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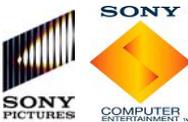
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Javier Hernández-Ros
Head of Unit E.4
Information Society and Media DG
European Commission
200, rue de la Loi
B-1049 Brussels

20 January 2006

**RE: Communication from the European Commission
"2010: digital libraries"**

Dear Mr Hernández-Ros,

The Creative Media and Business Alliance welcomes the opportunity offered by the European Commission to present its views on this initiative which has implications for the creative industries across the board, particularly with regard to the copyright and related rights legal framework.

Copyright and related rights enable creators, producers, publishers, etc. to make works available through a balanced legal framework, ensuring remuneration of their creative efforts and a return on their investment. Therefore, CMBA members do not support the various comments made in the Communication that intellectual property rights are a barrier to digitization and the realisation of the vision of widespread access to digital content throughout the EU.

We all support the widest possible dissemination and diffusion of the works we produce or publish, be it through legal digital platforms or high street retailers. And the works we produce or publish are increasingly available in digital formats. Even in the publishing field where printed products remain the vast majority, some sectors have largely migrated from paper to electronic media, like B2B and the Scientific Technical and Medical (STM) publishing, or limited versions of newspapers published on a website.

But citizens still read printed versions of their newspapers and magazines, and they read children's books or trade books on paper, to name just a few examples. Over the past year, several large players in the information society have been taking steps to make this content



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available in digital formats, including over the internet. At the same time, the European Commission is examining what could be done to promote digital libraries in Europe.

For audiovisual content or music and certain fields of publishing, digital collections (public and private) will become an increasingly important vector for the dissemination of content, competing with physical and online retailers. Some of this activity will take place through commercial channels and in other cases through public sector libraries. In all cases, acquisition and dissemination of content under copyright must be carried out on the basis of licence agreements with right holders, as is already the case in the analogue environment.

Producers and publishers invest in creativity and take financial risks before releasing a work of the mind. Together with the authors, our ability to engage in the creative process is dependent upon the ability to choose business model and be paid for this investment. Therefore, it is crucial that any digitisation for other purpose than strict preservation, and the further making available through digital communication systems, must be done with the explicit permission of the rights holders, including the authors, producers and publishers. This will ensure sustainability of new business models which in turn will secure future creativity and access to a wide range of creative works.

Should a public sector European digital library wish to provide access to European content, it should do so through contracts between rights holders and users in the same way as is common practice for physical content and always in a manner not interfering with the normal exploitation of such content by the rights holders, as foreseen by applicable European and International law. This will encourage increased access to European works and promote the development of innovative business models without risk of unbalancing the whole creative sector.

We urge the Commission to work proactively with the creative and media industries to further cultural aims, in particular in the context of suggestions for a European Digital Library. We believe that voluntary agreements and private-public sector partnerships are the way forward. The preservation of Europe's heritage should not jeopardise investment in the creative products and services that constitute its digital future.