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European Commission
DG Internal Market D1
Copyright and Knowledge based Economy Unit

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Submission to the European Commission Green Paper Copyright in the Knowledge Economy (COM (2008) 466/3)

Kopinor, established in 1980, is a collecting society empowered by its member organisations to negotiate and conclude collective agreements on photocopying, digital copying and similar uses of copyright protected works in all areas of society. Kopinor has 23 member organisations - 6 publishers' associations and 17 authors' associations. Through bilateral agreements with reproduction rights organisations (RROs) in other countries and by law (extended collective licenses), Kopinor's licenses include all national and foreign protected material.

Kopinor is a member of IFRRO – the International Federation of Reproduction Rights Organisations. Kopinor hereby expresses its support to the submission given by IFRRO on the Green Paper, and, as IFRRO, we cannot see any need for new exceptions or limitations at EU level. Further, it is with some surprise that we note on page 3, section 1.1. last paragraph, that authors are not mentioned as a group of important stakeholders in the process.

Kopinor maintains that the Copyright Directive has provided the necessary flexibility for implementation of adequate regulations into Norwegian copyright law, favourable to both users and rightsholders.

In addition to specific regulations on free copying, for instance for conservation and safety purposes in libraries, archives and museums (§ 16) and for disabled people (§ 17), the Norwegian Copyright Act supports voluntary agreements between rightsholders and users, by extending the voluntary licenses to cover all published material, protecting the users from claims from non-represented rightsholders. Such extended collective licenses are introduced, *inter alia*, for analogue and digital copying and use in educational activities, for copying and use within enterprises etc. and for the making available of works by archives, libraries and museums.

MEMBERS

The Norwegian Specialized Press Association
The Norwegian Authors' Union
The Norwegian Publishers' Association
The Norwegian Association of Fine Arts Photographers
GRAFILL - Norwegian Organisation for Visual Communication
Norwegian Media Businesses' Association
The Norwegian Association of Professional Photographers
The Norwegian Non-Fiction Writers' and Translators' Association
The Norwegian Union of Journalists
The Norwegian Society of Composers
Norwegian Critics' Association

The Norwegian Music Publishers' Association
The Norwegian Association of Literary Translators
The Association of Norwegian Editors
The Norwegian Magazine Publishers' Association
Norwegian Writers for Children
The Association of Norwegian Visual Artists
Norwegian Playwrights' Association
Norwegian Association of Arts and Crafts
NOPA Norwegian society of composers and lyricists
New Music Composers' Group
Norwegian Comedy Writers' Association
Norwegian Association of the Periodical Press

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Kopinor's agreements on reprographic reproduction have over the years been adapted to new technology to meet user needs. Until quite recently there have not been any clearly expressed user demands for agreements on digital copying. However, this has changed during the last year. There are now constructive ongoing negotiation processes in almost all areas of agreements. As of October 15th this year, the agreement covering primary and secondary education was amended to include digital copying, e.g. downloading and digitisation of protected material for further use in Learning Management Systems and intranets.

The massive use of teaching material is obviously outside the scope of the EC Directive 2001/29 Art. 5.3 (a) cf. Art. 5.5 and international obligations through the Berne Convention and the Trips Agreement, and such use can only be met by purchasing, or copying licensed either through individual agreements or collective agreements such as those offered by Kopinor.

Kopinor regards the extended collective licensing provisions as being a very useful means to protect copyright as well as being a practical instrument that makes it easy for end-users in all areas to utilise works. The extended collective license for use in the library sector will be an extremely valuable tool when licensing the library collections, in particular regarding orphan works. To which extent national collections can be made available outside national borders (given EU-wide recognition), will, however, be reviewed further.

The solutions laid down in the Norwegian Copyright Act and the voluntary licensing agreements contribute actively to cultural diversity and promotion of our national language as they give the users easy access to all types of material. Without unreasonably undermining the rightsholders' interests and business opportunities, these solutions make wide access to protected material possible, which is crucial for fostering the knowledge economy.

Sincerely yours
KOPINOR



Yngve Slettholm
Executive Director



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