Country Report Norway
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The Norwegian Library Association has since the beginning of the 1990s had a strong focus on analysis of copyright questions related to library activities and user rights. From 1994 there was a close contact with EBLIDA (Emanuella Giavarra) concerning library and copyright activities. Already in 1996 the association established a permanent copyright committee which has been engaged on a regular basis in consultations and lobby activities.

The association was working closely with EBLIDA before, under and after the WIPO copyright conference of December 1996 which endorsed the WIPO copyright treaty. This copyright treaty was later implemented in EU legislation as EU directive 2001/29/EF of 22 May 2001 (the so-called “InfoSoc” directive). EU members implemented this directive in their legislation and as Norway, Iceland and Liechtenstein are part of the EEA treaty (European Economic Agreement), these countries have to implement the copyright in the same manner as full EU-members (http://www.europarl.europa.eu/factsheets/6_3_2_en.htm).

The Norwegian government conducted a hearing process in 2003 and in February 2005 published their proposal (http://www.regjeringen.no/nb/dep/kkd/dok/regpubl/otppr/20042005/Otppr-nr-46-2004-2005-.html?id=396411) for the full implementation of the EU-directive in Norwegian legislation. The Parliament should make the final decisions based on the proposal of spring 2005. The Norwegian Library Association took a very active part in the lobby work in the Parliament and in the media (http://www.norskbibliotekforening.no/article.php?id=1018) and managed to change the final result on four major arenas for the libraries. This result also means that the Norwegian library association is very content with the final implementation and says that the libraries and their users will have no major problems in acting inside the legal framework with the Norwegian implementation of the EU directive.

These four arenas are:

™ Free access for the end users – the library association managed to get a unanimous support for free access to library services for the end users in public libraries - contrary to the proposal and actions of the government;
™ Activities which are maybe not yet introduced in other European countries: “The legal circumvention of the technical protection systems for libraries in special cases – especially for the national library with legal depository needs” – contrary to the proposal and actions of the government;
™ There were very fierce attacks in the media towards the Norwegian Library Association from the government and the rights holders on these very specialised and minor arenas of the implementation of the EU directive in the Norwegian copyright law. There were also two very significant aspects in this fight:
™ The problems arising in UK have been described here (http://www.british-library.drm-.html) and “Norwegian Writers for Children” (http://www.nbuforfattere.no/pub/nbu/English/?&mid=89) were responsible for this distorted version of decent public debate.
™ In November 2007 the government decided on more detailed regulations of the copyright law so that the process of implementation of the EU directive of 2001 is now completed (http://www.rejeringen.no/en/dep/kkd/Press-Centre/pressemeldinger/2007/Lettere-a-digitalisere-litteraturarven-.html?id=491681).

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The libraries and users of libraries have managed through active participation from the library association to get law regulations which will give good framework conditions in the coming years.
Based on these considerations, and following up on its earlier Statement on Open Access (Appendix 1) the ERC Scientific Council has established the following interim position on open access:

1. The ERC requires that all peer-reviewed publications from ERC-funded research projects be deposited on publication into an appropriate research repository where available, such as PubMed Central, ArXiv or an institutional repository, and subsequently made Open Access within 6 months of publication.

2. The ERC considers essential that primary data - which in the life sciences for example could comprise data such as nucleotide/protein sequences, macromolecular atomic coordinates and anonymized epidemiological data - are deposited to the relevant databases as soon as possible, preferably immediately after publication and in any case not later than 6 months after the date of publication.

The ERC is keenly aware of the desirability to shorten the period between publication and open access beyond the currently accepted standard of 6 months.

Appendix 1
ERC Scientific Council Statement on Open Access December 2006

1. The ERC Scientific Council stresses the fundamental importance of peer-reviewed journals in ensuring the certification and dissemination of high-quality scientific research and in guiding appropriate allocation of research funds. Policies towards access to scientific research must guarantee the ability of the system to deliver high-quality certification services.

2. While the certification quality of the scientific publication system is not in doubt, the high prices of some journals - which do not seem to be chiefly driven by cost considerations - raise significant worries concerning the ability of the system to deliver wide access and therefore efficient dissemination of research results, with the resulting risk of stifling further scientific progress.

3. These considerations lead the ERC Scientific Council, like other research funding bodies, to stress the attractiveness of policies mandating the public availability of research results - in open access repositories - reasonably soon (ideally, 6 months, and in any case no later than 12 months) after publication.

4. Of course, general open-access policies are not trivial to implement because: (i) the speed of ‘obsolescence’ of knowledge varies across disciplines; and (ii) so does the availability of open access repositories. Moreover, coordination between research funders (at EU level, across parts of the Framework Programme for example, but also at the level of Member States and their regions) is highly desirable.

5. This being said, it is the firm intention of the ERC Scientific Council to issue specific guidelines for the mandatory deposit in open access repositories of research results - that is, publications, data and primary materials - obtained thanks to ERC grants, as soon as pertinent repositories become operational.

6. The ERC Scientific Council moreover hopes that research funders across Europe will join forces in establishing common open-access rules and in building European open access repositories that will help make these rules operational. To facilitate this process for EU-funded research, it recommends that the European Commission sets up a task force including representatives from the various FP7 programmes (Cooperation, Ideas, People ...) to develop an operational FP7 policy on open access by the end of 2007 (which takes in particular into account disciplinary differences and technological constraints).