COPYRIGHT ISSUES IN THE CONTEXT OF DIFFERENT EDUCATIONAL POLICIES
Belgrade, April 23-24th
ABOUT VICENS VIVES
Editorial Vicens Vives

Founded in Barcelona in 1961 by Roser Rahola and Pere Vicens, after the death of the historian Jaume Vicens Vives (1961), the publisher Vicens Vives is currently the leader (in education) in school editions of textbooks and teaching materials for children’s education, primary, secondary and high schools.

Its economic and ideological independence allows a great objectivity in performing its educational vocation, creating materials to help educate citizens and help teachers.

Jaume Vicens Vives

*Full dedication to teaching*
Quality market position (quality as a strategic objective)

Vicens Vives has positioned itself in the market as a quality brand regarding both the formal aspect of the book (the book as object) and material (content development).

Its books are considered by the educational community as **quality books due to its academic rigor and advanced pedagogy**.

Thanks to the defense of these values, Vicens Vives has positioned itself as the **leading independent publisher** of the Spanish textbook sector. Vicens Vives has been able to defend its market position against large corporations even in the era of big mergers and takeovers.

- **Utmost rigor, objectivity and scientific update.**
- **Age appropriate contents, clear text, and motivating for students.**
- **Didactic illustrations** that allow access to educational content in a more dynamic and active way.
- **Activities** focused on **consolidating the subjects and dealing with the diversity** in classrooms.
- **Respect for the environment** by using recycled materials which do not contain toxic substances.
Complete educational editorial production

Vicens Vives makes a complete educational editorial production, developing not only textbooks, but also:

- Activity books
- Teaching guides
- Audiovisual material
- Digital books
- Books for reading
- Foreign languages books (English, French…)

In addition, Vicens Vives has its own resources related to printing and publishing/editorial sector:

- Own printing press (Gráficas Instar)
- Cartographic maps and charts generator (Instituto Cartográfico Latino)
Vicens Vives in numbers

+50 years of history

5 million books distributed annually worldwide

9 Operational centers in Spain and 5 subsidiary in LATAM

500 workers in Spain and 95 in the American subsidiaries

+1 Million students in Spain and half a million in LATAM use Vicens Vives teaching materials

Belgrade, April 23-24th
A publisher with an international focus

Since its inception, Editorial Vicens Vives has developed a catalogue intended for educational systems in Spain and LATAM.

Today it is one of the most prestigious publishers in the education sector in Spain and Latin America and has offices in Mexico, Colombia, Peru, Chile and Argentina.
A strong commitment to innovation

Editorial Vicens Vives has a continuous commitment to innovation and the latest trends in education. By way of example, it owns two of the most advanced educational platforms of the moment:

**EduBook3D**

EduBook3D is the digital solution Vicens Vives uses to teach without limits.

With EduBook3D, both teachers and students have access to:

- Digital books of Vicens Vives.
- Activities (open and self-correcting).
- Documents and links.
- Multimedia elements.
- Direct connect with Tiching website.
- Add links and annotations.
- Mark text.

**Tiching**

This is school education network to find, organize and share educational resources to learn and teach better.

Tiching currently has the largest repository of educational resources, consisting of over 650,000 resources available to a community of over 560,000 users among teachers, students and families, over 500,000 schools and over 400 publishers.
COPYRIGHT ISSUES IN SPAIN

LAW 21/2014 ABOUT INTELLECTUAL PROPERTY
Legal framework

The Spanish legal framework on intellectual property is based on two European directives transposed into the Spanish legal system:


As a result of the transposition of European directives, the Law 21/2014, of November 4th related to Intellectual Property Law came into force in Spain in January 1st, 2015.
Article 32: Quotes and reviews for teaching or scientific research (1)

It is lawful to include fragments of other people’s work in an own work, audio or audiovisual, as well as that of isolated works of photographic or figurative nature, provided that:

- The works have already been **disclosed**.
- Its inclusion is by **way of quotation** or for analysis, comment or critical assessment.
- Such use may only be made **for teaching or research purposes to the extent justified** by the purpose of the incorporation.
- Must **indicate the source and the name of the author** of the work used.
Article 32: Quotes and reviews for teaching or scientific research (2)

Teachers do not need permission from the author or publisher to carry out acts of reproduction, distribution and public communication of small fragments of works and isolated works of plastic character or photography, when the following conditions are met simultaneously:

• It does not have commercial purpose.

• For illustration of educational activities or scientific research purposes only.

• Works have already been disclosed.

• Works do not have the status of textbook, university manual or assimilated publications.

• The author's name and the source are quoted, except in impossible cases.
Article 32: Quotes and reviews for teaching or scientific research (3)

No permission will be neither needed from the author or editor for acts of partial reproduction, distribution and public communication of works or printed publications (or capable of being printed), when the following conditions simultaneously concur:

• Such acts are performed exclusively for illustration within teaching and scientific research purposes.

• The acts are limited to a chapter in a book, magazine article or equivalent extension regarding an assimilated publication, or equivalent extension to 10% of the work, being indifferent to these effects than copying is carried out through one or more acts of reproduction.

• The acts are performed in universities or public research centers for their staff and their means and instruments.

• The distribution of partial copies is exclusively carried out between students and teaching staff or researchers in the same center where reproduction is performed and/or the distribution of copies takes place through internal closed networks of the center.

Belgrade, April 23-24th
Article 32: Quotes and reviews for teaching or scientific research (4)

Unwaivable right

In the absence of specific agreements between the owner of intellectual property and the university or research organization, and unless such a center or organization holds the appropriate copyright on the reproduced, distributed and partially publicly communicated works, their authors and editors will have an unwaivable right to charge centers an equitable remuneration, which will be effective through management entities.

Exception: Not applied for musical scores, works for single use or compilations or fragments, groups of works or isolated works of photographic or figurative character.
Article 32: Quotes and reviews in internet (“Google tax”)

Public disposal of works through service providers who provide search tools for isolated words shall not be subject to authorization or fair compensation provided that such public disposal occurs without own commercial purpose and is strictly limited to what is necessary to provide search results in response to inquiries made previously by an user and includes a link to the source page content.

Public disposal of works by electronic service providers of content’s aggregation of insignificant fragments of content, reported in magazines or on web sites that are regularly updated and with informative, public opinion creation or entertainment purposes shall not require authorization, without prejudice to the right of the publisher, or other rights holders, to receive a fair compensation.

This right is unwaivable and shall be paid by the management entities of intellectual property rights ("Google Tax").

In any event, public disposal of any image, photo, artwork or photograph disclosed in magazines or on websites by third parties is subject to a previous authorization.
Article 37 bis: Orphan works

Is considered "Orphan works" works whose rightsholders are not identified or if they are, are not located despite having made a prior diligent search.

When existing several rightsholders of the same work and not all of them have been identified and, despite having been identified, they have not been located after a diligent search, the work may be used with the proper authorization of the identified rights’ holders.

Any use of an orphan work requires the mention of the names of the identified authors and holders of intellectual property rights.

Schools, museums, libraries and newspaper archives accessible to the public and public broadcasters, files, record and film libraries may reproduce orphan works, provided that such acts are performed with nonprofit purposes and in order to achieve objectives related to their public interest.

Orphan works may be used provided they have been first published or, when pending for publication, have been broadcast for the first time in a Member State of the European Union.

The copyright’s owners of a work may ask anytime the competent authority to end with the orphan work status referred to their rights and receive a fair compensation for the use made.
THANK YOU!