

Openness and the Law and Creative Commons Tools

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The new Israeli Copyright Act, which was enacted in 2007,[1] includes several exceptions related to learning and research in educational institutions and public libraries. The main exceptions that we shall discuss are Fair Use and Permitted Uses in Libraries and Archives. Although the new act includes more permitted uses than the 1911 act, the new act creates a high degree of uncertainty regarding permissible uses. This uncertainty is compromising the ability to facilitate access to necessary research and teaching materials.

To address this uncertainty and its chilling effect a few solutions are available in Israel. These solutions include the Code of Fair Use Best Practices [2] for the use of copyrighted materials in Higher Education Institutions and the Creative Commons (CC) initiative.



The Code of Fair Use Best Practices was initiated through the collaboration between the Law and Technology Clinic of the University of Haifa, Faculty of Law, and the College of Management Academic Studies School of Law. The Code itself was created by a coalition of the higher education institutions in Israel.

CC is a world nonprofit corporation that provides free licenses as an alternative to the conservative copyright legal regime. The Law and Technology Clinic is responsible for CC Israeli branch. The CC licenses enable people to freely, easily and without the interfering of lawyers define their copyright terms of use of their work.

We shall discuss the 2007 Copyright Act, its main exceptions, their advantages and disadvantages and few solutions that were suggested to recover the uncertainty that was created by the new act.

[1]<http://weblaw.haifa.ac.il/he/Research/ResearchCenters/techlaw/papers/englishcopyright.doc>

[2][http://weblaw.haifa.ac.il/en/AcademyInCommunity/ClinicList/tech/Documents/Code%20of%20Best%20Practices%20\[English%20Translation\].pdf](http://weblaw.haifa.ac.il/en/AcademyInCommunity/ClinicList/tech/Documents/Code%20of%20Best%20Practices%20[English%20Translation].pdf)