



knowledge without boundaries

EIFL-IP

Promoting a fair and
balanced copyright system

Libraries in Estonia take to the national airwaves with copyright

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Results of an EIFL-IP funded project



In January 2013, libraries in Estonia took to the national airwaves with “[Digital Memory](#)”, a capacity-filled seminar where libraries presented their newly developed position on copyright as part of a national debate on the copyright law. Members of the Expert Group on the Codification of the Intellectual Property Law (IPC Working Group), government officials, libraries and other memory institutions, authors, publishers, and lawyers were among the 300 attendees at the public event that, in a first for libraries, featured on the [Estonian National Television main evening news](#) and on Vikerraadio, the national radio station.

‘The EIFL-IP project has enabled the library community to take the first steps towards formulating a unified position on copyright issues, and to ensure a single, strong library representation for the drafting of the new copyright law. We hope that the voice of libraries will be listened to more in the future. Joined forces are power!’

Karmen Linask, Project Manager

The Context

The Copyright Act of 1992, enacted following the re-establishment of Estonian independence, was considered to be one of the most modern copyright laws of its time. Since then, Estonia has undergone many legal, political and technological changes. Internal legal reforms on the penal code and private law, for example, were completed. Estonia, the most northerly of the Baltic states, joined the European Union in 2004, and today ranks among the most wired and technologically-advanced countries in the world¹.

During this time, the Copyright Act has changed 31 times. The result is that the structure of the law is unwieldy, it has become hard to understand and many parts are out of date. Within the framework of an EU-funded programme, “Development of Better Legislation”, Estonia is in the process of revising its intellectual property laws. To this end, the Ministry of Justice has established an Expert Group on the Codification of the Intellectual Property Law (IPC Working Group) that is expected to complete its task – and the drafting of a new copyright law - by September 2014.

‘The Working Group is interested in getting input from all stakeholders. We are particularly happy that libraries are actively involved in the consultation process. As public institutions with a professional interest in copyright, libraries have a crucial role in any national, regional and international debate on a new copyright law.’

Aleksei Kelli, head of the IPC Working Group

Project Objectives

The project partners were the National Library of Estonia, the Consortium of Estonian Libraries Network (ELNET) and the Estonian Librarians Association. The project goals were to:

- actively engage libraries in the planned new copyright law, and to inform the general public about copyright issues that libraries face every day;
- represent libraries, including public and research libraries, in national consultations organized by the Intellectual Property Codification (IPC) Working Group;
- raise emerging issues, such as the lending of e-books and audiovisual works, and to collaborate with legislators in developing workable solutions for legal problems that arise in the new technological environment.

The expected result is that all stakeholders including libraries, government authorities, creative industries and users will have a clearer understanding of library copyright issues, and that workable solutions will be devised for Estonian libraries.

Strategies and Tactics

- Establish a working group of library representatives to map library copyright problems.
- Survey the existing Copyright Act and make proposals for amendments.
- Organize a high profile seminar to present the library position to the IPC Working Group, the library community, other key stakeholders and the general public.

¹ <http://www.freedomhouse.org/report/freedom-net/2012/estonia>

Key Achievements

- ✓ Library copyright expertise was built up and cooperation strengthened. A Library Copyright Working Group with representatives from six major libraries (National Library of Estonia, Tallinn Central Library, Academic Library of Tallinn University, University of Tartu Library, Tallinn University of Technology Library, Repository Library of Estonia) was set up to improve cooperation and to formulate a joint position on library copyright issues. The group met 5 times each with a different focus: general copyright, lending of AV works and e-books, orphan works, future action plan.
- ✓ Libraries formed new alliances that will benefit into the future. The Library Copyright Working Group established cooperation with the IPC Working Group, the Ministry of Justice and other stakeholders including the National Archives and the Estonian Public Broadcasting organization on areas of common interest, such as orphan works.
- ✓ With support from a copyright lawyer, [suggestions for amendments to the Estonian Copyright Act were drafted](#) (in Estonian) and submitted to the IPC Working Group. Proposals include new exceptions to permit the lending of audiovisual works by libraries; copying of e-books for preservation; text and data mining for core library functions such as bibliographies; clear rules for orphan works; protection of exceptions and limitations from override by contract terms.
- ✓ The project succeeded in bringing different stakeholders together to arrive at a greater understanding on areas such as e-books. In the lead-up to the final seminar, there was a heated debate about the demise of print publications, yet the discussion showed a different reality where authors and publishers are reluctant to make the switch, very restrictive usage terms are imposed on libraries, and higher VAT on electronic publications mean pricing issues.
- ✓ Libraries received extensive media coverage and positive attention from the general public.

Advocacy and Promotion

The project was presented at events attended by more than 430 participants:

- [Summer School of Estonian Memory Institutions](#), August 2012 (Lahemaa).
- [Research and Special Libraries Day](#), October 2012 (Tallinn).
- Workshop for Jõgevamaa county public librarians, November 2012 (Põltsamaa).
- [Digital Memory – final project seminar](#), January 2013 (Tallinn).

The Project Manager will present [“Digital collections and legal challenges in Estonia”](#) at the conference eBooks on Demand in June 2013 (Tartu).

National media coverage

- The final project seminar featured on [Estonian National Television main evening news](#) (17.01.2013) and on Vikerraadio, the national radio station.
- [“The bottom line is that a person is reading!”](#), an article by Karmen Linask was published in Sirp, a weekly cultural newspaper (28.02.2013).



A special article about the the library proposals and project final seminar will be published in [Raamatukogu](#) – a professional library journal – in April 2013.

Online promotion:

- Project information: [National Library of Estonia](#) (NLE).
- The library proposals were disseminated on library lists & the [IPC Working Group mailing list](#).

Lessons Learnt

- There is a lack of expertise in Estonia in the field of copyright and libraries. The Library Copyright Working Group educated itself through discussions to identify why certain things work as they do, and why it is hard to make changes.
- Expert legal advice is essential, as any proposals must be grounded in international and EU copyright law in order to be credible.
- Participation in international advocacy with other library groups would be very helpful e.g. in October 2012, we met our fellow EIFL-IP grantees from Latvia and Poland to exchange experiences.
- Timing is all important. The formal consultation for drafting a new copyright law provided an opportunity to engage with members of the IPC Working Group, and a lively debate in the popular press about e-books meant that our proposals resonated with the general public, illustrated by the success of the final project seminar.
- The drafting process is long and requires active participation that is more effectively done via a group such as the library consortium, instead of a single institution.

The Future

The project began an active collaboration among libraries on copyright. We hope that the Library Copyright Working Group will continue its work through ELNET (Consortium of Estonian Libraries Network). With a set of concrete proposals and participation in the copyright review process, libraries are in a stronger position than ever before to help ensure that the voice of libraries is taken into account, and that the new Copyright Act will meet the needs of libraries and users in Estonia.

EIFL-IP supported this project with a grant of €3,200. The project began in June 2012 for a duration of eight months. For more information, please contact the Project Manager, Karmen Linask at Karmen.Linask@nlib.ee

For information on other EIFL projects in support of national copyright law reform, visit www.eifl.net/advocacy-campaigns-national-copyright-law-reform