

Digital collections and legal challenges in Estonia

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DIGAR

- Digital Archive - publications that are deposited and submitted by publishers, and publications from libraries collections that are digitised
- 2012 – **16 376** titles, 1 833 477 files
- In 2012 – 856 searches per day
- Types of publications: books, newspapers, magazines, periodicals, academic works, government publications, maps, postcards and sheet music, web publications (according to the Legal Deposit Act)

- Estonian Copyright Act 1992
- Changed 31 times
- Expert Group on the Codification of the Intellectual Property Law –New Copyright Draft Act by autumn 2014
- Libraries Copyright Working Group (National Library of Estonia (NLE), University of Tartu Library, Tallinn Central Library, Academic Library of Tallinn University, Tallinn University of Technology Library, Repository Library of Estonia)

- Digitally born e-books (Epub, pdf)
- Digitized content (pdf)



Tangible copies

- Concept of exhaustion
- First sale doctrine

Digital content

- No concept of exhaustion or first sale doctrine



- ECJ decision *Oracle vs. UsedSoft*

Use of digital works

- License agreement
- Copyright Act - Exceptions and limitations
- Legal Deposit Draft Act – Pre-print files accessible via authorised workstations in the premises of library (NLE, Academic Library of Tallinn University, Tallinn University of Technology Library, University of Tartu Library)

Copyright Act

§ 20. Free use of works by public archives, museums or libraries

(1) A public archive, museum or library has the right to reproduce a work included in the collection thereof without the authorisation of its author and without payment of remuneration, in order to:

4) digitise a collection for the purposes of preservation

Digitisation of works

- **Estonian Copyright Act § 20 (3)** - A public archive, museum or library has the right to use a work included in the collection thereof without the authorisation of its author and without payment of remuneration for the purposes of an exhibition or the promotion of the collection to the extent justified by the purpose
- **How to find information about rights holders**
- **Legal succession for Soviet period publishers?**
- **Newspapers – embedded works**

Solutions?

- Extended collective licensing on periodicals and mass digitisation projects
- Orphan works directive on special collections
- Diligent search easy and sensible (no page-by-page examination requirement), managed by one institution
- E-book lending – European level solution needed
- Text and data processing

Thank you!
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