



Committee on Copyright and other Legal Matters (CLM)

Country Report Poland

Annual report to the IFLA CLM committee
Seoul, Korea 2006

Copyright

Revision of copyright law

In January 2006, the Ministry of Culture announced a draft of the Act on Copyright and Related Rights. The reform introduces the need to obtain permission to remove technological protections upon each individual use of works. The project includes a listing of entities (among others, research and educational centres, libraries, information centres and the disabled community) permitted to acquire necessary means to use protected work. If the producer does not remove the protection, it will be possible to address the matter in court. The court is given three days to consider the petition for access to necessary technological means that will enable the use of work. In its response to the planned reforms, the library community has petitioned to incorporate certain solutions into the law that will exclude a number of beneficiaries from the requirement of obtaining permission to eliminate protections upon each use. The need to obtain permission to remove (to circumvent) protections upon each individual use, as well as, any possible legal actions arising from the process will pose a serious inconvenience to libraries. For this reason, the librarians also asked that the rights of persons using the works be represented in court proceedings or in mediation processes by a proper state-appointed entity.

Furthermore, the library community also proposed that the responsibility of ensuring access to unprotected content be shifted to copyright holders. Therefore, these would be obligated to manufacture and distribute unprotected copies so that, at the time of their acquisition, they would be free of any protections. Regardless of the accepted final solutions, it was underlined that the National Library should receive a special access code to all works published on protected mediums, as part of its status as a legal deposit institution. It will enable copying works regardless of the decisions of copyright owners and thus, it will ensure the possibility of preserving the national heritage. Penalties for producing, owning and storing devices or components used in unlawful removal or circumvention of effective technological protections are already included into Copyright Law. The same rules remain in draft law.

In July the plan of legal reform was just being submitted into the Polish Parliament. It is difficult to predict what will be the final form of it.

Lobby activities

Lobbying with consumer organizations against new draft of Copyright Law. Polish Librarians Association position paper on new Copyright Law was extremely successful and quoted in several newspapers.

Educational activities

EBLIDA's Copyright Expert Group - March 2006 in Warsaw