



I MADE THE BUILDING BLOCKS
FOR YOUR GAME

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PUBLIC DOMAIN DAY 2016

... the Public Domain is the shared cultural space where works are gifts, and not commodities

As COMMUNIA, we advocate for policies that strengthen and expand the Public Domain. In this manner, we aim to increase access to and reuse of culture and knowledge.

The Public Domain Manifesto (published by Communia in 2011 and signed by more than 1500 organisations and individuals) establishes a broad definition of the Public Domain. It enshrines three principles:

- Copyright and other exclusive rights should be limited in time and scope.
- The Public Domain should not be eroded by legal or technical means.
- Limitations and exceptions to copyright should continue playing their role of adapting copyright to technological changes and the needs of society.

This year, the European Commission will update parts of the EU copyright rules – for the first time in 15 years. This is a unique opportunity to introduce law that strengthens the Public Domain.

We have identified seven actions that will ensure a modern copyright, fit to serve public interest in the 21st century. These actions will also support the growth of the Public Domain in Europe. They need to be part of the update of the EU copyright rules.

1. **Ensure that the mere digitisation of Public Domain works does not create new rights over them.** Some member states would like to allow anyone who digitized a Public Domain work to claim new exclusive rights. This creates legal uncertainty and undermines the concept of the Public Domain.
2. **Introduce a mandatory and strong exception for educational use.** We need to ensure that education is not burdened by copyright-related barriers. To ensure this, we need a broad, harmonised exception. It should cover all types of uses, including digital and online activities, both inside and outside of the classroom.
3. **Allow cultural heritage institutions to make out of commerce works available online.** Vibrant and diverse cultural heritage institutions are one of the defining features of our European culture. In order to remain relevant, they need to show their collections online. A new exception should allow these institutions to make available online out-of-commerce works in their collections.

4. **Resolve the legal uncertainty around Text and Data Mining.** Text and Data Mining is quickly becoming a major foundation for scientific research. Reproductions made for the purpose of TDM should not require permission from rights holders.
 5. **Enshrine the freedom of panorama across the EU.** Sharing of photos taken in public places is an example of everyday activity that should not be regulated by copyright. The Freedom of Panorama exception should be mandatory for all member states.
 6. **Establish a right to remix.** Copyright law must enable individuals to make transformative uses of protected materials. Quoting and sampling from materials other than texts should also be possible without permission from rights holders.
 7. **Lower the EU copyright term to life + 50 years.** Duration of copyright in Europe needs to be shortened to the internationally required minimum of 50 years after the death of the author. Harmonisation needs to be ensured as well, as today there are multiple exceptions to the general rule.
- The upcoming reform poses the danger of introducing measures that are detrimental to the Public Domain. The following five proposals, which have been tabled in previous debates, should not be included in the reform.
1. **No ancillary copyright for press publishers (or anyone else).** Introducing new layers of rights will be detrimental to the Public Domain. Especially if there is no economic evidence in support of these rules.
 2. **The right to link must not be limited.** (Hyper)linking is one of the fundamental building blocks of the internet. Any attempt to require permission for linking to protected works will damage both the internet and our societies.
 3. **Preserve the liability limitations for online intermediaries.** These are necessary to ensure that the Internet continues to serve as an open publishing platform – that enables citizens to publish, share and interact with culture in unprecedented ways.
 4. **Don't limit the use of Text and Data Mining to academic researchers.** Any effort to regulate Text and Data Mining via a narrow exception that only applies to academic researchers will put Europe at a competitive disadvantage.
 5. **Keep copyright out of TTIP (and all other trade agreements).** Copyright provisions in trade agreements will only limit the possibilities for creating sensible copyright policies for the EU.

A PRESENT FOR ALL OF US...

...HAPPY PUBLIC DOMAIN DAY

The COMMUNIA Association advocates for policies that expand the Public Domain and increase access to and reuse of culture and knowledge. We seek to limit the scope of exclusive copyright to sensible proportions that do not place unnecessary restrictions on access and use. Find out more about our work at www.communia-association.org

This poster was commissioned by the COMMUNIA Association, and designed by Manufactura Independente, Portugal. It is based on the 3D Road Tiles collection by Kenney Vleugels. The poster has been dedicated to the Public Domain via the CC0 Public Domain dedication.