



EUROPEAN COMMISSION - PRESS RELEASE

Copyright: Commission brokers agreement to increase the number of out-of-commerce books being made available again

Brussels, 20 September 2011 - Every year, hundreds of thousands of new titles enter the European book market – but only a few turn into real bestsellers. A good number of them eventually go out of commerce as publishers cannot maintain the costs of marketing and storing books in print if they do not continue to sell well. While publishers are bringing more books back into commerce through e-books and print on demand, many titles still remain in the collections and archives of Europe's libraries.

This situation is to change soon as Michel Barnier, European Commissioner for the Internal Market and Services, presided today over the signing of a Memorandum of Understanding (MoU) in which libraries, publishers, authors, and their collecting societies have agreed to a set of Key Principles that will give European libraries and similar cultural institutions the possibility to digitise and make available on line out-of-commerce books and learned journals which are part of their collections. The Key Principles contained in the MoU will encourage and underpin voluntary licensing agreements while fully respecting copyright and recognising that right holders should always have the first option to digitise and make available an out-of-commerce work. The MoU is an essential part of the efforts of stakeholders and of the Commission to address the needs of mass digitisation by European cultural institutions

Commissioner Barnier said: "Today's agreement marks an important step forward by stakeholders to find viable and concrete solutions to further the creation of Europe's digital libraries and ensure access to our rich cultural heritage. I strongly believe this is a clear sign that, through dialogue and taking into account the specific needs of specific sectors, it is possible to reach negotiated solutions to surmount copyright issues in the digital era."

The signatories also expressed their satisfaction with the outcome of the stakeholder dialogue.

Dr. Pirjo Hiidenmaa, President of the European Writers' Council (EWC) said: "The MoU recognises the central role of authors, enables a new life to their books, and makes it possible for readers to continue enjoying them time after time."

"The library organisations welcome the positive outcome of the Stakeholder Dialogue on Out-of-Commerce Works. We hope that this first step in the development of efficient collective rights management mechanisms may be followed by initiatives in other areas" said Gerald Leitner, President of the European Bureau of Library, Information and Documentation Associations (EBLIDA).

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Fergal Tobin, President of the Federation of European Publishers (FEP) continued: "European publishers welcome these sector-specific Principles which provide clear guidance to agree digitisation projects at national level, all the while allowing publishers to revive and to keep in commerce more and more publications through innovative solutions".

"The MoU is yet another example of the kind of ground-breaking achievements that are possible when all the stakeholders collaborate constructively. IFRRO and European Visual Artists members are experienced collective rights managers and are eager to contribute to the important aim of making cultural heritage available in Europe" added Magdalena Vinent, President of the International Federation of Reprographic Rights Organisations (IFRRO).

Background

The MoU is the successful outcome of an eight-month long stakeholder dialogue facilitated by the Commission. European authors, publishers, libraries and collective management organisations have been working together since November 2010 and have agreed on a solution which takes account both of the interests of authors and the publishing sector on the one hand and of libraries and mass digitisation projects on the other. Collecting societies representing right holders in books and learned journals will play a key role in the practical implementation of the MoU which should substantially facilitate the negotiation and acquisition of the licences that libraries and similar cultural institutions need to digitise and put on line an important part of their archives (i.e. the books and learned journals in their collections which are out-of-commerce).

The MoU on out-of-commerce works stems from the Digital Agenda for Europe (see [IP/10/581](#)) and the more recent Communication on a Single Market for Intellectual Property Rights ([IP/11/630](#)). It is rooted in the overall objective of enabling the rolling out of Europe's digital libraries and making European cultural heritage available online. This non-legislative initiative is complementary to the Commission's recently adopted legislative proposal on orphan works ([IP/11/630](#)). Both initiatives are important to further the development of European digital libraries and the Europeana portal (<http://www.europeana.eu>).

For more information on the MoU see [MEMO/11/619](#)

For the Memorandum and other information on copyright in the EU :

http://ec.europa.eu/internal_market/copyright/copyright-info/copyright-info_en.htm#mou