



Response of EUA to the European Commission's Communication on copyright

12 February 2016

RESPONSE OF EUA TO THE EUROPEAN COMMISSION'S COMMUNICATION ON COPYRIGHT

The European University Association ([EUA](#)) welcomes the European Commission's (EC) 9 December [Communication](#) outlining its intentions to move towards a modern, more European copyright framework. The reform of the current legislation is urgently needed as students, researchers, educators and innovators are hampered by outdated copyright rules that have not evolved with new working methods, the digitalisation and the worldwide web, and the increasing international and global collaboration in the higher education sector.

EUA especially welcomes the EC's ambition to strive for more harmonisation and to provide exceptions for text and data mining and teaching. Providing students, researchers, educators and innovators with more legal certainty on the rights and obligations in use of the materials is an important step forwards. In addition, this can result in competitive advantages with respect to their peers in other jurisdictions. The EC's intentions are hence important both for increased collaboration and exchange of knowledge.

In developing these intentions into concrete legislative proposals, the EUA encourages the EC to keep in mind that:

- restricting a text and data mining exception to public interest research organisations and for scientific research purposes is inhibiting collaboration among citizens, researchers outside academia and commercial organisations, such as SMEs. The EC should therefore ensure that a mandatory exception be included to enable all parties who have legal access to the content to mine it with the tools of their choice.
- publicly funded research must be made available to the public through Open Access, as is a requirement in Horizon 2020 projects. In order to enable a full open access environment, the EC should provide for an exception that allows research organisations to distribute scientific publications of affiliated researchers through their own channels, such as publication repositories. Such visibility would improve the quality of research and stimulate further cooperation and valorisation.
- clarifications to the exception for "illustration for teaching", which concerns both text and other resources (e.g. figures, illustrations), and its application to digital uses and to online learning, should facilitate explicitly off-site education. Broadening this exception is essential, as today E-learning needs are not covered by the copyright legislation. The EC's intention to enable remote consultation, in closed electronic networks, of works held in research and academic libraries and other relevant institutions, for research and private study, is a start in the right direction.
- exceptions for research and teaching should not be overridden by contracts or licenses with third parties or by technical protection measures such as Digital Rights Management (DRM). This would remove rights granted by the legislation and would render any reform meaningless.
- many universities preserve a rich collection of heritage material, which are sometimes very fragile. Some of these materials are being digitised, but measures that help to ensure that these collections can be preserved digitally and accessed online are most welcome. These measures need to take into account the increasing prevalence of born-digital material as part of these collections. Public availability of these cultural heritage assets is also being limited

by inadequate copyright legislation around digitisation and cross-border portability, distribution and accessibility.

- the disability exception also matters for universities, as the EUA encourages its members to be inclusive universities which welcome people with disabilities. This exception should ensure equal access to all information for disabled students, researchers and educators.

(12 February 2016)

The European University Association (EUA) is the representative organisation of more than 800 universities in 47 European countries and 36 national rectors' conferences (NRCs). The Council of EUA is comprised of the President, the members of the Board, and of the presidents of all of Europe's National Rectors' Conferences. EUA works closely with its members to ensure that the voice of European universities is heard.