



Country Report France

Annual report to the IFLA CLM committee
San Juan Puerto Rico 2011

Copyright

Revision/changes in existing law or regulations

New legislation

Orphan works:

A law proposal on orphan works has been drafted.

The national Council for Intellectual property (Conseil supérieur de la propriété littéraire et artistique : CSPLA), which is working under the supervision of the Ministry of Culture, is currently analyzing the Directive project with all the French stakeholders.

The draft will probably be amended in consideration of the European proposal.

Mass digitization:

- 1) The national Loan (called "investments for the Future") launched by the government at the end of 2009 promised 750 millions of Euros for digitization (140 millions for the Bibliothèque nationale de France (BnF) through public-private partnerships). A call for projects has been launched by the BnF, the General Committee for investment and the Ministry of culture. Private partners are invited to describe their project of digitization and valorisation on a selection of collections (12 areas are proposed: old books from 1470 to 1700, a corpus of 300 000 to 500 000 French books in the public domain, French Press from 1780 to 1940, 78 rpm and long-playing records, medieval or modern manuscripts, also photography and pictures before WW2).

The deadline for replies runs out October 12, 2011.

- 2) Out of print works : "proposition de loi sur les livres indisponibles"

A Framework agreement has been signed in February 2011 between the Ministry of Culture, the BnF, the General Committee for investment, the French Publishers and a collective society representing authors.

This agreement aims at facilitating the digitization of 500.000 out-of-print books of the XXth Century. These books are still under copyright and are part of the BnF's collections. The digitization is supposed to last 5 years.

At the end, the digitized books will be sold through a collecting society, which will deliver licences and collect retribution for both authors and publishers.

A law is necessary to implement the system and create an appropriate collecting society. A law proposal is currently under discussion.

This project raises at least two questions : which is the compatibility of this proposal with the EU MoU on out-of-print works? And how can be the legislation on out-of-print works coordinated with the Directive on Orphan Works ?

Legal deposit:

The legal deposit of internet sites has been made compulsory since the DADVSI Law in 2006. Since that date however, we are waiting for the application Decree in order to implement officially this new kind of legal deposit and to give an official access of the collected archives to the searchers. For the moment collect and access are made on an "experimental" way.

The Decree is expected before the end of 2011.