Stichting IFLA Foundation expects your written offer by 12 March at the latest by 23:59pm CET (Amsterdam Time). Please send your offer to: info@knowledgegerights21.org.

Requirements

You are required to provide the following information. As a guide, your response does not need to be more than three pages long. You may wish to use the template in the annex to respond.

- How the bidder is particularly well suited to deliver the work package, including evidence of this
- A plan for how the bidder will deliver on the goals and results of the work package • Project Management Team Structure (including broad breakdown between people hours, management time, other costs, such as travel, purchasing, event attendance, marketing)
- An assessment of risks, and how these will be managed
- A working knowledge of data protection law to ensure that personal data gathered in the running of the course can be reused by the project and its membership organisations.

Communication

For questions and explanation please contact Athanasia Kanellopoulou on the following e-mail address: info@knowledgegerights21.org. **Please address your offer to this contact person.**

Applicable conditions

The agreement will be concluded with Stichting IFLA Foundation.

General conditions of sale, sector conditions or other conditions of the Tenderer are expressly excluded and do not apply to this Engagement.

Any remarks about the conditions that apply to this Engagement must be made known with your offer.

Other conditions attached to this request for quotation

You cannot derive any rights to reimbursement of quotation costs or to obtaining the order from this request for quotation.

Stichting IFLA Foundation may (temporarily) suspend and/or revoke this request for quotation. In such a situation, you are not entitled to reimbursement of the costs incurred for this request for quotation.

By submitting a request for quotation, you declare that you meet all the requirements set out in this request for quotation and that you agree to the terms and conditions set.

Evaluation of the offer

The bids will be reviewed by the Programme's Committees

In the context of this review, questions may be asked, and recommendations made for changes in order to accept a bid.

Candidates will be selected on the basis of the quality of their bid (including value for money), their ability to deliver, as set out in their bid.

Activity	Date:
Publishing the Request for Proposal	7 th February
Deadline for asking questions	7 th March
Deadline for submission Proposals	12 th March
Internal review (including potential further questions)	27 th March
Communication of the decision	29 th March
Commencement date of agreement	30 th March

Stichting IFLA Foundation reserves the right to change the intended time schedule. In the event that Stichting IFLA Foundation proceeds to change the intended schedule, this will be communicated to all parties concerned. Tenderers cannot derive any rights from this intended schedule. The dates mentioned in this (or the amended) time schedule for the submission of questions and the submission of Tenders are regarded as deadlines.

We wish you every success in drawing up your offer.

ANNEX 1: Optional Template for Responses

Name and Legal Status of Bidder
Address and Contact Details
Statement of Suitability of Bidder to Undertake this Work Package
Proposed Plans for Delivering on the Goals and Results of the Work Package
Project Management Team Structure (including broad breakdown between people hours, management time, other costs, such as travel, purchasing, event attendance, marketing)
Assessment of Risks, and How These will be Managed

ANNEX 2: Overview of the Programme

Libraries have a unique role to play in any copyright discussion. As knowledge institutions bridging the worlds of heritage, education, research and culture, they depend on copyright exceptions to carry out missions to enable and stimulate the generation of and access to knowledge to society.

They have the unique selling point of being regarded as reasonable interlocutors, as well as networks that take them into every city, town and village.

This project aims to mobilise this potential, engaging with others working for copyright reform and access to knowledge, in order to build momentum towards copyright reform into the long term.

Through this, it aims to drive change in a range of areas where progress is both possible and necessary in the short term, in particular in the light of the COVID-19 pandemic. These areas are all well-suited to collaboration with other sectors, have the potential to bring benefits to a wide range of libraries and their users, set important precedents and allow for sustained engagement and outcomes:

- Facilitating access to e-books for users of public and academic libraries;
- Protecting users' rights from contract override and technological protection measures; • Socialising open norms in Europe;
- Advocating for legislated secondary publishing rights; • Accelerating the uptake of rights retention.

By focusing on Europe, we not only tap into pre-existing networks of libraries, but also draw on the potential to run a coordinated, cross-border campaign, to create precedents that will be influential globally, and to shape the position of the EU at discussions at WIPO.

The project will allow work to happen that would not be possible otherwise, notably around the training and mobilisation of the library field, the formation of solid and sustainable networks of advocates (bringing together libraries with students, researchers, copyright experts and other access to knowledge advocates) at the national level, the creation of research that fills key gaps in understanding and can act as a basis for advocacy, and engagement with policy-makers and stakeholders at all levels.

In doing so, the project aims to provide both an evidence base, and concrete examples of changes in legislation and practice that can serve as a model and advocacy tool for libraries and other access to knowledge advocates elsewhere, in Europe and beyond. It is designed, similarly, to leave a legacy of a stronger library networks both as independent voices and as partners for wider efforts to promote positive legislative change.