Google's project to digitise the world's book heritage

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The Commission presented to the ministers for competitiveness a written report on the draft settlement of the pending class action concerning the "Google Library" project.

Last November, to launch the debate on digitisation on cultural content in Europe, the Commission informed ministers about its analysis of the impacts from a European perspective of Google Books, in the wake of the revised settlement between Google and US publishers. This report was also presented at the Education, Youth and Culture Council meeting on 26 and 27 November 2009 (doc. *15109/09*).

The Commissioner emphasised that this issue only served to highlight the need for urgent EU action on digitisation.

Ministers were asked to consider the following questions:

(1) *What are the main issues that need to be addressed in a European initiative to open up a level playing field for the digitisation of cultural works, and in particular books?*

- Ministers highlighted the licensing of orphan works as well as the issue of standards for digitisation as being among the questions that needed to be resolved if the volume of digitised books and other cultural content in Europe was to grow. Delegations stressed that a balanced approach to questions of copyright was critical, taking into account the interests of right holders and users alike. In addition, a number of Member States were in favour of a coordinated European strategy to address these questions.

(2) *How can governments and the EU facilitate private initiatives and public-private partnerships for making cultural works, particularly books, digitally available to all European citizens, regardless of borders?*

- Ministers and the Commission generally considered that the involvement of the private sector in the digitisation process should be possible, albeit subject to certain conditions. Some delegations cautioned that such cooperation must not lead to private monopolies whilst others emphasised that the market should be left to develop. Legal certainty and enforcement of competition rules were also referred to as pre-conditions for the involvement of private companies. A suggestion by the French minister to create a "small committee of wise men" to look into the issue of private sector participation was supported by a number of delegations keen to contribute to such a process.

(3) *What can be done by Member States and national institutions to make important digitised material - in particular public domain material - freely available through Europeana?*

- Member States agreed with the Commission on the importance of concerted action to ensure that much more digitised material is made available through Europeana and on the need for the prototype to become fully operational in 2010.