

ENCES

A European Network for Copyright in Favor of Education and Science

DR RAINER KUHLEN

PROFESSOR, UNIVERSITY OF KONSTANZ

AND HUMBOLDT UNIVERSITY, BERLIN, GERMANY

Knowledge and information should be made available to everyone from everywhere and at any time under fair conditions.

In Germany, the Aktionsbuendnis has continuously attempted to persuade the public and in particular the parliament (Bundestag) that a science- and education-friendly copyright is not an end in itself but lies in the interest of society and economy in general.

However, this fight has not been particularly successful. In 2004, the Coalition "Copyright for Education and Research" was founded to ensure that the voice of science and education could no longer be ignored.

This German Coalition was based on the Göttingen Declaration on Copyright for Education and Research from 2004, which has today more than 7500 signees. The declaration and the Coalition were launched because the interests of science and education had been neglected and ignored in the process of implementing the EU Copyright Directive (2001/29/EC) to German copyright law (Urheberrecht) in 2003.

The Coalition is supported by the major German science organizations, some three hundred learned societies and thousands of individuals.

Aside from the lobbying power of the international and German publishing industry, the reason for neglecting the interests of research and education is that the success of national initiatives in Europe is very limited. Copyright remains in the responsibility of the national legislative power of the member states of the European Union. It is, however, highly dependent on directives from the EU, in this case mainly the "Infosoc Directive" 2001/29/EC.

Information must be accessible to everyone

In order to achieve copyright which is favorable to science and education, these two need to be present both on the European level, and in the future, in international arenas such as WTO and WIPO.

Towards the end of 2008, scientists from twelve EU member states founded a community called European Network for Copyright in support of Education and Science, ENCES. Its main purpose is to provide a platform for organizations and individuals who are working towards improving the European and national copyright legislation.

The basic assumption of ENCES is that knowledge and information even in digital form should be made available to everyone from everywhere and at any time under fair conditions. This is particularly true in science and education, where access to knowledge and information is indispensable.

Threefold strategy of ENCES

ENCES intends to pursue a threefold strategy. First, it will make concrete proposals in the public interest concerning science and education for the evaluation and the improvement of EU directives related to copyright.

So far, the cross-border scholarly communication in the EU lacks legal certainty. The interests and needs of the higher education and research sector have traditionally been underrepresented in political discourse.

The "Green Paper on Copyright in the Knowledge Economy" (COM (2008) 466 final) by the European Commission opens some options for a modern copyright. Only if copyright is a tool for research and if research results can be used in all domains of society - including industry -, can science and economy develop to comply with the goals of the Lisbon strategy.

Secondly, the networking activities of ENCES will serve to explore the possibilities of improving the legal situation for the education and research sector in all EU Member States. The proposals will, hopefully, have an impact on legislation at the different national levels. ENCES will encourage and support national initiatives to become active members in the Euro-

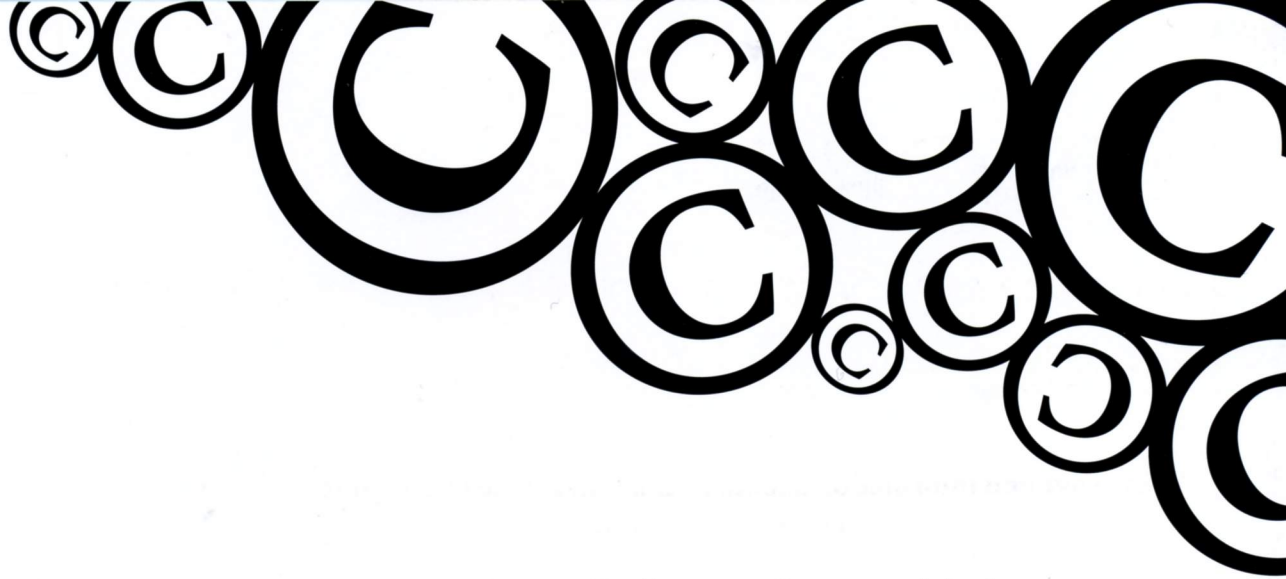
The web site of the German Coalition "Copyright for Education and Research":
<http://www.urheberrechtsbuendnis.de/index.html.en>

The web site of European Network for Copyright in support of Education and Science ENCES:
<http://www.ences.eu/>

The Göttingen Declaration on Copyright for Education and Research of 5 July 2004
<http://www.urheberrechtsbuendnis.de/>

The documentation of the OAPEN/ENCES Expert Workshop "Copyright and Open Access book publishing" in the VOC-zaal in Amsterdam on 15 February 2010 is available on the web site:
<http://www.ences.eu/workshop-10-amsterdam/documentation-of-the-workshop/>

The "Infosoc Directive": Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society.
 (OJ L 167/10, 22.6.2001) Available in Eur-lex databank:
http://eur-lex.europa.eu/RECH_naturel.do



pean network.

Thirdly, ENCES will also serve as a forum to develop understanding of copyright: both going back to its roots and taking into account the value-building potential of information and communication technology (ICT). To achieve these goals, a fundamental change is needed. It means a paradigm shift in the way the production, dissemination, and use of knowledge and information are organized in the information society.

To be effective, ENCES needs a formal structure

Since the first conference on perspectives for

an education- and science-friendly copyright in November 2008, we have learned that a more formal organizational structure is needed to achieve ENCES's goals.

This is necessary for ENCES to be accepted as an organization and a lobbying group. Moreover, it must be able to file applications for research grants on national and EU levels. Without financial backing, the objectives of ENCES cannot be achieved.

Therefore, on 15 February 2010, the participants of the Expert Workshop "Copyright and Open Access book publishing" decided to register ENCES as a non-profit association in accordance with


German association law.

ENCES will continue to organize and help arrange other workshops at the intersection between copyright and open access. Several meetings are in the pipeline, for instance in Budapest (23 March 2010), in London, in the Scandinavian and Baltic countries, and in Portugal.

IPR University Center in Helsinki can also be an important node in this European network, because of its strategic position and its excellence in copyright issues. ■

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