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**Case study 3:
Austria**



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2 Introduction

This case study about access to law in Austria is the fourth OpenLaws.eu case study, following those of the EU, the United Kingdom and the Netherlands. The aim is to analyse the context, the actors, the methods, the practices and the resulting outcome in accordance with the CAMPO framework.¹ Even though Austria is a small EU Member State, the country is taking a leading position in the development of legal information systems and access to law. The official Austrian legal information system RIS (Rechtsinformationssystem des Bundes) provides free access to legislation and case law in a centralized system. The platform has won several awards, including the IALL 2013 Website Award of the International Association of Law Libraries.² Since April 2012, the RIS data sets are also available for free as open data, which enables third parties to build applications on top of Austrian legislation and case law. This was the starting point of the successful RIS:App and the subsequent application for the OpenLaws EU Project. The RIS open data interface was changed end of 2015 to a more comprehensive interface, providing not only federal and state legislation, but also case law from the high courts and several other lower courts.

Austria has also a long tradition of legal informatics and information law events. The IRIS conference 2016 in Salzburg is taking place for the 19th time and attracts participants not only from German-speaking countries, but from all over Europe. With approximately 220 to 250 participants and 5 to 7 parallel sessions it is one of the largest legal informatics conferences in Europe.³

Furthermore, Austria is also the Member State in which the already founded OpenLaws spin-off company “openlaws gmbh” has been incorporated in January 2015. The mission of this start-up is to ensure the continuation of OpenLaws beyond the EU Project duration and to operate the platform in accordance with the sustainability plans. Also, the infrastructure for the project is hosted exclusively in Austria, in full compliance with data protection standards. The spin-off has already successfully applied for follow-up funding to connect even more legal databases to the Big Open Legal Database (BOLDbase) under the ODINE call.⁴ The company is also supported by the Open Data Institute (ODI), which was co-founded by Sir Tim Berners-Lee and Sir Nigel Shadbolt.⁵

Last but not least, Austria does not only have a legal informatics track-record, but also an innovation history: The world-famous economists Joseph Schumpeter and Peter

¹ The CAMPO framework was developed by Prof. Chris Marsden, see also Marsden, Cave, Hoorens (2006) „Better Re-Use of Public Sector Information: Evaluating the Proposal for a Government Data Mashing Lab“ October 27 at: <http://dx.doi.org/10.2139/ssrn.2142023> (19.2.2016).

² International Association of Law Libraries, The IALL 2013 Website Award Winner is Austrian Legal Information System Rechtsinformationssystem des Bundes (RIS), <http://iall.org/iall-2013-website-award-winner/> (19.2.2016), see also section 6 “Practices”.

³ International Legal Informatics Symposium (IRIS), <https://www.univie.ac.at/RI/IRIS16/> (19.2.2016).

⁴ The Guardian, Winners of the second ODINE call announced, <http://www.theguardian.com/odine-partner-zone/2015/nov/04/winners-second-call-odine-call-open-data-incubator-programme-europe>.

⁵ Open Data Institute, Startups, openlaws, <http://theodi.org/start-ups/openlaws> (19.2.2016).

Drucker both have Austrian origins. Their concepts and principles – as they are being taught at the WU Executive Academy - have been the initial spark for the OpenLaws projects.⁶

3 Context

3.1 Austrian Legal System

Austria is a democratic, federal republic, covering nine provinces. Each of these nine provinces has its own government. This construction leads to a complex system of competencies and federal and state/provincial legislation. Immediately after World War II, on May 1st 1945, Austria's Constitution of 1920 as amended in 1929, which was notably drafted by Professor Hans Kelsen – a famous jurist and legal philosopher – was re-enacted. However, it took ten more years until Austria's full sovereignty was re-established by the conclusion of a state treaty on May 15th 1955 between Austria and the Allies, France, the UK, the USA and the USSR. In the same year, Austria declared its permanent neutrality by constitutional law and became a member of the United Nations. On January 1st 1995, Austria joined the European Union and also became a member of the European Currency Union. The Austrian legal system is based on the civil law tradition and has its origin in Roman law.⁷

3.1.1 Austrian Legislation

The highest ranking laws in the Austrian legal hierarchy are outlined in the "Fundamental Principles" of the Austrian national constitution. The Fundamental Principles are the following: the democratic principle; the principle of the separation of powers; the principle of the rule of law; the republican principle; and the liberal principle. As a whole, these leading principles form the basic constitutional legal system. Particular constitutional weight is thus accorded to these principles, so that any "complete alteration" to the national constitution can only take place if first agreed to by the Austrian people in a referendum. A "complete alteration" to the constitution takes place when the constitution is so radically amended that either one of the leading principles needs to be removed, or the relationship of the principles to each other becomes essentially altered. Austria's entry into the EU on January 1st 1995 required a "complete alteration" to the national constitution. Austrian constitutional law was thus joined with EU law as the most fundamental source of law (Dual-constitution). The general view is that EU law now takes precedence over domestic Austrian law and the national constitution, but is subordinate to the fundamental principles of the constitution.⁸

⁶ WU Executive Academy, Career Story: Clemens M. Wass, BY WASS GmbH, <https://executiveacademy.at/en/news/detail/career-story-clemens-m-wass-by-wass-gmbh/> (19.2.2016).

⁷ Oehlboeck J., Gerstner I., updated by Barotanyi B. (member of the openlaws advisory board), The Austrian Legal System and Laws: a Brief Overview, <http://www.nyulawglobal.org/globalex/Austria1.html> (19.2.2016).

⁸ Oehlboeck et al, as above, <http://www.nyulawglobal.org/globalex/Austria1.html> (19.2.2016).

This hierarchy of EU law, constitutional law, federal and regional law is highly relevant. A combined legal database would allow for new representations and visualizations between the various levels.

Austrian private law is divided into general private law applicable to all persons, and specialized forms of civil law, which are applicable only to certain categories, such as commercial law for business people or employment law for employers and employees. The major part of what is considered general private law is regulated in a comprehensive private law code called the Allgemeine Bürgerliche Gesetzbuch (ABGB) which was enacted in 1811 and came into force in 1812. Accordingly, it is the oldest civil code in the German speaking countries that is still in force and effect.⁹ The ABGB is also the most frequently searched legal act in the RIS system.

Austrian criminal law is the branch of public law that defines criminal acts and sets out the respective criminal penalties. Criminal law is a broad concept, and it includes as a separate sub-category, the so-called "non-criminal" penal law (concerned with administrative crimes and disciplinary penalties). Thus, within the concept of criminal law, one differentiates between judicial criminal law and administrative criminal law depending on whether the criminal law is to be enforced by the courts or by the administrative authorities.¹⁰

3.1.2 Austrian Case Law

Although Austrian case law is not legally binding, it does have decisive persuasive authority. All jurisdictions in Austria proceed from the Federal Republic. Verdicts and findings are proclaimed and published in the name of the Republic. Austrian Law draws a basic distinction between two principal jurisdictions: (i) tribunals and courts concerned with public law matters, and (ii) the courts of ordinary jurisdiction.

The Supreme Court of Justice (Oberster Gerichtshof – OGH) is the final instance in civil and criminal proceedings and hence the supreme institution of ordinary jurisdiction. The Constitutional Court (Verfassungsgerichtshof - VfGH) is the highest state body in Austria when considering constitutional law. By their decisions, the constitutional justices create legal certainty for federal and state legislators, for the administration, as well as for every individual. The Administrative Court (Verwaltungsgerichtshof – VwGH) monitors the legality of administrative acts. It is limited to controlling the legal justification of individual decisions, while appeals regarding violation of rights guaranteed by constitutional law or the application of unlawful general norms have to be addressed to the Constitutional Court.

3.1.3 European Legislation

The 1995 enlargement of the European Union saw Austria, Finland and Sweden accede to the European Union. This was the EU's fourth enlargement and came into

⁹ Oehlboeck et al, as above, <http://www.nyulawglobal.org/globalex/Austria1.html> (19.2.2016).

¹⁰ Oehlboeck et al, as above, <http://www.nyulawglobal.org/globalex/Austria1.html> (19.2.2016).

effect on the 1 January of that year. All these states were previous members of the European Free Trade Association (EFTA) and had traditionally been less interested in joining the EU than other European countries.

It is an Austrian “urban legend” that more than 80 percent of Austrian legislation were influenced by European legislation.¹¹ In fact, the Austrian Foreign Ministry declares on its website, that “it is impossible to make a precise statement about what percentage of Austrian laws are influenced by EU legislation.”¹² Still, the *Acquis Communautaire*, i.e. the total body of the European Union law applicable in the EU Member States is impressive. The JRC-*Acquis* version 3 (2007) of the European Commission Joint Research Center provides the following overview:¹³

Language ISO code	Number of texts	Text body			Signatures	Annexes	Total No words (text + signatures + annexes):
		Total No words	Total No characters	Average No words	Total No words	Total No words	
bg	11384	16140819	104522671	1417.85	2170075	14114612	32425506
cs	21438	22843279	148972981	1065.55	7225300	16763733	46832312
da	23624	31459627	213468135	1331.68	2629786	16855213	50944626
de	23541	32059892	232748675	1361.87	2542149	16327611	50929652
el	23184	36453749	239583543	1572.37	2973574	16459680	55887003
en	23545	34588383	210692059	1469.03	3198766	17750761	55537910
es	23573	38926161	238016756	1651.3	3490204	19716243	62132608
et	23541	24621625	192700704	1045.9	1336051	14995748	40953424
fi	23284	24883012	212178964	1068.67	2677798	12547171	40107981
fr	23627	39100499	234758290	1654.91	3021013	19978920	62100432
hu	22801	28602380	213804614	1254.44	2529488	15056496	46188364
it	23472	35764670	230677013	1523.72	3120797	18331535	57217002
lt	23379	26937773	199438258	1152.22	2436585	15018484	44392842
lv	22906	27592514	196452051	1204.6	1673124	15437969	44703607
mt	10545	20926909	128906748	1984.53	1336042	15620611	37883562
nl	23564	35265161	231963539	1496.57	3039580	18467115	56771856
pl	23478	29713003	214464026	1265.57	2513141	17027393	49253537
pt	23505	37221668	227499418	1583.56	3034308	19350227	59606203
ro	6573	9186947	60537301	1397.68	514296	11185842	20887085
ro-19211 (readme)	19211	30832212	182631277	1604.92	---	---	30832212
sk	21943	26792637	179920434	1221.01	3227852	16190546	46211035
sl	20642	27702305	178651767	1342.04	3103193	16837717	47643215
sv	20243	29433037	199004401	1453.99	2575771	14965384	46974192
Total	463,792	636,216,050	4,288,962,348	1387.23	60,368,893	358,999,011	1,055,583,954

Table 1: JRC-Acquis

Even though these numbers are not considered “big data” under common definitions¹⁴, it is more than enough text for an average person to read. Converting the German JRC to standardized pages¹⁵ leads to 232,748 pages. The entire bible

¹¹ Brocza S., Der 80-Prozent-Mythos: Einfluss des EU-Rechts überschätzt, http://diepresse.com/home/recht/rechtallgemein/394952/Der-80ProzentMythos_Einfluss-des-EURechts-uberschaetzt (19.2.2016).

¹² Europe Integration Foreign Affairs, Federal Ministry of the Republic of Austria, EU Legislation, <http://www.bmeia.gv.at/en/european-foreign-policy/european-policy/eu-legislation/> (19.2.2016).

¹³ European Commission, Joint Research Center (JRC), JRC Acquis, <https://ec.europa.eu/jrc/en/language-technologies/jrc-acquis#Download%20the%20JRC-Acquis%20corpus> (19.2.2016).

¹⁴ Wikipedia, Big Data, https://en.wikipedia.org/wiki/Big_data (19.2.2016).

¹⁵ For the Austrian “standard page” see Bundesgesetz vom 19.2.1975 über die Gebühren der Zeugen und Zeuginnen, Sachverständigen, Dolmetscher und Dolmetscherinnen, Geschworenen, Schöffen und

(774,746 words) fits 41 times into the German Acquis, the New Testament (181,253 words) fits 177 times. The Lord of the Rings by JRR Tolkien (481,103 words) fits 67 times.

3.1.4 European Case Law

Austria is a relatively small EU Member State, but is rather active when it comes to European case law and the European Court of Justice (ECJ). The number of new references for preliminary rulings amounts to 447 for Austria since 1995 (when Austria joined the EU) and 2014.¹⁶ To compare: The Netherlands – a founding Member State and twice as many citizens – have presented 909 cases. The UK – Member State since 1973 and with a population eight times as big as Austria – have filed 573 cases.

Austria	Verfassungsgerichtshof	5	
	Oberster Gerichtshof	103	
	Verwaltungsgerichtshof	81	
	Other courts or tribunals	258	447
Netherlands	Hoge Raad	253	
	Raad van State	101	
	Centrale Raad van Beroep	59	
	College van Beroep voor het Bedrijfsleven	151	
	Tariefcommissie	35	
	Other courts or tribunals	310	909
United Kingdom	House of Lords	40	
	Supreme Court	5	
	Court of Appeal	74	
	Other courts or tribunals	454	573

Table 2: New references for preliminary rulings

There is also a considerable number of actions for failure to fulfil its obligations against Austria. In total, there have been 136 actions taken against Austria. Again, this is quite a high number compared to the Netherlands (146) and the UK (137), given the longer membership of the two latter.

Schöffinnen (Gebührenanspruchsgesetz – GebAG), <https://www.openlaws.com/detail-meta/1149f583-3254-4845-882b-1012dd0603e5/de/#%2Fdetail%2F1149f583-3254-4845-882b-1012dd0603e5%2Fde%2FMULTI> (19.2.2016).

¹⁶ European Court of Justice, Annual Report 2014, http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-04/en_ecj_annual_report_2014_pr1.pdf (19.2.2016).

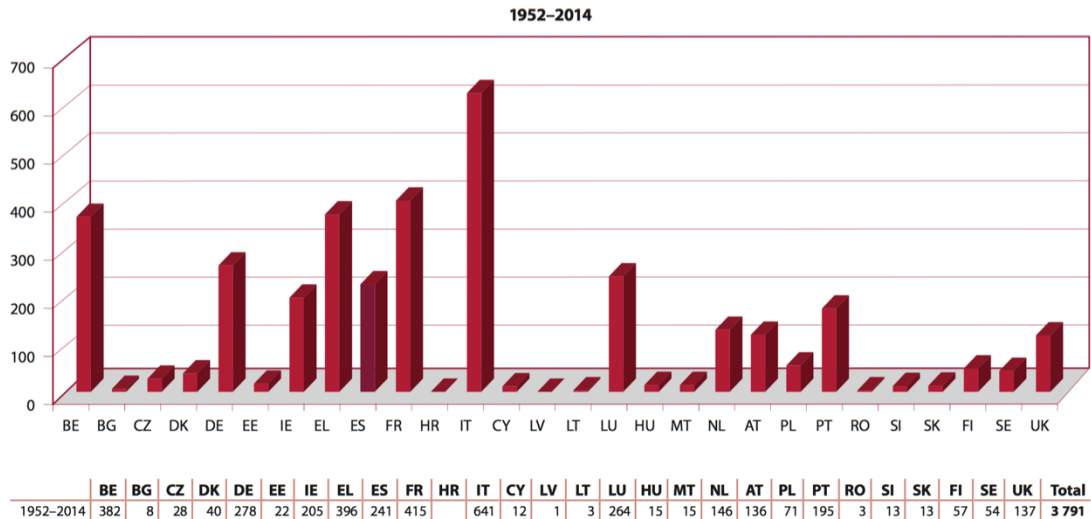


Chart 1: General trends in the work of the Court (1952-2014)

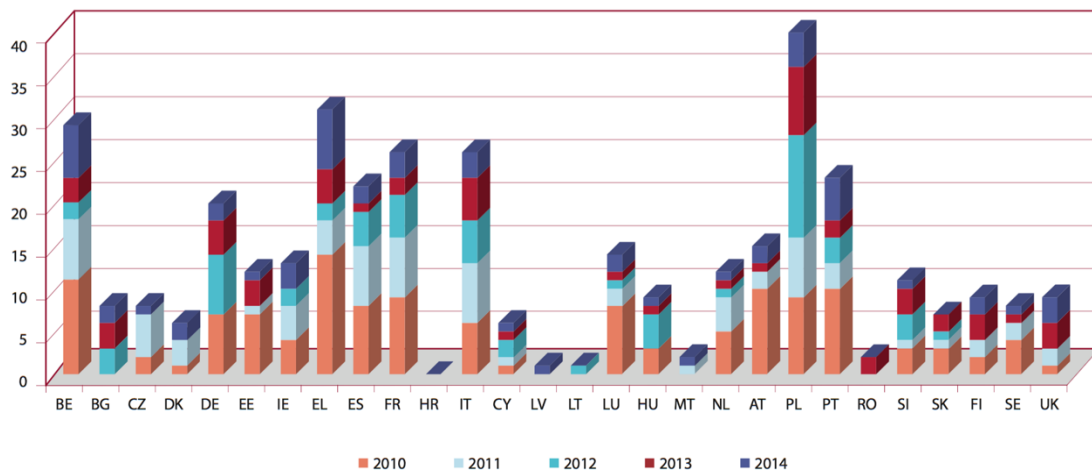


Chart 2: New cases – actions for failure of a Member State to fulfil its obligation (2010-2014)

3.2 Legal Framework

3.2.1 Copyright and Creative Commons

The leading Austrian statute of copyright law is the Urheberrechtsgesetz. The constitutional base is laid down in the Austrian Constitution in Article 10, Section 1, clause 6, which vests the regulatory and executive power in the federal authorities.

Under the Austrian law, protection for copyright is granted to original intellectual creations in the fields of literature, music, pictorial art and films. Apart from this, several rights with similar protection exist, as performing rights, rights to photographs, soundcarriers, broadcastings, letters and portraits. Computer programs can be works of literature as defined by the statute. The courts determine what original intellectual creations are. They must be of a certain qualified standard, that of creative originality. The copyright consists of the right to use the creation and to the protection of its intellectual interests. These rights consist of the right to give out the first information of the contents of the work, the right of translation and adaptation, the rights to copy, to

distribute, to publish, to broadcast and to translate the work. Further they include the protection of authorization, the right to be named and acknowledged as author and the protection of creations.¹⁷

However, in the context of openlaws there is a statutory exception from copyright protection for “Freie Werke (free works)”, legislation, case law, decisions by authorities, public announcements and for works that have been exclusively or primarily for usage by authorities.

Freie Werke.

§ 7. (1) Gesetze, Verordnungen, amtliche Erlässe, Bekanntmachungen und Entscheidungen sowie ausschließlich oder vorwiegend zum amtlichen Gebrauch hergestellte amtliche Werke der im § 2 Z 1 oder 3 bezeichneten Art genießen keinen urheberrechtlichen Schutz.

(2) Vom Bundesamt für Eich- und Vermessungswesen hergestellte oder bearbeitete (§ 5 Abs. 1) und zur Verbreitung (§ 16) bestimmte Landkartenwerke sind keine freien Werke.

The exemption corresponds to § 5 German copyright act. The reason for that is that everybody is supposed to know his or her rights and obligations. Therefore, legal content is supposed to be shared without the restrictions of copyright law. This means that there is no license needed if legislation and case law are to be used in a legal database.¹⁸ However, it has to be mentioned that there is a dedicated protection for databases under the Austrian copyright act. The database itself can be protected in case there was a creative effort (§ 40f) or a considerable investment (§ 76c).

Creative works that fall under copyright protection (e.g. legal commentary) can be licensed under the Creative Commons License.¹⁹ In Austria there is a working group that is taking care on jurisdiction-specific licenses from the generic Creative Commons licenses and is promoting the usage of CC licenses in cultural, educational and governmental organizations and in the creative industries sector.²⁰

3.2.2 Data Protection and Privacy

The legislative framework for the protection of personally identifiable information (PII) in Austria mainly consists of the Data Protection Act (ADPA). The ADPA was enacted in 2000 and is the most relevant data protection act in Austria. It implemented the EU Data Protection Directive 95/46/EC (the Directive) and regulates which types of personal data may be processed by whom and under what circumstances and conditions. In addition, it should be noted that the right for the protection of personal data has constitutional status in Austria.²¹ The Austrian data protection authority (in German Datenschutzbehörde) is a governmental authority charged with data protection. The data protection authority is the Austrian supervisory authority for data protection, the equivalent of a national data protection commissioner in other countries. The data

¹⁷ Foglar-Deinhardstein A., Hoffmann P., Austrian Copyright, http://www.fdbl.com/PDF/austria_copyright.pdf (19.2.2016).

¹⁸ See also Wass, C., §7 UrhG – Freie Werke im Internet, <http://rechtsprobleme.at/doks/clemens-wass-freie-werke.pdf> (19.2.2016).

¹⁹ Creative Commons Corporation, <https://creativecommons.org>

²⁰ CC BY SA Austria, Namensnennung - Weitergabe unter gleichen Bedingungen 3.0 Österreich, <https://creativecommons.org/licenses/by-sa/3.0/at/>, <https://wiki.creativecommons.org/wiki/Austria>

²¹ Knyrim R. Austria, in Data Protection & Privacy in 26 jurisdictions worldwide, http://www.preslmayr.at/tl_files/Publikationen/2014/Austria%20GTDT%20Data%20Protection%20&%20Privacy%202014.pdf (19.2.2016).

protection authority has replaced the data protection commission, which held this position until 31 December 2013.²²

An actual discussion in Austria is the anonymization of case law. While it is common practice to delete/blackout the names of the involved parties (unlike the ECJ, where cases often known under the names of the parties), the names of the judges and lawyers are not anonymized. The question is, whether or not legal experts have the right that their names are deleted (based on the data protection act). In 2011 there has been a decision by the Austrian Supreme Court (OGH), that in general the practice is in line with § 15 (4) OGHG and does not infringe the rights of the lawyers, even if such lawyer lost the case. However, there has to be a balance of interests on a case-by-case basis.²³

3.2.3 PSI Directive

The PSI Directive is implemented in the Austrian “Informationsweiterverwendungsgesetz” (IWG).²⁴ The aim is to facilitate the re-use of documents of public bodies in order to foster the creation of new products and services.²⁵

4 Actors

4.1 Government

The Austrian Federal Government (German: Österreichische Bundesregierung) is collective body that exercises executive power in the Republic of Austria. It is composed of the Chancellor, who is leader of the government, the Vice-Chancellor, and senior ministers. The President and the Government together form the executive branch of Austria.²⁶ The Federal Chancellery (Bundeskanzleramt, abbreviated BKA), is a federal agency on cabinet-level, serving as the executive office of the Chancellor of Austria. In addition to its more traditional tasks, the Federal Chancellery also operates the Austrian legal information system (Rechtsinformationssystem des Bundes, RIS).²⁷ The governments is also operating two systems for end-users of legal information, i.e. help.gv.at for citizens and usp.gv.at for businesses.

4.2 Parliament

The Austrian Parliament is the bicameral legislature in Austria. It consists of two

²² Austrian Data Protection Authority, <https://www.dsb.gv.at/> (19.2.2016).

²³ OGH Beschluss vom 20.12.2011, 8 Ob A 35/11x – Anonymisierung von Gerichtsentscheidungen, Fundstelle: jusIT 2012/32, 72 (Thiele) = RdW 2012/73, 69, <http://www.eurolawyer.at/pdf/OGH-8-Ob-A-35-11x.pdf> (19.2.2016).

²⁴ Bundesgesetz zur Änderung des Bundesgesetzes über die Weiterverwendung von Informationen öffentlicher Stellen (Informationsweiterverwendungsgesetz – IWG, published 9. Juli 2015 im Bundesgesetzblatt I Nr. 76/2015, Erläuterungen:

http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00629/fnameorig_415873.html,

http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00629/index.shtml (19.2.2016).

²⁵ Austrian Business Service Portal,

<https://www.usp.gv.at/Portal.Node/usp/public?genetics.am=Content&p.contentid=10007.155585>

(19.2.2016)

²⁶ Austrian Federal Chancellery, <http://www.austria.gv.at/>; Wikipedia, Government of Austria, https://en.wikipedia.org/wiki/Government_of_Austria (19.2.2016).

²⁷ RIS, Legal Information System of the Republic of Austria, <https://www.ris.bka.gv.at> (19.2.2016).

chambers: the National Council (Nationalrat) and the Federal Council (Bundesrat). In specific cases, both houses convene as the Federal Assembly (Bundesversammlung). The legislature meets in the Austrian Parliament Building in Vienna. The National Council is composed of 183 members elected through proportional representation in a general election. The Federal Council is elected indirectly, through the provincial assemblies (Landtage) of the nine States of the Federal Republic, and reflects the distribution of seats in the Austrian Landtage.²⁸

The website of the Austrian Parliament hosts the preparatory works in the legislative process. These materials provide essential information about Austrian legislation. Even though such materials do not enter into force, they are used for interpretation. Unfortunately, these materials are not easily accessible and not linked with legislation in force. Accordingly, research on this website can be time-consuming.

4.3 Courts

The system of courts in Austria interpreting and applying Austrian law is marked by a division between ordinary courts, dealing with criminal and civil cases, and public law tribunals for constitutional law, administrative law and asylum law. Unlike other federations, all courts exercise the immediate judicial authority of the federal state. In the course of an administrative jurisdiction reform implemented in 2012, administrative courts of the Austrian states (Länder) was established in 2014.²⁹

4.4 Publishers

The legal publishing industry is mainly dominated by four commercial publishers. All four have a long tradition of book-printing. Over time books were accomplished by access to online databases. Traditionally, the publishers offered subscription services for their own closed online databases. A trend of the past years are co-operations between the publishers for several products. This means that the contents of two publishers can now be searched (the publishers are indexing the databases of the cooperation partner). While this practice may be useful for end-users, it may raise competition and anti-trust questions in this oligopoly market structure. A solution and a logical next step would be, that all publishers open their database index to the public (private open data). Another trend is the opening of the search functionality. While this was traditionally hidden behind the paywall, search is now becoming more and more available for free, while access to the content is only possible after registration.

4.4.1 Manz

Manz'sche Verlags- und Universitätsbuchhandlung GmbH (in short: Manz) was established in 1849. The company specializes in law, tax and economics. 40% of this Austrian limited company with registered offices in Vienna are owned by Wolters Kluwer International Holding.³⁰ The well-established "Rechtsdatenbank, RDB" was started in 1983 as a subsidiary, but merged in 2010 with its mother company.³¹ RDB is still a well-known brand in Austria.

²⁸ Wikipedia, Austrian Parliament, https://en.wikipedia.org/wiki/Austrian_Parliament (19.2.2016).

²⁹ Wikipedia, Courts in Austria, https://en.wikipedia.org/wiki/Courts_in_Austria (19.2.2016).

³⁰ Wikipedia, Manz, https://de.wikipedia.org/wiki/Manz'sche_Verlags-_und_Universit%C3%A4tsbuchhandlung (19.2.2016).

³¹ Manz Rechtsdatenbank (RDB), <https://rdb.manz.at/home> (19.2.2016).

In 2011 Manz has launched its free online search “Rechtsuche” for legislation and case law. This search has become the official entry point for the RDB.³² While “primary content” (i.e. legislation and case law) are available for free, “secondary content” (i.e. commentary, papers, books) appears in the search results (incl. a short abstract), but has to be paid in order to receive the full text. This model has been a shift from a fully closed model, to a semi-open freemium model (combination of free and premium offerings).

4.4.2 Linde

Linde was founded 1925 in Vienna. The focus was put on tax and economics, and still today the Steuer- und Wirtschaftskartei (SWK) is a renowned product on the market. In 1979 the first “Kodex” was published, a printed collection of legislation, arranged by topics. The original Kodex was about tax law, today the Kodex collections cover most legal domains. Editor of this series is Prof. Werner Doralt.³³ Kodex appears under a dual-licensing system and is used by Linde and LexisNexis.



Figure 1: Kodex 1979, Kodex 2015, and KODEX App

Additional value was added to the Kodex concept by introducing the Kodex App. This App has the same contents as the book. Users receive access to the different collections/topics once they have purchased the printed book, which contains an access code. The App was published by KODEX Verlagsgmbh and appeared one year after the introduction of the free RIS:App (see further down below).

The Linda online database is available since 2009.³⁴ Linde and Manz are indexing the contents of the database of each other, providing more information to end-users. Access to full text requires a subscription of the respective publisher.

4.4.3 LexisNexis

The main connection between Linde above and LexisNexis is the Kodex collection and the Kodex App³⁵, as described above. LexisNexis³⁶ is part of LexisNexis Group, currently a division of RELX Group (formerly Reed Elsevier). LexisNexis Austria is continuing the business activities of the former Orac and ARD publishers.³⁷ Their

³² Manz Rechtsuche, <https://www.manz.at/service/presse/presseinfos/2011/rechtsuche-at.html> (19.2.2016).

³³ Linde, <http://www.lindeverlag.at> (19.2.2016).

³⁴ Linde, <http://www.lindeverlag.at/verlag/content-23-23/verlagsgeschichte/> (19.2.2016).

³⁵ LexisNexis, <https://shop.lexisnexis.at/kodex.html> (19.2.2016).

³⁶ LexisNexis, <http://www.lexisnexis.at> (19.2.2016).

³⁷ Wikipedia, LexisNexis Austria,

focus lies on tax, law and economics.

Both Linde and Lexis Nexis could – and still can – rely on the income of those established legal text books. Austrian students are trained to work with those books and can use the printed legal texts for their exams. Electronic devices are not permitted during exams.

With respect to online databases, LexisNexis co-operates with Verlag Österreich. Just like Manz and Linde, LexisNexis and Verlag Österreich index each other's databases.

4.4.4 Verlag Österreich

The tradition of Verlag Österreich³⁸ goes back to 1804. In 1811 the Austria Civil Code (Allgemeines Bürgerliches Gesetzbuch, ABGB) was published for the Austrian monarchy. The publisher is famous for several legal commentaries, such as the “Klang Kommentar”. In 1987 the publisher started the distribution of legal texts on CD-ROM. Before the free online availability of the official RIS by the Federal Chancellery, these CDs were one alternative to the relatively pricy Kodex text books. Students who had to bring their legal texts to an did not need an entire Kodex collection for their exams printed the respective acts based on the CD-ROM texts. Since 2008 the company is owned by the German Wissenschaftlichen Verlagsgesellschaft, Stuttgart and in 2012 it acquired the entire law and economics contents of SpringerWienNewYork. In 2015 Verlag Österreich made their eLibrary available online, containing full texts of books and papers. Their offering addresses in particular the needs of Universities.³⁹

4.4.5 RIDA

When discussing access to law, the RIDA (Rechts-Index-Datenbank)⁴⁰ has to be mentioned as well. This database is not operated by on of the large publishers, but by a rather small team under the lead of Prof. Dietmar Jahnel. This database contains access to legislation and case law and has built an index about legal literature and commentary provided by the main four publishers and others and adds meta-information (keywords, tags) so that the contents can be easily found via the search. Accordingly, RIDA is a very useful access point to start legal research in Austria. Similar to Manz, the main online search interface is free, but access to the documents requires a subscription to the service.

4.5 Legal Experts

Legal experts are the main users of the services provided by the government and the publishers. According to Statistics Austria there are about 13,000 registered companies in the area of legal advice and auditing in Austria (population: 8.5 millions). 15,000 persons are self-employed and 46,000 person support them. The companies generate revenues amounting to 5 billion Euros.⁴¹

https://de.wikipedia.org/wiki/LexisNexis#LexisNexis_.C3.96sterreich (19.2.2016).

³⁸ Verlag Österreich, <http://www.verlagoesterreich.at> (19.2.2016).

³⁹ Verlag Österreich, eLibrary, <http://elibrary.verlagoesterreich.at> (19.2.2016).

⁴⁰ RIDA, <http://rida.at>, <http://www.ridaonline.at> (19.2.2016).

⁴¹ Statistik Austria,

http://www.statistik.at/web_de/services/wirtschaftsatlas_oesterreich/branchendaten_nach_wirtschaftszweigen/index.html (19.2.2016).

Side note: Even though experts are the main users of legal information systems (see also RIS survey below), it has to be explicitly stated that legal experts are not the end-users of legal information as such. Given the complexity of the law, legal experts serve as intermediaries. In economics it is a common practice to look at the needs of the customer of the customer, i.e. at the end of the chain. Therefore, the concept of better access to law has to include the ultimate end-users, i.e. citizens and businesses, and not only today's intermediaries.

4.5.1 Lawyers

According to the national chamber of lawyers (Österreichischer Rechtsanwaltskammertag, ÖRAK), there are 5,940 registered lawyers in Austria.⁴² Only 1,210 of them are women, a very low number compared to the European average, where in many Member States almost equality has been reached.⁴³ The Austria lawyers are member of the European CCBE (Conseil des Barreaux de la Communauté Européenne) and have an office in Brussels.⁴⁴ Austrian lawyers can be found via the Austrian member search or via the European Find a lawyer (FAL) platform.⁴⁵

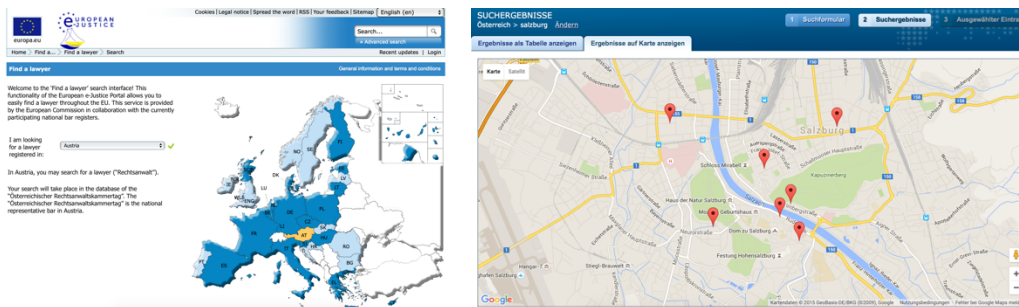


Figure 2: FAL/FAN and the national platforms for notaries

4.5.2 Notaries

The main activity of notaries in Austria is to prevent legal disputes. Notaries are executing an activity of public interest and positions are assigned by the Austrian government. There are currently approximately 500 notaries in Austria across the country.⁴⁶ The Austrian chamber of notaries has an office in Brussels.⁴⁷ Notaries can be found via the notaries' website⁴⁸ or via the Find a notary (FAN) platform.⁴⁹

⁴² Austrian Lawyers Association, <https://www.rechtsanwaelte.at> (19.2.2016).

⁴³ Council of Bars and Law Societies of Europe, Number of lawyers in European countries – 2015, http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/2015_Table_of_Lawyer1_1433140834.pdf (19.2.2016).

⁴⁴ Visit and interview on 13.11.2015, Brussels.

⁴⁵ European e-Justice Portal, Find a Lawyer, https://e-justice.europa.eu/content_find_a_lawyer-334-en.do (19.2.2016).

⁴⁶ Wikipedia, Der Notar in Österreich, https://de.wikipedia.org/wiki/Notar#Der_Notar_in_.C3.96sterreich (19.2.2016).

⁴⁷ Visit and interview on 13.11.2015, Brussels.

⁴⁸ European Directory of Notaries, <http://www.notarverzeichnis.eu> (19.2.2016).

⁴⁹ European e-Justice Portal, Find a Notary, https://e-justice.europa.eu/content_find_a_notary-335-en.do (19.2.2016).

4.5.3 Judges

Austrian judges are represented in the judges' association (Vereinigung der österreichischen Richterinnen und Richter).⁵⁰ Currently there are a little less than 1,700 judges.⁵¹ There are around 11,700 working in the Austrian justice system. The system is making “revenues” of 1.1 billion Euros and is covering about 73% of its expenditures with own income (court fees etc.).⁵²

4.6 Businesses

Business are “end-users” of legal information. There are currently about 325,000 registered companies in Austria, employing 2.8 million persons and generating revenues of 709 billion Euros per year.⁵³ At 87.1%, Austria's share of micro-enterprises (0-9 employees) is below the EU average (92.7%). The countries with the highest share of micro-enterprises are Greece (96.7%), Slovakia (96.5%), and the Czech Republic (96.0%). Austria is second only to Germany in its higher than average share of small enterprises (10-49 employees) at 10.9% (EU: 6.1%, Germany 14.7%), and has the fourth highest share of medium enterprises (50-249 employees) at 1.7% (EU 1.0%, Germany 2.5%, Luxembourg 2.1%, Romania 1.9%).⁵⁴

Employing legal experts directly is a general international trend in order to reduce costs.⁵⁵ This trend is hard to put into facts and figures, as there are no statistic on this in Austria. However, looking at career websites⁵⁶, there is a considerable number of job opportunities for legal experts and paralegals.

4.7 Citizens

There are currently 8.5 million citizens living in Austria, living in 3.7 millions households. An organization representing the interests of the general public is the Volksanwaltschaft⁵⁷, similar to the European Ombudsman.⁵⁸

4.8 Universities

There are seven universities in Austria with a law faculty: Vienna (2x), Salzburg,

⁵⁰ Vereinigung der österreichischen Richterinnen und Richter, <https://richtervereinigung.at> (19.2.2016).

⁵¹ Bundesministerium für Justiz, <https://www.justiz.gv.at/web2013/html/default/8ab4a8a422985de30122a92cfab56386.de.html> (19.2.2016).

⁵² Bundesministerium für Justiz, <https://www.justiz.gv.at/web2013/html/default/8ab4a8a422985de30122a920842862de.de.html> (19.2.2016).

⁵³ Statistik Austria, http://www.statistik.at/web_de/statistiken/wirtschaft/unternehmen_arbeitsstaetten/index.html (19.2.2016).

⁵⁴ Eurostat, 9 out of 10 enterprises in the EU employed fewer than 10 persons, <http://ec.europa.eu/eurostat/documents/2995521/7076793/4-17112015-AP-EN.pdf/1db58867-0264-45c0-94bf-ab079e62d63f> and ERA Portal Austria, <https://era.gv.at/object/news/2208> (19.2.2016).

⁵⁵ Susskind, R., *The End of Lawyers?* Oxford University Press, 2010.

⁵⁶ Austrian newspapers: Karriere.at, <http://www.karriere.at/jobs>, Der Standard, <http://derstandard.at/Karriere>, Die Presse <http://karriere.diepresse.com/> (19.2.2016).

⁵⁷ Österreichische Volksanwaltschaft, <http://volksanwaltschaft.gv.at/> (19.2.2016).

⁵⁸ European Ombudsman, <http://www.ombudsman.europa.eu> (19.2.2016).

Graz, Linz and Innsbruck. Law studies in Austria take a minimum of four years, the average time of studying is five years. For working as a lawyer, notary or judge, additional exams have to be taken, in addition to practical trainings.

Compared to other studies, legal education is still a very national education, reflecting the nature of national jurisdictions. None of the Austrian universities is member of the International Association of Law Schools.⁵⁹

4.9 NGOs

4.9.1 Cooperation OGD Austria

Cooperation Open Government Data Austria (Cooperation OGD Austria) is the main driver behind public sector information in Austria and was founded by the Federal Chancellery, the cities of Vienna, Linz, Salzburg and Graz in 2011. Federal Government, States, cities and towns in cooperation with the communities, science, culture and the economy are setting basic agreements and common standards for an effective open government framework. The Cooperation represents the interests of ministries, states, cities and communities – to unite all actors who operate, plan or create an open government data platform.⁶⁰

4.9.2 ODI Node Vienna

A main driver of open data is the Open Data Institute (ODI). The Open Data Institute (the ODI) was founded in 2012 by Sirs Tim Berners-Lee and Sir Nigel Shadbolt, the ODI is an independent, non-profit, non-partisan, limited by guarantee company. The ODI is based in London and has nodes across Europe. On Wednesday 24.6.2015 the ODI Node Vienna has been officially founded. Led by the Semantic Web Company, the Vienna Node (as a networking node) is managed together with the partners Technical University Vienna, Institute for Software Technology, University of Economics Vienna, Institute for Information Business and Danube University Krems.⁶¹

Note: Since November 2015, the openlaws spin-off is also officially supported by the ODI startup program.⁶²

4.9.3 Open Knowledge Austria

Open Knowledge (known as the Open Knowledge Foundation (OKF) until April 2014) is a global non-profit network that promotes and shares information at no charge, including both content and data. It was founded by Rufus Pollock on 24 May 2004 in Cambridge, UK.⁶³ Open Knowledge is also active in Austria.⁶⁴

4.9.4 Legal Information Institute (LII) Austria

Legal information institutes (LII) promote free access to legal information since

⁵⁹ International Association of Law Schools, <http://www.ialsnet.org/wordpress/members/> (19.2.2016).

⁶⁰ Cooperation OGD Austria, <https://www.data.gv.at/infos/cooperation-ogd-austria/> (19.2.2016).

⁶¹ Open Data Institute, Node Austria <https://theodi.org/nodes/vienna>, Semantic Web Company, <https://www.semantic-web.at/de/news/semantic-web-company-leads-new-odi-node-vienna> (19.2.2016).

⁶² Open Data Institute, Startups, openlaws, <http://theodi.org/start-ups/openlaws> (19.2.2016).

⁶³ Open Knowledge, About, <https://okfn.org/about/> (19.2.2016).

⁶⁴ Open Knowledge Austria, <http://okfn.at> (19.2.2016).

1992.⁶⁵

In the Montreal LIIs around the world have declared:⁶⁶

- Public legal information from all countries and international institutions is part of the common heritage of humanity. Maximising access to this information promotes justice and the rule of law;
- Public legal information is digital common property and should be accessible to all on a non-profit basis and free of charge;
- Organisations such as legal information institutes have the right to publish public legal information and the government bodies that create or control that information should provide access to it so that it can be published by other parties.

LIIs are quite different in each country, depending on the national jurisdiction and on the progress of the respective information systems. BAILII in the UK and CanLII in Canada apply different concepts, albeit steering in the same direction. In Austria the first discussions about forming a LII started in February 2015, around the IRIS conference.⁶⁷ This founding event was organized by Erich Schweighofer (UniWien, WZRI), Angela Stöger-Frank (Findok) and Anton Geist (LexisNexis). With the official RIS system in the background, Austrian legislation and case law are already very open. A logical next step for Austria would be to promote open access in the area of secondary legal sources in Austria (i.e. literature and commentary) – or at least open access to the respective metadata in a first instance.

4.9.5 Open Access Network Austria

The mission of the Open Access Network Austria (OANA)⁶⁸ is to develop specific recommendations for the implementation of open access in Austria. Open access in the area of legal literature is still rare in Austria. The Austrian Law Journal (ALJ, see below) is a positive exception.

5 Methods

In this section we aim to discuss the methods whereby legal information is made available in Austria, examining both the legal framework and business models in place. To add structure to the concept of “openness”, the “Data spectrum” of the ODI is introduced:

⁶⁵ Cornell University Law School, Legal Information Institute, <https://www.law.cornell.edu>, Wikipedia, Legal Information Institute, https://en.wikipedia.org/wiki/Legal_Information_Institute (19.2.2016).

⁶⁶ CanLII, Montreal Declaration on Free Access to Law, <https://www.canlii.org/en/info/mtldeclaration.html> (19.2.2016).

⁶⁷ LII Austria, <http://LII-Austria.org>, IRIS 2015 LII Austria formation event, http://www.univie.ac.at/RI/IRIS15/?page_id=1213 (19.2.2016).

⁶⁸ Open Access Network Austria (OANA), <http://www.oana.at/en/our-mission/> (19.2.2016).

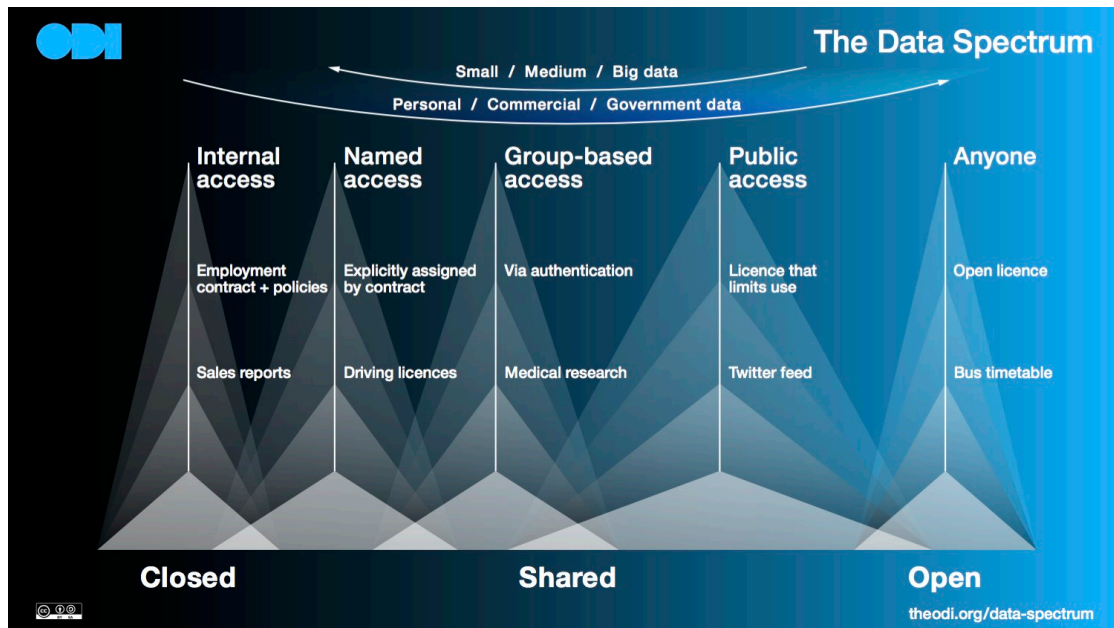


Figure 3: The Data Spectrum⁶⁹

Data exists on a spectrum. The spectrum ranges from closed to shared to open. Whether big, medium or small, whether state, commercial or personal, the important thing about data is how it is licensed. The picture shows that legislation and case law belong in the upper right corner. This content should be available for anyone. As mentioned in the copyright context above, legislation and case law cannot be even licensed in Austria, because no copyright protection applies. Legal literature on the other side is available only on a shared basis, unless it is published under an open access license.

5.1 Public Sector Information

Public sector information is made available in Austria through different actors, applying different methods, in accordance with the PSI Directive.

From the PSI Directive: The public sector collects, produces, reproduces and disseminates a wide range of information in many areas of activity, such as social, economic, geographical, weather, tourist, business, patent and educational information. One of the principal aims of the establishment of an internal market is the creation of conditions conducive to the development of Community-wide services. Public sector information is an important primary material for digital content products and services and will become an even more important content resource with the development of wireless content services. Broad cross-border geographical coverage will also be essential in this context. Wider possibilities of re-using public sector information should inter alia allow European companies to exploit its potential and contribute to economic growth and job creation. The upper limit for charges set in the PSI Directive is without prejudice to the right of Member States or public sector bodies to apply lower charges or no charges at all, and Member States should encourage public sector bod-

⁶⁹ Open Data Institute, The Data Spectrum helps you understand the language of data, <https://theodi.org/data-spectrum> (19.2.2016).

ies to make documents available at charges that do not exceed the marginal costs for reproducing and disseminating the documents.⁷⁰

5.1.1 RIS

The Legal Information System of the Republic of Austria (Rechtsinformationssystem, RIS) is the central platform and data base providing information on Austrian law.⁷¹ Its main contents are legislation in its current and historical version (federal and state), law gazettes (federal and state) and case law. The Legal Information System also serves as the framework for the authentic electronic publication of the Federal Law Gazette and of the State Law Gazettes (This means the electronic format is the binding version). However, consolidated versions in the RIS are no authentic versions, even though the general public and legal experts trust in the system.

The RIS also publishes a few English translations of highly relevant legislation for informational purposes, e.g. the Federal Constitutional Law, the Consumers Protection Act, the Data Protection Act 2000, the Federal Act Against Unfair Competition and others (not necessarily always in the latest version).⁷²

The interfaces to the RIS have been updated in winter 2015. The new REST API (connector version 2.0) now provides much more data and metadata as open data, including case law from Austrian high courts.⁷³ In the Global Open Data Index, the RIS scores 90% in the area of legislation (NL: 90%, UK: 100%).⁷⁴

An interesting conflict arose at the end of the 1990s, when the RIS was opened up to the public. Publisher Manz and the RDB claimed that the free online service of the government would lead to unfair competition on the legal information market. In a settlement Manz and the Austrian government agreed, that the government has the right (actually the duty) to provide citizens free of charge with (primary) legal information, while the publishing of premium content (such as literature) should remain in the domain of the legal publishers. The question that remains is: What is premium and how does premium content and functionality change over time? For example, would it be legal for the RIS to link to open access publications?

5.1.2 FinDok

Financial Documents are published by the Austrian Ministry of Finance in the FinDok⁷⁵. Even though related, the contents of RIS and FinDok are not combined in one central database. A combined search can only be done via the services of commercial publishers, such as for example Manz. An interesting technology fact is that the FinDok is using a semantic search in the background, provided by the Semantic Web Company (PoolParty).⁷⁶

⁷⁰ PSI Directive, recitals 4 and 5, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2003L0098:20130717:EN:PDF> (19.2.2016).

⁷¹ RIS, Austrian Laws in English, <https://www.ris.bka.gv.at/defaultEn.aspx> (19.2.2016).

⁷² RIS, full list of Austrian Laws in English, <https://www.ris.bka.gv.at/RisInfo/LawList.pdf> (19.2.2016).

⁷³ Data.gv.at, Offene Daten, <https://www.data.gv.at/> (19.2.2016).

⁷⁴ Open Knowledge, Global Open Data Index, Legislation, <http://index.okfn.org/dataset/legislation/>; However, the data from Austria is complete and up-to-date in contrast to UK legislation (which still has to work on its back-log), which should theoretically lead to a better ranking of Austria compared to the UK.

⁷⁵ Bundesministerium für Finanzen, FinDok, <http://findok.bmf.gv.at> (19.2.2016).

⁷⁶ Semantic Web Company, <https://www.semantic-web.at> (19.2.2016), also founding member and lead-

5.1.3 Help.gv.at and USP

Help.gv.at and Unternehmensserviceportal (USP, usp.gv.at) provide useful legal information to citizens and businesses, often in a “digested” form. The pages provide introductions to many topics and link to RIS and FinDok for further detailed background. Most of the contents are in German, but several topics of international interest and for foreign citizens have been translated to English.

5.1.4 ELI and ECLI

Austria started the introduction of ECLI in the beginning of 2014. Currently the ECLI is assigned to judgments of the Federal administrative court, the Federal financial court, the administrative courts, the Constitutional court and the Data Protection Authority. The national ECLI co-ordinator in Austria is the Federal Chancellery.⁷⁷

5.1.5 Data.gv.at

Data.gv.at corresponds to the EU Open Data Portal⁷⁸ and the European Data Portal. The aim is to build a central catalogue and contain meta data of the de-centralized governmental data repositories.⁷⁹ Data.gv.at provides the RIS data in an open data format.

5.1.6 Open Data Portal

The Open Data Portal is complementary to data.gv.at.⁸⁰ Instead of providing governmental data, this platform aggregates metadata information of non-governmental organizations, in the areas of economics, culture, NGO/NPO and research. Contents are made available under a Creative Commons license (CC-BY AT 3.0), meaning that the data can also be used for commercial purposes. The project is operated by Wikimedia Austria, Open Knowledge Austria and the Cooperation Open Government Data (OGD) Austria.

5.1.7 RIS:App

The availability of Austrian legislation as open data has directly led to the development of the RIS:App. The RIS:App enables users to access the contents of the official governmental RIS system via mobile devices (iOS and Android devices). The RIS:App was initiated by the author of this deliverable and its company BY WASS GmbH, participant of the OpenLaws.eu project. Given the importance of the RIS:App as a starting point of the OpenLaws.eu project, the project should be explained in more detail:

er of the ODI Node Vienna.

⁷⁷ Wass C., Lampoltshammer T., Neue Standards für Gesetze und Entscheidungen: ECLI und ELI, JusIT 2014/74, http://lesen.lexisnexis.at/_neue-standards-fuer-gesetze-und-entscheidungen-ecli-und-eli/artikel/jusit/2014/4/jusIT_2014_04_074.html, https://e-justice.europa.eu/content_european_case_law_identifier_ecli-175-at-en.do?member=1 (19.2.2016).

⁷⁸ European Union Open Data Portal, <https://open-data.europa.eu/> (19.2.2016).

⁷⁹ Data.gv.at, <https://www.data.gv.at/infos/zielsetzung-data-gv-at/> (19.2.2016).

⁸⁰ Open Data Portal Österreich, <http://www.opendataportal.at> (19.2.2016).

The user problem before the RIS:App was that the official governmental RIS website was not - and still is not - designed in a responsive way, meaning that the contents are becoming too small on mobile devices, in particular on smartphones. The solution was to create an app that could display legislation in a readable and user-friendly way on mobile devices and to add certain basic added-value functionality for mobile devices, such as for example the ability to set bookmarks and to store the contents of these bookmarks on the device for offline usage.

The Austrian Federal Chancellery supported the idea from the very beginning. Actually, they had the idea to offer and develop an app themselves, but the lack of public funding as well as the lack of time did not allow them to proceed. However, they appreciated the initiative by an external party. In a next step a programmer of the University of Salzburg did the first implementation of the RIS:App, following the requirement specification of BY WASS GmbH. In 2013 the RIS:App received an “Apps4Austria Award”.⁸¹ The next question then was how the project should be continued. The idea of BY WASS was to extend the concept and introduce more personalization features to the platform (which should later become the fundamental basis of the “social layer” in OpenLaws.eu). However, the University of Salzburg rejected this idea and withdraw from the project for potential privacy concerns (which always come up when personal information is stored) and for financial restrictions. The RIS:App development was then continued by BY WASS in close cooperation with Alpenite, who has become the second SME participant in the OpenLaws.eu project. It became clear that the “social layer” and the community contribution in this legal information system could be highly valuable and that the concept could be enlarged to multiple databases and different EU Member States. In a next step the University of Amsterdam, the London School of Economics, the University of Sussex and the Salzburg University of Applied Sciences join the application for EU funding. The Austrian Federal Chancellery volunteered to become Member of the external Advisory Board in the OpenLaws.eu project.

Today the RIS:App is available in its version 3 and was downloaded over 50,000 times. There are over 5,000 registered user, which is a relatively high number, given the fact that there are only about 6,000 lawyers in Austria.⁸²

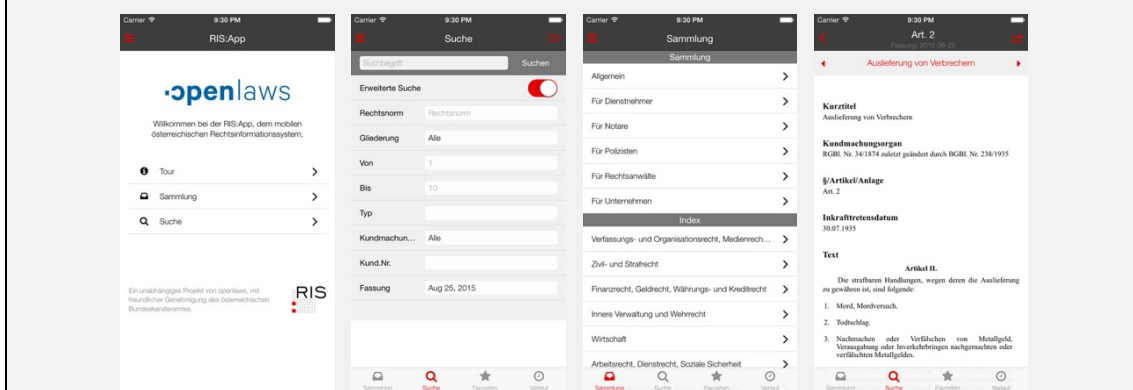


Figure 4: RIS:App in version 3

⁸¹ Digitales Österreich, <https://www.digitales.oesterreich.gv.at/site/7904/default.aspx> (19.2.2016).

⁸² RIS, RIS:App, <https://www.ris.bka.gv.at/UI/RISApp.aspx> (19.2.2016).

5.2 Commercial Publishing

Commercial publishing of legal texts has a long tradition in Austria, as can already be told by the formation dates of the major four publishers above. As in many other publishing areas, a trend towards digitalization and online distribution can be observed. Approximately 50% percent of the revenues of Austrian legal publishers today are generated through the sales of online products and services.

Unlike the Encyclopedia Britannica, extensive legal commentaries are still on the market and have not been replaced by Wikipedia-like services. The need for high quality is still a heavy and robust argument for the continuation of commercial publishing. However, concepts like open access publications and the questioning of the financing of academic works may lead to changes, also on the Austrian market.

As everywhere, publishers depend on authors to create secondary legal content. The range of payments to the authors is wide. Unfortunately more detailed information about the real costs and payments are not public. However, from our interviews the following big picture may be drawn: A few authors earn a lot with highly popular publications (like commentaries), the broad middle of authors receives only small fees, considering the time they have to invest for writing the document. Sometimes the author even has to pay a few to the publisher in order to cover the printing costs (e.g. for master theses or dissertations). However, compared to other countries there is relatively few public criticism with respect to commercial publishing and content creation in the the domain of science and humanities. Just like Switzerland, Austria is referring to the Netherlands as a role-model when it come to new ways of publishing, open access movements and negotiation between researchers, universities and publishers.⁸³

5.2.1 Printed books and journals

Notwithstanding the trend toward online solutions, legal experts still appreciate the functionality of printed books and journals as we have learned from our interviews. While better searchability is an asset of online tools, readability of text on traditional paper is still very good, especially for long texts. So even if online solutions may increase in the future and hold the potential for innovative and disruptive services, well-established books are not dead yet.

A few selected examples:

The subscription price for “ecolex” (Manz) a popular Austrian law journal is 272 Euros (for 12 months).⁸⁴

The price for a Kodex legislation collection (Linde) is 29,50 Euros for tax law, 49,00 Euros for family law (Linde) and 84 Euros for financial market law (LexisNexis).⁸⁵

A book on European and Austria privacy law costs 89 Euros (Verlag Österreich)⁸⁶

⁸³ ORF, <http://science.orf.at/stories/1759657/>, SRF <http://www.srf.ch/wissen/mensch/wissenschaftsverlage-in-der-kritik> (19.2.2016).

⁸⁴ Manz, ecolex, <http://www.manz.at/list.html?isbn=1022-9418-1> (19.2.2016).

⁸⁵ LexisNexis, Kodex, <https://shop.lexisnexis.at/catalogsearch/result/index/?dir=asc&order=price&p=4&q=kodex> (19.2.2016).

⁸⁶ Verlag Österreich, Handbuch, <http://www.verlagoesterreich.at/buecher/handbuch/> (19.2.2016).

A commentary about Austrian stock corporation law costs 464 Euros (Manz)⁸⁷

5.2.2 The Free Concept

Today, more and more services are made available for free. This does not only apply services from governmental actors, but also for services of commercial legal publishers in Austria. When discussing the “free concept” here, it refers to “free of charges” and not to the concept as in “free as speech”. In German language there is less ambiguity: “Frei” refers to the concept “free as speech” and “kostenlos” or “gratis” means “free of charges”.

Chris Anderson has published a book about “Free”, explaining how free can actually work. Cross-subsidies are the essence of the phrase “there’s no such thing as a free lunch.” That means that one way or another the food must be paid for, if not by the user directly then by someone else in whose interest it is to give the user free food. There can be direct cross-subsidies (e.g. buy one, get one free), there can be third parties involved (three-party-market, e.g. television, subsidized by TV ads), the service can be split in a free and in a premium part (freemium, e.g. basic functionality for free, advanced functionality is charged) and there are non-monetary markets (where money is not the motivation). The models can also be combined in different ways.⁸⁸ The predominant concept in Austria for legal services from publishers is the freemium model, while the government services are tax-subsidized.

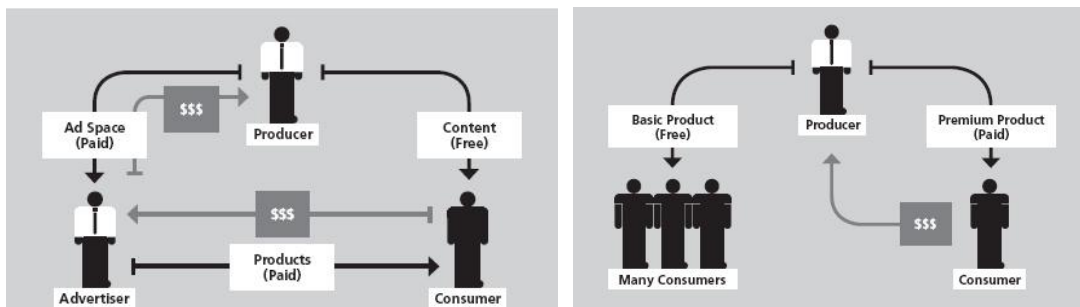


Figure 5: Three-party system and freemium system

5.2.3 Advertising

Advertising is still done in printed Austrian law journals, even if users have to pay for the journal. There is even an Austrian magazine for lawyers (“AnwaltAktuell”) which is offered free of charged, which is subsidized entirely by advertisements. A full A4 page advertisement in Anwalt Aktuell costs 2,500 Euros.⁸⁹ The journal does not contain research articles, but rather provides news, overviews and a few short guest comments for the quick reader. It can be compared to free newspapers as they are common in many countries, but with a specialization on lawyers (who are at the end an attractive target group for advertising, because they have a reasonably high income and the group is clearly specified).

⁸⁷ Manz, Kommentare, <http://www.manz.at/list.html?reihe=manz14> (19.2.2016).

⁸⁸ Chris Anderson, Free – The Future of a Radical Price, http://www.longtail.com/the_long_tail/2009/07/free-for-free-first-ebook-and-audiobook-versions-released.html (19.2.2016).

⁸⁹ Anwalt Aktuell, Mediadaten 2016, <http://www.anwaltaktuell.at/mediadaten/> (19.2.2016).

Advertising is not used in online services though, with the exception of the homepages of the publishers where their own products and services are promoted. It seems the publishers did not dare to do in the online world, what is common practice in the offline world. The acceptance of users to see advertisements in an already paid service is apparently low.

5.2.4 Subscription

In Austria users must usually pay a subscription price to have access to the services of the legal online information systems. Individuals or organizations pay per user and per year, discounts may apply if packages for multiple users are purchased in bulk. For example, a university may get a special price for several hundred users.

In the subscription model users typically get access to the entire contents, either of the entire database, or of the contents of a topic-specific area (e.g. everything about intellectual property rights). Several publishers combine a free search with a premium subscription model. For example, Manz, Linde, Verlag Österreich and RIDA allow for free search in their database, but when clicking on the respective links in order to get the content, users will sooner or later run into the paywall of the provider.

5.2.5 Pay Per View

The transition to more open search capabilities on the public websites of Austrian publishers led to another model. Pay per view models, where users can select the requested article, book chapter or other type of content, were less promoted by publishers. Whether this was because subscription models for larger packages offered higher margins and revenues or because the model was simply not feasible because the search functionality was hidden behind the paywall is unclear.

The index database RIDA pushed pay per view rather soon, also because RIDA had no own content. Accordingly, linking to premium content of the publishers became important for the database provider.⁹⁰

5.2.6 Bundling

Another example how publishers make access to justice easier is the Kodex App. The app is bundled with the printed legal text book. This means users who have purchased the book get access to the app as well. Inside every book there is a promotional code which then can be entered in the app to unlock the specific Kodex collection.

This approach is clearly driven by the traditional publishing in printed form. As already stated in the copyright section above, legislation and case law is not copyright protected in Austria and the contents can be re-used. The bundling of the Kodex App with the printed book is a bridge between the print-world and the online-world, while trying to keep the revenues from the old publishing model.

The Kodex App was a reaction of Linde and Manz to the free RIS:App. The added-value of the Kodex App is the editorial work of the publishers to select and arrange certain legal areas and to cluster them. Also, the contents of an entire Kodex collection can be downloaded to the mobile device.

⁹⁰ The status about indexed RIDA documents and availability of full texts is available here: <http://www.ridaonline.at/Rion-Dokumentationsstatus.htm> (19.2.2016).

5.2.7 In-App Purchases

Another method that was borrowed by the publishing industry from the new economy are in-app purchases. The only difference to what was described above is that the purchasing process is made within an app on the mobile device and via the store functionality of the operating system, rather than via the website/webshop of the publisher.

For example, a smaller legal publisher, the “Neuer Wissenschaftlicher Verlag” (NWV) has launched an app where books can be purchased directly from within the app.⁹¹ This method continues the tradition of selling legal content, only via a new distribution channel.

5.3 Open Access

Open access (OA) publication is global trend and not an Austrian phenomenon. Generally speaking, open access refers to online research outputs that are free of all restrictions on access (e.g. access tolls) and free of many restrictions on use (e.g. certain copyright and license restrictions). There are several implementation practices, such as the “gold” way (authors or research institutions pay the publisher a fee for the publication) or the “green” way (self-archiving in an institutional repository). In Austria open access is promoted by the OANA (see above).

In the Directory of Open Access Journals (DOAJ) there is no entry about any Austria open access law journal (there are eight listed journals for the UK, one of which has obvious ties to the Netherlands, namely the Utrecht Journal of International and European Law). However, there is a relatively new open access journal in Austria, i.e. the Austrian Law Journal - Open Access Review of Developments in Austrian, European and International Law (ALJ).⁹²

The ALJ targets legal scholars as well as legal practitioners. The contents should cover all legal domains. The ALJ was launched 2014 in Graz. Editors are Prof. Brigitta Lurger, Prof. Elisabeth Staudegger and Prof. Stefan Storr. Contents are published under a Creative Commons license (CC-BY 3.0). The platform the Open Journal Systems 2.4.5.0, an open source journal and publication management system.

5.4 Publication Platforms

Online publications require platforms to host them. Commercial publishers host their own platforms, but there are other platform providers as well. Such other platforms are important when it comes to alternative forms of publishing, for example self-archiving

5.4.1 University Platforms

The ALJ is hosted by the University of Graz. Other Austrian universities have online repositories as well, sometimes containing quite a lot of useful legal information. For example, the University of Vienna operates a service to make theses available. As of today, there are 773 entries in the area of law, many of them available in PDF format for free download.⁹³

⁹¹ NWV, NWV Kiosk App, http://www.nwv.at/nwv_app/ (19.2.2016).

⁹² Austrian Law Journal, <http://alj.uni-graz.at/index.php/alj> (19.2.2016).

⁹³ Universität Wien, E-Theses, <http://othes.univie.ac.at/> (19.2.2016).

5.4.2 Austrian National Library

The Austrian National Library (Österreichische Nationalbibliothek) is another source for secondary legal content. As one of the first national libraries worldwide, the Austrian National Library digitizes and makes available online its complete holdings of historical books from the 16th to the second half of the 19th century – one of the five internationally most important historical book collections.⁹⁴ This collection also contains historic books about the law, such as for example the Austrian Civil Code ABGB of 1811.



Figure 6: ABGB of 1811, digitized by Google⁹⁵

The project is carried out in a Public Private Partnership (PPP) with Google. The digitized items can be found via the “Digital Reading Room of the Austrian National Library” and Google Books.⁹⁶ Furthermore, it is planned to make the digital books available via Europeana, the European digital library.⁹⁷ As in many cases it will no longer be necessary to access the original books, this project can also contribute to the protection of the Austrian National Library’s historical book collection.

The Austrian National Library claims that some 600,000 volumes of “public domain works are being made available successively, free of charge and for non-commercial purposes”. This statement raises copyright questions though. Why should content in the public domain be restricted to non-commercial use? For example, putting the ABGB on a website and combining it with advertisements could already infringe this “license”. Furthermore, how can content in the public domain be licensed at all under Austrian copyright law, when the copyright has expired?

5.4.3 Scientific Online Platforms

There are several (global and interdisciplinary) online platforms coming from the new economy, allowing for publication of documents. A few large platforms are:

- Social Science Research Network (SSRN)⁹⁸

⁹⁴ Österreichische Nationalbibliothek, Austrian Books Online, <http://www.onb.ac.at/ev/about/austrianbooksonline.htm> (19.2.2016).

⁹⁵ Google, Allgemeines Bürgerliches Gesetzbuch of 1811, https://books.google.at/books?id=9o0xAAAAIAAJ&printsec=frontcover&dq=abgb&hl=de&sa=X&re_dir_esc=y#v=onepage&q&f=false (19.2.2016).

⁹⁶ Google Books, <https://books.google.at> (19.2.2016).

⁹⁷ Europeana, <http://www.europeana.eu> (19.2.2016).

⁹⁸ Social Science Research Network, <http://www.ssrn.com> (19.2.2016).

- Research Gate⁹⁹
- Google Scholar¹⁰⁰
- Microsoft Academia¹⁰¹

However, Austrian legal content can hardly be found on these platforms. For example, the search term “Recht” (law) in the title and limited to Austrian domains (site:at) leads to only 178 results in Google Scholar.

5.4.4 Wikipedia

Some Austrian legal content can be found in Wikipedia. There is even a dedicated category for Austrian law, both in the German¹⁰² and in the English Wikipedia.¹⁰³ The quality on community based platforms is a constant issue. In this respect, the special disclaimer for legal topic should be noted. The German disclaimer is similar to the English version:

WIKIPEDIA DOES NOT GIVE LEGAL OPINIONS

Wikipedia contains articles on many legal topics; however, no warranty whatsoever is made that any of the articles are accurate. There is absolutely no assurance that any statement contained in an article touching on legal matters is true, correct or precise. Law varies from place to place and it evolves over time—sometimes quite quickly. Even if a statement made about the law is accurate, it may only be accurate in the jurisdiction of the person posting the information; as well, the law may have changed, been modified or overturned by subsequent development since the entry was made on Wikipedia.

The legal information provided on Wikipedia is, at best, of a general nature and cannot substitute for the advice of a licensed professional, i.e., by a competent authority with specialised knowledge who can apply it to the particular circumstances of your case. Please contact a local bar association, law society or similar association of jurists in your legal jurisdiction to obtain a referral to a competent legal professional if you do not have other means of contacting an attorney-at-law, lawyer, civil law notary, barrister or solicitor.

Neither the individual contributors, system operators, developers, nor sponsors of Wikipedia nor anyone else connected to Wikipedia can take any responsibility for the results or consequences of any attempt to use or adopt any of the information or disinformation presented on this web site.

Nothing on Wikipedia.org or of any project of Wikimedia Foundation, Inc., should be construed as an attempt to offer or render a legal opinion or otherwise engage in the practice of law.

Often, the German entries are covering the jurisdictions of Germany, Austria and Switzerland in one single page, typically starting with Germany (larger population) and then adding special information on the situation in Austria and Switzerland. Usually references to legislation are made. There are only a few short lists about case law.¹⁰⁴ There are only 28 summaries of important cases by the European Court of Justice in the German language, while there are 101 summaries in English.¹⁰⁵

⁹⁹ Research Gate, <https://www.researchgate.net> (19.2.2016).

¹⁰⁰ Google Scholar, <https://scholar.google.at> (19.2.2016).

¹⁰¹ Microsoft Academic Search, <http://academic.research.microsoft.com> (19.2.2016).

¹⁰² Wikipedia, Recht Österreich, [https://de.wikipedia.org/wiki/Kategorie:Recht_\(Österreich\)](https://de.wikipedia.org/wiki/Kategorie:Recht_(Österreich)) (19.2.2016).

¹⁰³ Wikipedia, Austrian Law, https://en.wikipedia.org/wiki/Category:Austrian_law (19.2.2016).

¹⁰⁴ Wikipedia, Gerichtsentscheidungen, <https://de.wikipedia.org/wiki/Kategorie:Gerichtsentscheidung> (19.2.2016).

¹⁰⁵ Wikipedia, Important ECJ cases in German language: https://de.wikipedia.org/wiki/Kategorie:Entscheidung_des_Gerichtshofs_der_Europäischen_Union and in English: https://en.wikipedia.org/wiki/Category:Court_of_Justice_of_the_European_Union_case_law (19.2.2016).

5.5 Other Forms of Sharing

5.5.1 Websites and Blogs

Legal experts publish since the early years of the Internet on their own website. The extent, the quality, the maintenance of the contents and the motivation are different in many cases. A few examples can be given.

Internet4Jurists: I4J was one of the most popular Austrian websites about Internet law. Run by Franz Schmidbauer, a judge of the court in Salzburg, the site contains information from copyright law to e-commerce law. The domain is still top-ranked in Google. However, the contents are often not up-to-date anymore (e.g. “new” cases link to cases published in 2013).¹⁰⁶

Eurolawyer: Another website operated by a single person is Eurolawyer. The website is operated by Clemens Thiele, an Austrian lawyer. Even though the website has a relatively old layout, the database contains 800 commented cases and 220 publications. As a result of his active publication activities – most of it available online to the general public – Clemens Thiele received the title of an honorary professor in 2014.¹⁰⁷

Schönherr: Schönherr is one of the two largest law firms in Austria with offices in Eastern Europe. The professional website (in English) contains a knowledge section, where the latest developments in their field of practice are discussed.¹⁰⁸

IT Law: IT Law is another high-ranking Austrian website about information law. It is a non-profit association that also publishes student theses. In an award, the best publications are selected by a jury. The best author receives 1,000 Euros. The platform follows the example of “Rechtsprobleme.at”, which was highly popular at the same time as I4J.¹⁰⁹

University of Innsbruck: Professors and assistants at universities publish legal contents as well. For example, Peter Jordan makes information available for his students and explains legal concepts. An interesting side note: The entries are even indexed by Google Scholar.¹¹⁰

Blog Lehofer: A popular blog about telecommunication law is the blog of Hans Peter Lehofer. He is also including many outgoing links to the Austrian legal information system RIS.¹¹¹

5.5.2 Social Media

Social Media Radar Austria has put the usage of social media in Austria in numbers. In total there are 3.4 million Facebook users, 700 thousand LinkedIn users and 140 thousand Twitter users.¹¹² Searching for “Rechtsanwalt” (lawyer) on LinkedIn results

¹⁰⁶ Internet4Jurists, <http://www.internet4jurists.at> (19.2.2016).

¹⁰⁷ Eurolawyer, <http://eurolawyer.at> (19.2.2016).

¹⁰⁸ Schönherr Rechtsanwälte, <http://www.schoenherr.eu/knowledge/> (19.2.2016).

¹⁰⁹ IT Law, <http://www.it-law.at> and Rechtsprobleme.at <http://rechtsprobleme.at> (19.2.2016).

¹¹⁰ University Innsbruck, Peter Jordan,

<http://www.uibk.ac.at/zivilrecht/mitarbeiter/jordan/lehrveranstaltungen/grundzuege/index-ws.html> (19.2.2016).

¹¹¹ e-comm Blog, <http://blog.lehofer.at> (19.2.2016).

¹¹² Social Media Radar Austria, <http://socialmediaradar.at> (19.2.2016).

in 916 profiles (i.e. approx. 15% of lawyers in Austria). A more popular social network for professionals in the German speaking world is Xing, where 1,991 Austrian lawyers can be found (i.e. approx. 33%). While professionals in Austria are mainly using closed Xing or LinkedIn groups to discuss (about recent developments, actual cases, trends, etc.), students tend to team up in closed Facebook groups (to discuss study-related questions, to exchange exam questions, to get feedback about which professor to choose, etc.)

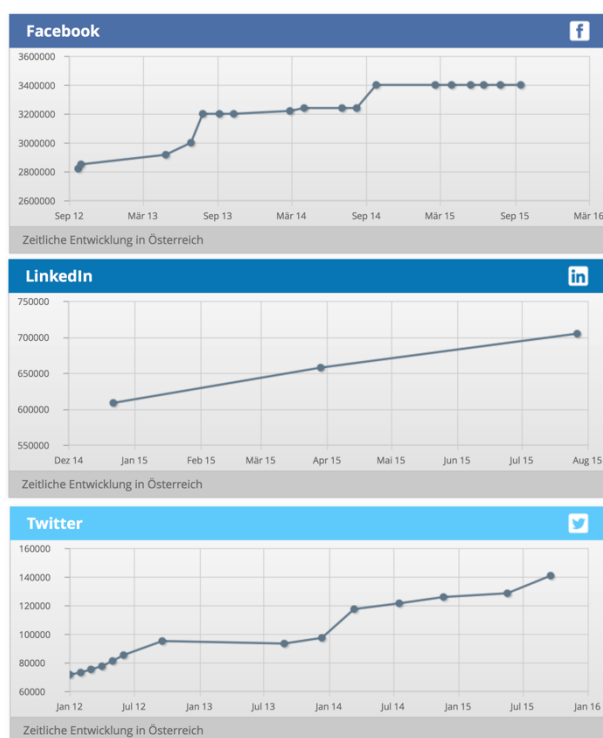


Chart 3: Social media usage in Austria

6 Practices

We can observe a series of developments that have changed the manner in which users engage with legal information and which runs in parallel to general trends in the society at large, such as user generated content or OA.

6.1 Awards

In 2013 the Austrian RIS system was winner of the IALL 2013 Website Award, because “RIS is an excellent open-access official government website managed by the Austrian Federal Chancellery that provides comprehensive access not only to national laws, but also to European community law, and the judicature of high courts, commissions and tribunals.”¹¹³ The announcement was made at the IALL 32nd Annual

¹¹³ The International Association of Law Libraries (IALL) is a worldwide, cooperative non-profit organization of librarians, libraries, and other persons and institutions concerned with the acquisition, dissemination and use of legal information from sources other than their own jurisdictions. In keeping with its Mission, IALL promotes the law library profession and access to legal information. https://www.digitales.oesterreich.gv.at/site/cob_52683/currentpage_0/6654/default.aspx, <http://iall.org/iall-2013-website-award-winner/>; (19.2.2016).

Course on International Law Librarianship in Barcelona (Spain), 18 September 2013. The IALL Website Award Committee was composed by Ligita Gjortlere (Riga Graduate School of Law), Teresa Miguel-Stearns (Yale Law School), Mirela Roznovschi (New York University School of Law), and Ivo Vogel (Berlin State Library). Other nominations were AdvocateKhoj Law Library, Congress.gov, South African Legal Information Institute (SAFLII), GlobaLex (2007 Website Award competition winner), CanLII, The CLIC series, Kluwer Arbitration and Legal Information.

6.2 RIS Survey

The Austrian Federal Chancellery conducted a survey on the satisfaction with the RIS in June and July 2015, 2,559 users participated. The survey was mainly answered by civil servants, legal experts and businesses.¹¹⁴ Answers were provided by “heavy users”: 42% said that they use the RIS on a daily basis, an additional 39.9% use it several times per week, 8.3% use it once per week and only 9.9% said that they use it from time-to-time. Generally speaking, users are either satisfied or very satisfied with the Austrian legal information system.

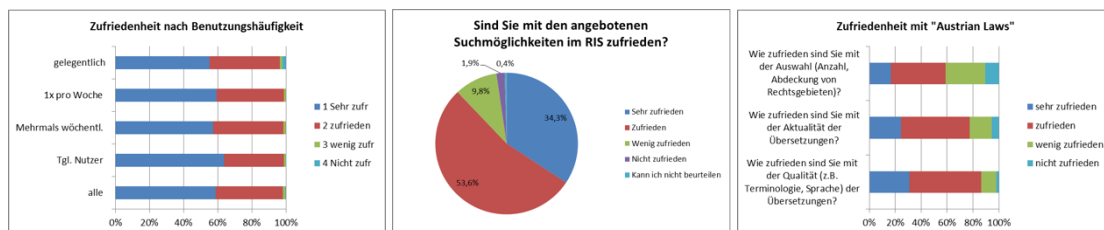


Chart 4: Satisfaction with the Austrian RIS

In a European context, the participation in the answer on translated legislation is interesting: Only one fourth of the users answered the question on “Austrian Laws”. This shows again, that legal information is focused on the national level and obviously Austrian (German speaking) users have a relatively smaller interest in content in another language.

6.3 One-Field Search

The RIS Survey replies are well in line with the ILLA Award, the extended expert search capabilities as well as the completeness of the RIS content. Still, when speaking with users in personal interviews, many of them said that they actually use Google to find contents (i.e. limit search results to site:ris.bka.gv.at).

Given the fact that Internet users in general get one-field-searches, this is not surprising. Rather than filling out different fields in an expert form, using one field is more comfortable and faster. Filters are only used in a second step to narrow down the results.

Commercial publishers are following this trend as well. RDB is using a free one-field-search on its website, just like RIDA. At the IRIS conference it was revealed by a publisher that only a one-digit number of users is actually using the expert search functionality for their system.

¹¹⁴ RIS Survey, <https://www.ris.bka.gv.at/RisInfo/ErgebnisUmfrage.pdf> (19.2.2016).

6.4 Multiple Databases

While Austrian users want less input fields, they want more data. They want to find all relevant information in one system, going to different portals is often too complicated and time-consuming. This trend was clearly described in the IRIS 2015 conference session, where publishers explained the user requirements. Consequently, the four large Austrian publishers have teamed up in groups of two and have started to index the contents of each other, as described above.

Copyright is a “legal monopoly” which is granted to the creator, hence the author. As a result of the oligopoly market structure in the publishing world (not only in Austria), this put publishers in conflict with the user demand of aggregated one-stop-search databases and anti-trust law. A potential solution would be the opening-up of all indexes of the publishers, which would result in more user-friendly services, which would not infringe competition and anti-trust law (because it is open for everyone) and would still allow for the publishers to sell their premium content via their subscription or pay-per-use models.

6.5 Sharing Accounts

Another practical observation that we made and which was reported during our interviews is that user accounts for legal databases are shared or otherwise used in violation of the terms-of-use of the commercial publishers. Either users are giving their username and password to another person, or existing accounts are used in another environment.

One publisher told us that during their selling process law firms said that they were not interested in purchasing the premium database access of the publisher, because they already had access – via the student account of a young employee in the law firm. This example shows the tension between information and the concept of free, as it goes back to 1984, when the slogan “information wants to be free” was attributed to Stewart Brand.¹¹⁵

Information wants to be free

“On the one hand information wants to be expensive, because it's so valuable. The right information in the right place just changes your life. On the other hand, information wants to be free, because the cost of getting it out is getting lower and lower all the time. So you have these two fighting against each other.”

Stewart Brand

6.6 Amendments and Consolidated Versions

Legislation in Austria is often amended. A good example is the the Act on Social Insurance (Allgemeines Sozialversicherungsgesetz, ASVG), which was amended over

¹¹⁵ Wikipedia, Information Wants to be Free, https://en.wikipedia.org/wiki/Information_wants_to_be_free#cite_note-clarke-4 (19.2.2016); Clarke, Roger, Information Wants to be Free., <http://www.rogerclarke.com/II/IWtbF.html> (19.2.2016); Brand, Stewart (1987), The Media Lab: Inventing the Future at MIT, Viking Penguin, p. 202, ISBN 0-14-009701-5.

300 times since its first entry into force in 1956.¹¹⁶ Sometimes there are already two amendments being prepared at the same time. During the import of Austrian legislation we have even seen amendments that were formally enacted, but never entered into force, because the next amendment replaced it before coming into force.

Amendments in Austria usually work this way: The amendments are described in text form. For example it says “in Article 20, paragraph 2, first sentence, the following Z 5a shall be included ...”

Das Bundes-Verfassungsgesetz, BGBl. Nr. 1/1930, zuletzt geändert durch das Bundesverfassungsgesetz BGBl. I Nr. 127/2009, wird wie folgt geändert:

1. In Art. 20 Abs. 2 erster Satz wird folgende Z 5a eingefügt: „5a. zur Aufsicht und Regulierung elektronischer Medien und zur Förderung der Medien,“
2. In Art. 20 Abs. 2 letzter Satz wird die Wortfolge „gemäß den Z 2, 3 und 8“ durch die Wortfolge „gemäß den Z 2, 3, 5a und 8“ ersetzt.

Unfortunately, the Swiss practice of replacing entire (readable) sections as a whole, has not yet been introduced. Given today’s possibilities, there is no technological restriction that would prevent such a user-friendly and transparent process.

In order to be able to read the original version including its amendments, a consolidated version has to be created. However, it has to be noted that the binding version in the legal information system are always the original version and the amendments, not the consolidated version. To what we have learned during our interviews, there are sometimes errors when creating the consolidated version, simply because the amendment was “wrong” and for example replaced a word, that did not even exist.¹¹⁷

Basically all legal practitioners trust in the consolidated version of the official national database. Unless the user is a legal researcher, it is also hard to imagine that an expert (with limited time) would create a consolidated version for him/herself. However, when it comes to the rule of law and binding versions, an inspection of the relevant act might be advisable. The community could help to spot wrong consolidated versions based on the amendments. A practical solution would be of course to amend entire sections as a whole, even a new enactment of an entire act might be advisable, especially when there are several hundred amendments in force and effect.

6.7 Complicated Data Curation

Not only legislation sometimes need correction, also meta-data of the Austrian RIS would need data curation and normalization. The import of Austrian legislation has shown that sometimes metadata is spelled in different ways. According to our contact person, this is the result of the input of different users from different institutions over multiple years. A normalization of such data would be advisable in order to keep the database consistent and to better analyze and visualize the system.

¹¹⁶ RIS, ASVG,

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008147> (19.2.2016).

¹¹⁷ An example cannot be presented here, because errors are being already corrected when found. Finding contradictions manually would be like searching the needle in the haystack. Automated diff-analysis is not yet working well enough to understand the natural language of the amendment text.

7 Outcome

Just like the UK and the NL, Austria is one of the leading EU Member States with respect to legal information systems and access to justice. The RIS is an award-winning centralized expert systems, containing legislation and case law in one platform. Despite financial limitations of the government, the platform continuous to make information accessible for free in accordance with the PSI Directive, also via a new REST interface. These open data interfaces made it possible that third parties have developed new applications based on the RIS datasets, including the OpenLaws platform. The RIS is well established and experts users are satisfied. Non-experts can receive legal information through the citizen portal help.gv.at or the business portal usp.gv.at. Primary sources of the law are well covered, with the exception of preparatory works of the parliament, which are not very accessible. The border line in Austria between legal information provided by public bodies and information provided by commercial publishers is “added-value”. Primary sources and basic functionality are offered by the government, access to secondary sources (literature, commentary) and premium functionality is offered by the publishers.

There are four dominant legal publishers in Austria, having a long history in the book-printing industry. Today, these publishers generate half of their revenues with online products and database access. Books, journals and commentary continue to be important for experts, because primary sources often require explanation and interpretation. Legal experts are customers and authors at the same time. Lawyers, notaries, administrations, universities, tax consultants and other buy the products of the publishers – often for a relatively high price – and experts like legal scholars or active lawyers are the authors of such publications as well. Like in many other industries, authors complain that they do not receive a high-enough compensation for their works. The publishers are an intermediary and an information broker, ensuring high quality standards for legal information. Open access publication is a topic of interest, especially pushed by NGOs and research institutions, like the OANA, Open Knowledge and the ODI. However, it looks as if it is still a rather long way to general OA publication in the legal domain in Austria, the Netherland remain a role-model.

Just like publishers, legal experts are intermediaries as well. They use primary sources from the government and secondary sources from legal publishers to make the law accessible to the end user, i.e. businesses and citizens. In Austria there are 13,000 registered companies in the area of legal advice and auditing, 6,000 of them are lawyers, 700 are notaries. Other legal experts work for the public administration and for the court system. Many of these experts publish information via different channels, traditional and new ones. Legal scholars, lawyers, civil servants and judges continue to publish books and journal papers, but at the same time they put information on their websites and in their blog and make it available for free. This practice increases their reputation and visibility.

New technology like Google as well as mobile devices are changing the legal landscape in Austria. Traditional experts search functionality is transformed into simple fields with several filter functionalities. Ideally, users expect that the machine comes up with recommendations and related content, just as they know it from Amazon. The fact that both the government and commercial publishers are more and more opening up their content (the government via open data portals, the publishers in a first step via opening their search to users and the search engine indices of Google and Microsoft) makes Austrian law more accessible. At the same time, free user-generated

content exists in different places, waiting to be connected with each other.

From a European perspective, there is still a lot to do. Austrian legislation and case law is only partly connected to EU legislation and case law. The introduction of ELI and ECLI will certainly help to build a more interconnected network. OpenLaws could provide the necessary legal infrastructure, to connect Austrian and EU primary sources – and potentially legal data sources from other EU Member States as well.

8 Annex I – Interviewees

All interviews were conducted between April 2014 and November 2015. Please note that a large part of the report has been drafted on the basis of the appreciations made in the course of the below interviews. Therefore, the uses and methods provided, though they have been checked against the available literature and (scarce) statistical data, remains indicative and, to some extent, subjective.

Date	Industry	Name	Surname	Institution	Other
25.4.2014 25.8.2014 19.11.2015	Lawyers	Thiele	Clemens	Eurolawyer Rechtsanwälte	
25.4.2014	EU	Schramek	Wolfgang	OAMI	
19.5.2014	Lawyers	Taskova	Mirena	Schönherr Rechtsanwälte	Advisory board
1.6.2014	University	Leitner	Sabine	Fachhochschule Salzburg	Participant
5.8.2014	Government	Barotanyi	Brigitte	BKA	Advisory board
5.8.2014	Lawyers	Leissler	Günther	Schönherr Rechtsanwälte	Advisory board
5.8.2014	Publisher	Geist	Anton	LexisNexis	
12.8.2014	Tax	Niederberger	Josef	Niederberger Steuerberater	
18.8.2014	Chamber of Commerce	Scherm	Andreas	WKO	
18.8.2014	Corporate Counsel	Manhardt	Sandra	Red Bull	
5.9.2014	Corporate Counsel	Wittman	Titus	Sony	
11.9.2014	Tax	Eichinger-Rainer	Daniela	PWC	
27.10.2014	Corporate Counsel	Ebner	Markus	Porsche	
13.11.2014	Corporate Counsel	Seda	Oliver	Spar	
20.11.2014 20.1.2015	Lawyers	Schneider	Thomas	Zumtobel Kronberger und Partner	
27.11.2014	Government	Weichsel	Helmut	BKA	
27.11.2014	Government	Tschabusnig	Günther	BKA	Advisory board
27.11.2014 13.8.2015	Government	Indrak	Friedrich	BKA	

2.2.2015	Government	Wagner	Oliver	ITG	
5.2.2015	Government	Timons	Harald	Salzburg State	
18.2.2015	Tax	Lassacher	Kurt	PWC	Advisory board
4.3.2015	Parliament	Engeljehringner	Wolfgang	Austrian Parliament	
4.3.2015	Publisher	Wachter	Christian	ÖGB Verlag	
4.3.2015	Government	Ledinger	Roland	BKA	
4.3.2015	Government	Kustor	Peter	BKA	
19.3.2015	Lawyers	Steinwender	Klaus	Mahringer Steinwender Bestebner Rechtsanwälte	
29.4.2015	University	Vogl	Roland	Stanford CodeX	
13.5.2015	Chamber of Commerce	Forsthofer	Ernst	WKS	
25.6.2015	Government	Lutz	Brigitte	City of Vienna	
26.6.2015	Government	Schneeweiss	Sonja	BKA	
30.7.2015	SME	Kaltenböck	Martin	Semantic Web Company	
13.8.2015	Industry	Mewald	Katharina	IBM	
8.9.2015	Lawyer	Wind	Christian	Bratschi, Wiederkehr & Buob Rechtsanwälte	
15.10.2015	University	Bydlinski	Peter	Karl-Franzens-Universität Graz	
15.10.2015	University	Scholz	Johannes	TU Graz	
15.10.2015	University	Lurger	Brigitte	Karl-Franzens-Universität Graz	
16.10.2015	University	Staudegger	Elisabeth	Karl-Franzens-Universität Graz	
16.10.2015	Lawyers	Benedikt	Robert	Benedikt Anwaltskanzlei	
13.11.2015	Notaries	Fökehrer	Cindy	Notariatskammer	
13.11.2015	Lawyers	Katarin	Steinbrecher	Rechtsanwaltskammer	