
Copyright for Education

Dear MEP,

When the copyright reform process started, the European Commission promised – in its DSM strategy – to reduce differences between copyright regimes and to provide greater legal certainty for cross-border use through harmonised exceptions. The Copyright in the DSM Directive furthermore proposed to reduce transaction costs for users, including educators and educational establishments. These promises have not been met. Moreover, **the Directive's articles that address educational uses seem to pay little attention to European education policy goals, to the well-being of educators, and sustainability of educational institutions.**

In the current proposal article 4 allows for an override of the exception with licensing mechanisms – which benefits rightsholders, but increases transaction costs, cause legal uncertainty for cross-border use and leads to a lack of harmonisation of copyright law, as it applies to education. Our recent study of 10 licensing schemes for educational uses (in France, the United Kingdom and Finland) shows that (i) licences restrict the scope of protection of the educational exceptions, (ii) licenses grant questionable rights to rightsholders, and (iii) licenses impose burdensome obligations on schools.

We are concerned that the language of the new education exception will not be able to achieve its purpose of allowing cross-border use because it only allows the use within an educational establishment and within an electronic environment. This will not facilitate cross-border use across institutions and across countries.

At this final moment, when the shape of art. 4 of the Directive is being negotiated, we urge you to support sound educational policy and shape European copyright in such a way, that it does not constitute a barrier to innovative, modern education.

We ask you to support a mandatory exception that is the same in each country, for non-commercial education that facilitates cross-border sharing, without any licenses or compulsory remuneration attached by force of law.

You can do so by:

- **REJECTING THE PROPOSAL TO EXCLUDE TEXTBOOKS** from the scope of the exception. Teachers have the right to freely use textbooks – especially because school systems pay hundreds of millions of euros each year for printed textbooks.
- **REJECTING THE PROPOSAL FOR MANDATORY REMUNERATION** of uses under the educational exception. Today, 18 EU Member States have unremunerated educational exceptions. These are a result of consensus between educators and rightsholders, achieved in previous reform processes. Let us not break this consensus now.

- **REJECTING LICENSE PRIORITY** and delete the controversial article 4(2)
– or provide only limited priority to mutually agreed collective agreements.

- **ENSURING THAT ANY CONTRACTUAL PROVISION** that restricts the scope of the exception **IS UNENFORCEABLE.**

- **ENABLING CROSS-BORDER USE BETWEEN EDUCATIONAL ESTABLISHMENTS** within a safe network to make sure European projects, such as eTwinning that facilitates a community in Europe where teachers can communicate, collaborate and develop educational projects together.

106 million European students, 8.3 million European teachers, and 40% of adults who continue to learn should be supported in their learning efforts. And educational policy should not be endangered to secure narrow interests of educational publishers and other rightsholders.

We would be happy to discuss these issues further with you,
With kind regards,

The COMMUNIA Association for the Public Domain
info@communia-association.org