

Article 11 to potentially threaten access to Europe's research.

A large group of European academic, library, education, research and digital right communities, and scores of other institutions and individuals, wish to appeal to you on the Council's IP WP to help ensure that the proposed Directive on Copyright in the Digital Single Market and Article 11 does not threaten Europe's research. We would like to summarise our conviction in 3 important points:

1. First and foremost, it is essential that academic publications are not included in this article since researchers, students and other users of scientific and scholarly journal articles could be forced to pay fees to publishers for including short quotations from a research paper in other scientific publications. Restricting access to scientific knowledge and practice in this way, is certain to impinge upon the visibility of Europe's research, and hamper the spread of knowledge and thereby negatively affect Europe's profile as a strong innovator. The definition of the directive text in 2(3) where press publication is defined is too broad - the word 'press' has ambiguous meaning in English. If it is supposed to mean 'newspaper press' then we encourage the directive text to plainly state that with more accurate terms such as 'newspaper press' or 'newspress' in addition to the clarification in the non-legally binding recitals.

2. It is furthermore important that the last two decades of news continues to stay easily accessible in the public domain, news is an essential resource for Europe's researchers. Prior experiments with the press publisher's right in other countries have shown that they have failed from an economic standpoint.

3. Article 11 must be in line with the Berne Convention. This excludes news of the day, mere items of press information and press summaries from protection. It also provides a mandatory exception for quotation. Article 11 does not consider this.

If you would like further information, please see the Open letter

<<https://sparceurope.org/copyrightreform/#openletter>> .

This has been undersigned by the following organisations: CESAER, COAR, The Commons Network, Communia Association, Creative Commons, C4C, EBLIDA, EIFL, EUA, Free Knowledge Advocacy Group EU, IFLA, LIBER, RLUK, Science Europe and SPARC Europe, and scores of further institutions and individuals.

In summary:

We therefore appeal to you to ensure that Article 11 is removed from the Draft Directive, or that you ensure that academic publications are not included in Article 11 by clearly stating so in the directive text.

Thank you for considering our appeal to you when meeting with the IP WG.

Your sincerely,

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