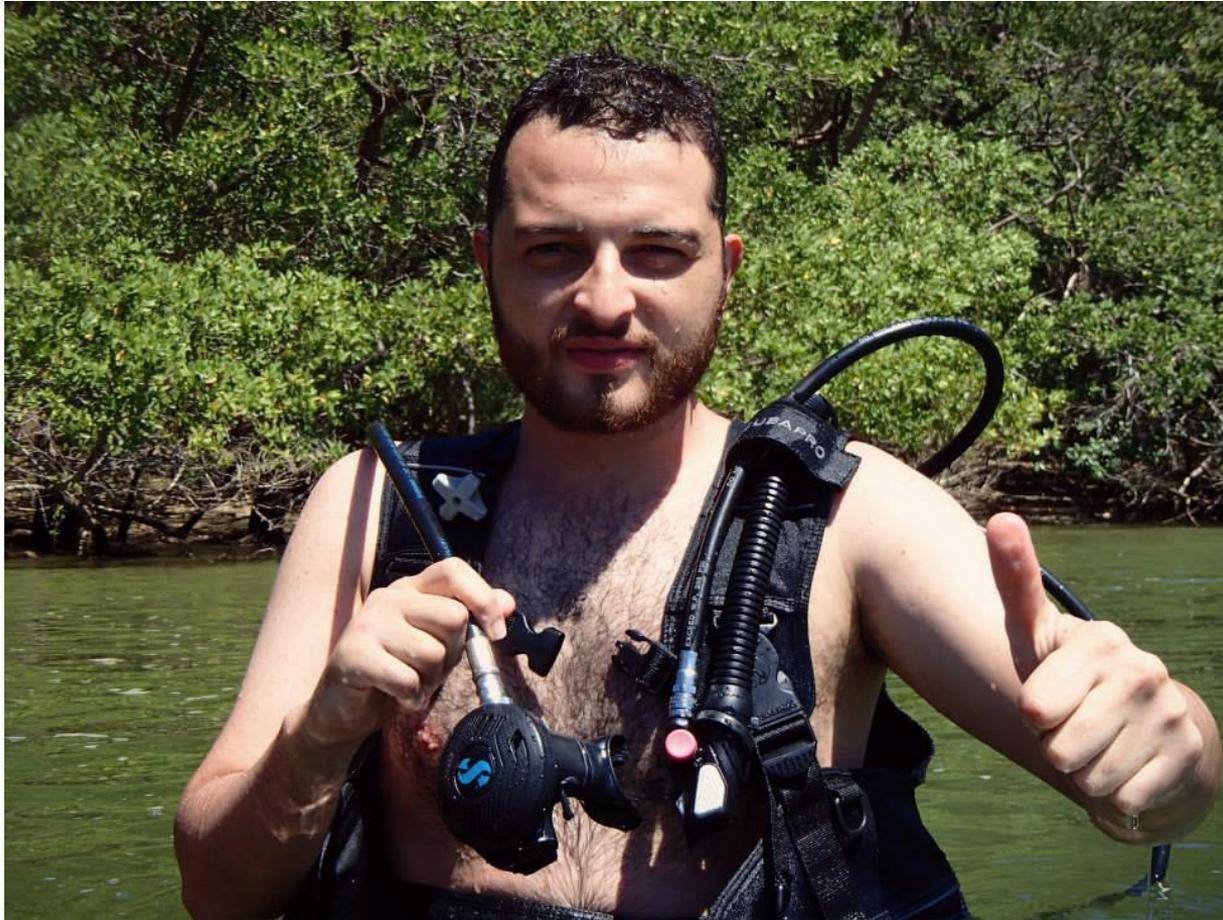

COPYRIGHT and EDUCATION

Natalia Mileszyk, @nmileszyk





What does the story of Diego Gomez tell us?

#SharingIsNotACrime

<https://www.generosity.com/education-fundraising/compartir-no-es-delito-sharing-is-not-a-crime>

- His case exemplifies the real life harm of overreaching restrictions due to excessive laws that protect the “economic rights” of authors;
- nowadays people can be made criminals for promoting scientific progress and exercising their creative expression;
- copyright sets the framework for openness;
- the more flexible copyright is, the more successful openness is.

Creative Commons statement on copyright reform

<https://creativecommons.org/about/program-areas/policy-advocacy-copyright-reform/reform>



- The CC vision — universal access to research and education and full participation in culture — will not be realized through licensing alone;
- CC licenses are a patch, not a fix, for the problems of the copyright system;
- to ensure the maximum benefits to both culture and the economy in this digital age, the scope and shape of copyright law need to be reviewed;
- however well-crafted a public licensing model may be, it can never fully achieve what a change in the law would do, which means that law reform remains a pressing topic.

Copyright reform in the European Union - the scope

- Educational exception
- TDM
- Exception for cultural heritage institutions
- Content monitoring by ISP
- New neighboring rights for news publishers

Missing:

- Freedom of panorama
- User generated content exception
- Fair use

What are we doing?

Research

Policy influence (policy position papers, blog posts, drafting amendments, events, meetings with MEPs)

Awareness raising

School of Rock(ing) Copyright

Public Campaigning

RIGHTCOPYRIGHT.eu

What we are trying to achieve

We want teachers to have the **freedom to teach**, using modern technologies and available resources.

We need a **copyright** that matches this.

What is the problem

The current legal copyright landscape in Europe is very fragmented and does not match modern practices.

Legal fragmentation

Legal **uncertainty**

Legal unclarity

What's the legal standing in the EU?

Optional “prototype”

Technologically **neutral**

Applies to all InfoSoc rights

Open to all types of users

Covers all types of works to the necessary extent

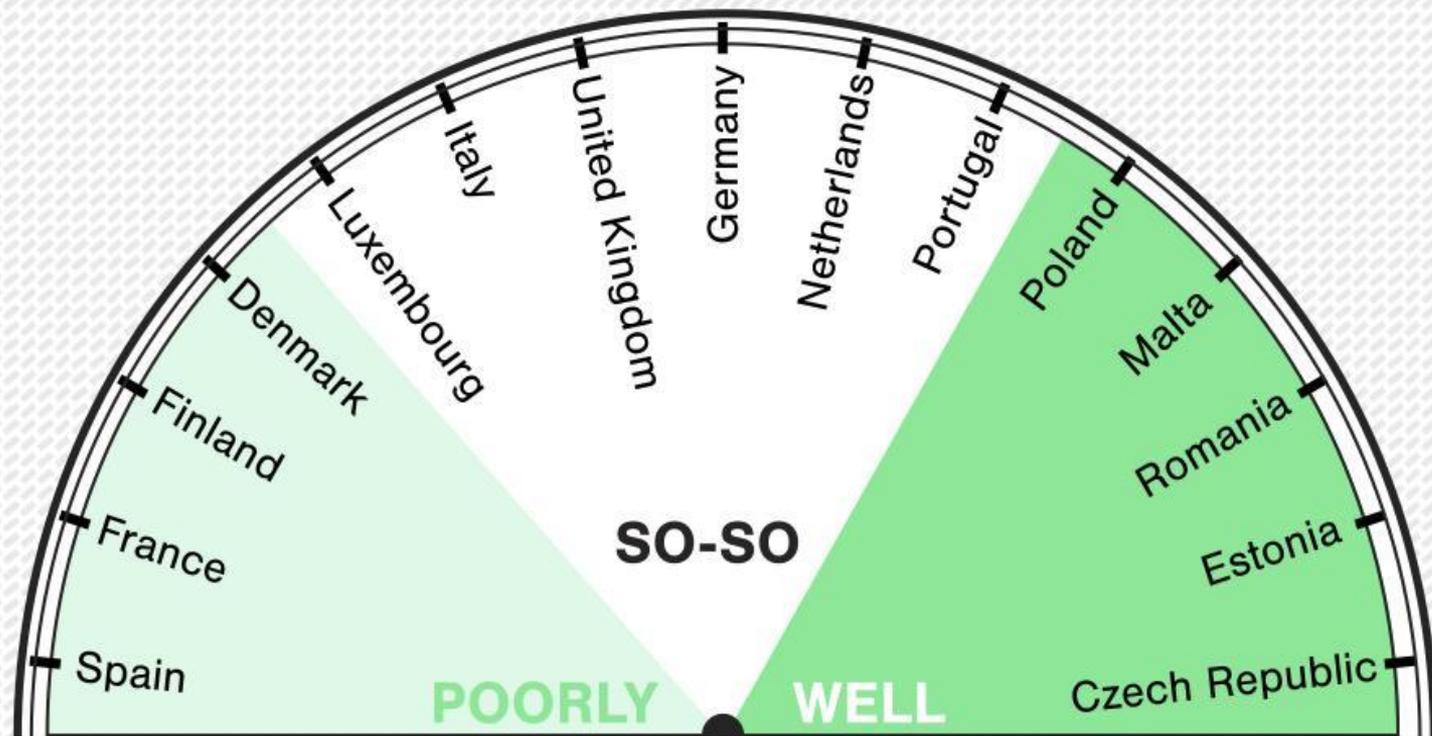
Non-commercial; 3-step test

15 everyday cases in 15 countries

We created **two studies**.

First, we we resolved 15 hypothetical scenarios of uses in education under the **laws of 15 countries**.

Second, researched modern **practices** in education.



How 15 copyright laws treat education?

Which works can be used in education?

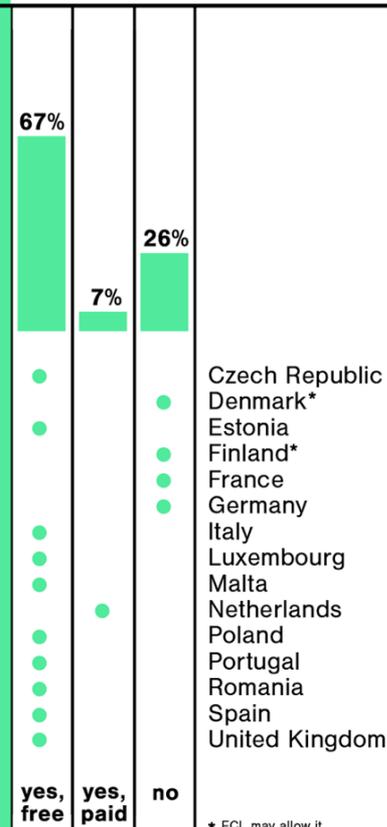
Some MS exclude certain **works**: textbooks in FR/DE, films and plays in DK/FI, musical scores in FR/ES.

Others restrict the **extent** to which a work can be used.

Types of works

RIGHT COPYRIGHT

Teacher wants to scan pages from a textbook to show in class
Is this legal?



Who can use works in education?

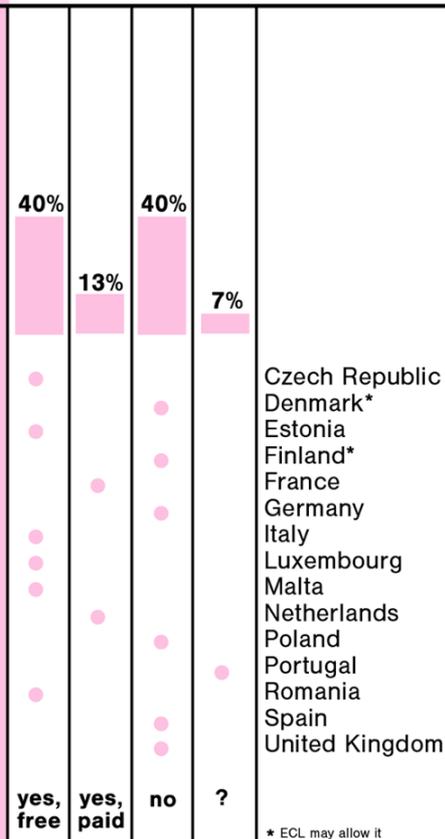
Majority of these MS focus only on the **educational purpose** of the use.

7 MS discriminate against the person or entity doing the teaching, allowing only certain **types of users**.

Types of users

RIGHT COPYRIGHT

Museum wants to scan pages from artbook to show to pupils
Is this legal?



What educational uses of works can be done?

Public performances are allowed in most countries under general educational exceptions.

In IT, the NL, DE and UK, those activities are **excluded** from the scope of copyright protection.

Traditional Practices

RIGHT COPYRIGHT

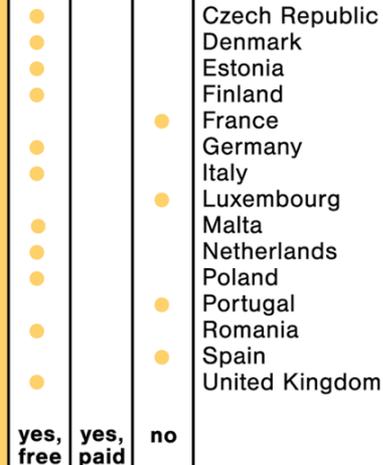
Teacher wants students to play a music piece in class

Is this legal?

73%

0%

27%



Creation of resources

Many MS treat equally a teaching compilation and a commercial publication, and require **compensation** in both cases.

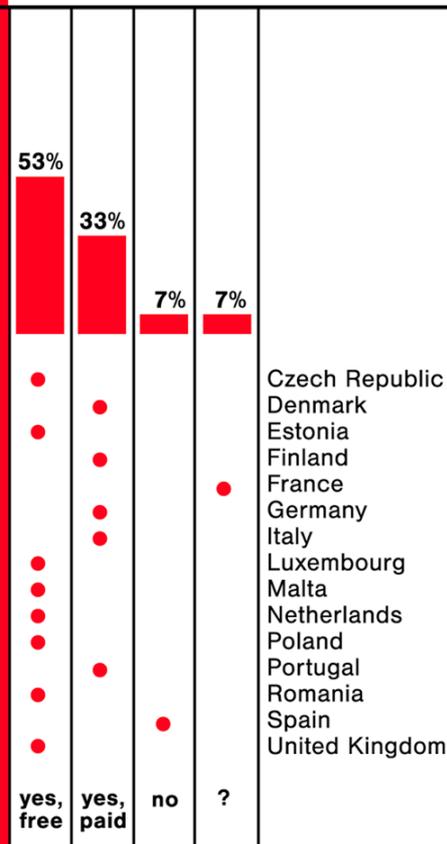
DK, FI, IT and ES do not allow educational translations and other adaptations.

Creation of resources

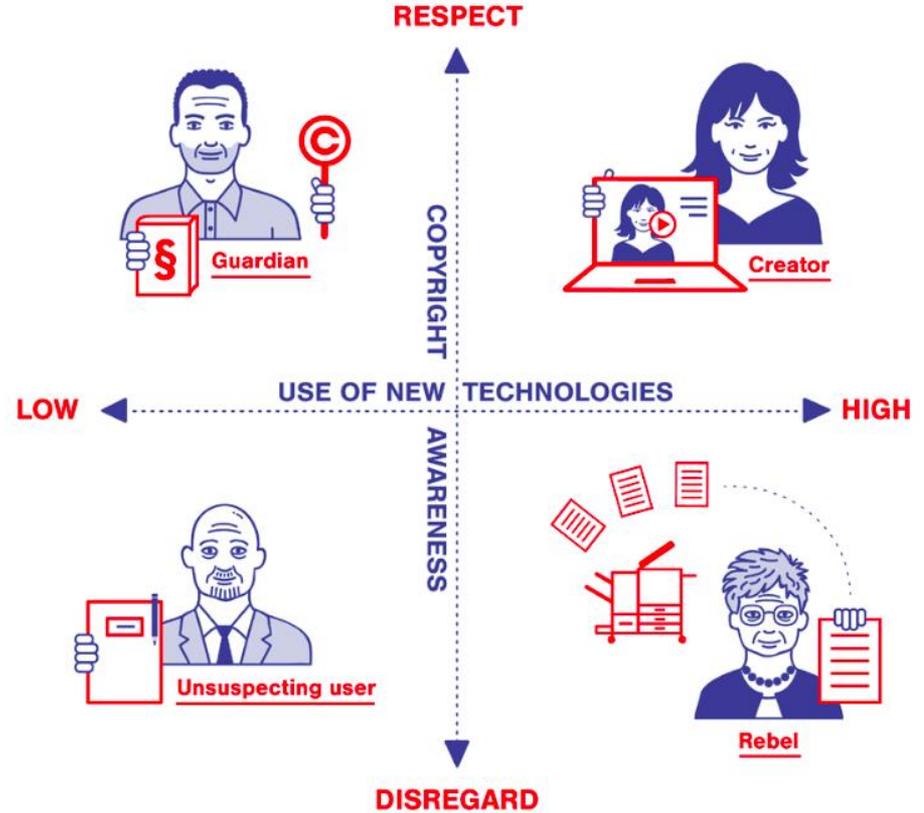
RIGHT COPYRIGHT

Teacher wants to compile novel chapters for use in class

Is this legal?



Modern practices in education



What was proposed?

Mandatory exception or limitation

Not applicable to the distribution right

“To allow for” **digital** uses

Physical and technological **barriers** to the use

Closed list of users

What was proposed?

Use deemed to occur
where the school is located

Covers **all types** of works
to the necessary extent

Optional **precedence** by
licenses

Optional compensation

NC limitation

How to make copyright right for education?

- **Mandatory education exception**
- **Licenses cannot fulfil the role of a modernised set of exceptions which offers legal certainty for teachers and students across Europe.**
- **Beneficiaries of the exception exception should be broadened to include all persons and entities providing an educational activity.**
- **Any artificial barriers between digital resources and printed paper for educational purposes should be removed to enable much needed clarity for educators and learners on all acts and materials needed for education**

BEST CASE SCENARIOS FOR COPYRIGHT



EDUCATION

IN ESTONIA

In Estonia a teacher can share copyrighted materials with students online.

Why not all teachers in EU?

Tell EU to [#fixcopyright](#) and adopt wide education exception across Europe





**What can
you do?**

Thank you!

**The study and infographics
are available at:**

<https://rightcopyright.eu/why-now/>

**Natalia Mileszyk, @nmileszyk
nmileszyk@centrumcyfrowe.pl**

