



LIBER STATEMENT: EUROPE MUST TAKE URGENT COPYRIGHT LAW ACTION TO SUPPORT DISTANCE LEARNING & RESEARCH DURING THE CORONAVIRUS PANDEMIC

During this unprecedented global emergency, LIBER calls on European Commissioners, Member State governments, publishers and authors to urgently help libraries, universities and other educational establishments, so that they can continue supplying researchers, teachers and students with access to books, archives and other instructional materials.

1 Introduction

UNESCO estimates that 1.5 billion students – over 90% of all enrolled learners worldwide – have been affected by school and university closures due to the coronavirus. With nearly all schools, libraries, and universities closed in Europe, institutions are scrambling to provide online research, teaching and learning.

Libraries provide essential support to educators and researchers, not only by providing access to content but also by advising on copyright and licensing issues. Such guidance is based on norms and well-tested interpretations of copyright law. In these unprecedented times, however, normal practices are sometimes no longer practical. Librarians are being asked if further flexibility exists, and we do not have an answer.

LIBER, the Association of European Research Libraries, therefore calls on European Commissioners, Member State governments, publishers and authors to respond swiftly and flexibly by supporting the overnight change to education and learning that COVID-19 has wrought.

2 Access to Knowledge

LIBER strongly welcomes the support from Commissioner Gabriel, who identified researchers and universities as critical to finding a solution to the pandemic. However research and development (R&D) in the face of COVID-19 is limited by the fact that the exclusive rights in copyright law can inhibit the remote supply of information to students and researchers. Given the urgent need to supply information remotely, libraries and educational establishments currently face impossible choices.

All of the following activities can constitute infringing behaviour under copyright law:

- Supplying to researchers copies of entire paper books or eBooks that sit within libraries which are now shut to the public;





- Teachers scanning entire textbooks for hastily arranged online courses;
- Researchers sharing copyright-protected content via streams or recordings of lectures;
- Public libraries arranging the reading of whole books as part of story-time to children.

Some publishers and authors are responding positively to the crisis and there are many excellent individual initiatives to help access content. For example scientific publishers have given free access to articles relating to the coronavirus and in Australia, the Authors' and Publishers' Associations have suspended the need for copyright permissions for libraries to record or live stream book readings for children. In Norway all educational establishments have been given access to the digital material held by the national library as part of legal deposit.

In normal times licences would simply not be needed as people could visit the library or attend the lecture in person. We are now however in a time of crisis, and seeking rights (which may or may not be approved) on an instance by instance basis is often not practical. Nearly all educational institutions in Europe are closed. There is neither the resource, time or the legal expertise to clear rights for everything that our institutions require to keep education and teaching functioning.

3 Time for Action

European Commission & Member State Governments

LIBER calls on member state governments and European Commissioners to act immediately to ensure that publicly accessible libraries and educational establishments are able to support the overnight switch to remote access.

Recognising that in normal times licences would simply not be needed as people could visit the library or attend the lecture in person, the European Commission should issue urgent guidance to ensure that researchers, educational establishments and libraries are able for the duration of the COVID-19 crisis to fulfil their educational responsibilities and provide remote services using in-copyright works without fear of litigation. For this, we suggest a time-limited and purposive interpretation of the Copyright Directive during the period of the pandemic in relation to the following articles:

1. **Article 5.3(a)** - allowing the making available of in-copyright materials via closed remote networks by publicly accessible libraries and educational establishments to their affiliates, where the materials are not available electronically, or where licences or legal deposit restrictions for digital materials require people to visit the premises.
2. **Article 5.3(b)** - the aim of this exception is to ensure that all people, regardless of whether or not they live with a disability, have equal access to copyright works. At this time where no one has access to the collections of schools and libraries a flexible interpretation of this exception to ensure all members of society have access to library collections they would normally have been able to access otherwise would be extremely valuable.

Furthermore, the European Commission and member state governments should ensure that libraries and educational establishments are enabled to support education and research and to serve their users by (1) issuing flexible time-limited guidance on the interpretation of existing limitations and exceptions in law, or other public interest defences aimed at our institutions, and / or (2) passing emergency legislation and / or (3)



work with rightsholders to implement immediate licensing or soft-law initiatives to ensure that public-interest activities which, in normal circumstances, could take place on the premises of libraries, schools or university campuses (and which now can only take place remotely) are deemed legal.

Publishers, Authors & Trade Bodies

We call on publishers, authors and their trade bodies to pledge publicly to allow the following activities with immediate effect where no blanket licences currently cover a particular institution:

- Document supply of whole items to specific individuals;
- Remote access to eBooks currently limited to premises only access, for research purposes to named specific individuals;
- Use of copyright works in recorded or streamed teaching activities aimed solely at pupils, students and researchers;
- Public libraries to read stories across the internet.

The pledge would be time-limited, lasting only as long as the coronavirus pandemic continues to force the closure of most schools, libraries and universities worldwide or until a publisher rescinds their pledge. LIBER will publish the names of all publishers who make this pledge on the [LIBER website](#).

Long-Term Measures

Away from the immediate needs highlighted by this statement, it is important to note that LIBER believes:

- International and national copyright laws should all have public interest defences for times of medical, environmental or economic crisis;
- The COVID-19 crisis underlines the importance of free and open access to information and the need to transition to Open Access models as soon as practicable.
- LIBER supports the following statements on access to knowledge in the time of the COVID-19 pandemic: [ADBU](#), [ICOLC](#), [ITALIAN LIBRARIAN'S PETITION](#), [SCONUL](#).

For More Information

Contact LIBER's Executive Director Astrid Verheusen (a.verheusen@kb.nl) with questions about this statement. If you are a publisher who wishes to make a pledge in line with this statement, please email liber@kb.nl.

About LIBER

LIBER (*Ligue des Bibliothèques Européennes de Recherche – Association of European Research Libraries*) is the main network for research libraries in Europe. Founded in 1971, LIBER represents the interests of 450 national, university and research institute libraries in some 40 countries.