

# Educators ask for a better copyright

Joint Letter on the education exception in the proposal for a Directive on Copyright in the Digital Single Market, 16 January, 2018

Dear MEP,

We, educators, teachers, students, vocational trainers, researchers, scientists, librarians, archivists and museum professionals, provide education on a daily basis. We teach, we learn, we create and exchange information for the benefit of European society. We want a copyright framework that enables us to provide modern, innovative education. Education fit for the Europe of the 21st century. **Copyright needs to be reshaped in order to facilitate modern education which spans the lives of learners, and takes place in a variety of formal and informal settings, online as well as offline.**

We strongly support the European Commission's decision to update the framework of educational exceptions and introduce a new, mandatory exception. Unfortunately, the current proposal for a **Directive on Copyright in the Digital Single Market (DSM proposal)** **does not meet the needs of educators and educational institutions.** On the contrary, it will function as a straitjacket that introduces a fragmented legal landscape and legal uncertainty. It might also mean significant, additional costs for some member states.

Instead of supporting a broad lifelong-learning sector that includes in particular adult education and workforce training – the reform will apply only a narrow range of formal establishments. Instead of supporting innovative use of digital communication to extend the mission of educational institutions, it will serve as a barrier to online education. And instead of facilitating use of a broad range of resources available to educators and learners today, it will support an outdated model that limits education to one-size-fits-all, mass-produced textbooks.

We would like to bring your attention to the following problems with the Commission's proposal:

## **#1: A limited exception instead of a mandatory one**

Educators should not need to be lawyers to understand what they can and cannot do. We believe in transparency. Educators would benefit from an education exception on which educators can rely across the European Union. Unfortunately, the European Commission's proposal will maintain the fragmented legal copyright framework when it comes to education as long as licenses can overrule the exception. The consequence of the proposal is that legal uncertainty will be maintained.

## **#2 Remuneration should not be mandatory**

Some members of the European Parliament propose mandatory remuneration for educational uses. Currently, 17 member states have exceptions for educational purposes that are completely or largely unremunerated. In these countries educators can use

copyrighted works for educational purposes for free. Payments should therefore remain optional and any changes to this model should be subject to consultation with Ministries of Education of all member states.

### **#3: Excluding experts**

Learners benefit from receiving education from the best in the field. This is why education provided by educators, librarians, museum professionals and non-formal education providers who relate to the topic of study are incredibly valuable. For instance, 24 million adults take part in non-formal training activities in libraries every year within the European Union. Unfortunately, the European Commission's proposal does not include all important providers of education as only formal educational establishments are covered by the exception. We note that the European lifelong-learning model underlines the value of informal and non-formal education conducted in the workplace. All these are excluded from the education exception.

### **#4: Closed-door policy**

In today's Europe, educational activities are legitimately provided in many locations and through various means of communication. The consequence of the European Commission's proposal to limit digital uses to secure institutional networks and to the premises of an educational establishment is that educators will not develop and conduct educational activities in other facilities such as libraries and museums, and they will not be able to use modern means of communication, such as emails and the cloud. All to the detriment of learners.

### **The future of education determines the future of society**

We strongly urge you to avoid the above-mentioned pitfalls by granting a **mandatory exception for non-commercial educational purposes** that cannot be sidelined by licenses and that cannot be overridden by contract. We need an exception that includes all relevant providers of education and an exception that permits the diversity of educational uses – both digital and analogue – of copyrighted content.

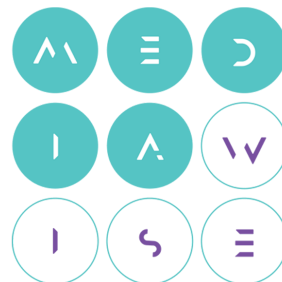
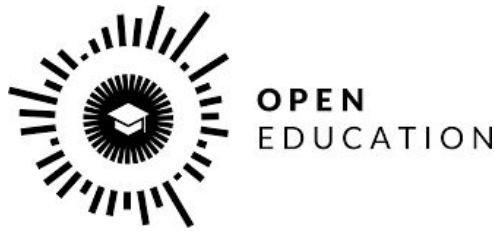
We would like to stress that this is not just a concern to us, educational stakeholders, but to all citizens and society at large. Access to good education is a prerequisite for a thriving knowledge-based economy, and part of European culture. Providing access turns learners into co-creators of education, information and culture. The education exception is an investment needed to enable the advancement of science and innovation. It is an important condition not only to enable the advancement of science and innovation, but for the development of Europe and its societies.

We count on your good sense in policy and decision-making as you work to reform the copyright system in the European Union. We therefore urge all to help support access to inclusive, fair education for all in the European Union.

Sincerely,

Communia Association for the Public Domain

European University Association  
Lifelong Learning Platform - European Civil Society for Education  
European Digital Learning Network  
SPARC Europe  
Open Education Working Group, Open Knowledge International  
Public Libraries 2020 (PL2020)  
Expert Group on Information Law of The European Bureau of Library, Information and Documentation Associations (EBLIDA)  
The International Federation of Library Associations and Institutions (IFLA)  
The Libraries and Archives Copyright Alliance (LACA)  
Associazione Italiana Biblioteche (AIB-WEB)  
The Association of History and Civics Teachers in the Netherlands (VGN)  
European Association of History Teachers (EUROCLIO)  
The Slovak Chamber of Teachers (SCT)  
Centrum Cyfrowe  
Kennisland  
ARTEdiem  
Platon Schools  
Alliance for Open Education  
EDUin  
Wikimedia Czech Republic  
The Academy of Waldorf Pedagogy  
Association of Teachers of English of the Czech Republic (AUACR/ATECR)  
The Media and Learning Association  
Neth-ER - Netherlands house for Education and Research  
Association for Technology and Internet (ApTI)  
The Center for Public Innovation  
The Foundation for a Free Information Infrastructure (FFII)  
Union of Informaticians in Education (JSI)  
Mediawise Society Association in Bucharest  
Centrum pro studium vysokého školství (cscš)  
SOU Nové Strašecí  
The Ecumenical Academy, Prague  
AARTKOM s.r.o. Art of Communication  
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Mario Pena - SafeCreative, Spain





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