

# ENCES

A European Network for Copyright in Favor of Education and Science

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**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](http://eur-lex.europa.eu/RECH_naturel.do)

