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NEW: How the new Polish copyright law modernizes library services

Major changes in Polish copyright law have brought library services in Poland into the 21st century. While it is early days to assess the full impact of the new legislation, the library community, with support from EIFL (Electronic Information for Libraries), is working hard to raise awareness on what the changes will mean for library activities and services in Poland.

The centrepiece for libraries of the new copyright legislation are provisions that enable digitization for socially beneficial purposes, such as education and preservation of cultural heritage. The new law also implements two important European Union Directives, the Directive on orphan works and the Directive on public lending right.

For the first time, libraries may undertake digital preservation, including for unpublished works. This means that Polish cultural and literary heritage, especially for unique or rare works, is legally safeguarded for the future. Libraries may also digitize works in their collections and make them available to users on library terminals.

“In the past researchers put pressure on librarians to digitize materials to support their teaching, and librarians were not certain that what they were doing was right,” said Barbara Szczepańska, EIFL Copyright Coordinator in Poland. “The new law gives librarians certainty, and the security that what they are doing is now legal.

“It also means that libraries may now digitize content for virtual learning environments, and place it in closed networks for use by students, researchers and teachers. This is a fantastic provision that makes distance education possible,” continued Barbara.

In addition, there are new provisions regarding the use of works where the library cannot currently request permission, either because the rightsholder cannot be found (known as orphan works), or where the work is no longer commercially available.

“Now I am travelling across the country, training librarians so that they understand the new law and how it has expanded access to knowledge,” said Barbara Szczepańska.

“EIFL has been supporting copyright reform in Poland since 2012,” said Teresa Hackett, EIFL’s Copyright and Libraries Programme Manager. “It was essential that librarians took part, for one key reason: to ensure that libraries in Poland can fulfill their social and public responsibilities in the twenty-first century.

“I’m delighted that librarians in Poland participated for the first time in high-level policy discussions on copyright, and became recognized as important stakeholders during the two-year consultation process,” continued Teresa. “Now we are on hand to support implementation of the new law, and how it can be best applied in practice.”

Read more

- How new Polish copyright law modernizes library services. New EIFL resources document the recent changes in Polish copyright law and what they mean for libraries in Poland: <http://www.eifl.net/news/how-new-polish-copyright-law-modernizes-library-services>
- Copyright reform in Poland webinar slides and recording, analysis http://www.eifl.net/sites/default/files/resources/201605/eifl_webinar_szczepanska.pdf
- Copyright reform in Poland Library services in Poland enter the twenty-first century. Timeline, context, background: <http://www.eifl.net/eifl-in-action/copyright-reform-poland>

Background to copyright reform in Poland

In 2004, the [Law on Copyright and Neighbouring Rights was amended](#) when Poland joined the European Union. While there was a rather good list of limitations and exceptions, they were badly in need of updating for the digital world.

In February 2012, following the declaration that Poland would not join the proposed Anti-Counterfeiting Trade Agreement (ACTA), a [plurilateral treaty being negotiated between industrialized nations](#), Donald Tusk (then Prime Minister of Poland, now President of the European Council) promised to continue the debate on digital freedoms.

Consequently in March 2012, the Ministry of Administration & Digital Affairs announced the formation of five task forces to work on legislative reforms essential for the growth of a robust digital society in Poland, such as rights for Internet users, safeguards for privacy, and copyright law reform.

The consultation process on copyright law reform was launched by the Ministry of Culture in the spring of 2013 with the Copyright Forum, a multi-stakeholder group to lead discussions on the future shape of Poland's copyright law.

The full title of the new law is the Act No. 83 of February 4, 1994, on Copyright and Neighboring Rights (as amended up to May 20, 2016).

The 1994 copyright act was amended extensively by the Act of September 11, 2015, on Amendments to the Copyright and Related Rights Act and Gambling Act.

The new law is implemented by a series of ordinances or regulations.

END

Editor's notes

About EIFL: EIFL (Electronic Information for Libraries) is a not-for-profit organization that works with libraries to enable access to knowledge in developing and transition economy countries in Africa, Asia Pacific, Europe and Latin America. Visit the website, www.eifl.net.

About the EIFL Copyright and Libraries Programme:

The EIFL Copyright and Libraries Programme builds capacity of librarians in copyright and develops useful resources on copyright issues. The programme advocates for global rules to benefit libraries campaigns for national copyright law reform.

Read more: www.eifl.net/programmes/copyright-and-libraries-programme.

EIFL provided assistance from 2012-2016 to 'Copyright reform in Poland', a project to support libraries and the national copyright reform process. The Project Manager was Barbara Szczepańska, EIFL Copyright Coordinator in Poland.

Read more: <http://www.eifl.net/eifl-in-action/copyright-reform-poland>

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