

Country Report: Denmark

Annual report to the IFLA CLM committee
Quebec Canada 2008

Copyright

Revision of copyright law

New legislation

Orphan works

The Danish Parliament finalized a series of amendments to the copyright law. The main change was the introduction of a general authorization to the collecting societies to make extended collective license agreements. So far this has only been possible in certain specific cases mentioned in the law. This general authorization will enable collecting societies to conclude license agreements on the basis of extended collecting licensing for the use of works – including digital copying and making available to the public of orphan works.

Public lending rights

No changes

Legal deposit

The revision of the law on Legal Deposit was postponed to 2010.

Levies

No changes

Creative Commons

This is not regarded as a matter for the legislature. Every author or rights owner is free to give permission and to specify the terms for the use of his works. Creative Commons is just one way of using this right.

Legal matters

Revision of law

New legislation

Trade agreements

No changes

Privacy

No changes

Anti terrorist law

September 15th 2007 a new anti terrorist regulation came into force. It obliges Internet service providers and Telecoms to archive internet traffic data and information on e-mail and telephone communications, i.e. IP addresses, e-mail dresses and telephone numbers of the sender and receiver of the communication, and the date and time when the communication took place. The data have to be archived for one year.

DRM

Nothing

Law cases

We had a court case on infringement of database right. The ruling was in principle identical to the British Horse Racing Board v Hill case, which followed an EU-Court ruling. This ruling was to the effect that the *sui generis* protection presupposes that there has been a substantial investment in the *obtaining, verification or presentation* of the contents of the database. If the creation of the database is a necessary prerequisite to the commercial activities of the owner of the database, it is not protected, even if the *production* of the database has been expensive. The production of data is something different than the *obtaining, verification or presentation* of them, and it is only the latter that is protected by the Database Directive. This ruling came as a big surprise to many.

Lobby activities

Danish Library organizations and Eblida have protested against the proposal of the EU Commissioner for Internal Market to prolong the term of protection of neighboring rights to recorded music from 50 to 95 years.

Educational activities

The Danish Research Library Association arranged a seminar on copyright and data protection I Copenhagen (ca. 100 persons attended) The Municipal library of Odense arranged a similar seminar (ca. 25 persons attended).

Strategic plans for future

The next year we will probably be occupied by utilizing the new opportunities afforded by the new provision on extended collective licensing. We will attempt to establish some standard terms or principles for license agreements in this area.

Harald von Hielmcrone
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