

STM issues statements on digital copyright exceptions

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The International Association of STM Publishers (STM) today released its position paper on digital copyright exceptions and limitations for education and research <http://www.stm-assoc.org/documents-statements-public-co> and has also taken the opportunity to comment on the recently released US Section 108 Study Group Report on digital library exceptions. The position paper and these comments help to answer questions on how copyright law will adjust to technology given the concerns of the academic and research communities.

Currently, there are few exceptions to copyright limitations that are specific to education and research in the digital environment, but it is likely that more exceptions will be considered in the future. STM therefore commends the report by the US Copyright Office of the Section 108 Study Group, which was released in March 2008 and which deals with digital exceptions for libraries¹, for its serious and reasoned approach to these issues.

“Any proposed exceptions and limitations for education and research dealing with STM materials must avoid distorting the vital and trusted system for communicating science. STM recognizes that archival needs, support for access by the visually disabled and interlibrary copying of rare materials, for example, are important functions for scholars, researchers and archivists. STM is willing to participate in formulating either legislation or sector-by-sector agreements on these issues,” said Michael Mabe, STM’s CEO.

STM will also participate in discussions on individual or collective licence schemes for “on the premises” viewing of digital archives, electronic course-packs and orphan works usage clearances.

With respect to the Section 108 Group Report, STM agrees on matters such as mandates for digital preservation where commercial copies are not immediately available, on limited numbers of copies for archiving purposes and for the ability of libraries to “refresh” digital items to accommodate technological change.

STM publishers have been working pro-actively with national libraries (including the Royal Library of the Netherlands) and non-profit organizations such as Portico for long-term archiving projects and supports enabling access to STM materials for those with visual disabilities through cooperation with relevant local or national authorities or specialized organizations.

¹ See <http://www.section108.gov/>

In matters of exceptions for digital interlibrary loans, however, STM's position differs from that of the Section 108 Report. STM's view is that with so much STM content available electronically and on a transactional basis, the presumed scarcity of scholarly materials is inapplicable. While there may be a scholarly need for a non-commercial and educational library to make a digital copy of unique and rare scholarly material for another non-commercial and educational institution, this should be limited to material that is not commercially available in the geographic territory of the "requesting" institution.

The possibility of deliveries of digital copies competing with publisher-organized supply services should be avoided at all cost and STM therefore does not recommend any changes to existing "interlibrary loan" principles for print materials, which usually arise as a national exception or collective licence.

Although the Section 108 Report Group did not address matters such as course-packs, which the STM Position Paper does, STM believes that this matter must be addressed in voluntary or collective licensing agreements. Similarly, on-premises access to archived content, and the use of so-called "orphan works" should also remain the subjects of licensed solutions.

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STM is an international association of about 100 scientific, technical, medical and scholarly publishers, collectively responsible for more than 60% of the global annual output of research articles, 55% of the active research journals and the publication of tens of thousands of print and electronic books, reference works and databases. We are the only international trade association equally representing all types of STM publishers - large and small companies, not for profit organizations, learned societies, traditional, primary, secondary publishers and new entrants to global publishing.

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