

DO LICENSES HELP OR HINDER THE RIGHT TO RESEARCH?

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CONTRACT OVERRIDE PREVENTION CLAUSES

- LICENSES FOR DIGITAL CONTENT OFTEN INCLUDE TERMS THAT PURPORT TO LIMIT COPYRIGHT EXCEPTIONS
- SINCE 1991, EU DIRECTIVES RELATED TO COPYRIGHT HAVE CONTAINED CLAUSES THAT REQUIRED THE NULLIFICATION OF LICENSE TERMS THAT OVERRIDE SPECIFIC EXCEPTIONS MANDATED BY THOSE DIRECTIVES
- WHAT IS THE POINT OF GRANTING EXCEPTIONS IF LICENSORS CAN UNILATERALLY OVERRIDE THEM?

EU DIRECTIVES WITH COPYRIGHT OVERRIDE PREVENTION CLAUSES

- SOFTWARE DIRECTIVE (1991)
 - BACKUP COPIES, REVERSE ENGINEERING
- DATABASE DIRECTIVE (1996)
 - NECESSARY FOR USE, INSUBSTANTIAL PARTS
- MARRAKESH DIRECTIVE (2018)
 - MAKING AND DISTRIBUTING ACCESSIBLE COPIES
- COPYRIGHT IN THE DIGITAL SINGLE MARKET DIRECTIVE (2019)
 - TEXT AND DATA MINING, ONLINE EDUCATION, PRESERVATION

COUNTRIES WITH TARGETED CONTRACT OVERRIDE PREVENTION CLAUSES

EU MEMBER STATES

- AUSTRIA
- BULGARIA
- CROATIA
- CYPRUS
- CZECH REPUBLIC
- DENMARK
- ESTONIA
- FINLAND
- FRANCE
- GREECE
- HUNGARY
- ITALY
- LATVIA
- LITHUANIA
- LUXEMBOURG
- MALTA
- NETHERLANDS
- POLAND
- ROMANIA
- SLOVAKIA
- SLOVENIA
- SPAIN
- SWEDEN

COUNTRIES SEEKING EU MEMBERSHIP

- ALBANIA
- BOSNIA AND HERZEGOVINA
- NORTH MACEDONIA
- TURKEY
- UKRAINE

COUNTRIES WITH TARGETED CONTRACT OVERRIDE PREVENTION CLAUSES

EUROPEAN FREE TRADE AGREEMENT MEMBERS

- ICELAND
- LIECHTENSTEIN
- NORWAY
- SWITZERLAND

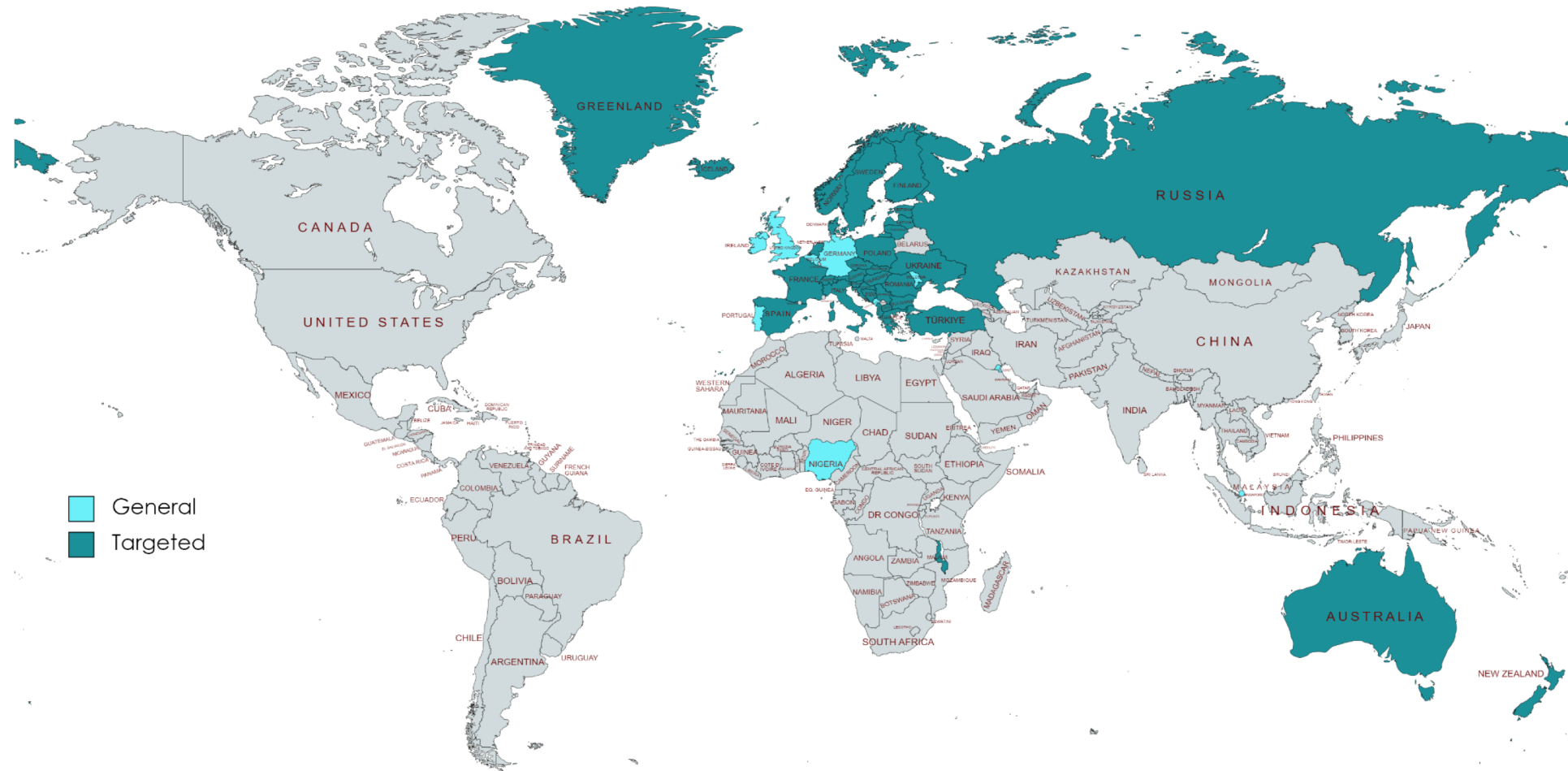
OTHERS

- AUSTRALIA
- GREENLAND
- MALAWI
- NEW ZEALAND
- RUSSIA

COUNTRIES WITH GENERAL CONTRACT OVERRIDE PREVENTION CLAUSES

- BELGIUM
- COOK ISLANDS
- GERMANY
- IRELAND
- KUWAIT
- MOLDOVA
- MONTENEGRO
- NIGERIA
- PORTUGAL
- UNITED KINGDOM
- SINGAPORE

COUNTRIES WITH CONTRACT OVERRIDE PREVENTION CLAUSES



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