



Committee on Copyright and other Legal Matters (CLM)

Country Report Denmark

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In Denmark the focus has been on the i2010 *Digital Library Project*, initiated by the European Commission as a response to the Google Book Search project. The goal of the project is to make available to the public the European cultural heritage in digital format. It was left to the Member states to decide the national priorities and find solutions to the financial and legal challenges.

In Denmark the Ministry of Culture established a Working Group with sub-groups in order to prepare proposals and priorities for material to be digitised and propose solutions for the problems the proposals may encounter.

At the outset it was decided that digitizing projects should not be limited to public domain material. Therefore the main objective of the Copyright Sub Group was to address the copyright issues involved. The Copyright Sub Group consisted of representatives from both rights holder's organisations and user groups, i.e. representatives from archives, libraries and museums.

The Sub Group made surprisingly rapid progress and after only four meetings it could present the Working Group with a proposal for a solution.

The agreed solution consists in the following elements

- The recognition that in Denmark digitisation for preservation purposes does not raise copyright problems. The present Danish Copyright Act already accommodates the needs of Archives, Libraries and Museums in this respect.
- The recognition that the communication to the public of digitized cultural heritage material shall not involve compulsory measures towards rights holders.
- The recognition that the making available of commercially interesting material on normal market conditions by publishers or producers in many cases will be sufficient for making available cultural heritage material and will therefore not require any special actions taken by the cultural institutions. The cultural institutions will make such material available for their users on market conditions.
- A proposal to extend the present possibility of the Danish Copyright Act for *extended collective licensing*. This means that a licence agreement under certain conditions specified by the Parliament may be extended to right holders who are not members of the collecting society making the agreement. It is proposed that this possibility should be expanded to a general license for rights holder's organisations and user groups to enter into extended collective license agreement in areas where they find it useful without the need for parliamentary confirmation each time.
- An agreement that the problems of clearing rights for the use of orphan works (i.e. works where you cannot locate the right holder) and other cases where agreements with individual right holders are not practically possible can be solved by agreements within the new framework of extended collective licenses.

The Ministry of Culture is now preparing the necessary amendments to the Danish Copyright Act for the parliamentary session 2007-08, and the new provision is expected to be effective from summer 2008. As all interested parties support the amendment it is expected to be endorsed by the Parliament.

With the proposed amendment of the Danish Copyright Act, there remain no structural obstacles to the implementation of digitisation projects.

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