**Country report <Germany>**

Annual report to the IFLA CLM committee

Lyon 2014

**Copyright**

**New legislation**

New laws on orphan works (§§ 61 f. UrhG,) and on out-of- print works (§ 13d f. UrhWahrnG) came into force (see report 2013 on the legislative procedure).

The register for orphan works at the national patent authority is still not available (10/2014). The licensing procedure for the collective society VG Wort respective to out-of-print-works is still not ready to use.

German Copyright Act (in English): <http://www.gesetze-im-internet.de/englisch_urhg/index.html>

Law on Collective Societies (in German): <http://www.gesetze-im-internet.de/urhwahrng/>

On April 1, also a mandatory new law on open access publication came into force (§ 38 par.4 UrhG). This law allows authors of publicly funded articles which were published in periodicals to make them available on the internet, even if the publisher´s agreement prohibits this. The reform is supposed to improve the situation for authors who want to publish their articles on repositories. However, it is still unclear what means publicly funded.

Corresponding to this federal law, the state of Baden-Württemberg passed a law on an open access mandate ( § 44 par.6 Landeshochschulgesetz). Corresponding to this, universities should obligate their scientists publish their journal articles also on the respective repository.

Law on universities in Baden-Württemberg: <http://www.landesrecht-bw.de/jportal/?quelle=jlink&query=HSchulG+BW+Inhaltsverzeichnis&max=true>

**Pending legislative issues**

§ 52a UrhG, an exception which permits making available parts of copyrighted material to seminars and classes (expiring by December 31, 2014), might become a durable statute. This was proposed by the ministry of justice in July 2014.

**Law cases**

*Copyright:* In November 2013, Supreme Court decided on making available works for seminar participants (§ 52a UrhG): Only up to 12 % and a maximum of 100 pages of a work can be used, under the condition that access is restricted only to the participants.

*Privacy:* In September 2014, the Superior Administrative Court (Oberverwaltungsgericht) of the state of Schleswig-Holstein ruled that public authorities (thus, also libraries) and companies are allowed to install facebook-fanpages. The court decided that they were not responsible for privacy infringements committed by facebook. However, the privacy officer of Schleswig-Holstein filed appeal against the judgement.

**Advocacy/Lobbying activities**

Research organizations are requesting it for a long time: The “Allgemeine Wissenschaftsschranke” (General exception for research purposes). After all the lobbying, the discussion on this exception was introduced in the coalition agreement between the SPD (Social Democrats) and CDU (Christian Democrats). It is now part of the government´s “Digital Agenda” (July 2014).

Prepared by <Armin Talke>

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