

COPYRIGHT UNTANGLED

1

WHAT COPYRIGHT HAS TO DO WITH EDUCATION

Copyright Untangled is a series of factsheets about education and the copyright reform. This sheet will explain the basic concepts relevant to understanding the role of copyright in education and how the current copyright reform will affect education.

“Every day I work with educational material created or compiled by teachers. A lot of their material cannot be shared [with other teachers] without infringing copyright. The rules should be simplified and made more flexible for education.”

– High School Teacher, petition signee rightcopyright.eu

What is copyright?

Copyright grants a creator **the exclusive right over the use and distribution of his work**. In principle, you cannot use a copyright protected work without the permission of the creator. In general in Europe, copyright lasts until 70 years after the death of the last surviving author. Copyright is applied the same online and offline.

What can I do as an educator?

To help facilitate education, your national law likely includes exceptions to copyright for education. This is called the **education exception**. This enables you to do things like (probably) show a video in class, distribute a poem among your students and use images in your lectures. When you use copyright protected material, such as images, songs or videos, you still need to be aware of what type of use falls under the education exception.

To what should I pay attention to?

The education exception does not always apply. Some **types of work** and **certain uses** are excluded from the exception. Not everyone who provides education can benefit from the education exceptions. Sometimes cultural heritage institutions such as museums and informal education institutions fall outside the **scope** of the education exception. It is, for example, unclear if certain digital use falls under the education exception. Sometimes **licensing schemes** are in place. In this case educational establishments need to seek out a license at the relevant collective management organisation for which they often need to provide financial compensation.

When working **cross-border** educators need to take into account that copyright rules are not the same in every EU member state. All member states have implemented the education exception in their national law in their own way, which has resulted in many differences between countries. When working cross-border, you need to pay attention to possible differences in legislation.

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Why should we, educators and educational organisations, care about the upcoming DSM Directive?

The proposed Directive on Copyright in the Digital Single Market, the DSM Directive, has the aim to harmonize the rules for using copyright protected material including the rules concerning the education exception and its application for digital uses. The Directive could improve the current situation for educators when it comes to copyright, however the proposed Directive has **several considerable shortcomings**. The DSM Directive has been proposed by the Commission and is now awaiting for approval of the European Parliament and Council who are expected to decide on the proposal before the end of 2017 meaning there is still time for us to make sure the proposal will be improved.

What is wrong with the proposal?

The Commission's proposal includes an education exception for **digital education only**. Member states can also **exclude specific types of work** or other subject matter. The exception is intended **solely for activities by educational establishments** in primary, secondary, vocational and higher education. The proposal also gives Member States the opportunity to implement laws that would require licenses for the use of content. These **licenses can take precedence over the education exceptions**. Licenses can result in higher costs for schools.

What is Communia arguing for?

We want the same copyright rules for education in all the member states and that these **rules can not be overridden by licensing schemes** to make sure education remains affordable. We believe that the education exception should apply to **all educational institutions**, including non-formal education and cultural heritage institutions. We want a Directive that allows use and exchange of digital and non-digital materials, and one that **enables educators to work cross border** with teachers in other EU countries. Check out our [position paper here](#).

Join us in our mission to shape the future of education

- Share this handout with educators and educational organisations across Europe to inform them about the current copyright reform related to education.
- Sign up for our [monthly newsletter](#).
- We are building an informal coalition of like-minded organisations and individuals. If you want to be part of our community and raise your voice for better copyright for education, drop us a line at education@communia-association.org so that we can make sure to keep you up to date on our activities.