On 26 September 2018, as part of the “Content for Education” initiative a conference entitled “Sustainable, diverse, high quality content for Education in Europe: How a balanced copyright regime can deliver” took place in the European Parliament. It was hosted by the Content for Education partners IFRRO, the International Federation of Reproduction Rights Organisations and its members the European Writers’ Council, Federation of European Publishers, European Visual Artists and European Federation of Journalists.
CATHERINE STARKIE, IFRRO European Affairs Director

Catherine Starkie welcomed the participants and explained that the Content for Education campaign aimed at raising awareness about the need for a balanced exception for "illustration for teaching" under Article 4 of the proposed Copyright in the Digital Single Market Directive. A balanced copyright framework is the key for sustainable, diverse, high quality in education, while an unlimited or unremunerated exception will put that at risk.

SANDRA CHASTANET, IFRRO Board member and International Affairs & Director at Centre Français d’exploitation du droit de Copie (CFC) - France

Sandra Chastanet underlined that copying of protected content in education is a wide spread practice. Copies in education in France represent the equivalent of 2 million school books each year. Those copies are now moving from paper to digital. She explained that the purpose of Article 4 was to harmonise rules concerning digital uses of works for illustration for teaching. She said key concerns include: that the licence override and fair compensation provisions are only optional, when the exception will be mandatory; that the European Parliament’s proposed text does not sufficiently define the notion of “illustration for teaching” (excluding any reference to extracts), which would lead to substitution to the acquisition of books; and there is not sufficient recognition of school books, which should be allowed to be excluded from the exception, as education is their primary market. Rightsholders urge European institutions and Member States in further implementation to take those concerns into consideration to preserve a dynamic European creative ecosystem.
JOHN DEGEN, Executive Director of the Writers Union of Canada and Chair of the International Authors Forum

« THE SITUATION IN CANADA - CRISIS AND SOLUTION: HOW BROAD, UNREMUNERATED EXCEPTIONS LEAD TO NEGATIVE CONSEQUENCES »

John Degen explained that the biggest market for Canadian books is education. "Disrupt the education market, and you endanger Canadian writing", he said. The situation in Canada changed dramatically after the Copyright Modernization Act 2012. While educational establishments repeatedly promised Parliament that they would not use the law to avoid established licensing arrangements for large-scale copying, this was not the case and Canadian authors' secondary licensing revenues have decreased of 78%. In the last 3 years there has been a 28% global authors' income drop directly attributable to the weakening of the copyright law.

To sell books in Canada was already difficult before the new law, because of the competition with other English-speaking writers.

A key problem is the free copies in course packs (well over 10% of a published work, entire stories, poems, even the whole novella “Broke Back Mountain”). “Free copying naturally has an impact on primary sales as well”, he said. Recent research done by Canada's copyright licensing agency has shown a dramatic decrease in book sales to Canadian education institutions.

There have been several court rulings, with the judge in the York University case being unequivocal in his criticism of York’s copying practices, and the guidelines that allowed them. Canada is now in the middle of a statutory review of its Copyright Act. Canada’s authors are asking to change the law in such a way as to bring large-scale educational coping back under mandatory licensing. More specifically, they want to remove the word “education” from the fair dealing provision (which was introduced in the 2012 Act).
Jaume Vicens pointed out that education had changed in light of digitisation. Teachers have to be more connected and use digital tools. A key task for publishers is to work for and with teachers. He said teachers shouldn’t have to spend their time searching for information. Teachers should focus on teaching and publishers focus on the information. Publishers work in a digital office, they create new tools for teachers and check the content because fake content is a big problem on the internet. They take responsibility for their materials. They teach teachers how to use the new materials (he showed the latest 3D and gaming type materials) so that the teacher can focus on their job, teaching! Publishers are investing a lot to deliver high quality digital content in a still nascent market. He highlighted that education is the sole market for school books and that they are the most copied resources (80% of the reproduction are from textbooks).

« HOW EDUCATIONAL PUBLISHERS DELIVER HIGH QUALITY, VALIDATED AND DIVERSE CONTENT TO EDUCATE FUTURE GENERATIONS »

Emmanuel Verraes explained that in Belgium there has been a new law (since December 2016) for copyright and reproduction which importantly includes a compensation scheme. He mentioned that there is however room for improvement, as there is the same “envelope” as before, but a broader scope of exception and more beneficiaries, while an exception for school books is missing. The Belgian experience illustrates the difficulties to negotiate a compensation with government and yet the tremendous importance of such a remuneration to encourage the production of new content for education in a small country with different languages.

« EDUCATIONAL EXCEPTION WITH REMUNERATION: THE BELGIAN EXAMPLE »
GUILLAUME LE QUINTREC, High school teacher in Fenelon, Paris

« HOW TEACHERS VALUE VALIDATED AND DIVERSE CONTENT TO ENRICH THEIR COURSES »

Guillaume Le Quintrec explained that in France they use a licensing system which was agreed between the institutions and CFC to allow reproduction (paper and digital) of extracts of works. His establishment for example signed a license for a fee per student per year of 1.50€. As a teacher he needs to illustrate and complete his lessons e.g. by showing coloured maps in class. He said he was well informed about the licences and what he is allowed to copy. Being able to distribute copies of extracts of publications to his students is essential for his work, but copies can’t replace the purchase of publications. Far from being restrictive, the French licensing system is protective and guarantees access to validated and expert content. Teachers, who are also sometimes authors, fully understand that this content has a value and that its use must be paid to ensure authors and publishers remuneration. He said Europe must foster copyright protection, a guarantee of pluralism, and preserve the quality and diversity of cultural creation.

LUKA NOVAK, Chairman of SAZOR, the Slovenian Collective Management Organisation representing authors and publishers of written works

« EMBRACING THE CIRCLE OF KNOWLEDGE: HOW COLLECTIVE MANAGEMENT PROVIDES SOLUTIONS TO EDUCATION AND FOSTERS CULTURAL DIVERSITY »

Luka Novak talked about the importance of the “3-step-test” (set out in international and EU law). He said in Slovenia there was no illustration for teaching exception in the law, and explained the licensing system. After a long wait there was an agreement in 2016 enabling 800 primary and secondary schools to reproduce and distribute extracts of works for teaching activities. The government created a fund which is paid by the Ministry of Education. The benefits of the agreement are that teachers and students / authors and publishers have achieved a balance. There is fair remuneration and access to literary, scientific and journalistic content.

Following a Q&A exchange, Sandra Chastanet wrapped up the event, thanking the speakers.