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**POLICY RECOMMENDATIONS
FOR THE NEXT DECADE**

DEFEND AND EXPAND THE PUBLIC DOMAIN



3. Works and data produced by the public sector should be in the Public Domain.

Unregistered works should only get moral rights protection, in order to prevent unnecessary and unwanted protection of works. To encourage the use of registration systems, any legal mechanism intended to strengthen copyright protection beyond what is required in binding international treaties (such as additional terms of protection, additional rights or additional enforcement mechanisms) should be made conditional on registration. In addition, there should be an easy, legally recognized way to dedicate works to the Public Domain at all stages of their life.



4. Legislative power to reduce the Public Domain should be constrained.

The introduction of new exclusive rights should be conditioned on strict criteria based on the principle of proportionality and clear economic evidence. Should there be a clearly demonstrated need for a new exclusive right or the expansion of subject matter covered—including related or sui generis rights—the introduction should be subjected to an experiment by letting the new right expire after a predetermined number of years unless a clearly defined public interest benefit has been demonstrated.



5.

The Public Domain should be protected from private interests.

Private encroachment of the Public Domain is a serious threat to a common wealth that belongs to all, and must not be appropriated by anyone. Private entities and individuals have a responsibility not to interfere with the right to freely access and use Public Domain works, and should face judicial scrutiny if they fail to do so. Europe should grant a positive status to the Public Domain and a legal standing to both users' rights organisations and individuals, regardless of a concrete individual interest, to protect the right to use Public Domain works and to oppose any false and misleading attempts to claim exclusive rights over Public Domain works.



PROTECT AND PROMOTE USAGE RIGHTS



9. Research uses should be fully protected at the EU level.

Public dissemination of research activities, including for purposes of verification of research results and for engaging in collaborative research, are essential to the scientific method. Europe needs a mandatory exception to copyright and other exclusive rights that facilitates all non-commercial research activities, including sharing of protected materials between researchers.



10.
**Libraries should be enabled to fulfil their mission
in the digital environment.**

This includes the right for libraries to lend out works in digital formats under the same conditions as works in physical form. Controlled digital lending should be fully permitted at the EU level. In addition, libraries should be able to acquire works in digital form in a format that would leave libraries in control of the technical environment enabling digital lending.



EMPOWER CREATORS AND THEIR AUDIENCES



15.

Geo-blocking for audiovisual works should be prohibited.

Audiovisual works made available to the public in one or more EU Member States must be available in all Member States under similar conditions. This is especially important for works that have received public support for their production or distribution. The widespread practice of geo-blocking access means that audiovisual works that are legally available in one part of the EU aren't available in another. This goes against the goals of European integration and cultural diversity.



CREATE SAFEGUARDS AGAINST COPYRIGHT ABUSE



17.

Users who act in reasonable belief that their uses of copyrighted materials are permitted should not face damages.

Institutions that fulfil their public interest missions in a responsible and prudent way, as well as individuals that act for non-commercial purposes, should not be required to pay damages for engaging with copyrighted materials if they acted in the reasonable belief that such uses are permitted. Europe needs to make it mandatory for Member States to protect users and institutions acting with non-commercial purposes from claims for damages for infringement of copyright and other exclusive rights when they act in the reasonable belief that their uses are permitted by law.



20.

Europe should ensure more transparency across the copyright ecosystem.

To ensure that the public has access to reliable information on their rights, Europe should strive to create a public repository of Public Domain and openly licensed works. Among other things, such a repository would protect Public Domain and openly licensed works from copyright abuse (including by automated enforcement). In addition, collective management organisations should be required to share publicly their data on right holders, and platforms should be required to share publicly their data on enforcement actions.

