Position Paper on EU Copyright Reform

Position on the published "Report on the responses to the Public Consultation on the Review of the EU Copyright Rules"

&

on the drafting of the “White paper on a copyright policy for creativity and innovation in the European Union”

&

on the drafting of the “Impact assessment on the modernisation of EU copyright acquis”

&

the expected copyright reform proposal

The Free Knowledge Advocacy Group EU [1] welcomes the European Commission's recognition of the need to tackle the copyright framework in Europe and taking on the laborious task to modernise it.

However, we cannot escape the fact that there is a need of harmonisation in order to allow both European commercial and not-for profit projects to thrive in a safe legal environment and be competitive globally. Only by ensuring rules that will quickly and easily be understood by citizens and start-ups, can Europe become a hotbed for creativity and home to exciting new projects.

Examples

One striking example for the need of harmonisation is that **publishing images of buildings permanently located in public spaces** is unlawful in many EU countries, as architecture and public artworks are covered by copyright. This means that there is no freedom to use and re-use images taken in public spaces. Such examples include the Atomium in Brussels, the Eiffel Tower in Paris, both European Parliament buildings and the Berlaymont. [2][3][4][5]

Another example is that today Europe's laws and regulations make the **use and re-use of publicly funded works** complicated, a legal liability or even illegal. It leads to the absurd situation that virtually every single widespread image of the earth and space is a NASA product, despite Europe's tremendous space programme. In contrast to other leading economies, where such freedoms are given [6] and such content is indispensable for industry and society [7][8], within the EU it is routinely not clear what is and isn't allowed, leading to a lock-up of knowledge and information.

Therefore we recommend that:

1. The Commission should clarify the European copyright framework by **harmonising legislation** and creating a single EU Copyright Title
2. The Commission should ensure everyone has the liberty to freely use and share images taken in public spaces by introducing **Freedom of Panorama** universally (currently optional under Directive 2001/29/EC Article 5 Point 3.H)
3. The Commission should ensure that all **works created by officials** within the EU administration and institutions are open for use and re-use by everyone. Such works should hence not be subject to copyright protection.
4. The Commission should re-balance the current culturally and economically harmful mismatch between public commons and private property and close the "20th century gap" [8] by **shortening copyright terms** to the minimum term possible under existing international treaties and conventions.

Related documents

- Free Knowledge Advocacy Group EU "Statement of Intent" on policy issues
- Wikimedia responses to the copyright consultation (search "Wikimedia" in archive)

References

[1] Free Knowledge Advocacy Group EU
[2] Freedom of Panorama situation in Europe
[3] Report on the Freedom of Panorama in Europe by UniBIT
[4] Report on the Freedom of Panorama in Europe by iRights
[5] The Atomium issue exemplified
[6] Copyright and Other Rights Pertaining to U.S. Government Works
[7] Rufus Pollock on the value of the public domain, p.12ff
[8] Communia report on the value of the public domain
[9] How Copyright Keeps Works Disappeared

Text and image sources, contributions and licenses

- Text source: http://meta.wikimedia.org/wiki/EU_policy/Position_Paper_on_EU_Copyright?oldid=10303160
- Text contributors: Polimerek, Grin, Geraki, Seb35, Aktron, Rekrutacja, Nemo bis, Fale, Popo le Chien, Вени Марковски, Romaine, Kulac, KRLS, Davidpar, Trizek, Dimi z, Napowiki, Martsniez, Tar Lócesilion, Jan Engelmann (WMDE), Grijz, Stevie Benton(WMUK), Borys Kozielski, Daniel charms, LuisV (WMF), Jan Ainali (WMSE) and Anonymous: 7
- Images:
  - Free Knowledge Advocacy Group Flag
    Source: http://upload.wikimedia.org/wikipedia/commons/2/2e/EU_policy_group.svg
    License: CC0, Original artist: Nikolas Becker
  - Logos: Wikimedia Nederlands, Collegium Atrium, Wikimedia France, Foundation "Open Up", Wikimedia Switzerland, Modern Poland Foundation, Free and Open Source Software Foundation, Wikimedia Polska, Amical Wikimedia, Wikimedia Italia, Wikimedia Deutschland, Wikimedia Czech Republic, Wikimedia Österreich, Iuridicum Remedium, Wikimedia Sverige, Wikimedia Magyarország, Wikimedia Eesti, Internet Society Bulgaria, Initiative für Netzfreiheit, Open Knowledge Foundaiton Austria, Open Knowledge Foundation Deutschland, Open Knowledge Foundation Belgium, Open Knowledge Foundation Italy, Wikimedia UK, Wikimedia CUG Greece, Kennisland, Open Knowledge Foundation Greece, ViGLug, Wikimedia Belgium, Freemap Slovakia, Society for Open Information Technologies
    Legal: The logos contain material which may be subject trademark laws in one or more jurisdictions. Additionally some logos (or parts thereof) may also be copyrighted.
- Content license: Creative Commons Attribution-Share Alike 3.0

Signatories

1. Frans Grijzenhout on behalf of the board of **Wikimedia Nederland**. (Board decision August 23, 2014) Grijz (talk) 20:50, 23 August 2014 (UTC)
2. Jacek Maj on behalf of the board of **Collegium Artium** (Poland)
3. Benoît Evellin, on on behalf of the board of **Wikimedia France**. (Board decision August 7, 2014) **Trizek** from FR 08:10, 25 August 2014 (UTC)
4. Borys Kozielski (talk) on behalf of the board of **Fundacja "Otwórz się"** (Foundation "Open Up", Poland)
5. **Wikimedia Switzerland**, through board resolution dated 26 August 2014 [1]. 13:11, 26 August 2014 (UTC)
6. Jarosław Lipszyc on behalf **Fundacja Nowoczesna Polska** (Modern Poland Foundation) Rekrutacja (talk) 13:42, 26 August 2014 (UTC)
7. Michał "rysiek" Woźniak on behalf of **Free and Open Source Software Foundation** (Poland), with an additional remark: *Publicly funded software should be published with full source code.*
8. Tomasz Ganicz on behalf of the board of **Wikimedia Polska** (board decision dated August 26, 2014)
9. Carles Paredes on behalf of the members of **Amical Wikimedia** (consulted with member base, ratified by the Board August 31, 2014). KRLS (talk) 11:33, 1 September 2014 (UTC). Position Paper translated into Catalan
10. Andrea Zanni on behalf of **Wikimedia Italia** (board resolution September 2, 2014)
11. Jan Engelmann on behalf of **Wikimedia Deutschland**
12. Jan Loužek on behalf of **Wikimedia Czech Republic** (Board decision: September 10, 2014) --Aktron (talk) 08:17, 11 September 2014 (UTC)
13. Kurt Kulac on behalf of **Wikimedia Österreich**
14. Jan Vobořil on behalf of **Iuridicum Remedium** (Czech rep.)http://www.iure.org/
15. Jan Ainali on behalf of **Wikimedia Sverige**
16. Peter Gervai on behalf of **Wikimedia Magyarország** (Hungary) (Board resolution 2014-08-10)
17. Tanel Pern on behalf of **Wikimedia Eesti** (approved by GA, ratified by the Board 23 September 2014).
18. Veni Markovski on behalf of **Internet Society - Bulgaria**
19. **Initiative für Netzfreiheit**
20. **Open Knowledge Foundation Austria**
21. **Open Knowledge Foundation Deutschland**
22. **Open Knowledge Foundation Belgium**
23. Maurizio Napolitano on behalf of **Open Knowledge Foundation Italy**
24. Stevie Benton on behalf of **Wikimedia UK** (4 October board meeting) Stevie Benton (WMUK) (talk) 17:18, 8 October 2014 (UTC)
25. Konstantinos Stampoulis on behalf of **Wikimedia Community User Group Greece** (members consultation October 2014)
26. **Kennisland**
27. Charalampos Bratsas on behalf of **Open Knowledge Foundation Greece**
28. Fabio Alessandro Locati on behalf of **ViGLug**
29. Romaine on behalf of **Wikimedia Belgium** (Board decision 15 October 2014) Romaine (talk) 09:22, 15 October 2014 (UTC)
30. Michal Páleník on behalf of **Freemap Slovakia**
31. Vojtech Zachar on behalf of **The Society for Open Information Technologies**