ReCreating Europe

Rethinking digital copyright law for a culturally diverse, accessible, creative Europe

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Abbreviation list

CDC	UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Convention on Cultural Diversity)
CDSM Directive	Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance.) (Directive on Copyright in the Digital Single Market)
CJEU	Court of Justice of the European Union
CRPD	United Nations Convention on the Rights of Persons with Disabilities
DPOs	Disabled People Organizations
EAA	European Accessibility Act
EBU	European Blind Union
EU	European Union
GDPR	General Data Protection Regulation
IFLA	International Federation of Library Associations and Institutions
InfoSoc Directive	Directive (EU) 2001/29 of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society
IP	Intellectual Property
IPR	Intellectual Property Rights
Marrakesh Treaty	WIPO Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled
Marrakesh Directive	Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society
Marrakesh Regulation	Regulation (EU) 2017/1563 on the cross-border exchange between EU and non-EU countries of accessible format copies of certain works for the benefit of persons who are blind, visually impaired or otherwise print-disabled
NGOs	Non-Governmental Organisations
NUIM	Maynooth University - National University of Ireland Maynooth
SSSA	Sant'Anna School of Advanced Studies Pisa, Italy
STT	Speech To Text
TA	Thematic Analysis
TPM	Technical Protection Measures
WAD	Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Web Accessibility Directive)
WBU	World Blind Union
WIPO	World Intellectual Property Organisation
WP	Work Package

Executive Summary

The project *reCreating Europe* examines stakeholders' perspectives on the European copyright regulatory framework to promote a creative, diverse, and accessible Europe. Work Package (WP) 2 – *End users and access to culture* focuses on the role of end-users' rights, interests, expectations, and behaviours vis-à-vis copyright rules. *Task 2.5 - Empirical case studies on the effectiveness of regulatory measures to increase digital access to academics and people with visual impairments* encompasses two empirical case studies assessing the impact of regulatory responses to paradigmatic access issues: (i) academics and the research exception, and (ii) visually impaired people and the so-called Marrakesh VIP exception. The two case studies are independently carried out. However, close communication and collaboration between the research teams in the case study design will allow comparability of data gathered.

Nowadays, digital technologies allow scholars to access all prior existing knowledge potentially. Nevertheless, despite the research and teaching exception, access to scientific materials remains highly costly. The cost of scientific materials represents a barrier that might affect access to knowledge. The recent clash between a major publisher and consortia of EU universities raised a debate on the role of publishers in assessing research quality, and on the perceived unfairness of publishers' business models. These considerations might affect academics' perception of copyright law and the channels used to access scientific knowledge in platforms such as Sci-Hub. In that connection, Sub-task T2.5.1 aims to provide empirical evidence on academics' perceptions of copyright law and their preferred channels of access to scientific knowledge using data collected through a survey in six European countries (Italy, Ireland, Sweden, Germany, Hungary, The Netherlands).

In a similar vein, digital advancement and copyright exceptions (now provided for in the Marrakesh Treaty, implemented into EU law by Directive 2017/1564 and Regulation 2017/1563) enhance access to published works in accessible formats for people with visual impairments, blind persons and people that are otherwise print disabled. However, persons with visual impairments still face obstacles in accessing printed material. In that regard, Sub-task T2.5.2 aims to provide empirical evidence on the channels of access to published material for people with visual impairments, on their knowledge of and perceptions of copyright law, using data collected through a survey in six selected European countries (Italy, Ireland, Sweden, Germany, Hungary, The Netherlands).

As of M18 of the project, the researchers involved in the two sub-tasks have completed the preparatory work for launching the two surveys, which are included in Annexes 1 and 2 of this report. Sub-task T2.5.2. required a careful assessment of the impact of the COVID-19 pandemic (and related restrictions) on persons with visual impairments (more broadly persons with disabilities), to design and plan the data collection minimizing the risks of limited engagement. Moreover, building on the experience accrued in Task 2.2., the preparation of the survey for T2.5.2 has also involved a lengthy investigation around the accessibility of the survey platform and survey design in order to allow people to take the survey with screen readers or magnifiers.

This interim report outlines the objectives of the two case studies, reviews relevant literature supporting the analysis of the case studies, lays out the specific research questions, and the methodology followed for the sampling and data collection.

1. Background and Aim

1.1 Introductory Remarks

This interim report stems from the research conducted within the *reCreating Europe*[1] Work Package (WP) 2, which focuses on End-users and access to culture. The project's overall purpose is to understand which regulatory framework best supports a culturally diverse production, as well as inclusive access and consumption. It endeavours to produce ground-breaking research that takes into account different stakeholders' perspectives. In that connection, WP2, by focusing on end-users and access to culture, will provide, through a combination of desk-based research and participatory research methods, a comparative cross-national mapping of regulatory measures having a positive or negative impact on digital access to culture. The project also investigates the degree of users' knowledge and understanding of EU and national copyright laws. It suggests alternative coping strategies adopted by individual users, communities and networks to overcome regulatory obstacles to accessing and sharing of digital cultural goods and services. It is worth recalling that, for this project, an 'end-user' is a 'natural person, that is, an individual, easily distinguishable from institutional users such as broadcasters, content suppliers, libraries, archives, and so forth', and, broadly speaking 'a consumer of digital goods and services who benefits from consumer protection law when contracting with professional traders' (Mazziotti, 2008). The work plan of WP2 encompasses a broad range of interdisciplinary research activities, which will result in nine deliverables, and academic outputs and recommendations on best practices and policy reform.

Among its key objectives, WP2 aims to understand the effectiveness of regulatory measures in relation to digital access for specific cohorts of end-users. In that regard, Task 2.5 encompasses two empirical case studies assessing the impact of relatively consistent regulatory responses to paradigmatic access issues: (i) academics and the research exception (T2.5.1), and (ii) persons with visual impairments and the so-called Marrakesh VIP exception (T2.5.2). Desk research is supported by qualitative methods in the form of a qualitative survey conducted across 6 EU Member States, i.e. Italy, Ireland, Sweden, Germany, Hungary, and The Netherlands.

This interim report (D2.5) builds on deliverable D.2.1., which provided a comparative EU and cross-national mapping of regulatory sources, focusing on copyright and the digital single market. It complements other WP2 deliverables, which will include: an interim report on barriers to access cultural content for vulnerable groups (D2.2), a final report and public dataset on copyright flexibilities (D.2.3), a final policy brief on barriers for vulnerable groups (D.2.4), a final report on case studies (D.2.8), a peer-reviewed publication on the impact of copyright law and perception on the demand for cultural goods and services (D.2.6), a report on the effect of digitization and regulatory changes on access to culture (D.2.7), and final policy recommendations (D.2.9).

1.2 Research Questions

1.2.1 Core Questions

The two empirical case studies of Task 2.5 examine how standardized regulatory responses to copyright law influence the perception and behaviour of specific cohorts of individuals that experience paradigmatic issues and challenges in accessing digital cultural products. On the one hand, the specific needs of those cohorts boost the emergence of new products and technologies. On the other hand, these cohorts also require tailored regulatory interventions to accommodate their needs. Against this background, Task 2.5 empirically investigates two groups for which copyright exceptions have been enacted. Our research is also based on the assumption that these groups interested by copyright exceptions might have a specific knowledge and

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perception of the copyright law. It is also based on the assumption that specific access needs might solicit certain behaviours and impact the channels used to access copyrighted material.

With this in mind, the two parallel empirical case studies of Task 2.5 aim at answering three general research questions:

- Are individuals with paradigmatic access issues aware of copyright laws and exceptions that relate to them?

- To what extent and how do copyright exceptions affect the perception of the copyright law of individuals with paradigmatic access issues?

- Which are the preferred channels of access to digital cultural goods used by individuals with paradigmatic access issues? And why are those channels used?

To answer these three general questions, we will analyse and compare the results of our two empirical case studies. The first case study examines academics, for whom the 'teaching and research exception' applies. The second case study focuses on people with visual impairments who fall within the scope *ratione personae* of the WIPO Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh Treaty),[2] and the so-called Marrakesh exception, and within the scope of the derived EU Directive and Regulation.[3] A process that converts a copy of the copyrighted work into an accessible format (including a digital format) encroaches on the exclusive right of copyright owners. Accessible formats for blind or visually impaired persons generally require a 'format shifting of the original work' (Koklou, 2014), which may interfere with the exclusive reproduction right of the copyright holder. Furthermore, cross-border circulation of accessible copies may further interfere with the exclusive rights of distribution of the right holder. The Marrakesh exception, in substance, removes the obligation to seek permission from the copyright owner to make or share copies of printed material in accessible formats.

Both case studies contain survey questions about the channels used to access digital cultural goods, and why those channels are preferred over others. They also contain questions about the knowledge and perception of copyright law and exceptions. Additionally, both surveys contain general demographic questions related to gender, age, nationality, level of education. These demographic questions will help us understand whether there are identifiable sources of heterogeneity between and within the respondents of the two surveys in relation to access needs, knowledge and perception of the copyright law, and exceptions.

1.2.2. Case Study 1: Research Questions

Case study 1 examines academics. The paradigmatic access issues faced by academics relate to their job at universities and dispel a societal impact in that they affect knowledge creation and diffusion. Indeed, academics need to access research articles and other scientific materials to conduct their teaching and research activities. Additionally, their work is at the forefront of the production and diffusion of knowledge in our societies. However, scientific articles and materials are not freely accessible to scholars and are often costly and protected by copyright. Academic publishers often own the copyright of scientific articles and charge high subscription costs to universities. Many scholars have recently argued that the cost of accessing scientific articles is unjustifiable in the digital era. Indeed, digital technologies had significantly lowered the

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[2] World Intellectual Property Organisation Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, July 31, 2013. https://www.wipo.int/edocs/mdocs/copyright/en/vip_dc/vip_dc_8_rev.pdf accessed 17 June 2021.

[3] Directive 2017/1564/EU. Certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society; Regulation 2017/1563/EU on he cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled.

cost of managing, printing, and distributing journals. Therefore, the cost for accessing research articles is often seen as a mere legacy of the past and a result of the monopolistic power of large publishers.

As an answer to scholars' paradigmatic access problems, Alexandra Elbakyan founded Sci-Hub in 2011 providing free access to research papers and books worldwide. Today, the website is widely used in developed and developing contexts reaching more than 400,000 requests per day in 2019.[4] However, since its foundation, Sci-Hub was accused of copyright infringements and suspected of bypassing publishers' paywalls through stolen university accounts. The numerous lawsuits brought against Sci-Hub and Elbakyan provoked a reaction in the academic community. In particular, the academic community reopened the debate about access to scientific literature, open-access, and academic publishers (Hoy 2017; Gonzalez-Solar et al. 2019).

The advent of Sci-Hub and the resulting debate on academic publishers' business model saw the growing lead of some European universities. The clash between a major publisher and some European universities might affect the academics' perception of copyright law and popularize platforms such as Sci-Hub. Besides the revolutionary impact Sci-Hub might have on the academic world and on our society, very little empirical research systematically investigates how and why academics of various disciplines use Sci-Hub. Most of the empirical evidence is either concentrate on aggregate country data on Sci-Hub downloads (Till et al. 2019; Himmelstein et al. 2018; Bodó et al. 2020), or it relays on small samples without a systematic data collection strategy or concentrates in one scientific field (Mejia et al. 2017; Nazarovets 2018). In contrast with past research, this study provides large scale empirical evidence on Sci-Hub usage in Europe. We collect data through a survey sent to all the faculty members (from PhD to full professors) in six European countries (i.e. Germany, Hungary, Ireland, Italy, The Netherlands, and Sweden). Our collection strategy ensures the coverage of very heterogeneous academic disciplines and accounts for different age and cohort effects.

To our knowledge, this study is one of the first systematic empirical analysis on academic piracy examining individual characteristics. Building upon the existing literature on the use of digital pirated products and scientific literature, our questionnaire (see section 3.1.2 for an overview of the structure) explores different drivers behind the use or the disapproval for academic piracy. We focus on factors such as law perception and knowledge, moral justification, reinforcement behavior, and product quality (Eisend 2019; Phau et al. 2014; Jacobs et al. 2012; Coyle et al. 2009; Cronan et al 2008). Furthermore, we explore the extent to which academic norms, values, and working environment conditions might also explain the use of Sci-Hub (Sauermann et al. 2013; Haeussler et al. 2014; Walsh et al. 2007).

Case Study 1 is designed to answer two main research questions additionally divided in sub research questions.

The two main research questions are:

- **R.Q.1.** Investigates the knowledge and perception of copyright law and teaching and research exceptions of scholars
- **R.Q.2.** Examines the specific channels used by scholars to access the scientific literature with the focus of Sci-Hub and other shadow library websites.

The **R.Q.1** can be "unpacked" into five sub-research questions specific to academics and their knowledge and perception of copyright law. These specific sub-questions are:

- **R.Q.1.1.** Does the perception of copyright law relate with the knowledge of copyright law?
- **R.Q.1.2.** Does the knowledge and perception of copyright law relate with demographic characteristics (such as age, gender, nationality, field, academic rank)?
- **R.Q.1.3.** Does the knowledge and perception of copyright law relate with the use of pirated products?
- **R.Q.1.4.** Does the knowledge and perception of copyright law relate with the institutional norms of the country/university?
- **R.Q.1.5.** Does the knowledge and perception of copyright law relate with the political ideology or morality of the individual?

R.Q.2 will test six research sub-questions specific to academics and Sci-Hub such as the drivers behind the use of Sci-Hub and other pirated products. The specific sub-questions are:

- o **R.Q.2.1**. Does the use of Sci-Hub relate with the perception or knowledge of copyright law?
- o **R.Q.2.2.** Is the use of Sci-Hub related to demographic characteristics (gender, academic rank, age, field)?
- o **R.Q.2.3.** Does the use of Sci-Hub relate with the political ideology or morality of the individual?
- o **R.Q.2.4.** Is the use of Sci-Hub related with past behaviour of other digital Pirated Products?
- o **R.Q.2.5.** Is the use of Sci-Hub related with the quality of the product vis-à-vis the services provided by the university library?
- o **R.Q.2.6.** Does the use of Sci-Hub relate with the institutional norms of the country/university?
- o **R.Q.2.7**. Is the use of Sci-Hub related with colleagues' behaviour or the working environment?

1.2.3. Case Study 2: Research Questions

Case study 2 focuses on people with visual impairments. We adopt a wide-ranging definition of people with visual impairments to encompass blind persons, within a broad conceptualization of disability informed by the social-contextual model and aligned with the human rights model of disability envisaged in the UN Convention on the Rights of Persons with Disabilities- CRPD (Broderick & Ferri, 2019).[5] For the purpose of our case study, persons with visual impairments include all persons that do not perceive works fixed in visual mediums and, hence, cannot access works that contain visual components, i.e. print works such as books, audio-visual works such as movies and television, websites and computer software, as well as pictorial, graphical, or sculptural works. These works must be either partially or entirely transformed into a medium that is not dependent on visual information, i.e a tactile or auditory medium (Schreier *et al* 1991).

This case study is based on the paradigmatic access issues faced by this specific cohort of persons with disabilities, which fall, as noted above, within the scope *ratione personae* of the Marrakesh Treaty. Notably, this Treaty has a broader scope than this specific case study, as it applies to persons that are blind, persons that have 'a visual impairment or a perceptual or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability', and to people that are 'otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading'. However, persons with visual impairments have historically faced particular barriers in accessing printed materials (Rayini, 2017). The European Blind Union (EBU) highlights that only around 5% of books worldwide were available in Braille, and this figure is lower in developing countries.[6] The World Blind Union (WBU) contends that 'over 90% of all published materials cannot be read by blind or print-disabled people, leading to a 'book famine'.[7] While digitalization is vital to ensure accessible cultural materials and lower production costs, but also to facilitate cross-border exchanges (*inter alia* Brown, Harmon, Waelde, 2012), the book famine is still an issue.

The implementation of the Marrakesh Treaty globally is followed closely not only by legal scholars, but also by Disabled People Organizations (DPOs), Non-Governmental Organisations (NGOs) and service providers. The International Federation of Library Associations and Institutions (IFLA), which is the 'leading international body representing the interests of library and information services and their users',[8] has published an initial guide on the Treaty[9] and is periodically reviewing whether State Parties to the Marrakesh Treaty have passed

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[5] See D 2.2.

[6] The Marrakesh Treaty. (2020, March 9). *European Blind Union*. http://www.euroblind.org/campaigns-and activities/current-campaigns/Marrakesh-treaty accessed 17 June 2021.

[7] Marrakesh Treaty: Marrakesh Treaty Ratification and Implementation Campaign. (n.d.). *World Blind Union*. https://worldblindunion.org/programs/marrakesh-treaty/ accessed 17 June 2021.

[8] *International Federation of Library Associations* (2019, December 10). https://www.ifla.org/about accessed 17 June 2021.

[9] Getting Started with the Marrakesh Treaty - a Guide for Librarians. (2021, June 11). *International Federation of Library Associations.* https://www.ifla.org/publications/node/71175 accessed 17 June 2021.

the domestic legislation to implement it.[10] The IFLA also proposes an analysis as to whether they are maximising the potential for access. At the time of writing this interim report, the latest update dates back to December, 2020 and provides an overview of the status of ratification and implementation, with particular regard to the flexibilities afforded in many respects to States Parties by the Treaty. The Electronic Information for Libraries (EIFIL) (i.e. a not-for-profit organization that works with libraries to enable access to knowledge in developing and transition economy countries in Africa, Asia Pacific, Europe, and Latin America) has also published a guide for librarians on the Marrakesh Treaty.[11] On the whole, IFLA works in conjunction with EIFL and the WBU to assist authorised entities in ensuring full enforcement of the Treaty in overcoming any barriers to access to knowledge.

However, to our knowledge, current studies and the abundant grey literature are rooted in desk-based research and mostly focus on copyright law aspects, as it will be discussed further in section 2.3. By contrast, this study provides an innovative empirical analysis across six EU Member States. It is also particularly timely in that it follows the adoption of the Marrakesh Treaty (and the relevant Directive and implementing measures), and considers perceptions of users with visual impairments themselves on current copyright exceptions for persons with visual impairments across multiple jurisdictions. Building upon the existing literature on the barriers faced by persons with visual impairments in accessing printed material and on the work conducted under Task 2.2., our questionnaire explores what obstacles people with visual impairments are facing in accessing printed material, and whether digitization has improved their access. We also aim to understand what is their knowledge and perception about copyright law, and to ascertain their awareness about the innovations brought by the Marrakesh Treaty.

On the whole, Case Study 2 is designed to answer two main research questions:

- **R.Q.1.** Examines the specific channels used by persons with visual impairments and the barriers they encounter in accessing printed material.

- **R.Q.2.** Investigates the knowledge and perception of copyright law and exceptions related to persons with visual impairments

The qualitative analysis of the survey, that has been designed for lay people with visual impairments and aims to capture different cohorts in terms of age and social background, will allow to answer:

- Other sub-research questions related to **R.Q.1**:

    o **R.Q.1.1.** Do the channels to get accessible materials relate with demographic characteristics (such as age, gender, nationality, intersectional characteristic…)?

    o **R.Q.1.2.** Do the barriers to get accessible materials relate with demographic characteristics (such as age, gender, nationality, intersectional characteristic…)?

- Other sub-research questions related to **R.Q.2.**

    o **R.Q.2.1.** Does the knowledge and perception of copyright law relate with demographic characteristics (such as age, gender, nationality, intersectional characteristic…)?

    o **R.Q.2.2.** Is the Marrakesh Treaty known among persons with visual impairments? If so, is this perceived as a 'game-changer' in facilitating their access to printed material?

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2. State of the Art

2.1 EU Copyright Law and Exceptions to Copyright: Introductory Remarks

Copyright protection refers to a proprietary right of the author over their work, as the exclusive right to exploit the work and, accordingly, to retain control over the exploitation by others. However, copyright is not an unfettered right. Limitations and exceptions have been carved out to protect other competing rights or public interest.

In the European Union (EU), copyright law has been significantly harmonized by way of an array of EU Directives, which include a list of limitations and exceptions, most of which are optional (Sganga, 2020). The InfoSoc Directive[12] had adopted a unified list of mandatory exceptions in Article 5(1), and twenty optional exceptions, provided for in Article 5(2), and Sganga (2020) suggests that 'exceptions were harmonised only to the extent necessary to the smooth functioning of the internal market (Recital 31 of the InfoSoc Directive), with the result of a quilt of national solutions and definitions, later restricted by recurrent limiting interventions by the European Court of Justice'. Other Directives have introduced other exceptions, and/or partially amended the original text of the InfoSoc Directive, and Sganga notes that

> '[t]he result of this normative output is a quilt of provisions that are partly mandatory, partly optional, partly 'horizontal' and applicable to every protected work, partly 'vertical' and applicable only in specific fields, partly overridable by contract and partly not' (Sganga, 2020)

The most recent Directive on Copyright in the Digital Single Market (CDSM Directive)[13] has introduced three horizontal exceptions to copyright, which are declared mandatory. Namely, Articles 3 to 6 of the CDSM Directive provide for exceptions or limitations in relation to text and data mining, for digital and cross-border teaching activities and for the preservation of cultural heritage.

reCreating Europe deals with exceptions at multiple levels and junctures. In this deliverable, we limit ourselves to recall that D 2.1. comprehensively mapped EU and national copyright flexibilities and provided, *inter alia*, the following classification of exceptions and limitations:

- *De minimis* uses (e.g., temporary reproduction, ephemeral recording, incidental inclusion, technically necessary uses)
- Private non-commercial uses (e.g., reprography, private copy, freedom of panorama)
- Quotation
- Parody
- Teaching and scientific research (e.g. illustration for teaching and scientific research, digital teaching activity, text and data mining)
- Uses within/by cultural heritage institutions (e.g., public lending, preservation of cultural heritage, uses of orphan works, and of out-of-commerce works)
- Uses for persons with disabilities/persons with visual impairments
- Uses for an informatory purpose (e.g., news reporting, public speeches and lectures)
- Uses by public authority (e.g., public security, legislative and judicial proceedings, religious and official celebrations)
- Three-step-test
- Other non-infringing uses

Taking into account legal context analyses within the remit of Task 2.1, Task 2.5 focuses, as noted above, on two copyright exceptions as case studies. It is premised on the assumption that, in both cases, technological advancement (i.e. platforms, devices, apps) brings to the market digital devices or apps, or platform that

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[12] Directive 2001/29/EC. *The harmonization of certain aspects of copyright and related rights in the information society (InfoSoc Directive).* European Parliament, Council of the European Union. http://data.europa.eu/eli/dir/2001/29/oj accessed 17 June 2021.
[13] Directive 2019/790/EU. *Copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.* European Parliament, Council of the European Union. http://data.europa.eu/eli/dir/2019/790/oj accessed 17 June 2021.

facilitate access to cultural material for those groups, but at the same time facilitates copyright infringements.

Similar reasoning might imply that groups with specific needs as academics or visually impaired people have a specific relation with the copyright legislation. In particular, the interaction between the exceptions to whom they are subject, the new digital technologies available, and their needs could imply that their intention to pirate might be high. The following sections turn to analyse the state of art on our two case studies.

2.2 Case study 1: Academics, Copyright law and Sci-Hub

Empirical research on the usage and perception of copyright law in academics is relatively scant. While few studies look at usage patterns of Sci-Hub, no large-scale empirical papers are looking at the relationship between academic individual characteristics and preferences and academic piracy. From a broader perspective, however, we identify three streams of literature that might help us set the ground of state of the art. The first relates with the business and management literature that examine attitudes, intention and behaviour towards digital piracy looking at consumers or corporate employees. The second relates to the economics of innovation literature that studies the behaviour of academics involved in patenting activities and more generally analyses their collaborations and sharing patterns. Finally, the third stream of literature covers interdisciplinary research in information research, communication, and library studies that concentrate on Shadow Libraries websites and their consequences.

2.2.1 Digital Piracy and Users

The management and business literature has addressed the understanding of consumers behaviour concerning digital piracy. Most of these studies examine the consumers' attitudes, intentions, and practices towards pirated digital products such as movies and software. In a recent meta-analysis, Eisend (2019) examines 174 studies conducted in 36 countries between 1980 and 2016 focusing on the predictors of users' attitudes toward digital piracy, intentions to pirate, and actual pirating behaviours. In his review of the literature, Eisend (2019) underlines four groups of theories to explain digital piracy: i) reasoned action and planned behaviour, ii) ethical decision-making models, iii) perceived risk and expected utility theory, and iv) reinforcement mechanisms.

Reasoned action and planned behaviour are concentrated on the influence that the cultural dimension has on digital piracy (Chang MK 1998, Phau et al. 2014). For instance, the first is appropriate for collectivistic countries and considers attitudes, intentions, and behaviour as driven by whether piracy is socially accepted or not. The second is more appropriate for individualistic countries and looks at the individual perceived control ability. In other words, whether performing piracy is easy or not for the individual.

Ethical decision-making models consider the moral dilemma surrounding the act of using pirated digital products. As piracy implies the infringement of the copyright law (Jacobs et al. 2012), there is a trade-off between the ethical sensitivity and users' moral justification towards digital piracy. The first negatively relates to attitudes, intentions, and behaviour, while the second has the opposite direction as providing excuses for breaking the law. Indeed, Nicholas et al. (2019) suggest that copyright infringements are often considered a '*mala prohibita*' rather than a '*mala in se*' for the users (i.e something forbidden by law but not wrong per se).

Perceived risk and expected utility theory consider the impact that expected positive or negatives outcomes have on digital piracy behaviour (Coyle et al. 2009). The first focuses on the perceived negative outcomes following using pirated digital materials; as the perceived risk of being caught or receiving social/institutional sanctions. The latter, instead, considers the positive expected outcomes following the act of using pirate products. For example, the money saved using the pirated product, the quality of the pirated copy vis-à-vis the genuine product.

Reinforcement mechanisms underline how piracy behaviour and attitudes are influenced by agents past experience with pirating (Cronan et al. 2008). Recent literature found that the reinforcement mechanisms, so far neglected in many empirical investigations, have a crucial role in predicting future behaviour towards digital piracy (Eisend, 2019).

Following this literature, our survey will include questions related to each of these theories, and test whether they are important determinants for Sci-Hub use.

2.2.2 Academic Values, IPRs, and Sharing habits

The economics of innovation literature has a long tradition of studying the incentives and effects of academic patenting. While our focus is on a different IPR, some findings might be relevant for copyright too.

Sauermann et al. (2013) examine 5000 US life scientists and physical scientists in 2003 working in the industry or academia to highlight possible differences in preferences and principles. Their results show that academics have a different value system compared with scientists working in the industry. Academics are generally more interested in investigating fundamental knowledge, they value research freedom over bureaucratic control, their rewards system is based on peers recognition and not on monetary rewards, and their main goal is to disseminate their knowledge through a scientific publication. However, their empirical analysis and other contributions highlight that academic and commercial values often overlap and things are more nuanced and context-/field-specific (Sauermann et al. 2013, Walsh et al. 2007, Haeussler et al. 2014). Indeed, past research highlights that the competition level undermines the probability that scholars help each other by sharing research materials and results among themselves (Walsh et al. 2007, Haeussler et al. 2014).

Following this literature, we will include in our survey questions related with the working environment, the scholars sharing habits (e.g. sharing publications to colleagues without legal access), and the possession of patents.

2.2.3 Academics and Sci-Hub

The literature that studies specifically Shadow libraries websites such as Sci-Hub or LibGen is in its infancy. The empirical literature on the subjects is still sketchy, often based on data collected for only one scientific discipline, one country, or one institution, and surveys strategies are often not systematic. Nevertheless, this literature gives important insights about the usage that scholars have of Sci-Hub, highlighting the importance of demographic characteristics such as gender and age, research intensity, and ideology (Nicholas et al. 2019, Gonzalez-Solar et al. 2019, Mejia et al. 2017, Hoy 2017, Duic et al. 2017).

2.3 Case study 2: People with Visual Impairments and the Marrakesh Treaty

2.3.1. People with Visual Impairments, Access to Printed Material and Copyright

In the past, people with visual impairments 'accessed books through Braille and books that had been read aloud (largely by volunteers) onto audio cassette tapes' (Harpur & Suzor, 2013). While digitalization has enabled persons with visual impairments to access books digitally through assistive technologies, such as screen readers, magnifiers, STT technologies, technological advances alone have not enhanced accessibility of printed material. Harpur & Suzor (2013) note that 'the number and range of books that are accessible in electronic form remains low' and that 'lack of access to textbooks and other educational works greatly hinders the education of people with print disabilities in primary, secondary and tertiary levels'. Ncube et al. (2020) contend that technologies play an important role in ensuring that individuals with disabilities participate effectively in education, entertainment, and other relevant activities in society. However, they note that 'the economics surrounding efforts to make copyrighted works accessible are complex', and argue that converting 'copyrighted works into accessible formats is often labor- and cost-intensive'. Most notably, those authors also state '[b]eyond the question of cost and labor intensiveness, the accessibility technologies

require, first and foremost, an *enabling legal framework*, especially as deploying them to transform content for easy access for persons with disabilities may implicate copyright and related rights' (emphasis added). In a similar vein, other authors have emphasised that one of the main challenges to make printed material accessible is copyright protection that prevents digitization, or makes a digital book itself inaccessible (Giannoumis et al, 2017). Regarding the latter case, so-called technological protection measures (TPMs) such as encryption may prevent or interfere with the use of assistive technologies with electronically distributed literary works such as e-books. The adverse effects of TPMs on people who are blind, visually impaired, or print disabled and the fact that TPMs limit the capacity of libraries to convert digital media to accessible formats, even when the conversion would be actually permitted under copyright law, have been consistently highlighted (Ellis & Kent, 2011; Morgan, 2003).

'Disability exceptions' to allow people who are blind, visually impaired, or print disabled to convert inaccessible copyrighted works into an accessible and useable format are longstanding in national (and EU) copyright laws, and have also been discussed at length by literature (for an overview, among many others, see Sullivan, 2007). The WIPO Standing Committee on Copyright and Related Rights has also commissioned scoping reports on access to copyright-protected work for people with disabilities (Reid & Ncube, 2019). However, many scholars claimed that those exceptions were sparse, narrow and insufficient to protect the rights of persons with visual impairments (Rekas, 2013; Sganga, 2020). In this respect, Harpur & Suzur (2013) defined the pre- Marrakesh model of limited exceptions as inefficient and ineffective. Concerning the EU, Sganga (2020) noted that within the remit of a Public Consultation on the Review of the EU Copyright Rules,[14] 'end-users with disabilities lamented low accessibility levels, obstacles to the enjoyment of exceptions created by TMPs, and uncertainty and chilling effects on the import/export of accessible copies due to the fragmented implementation of Article 5(3)(b) of the InfoSoc Directive'.

Indeed, only after the Marrakesh Treaty was approved under auspices of the WIPO and entered into force, exceptions aimed at enabling persons with visual impairments to access printed material have come under the spotlight of policymakers and scholars.

2.3.2. The Marrakesh Treaty

The Marrakesh Treaty was adopted on June 27, 2013 and entered into force on June 30, 2016.

The CRPD influenced the negotiation of the Marrakesh Treaty. Notably, Article 30 CRPD requires States Parties *inter alia* to take steps 'to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials'. Several disability activists, service providers[15], and disability scholars have praised the Marrakesh Treaty for supporting the realization of the CRPD (*inter alia* Broderick & Ferri, 2019). In that regard, it is important to recall that Article 30 CRPD requires IP not to be used as a barrier to access cultural materials for persons with disabilities. According to Saez (2017), 'the CRPD pre-exists the Marrakesh Treaty by seven years, and it provides a human rights foundation for the treaty'. In that connection, Giannoumis et al. (2017) suggest that

> 'The Marrakesh Treaty […] is unique among regulatory efforts at the intersection of human rights and IP because it explicitly creates legal, policy, and institutional bridges between these regimes. It integrates the principles of participation and consultation under the CRPD into IP policy making around the accessibility of books and other cultural materials. The Treaty therefore provides a basis for involving intellectual property rights-holders and individuals with disabilities in conversations

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around how to reconcile these competing regulatory aims of intellectual property and disability rights legislation'.

In a similar vein, several scholars argued that the Marrakesh Treaty aligns with human rights norms by achieving the goal of protecting creative outputs, while concurrently securing access (Helfer et al, 2017). Zemer & Gaon (2015) state that the Marrakesh Treaty is a 'humanitarian treaty, constituting a segment of WIPO's development agenda, formally adopted in 2007'. Trimble (2014) contends that:

> 'The Marrakesh Treaty is a different species of international IP treaty – one that is more likely than ACTA to appeal to the current sentiment that many copyright experts and some stakeholders share; this sentiment has significant public support because it opposes further strengthening of copyright protection and promotes greater emphasis on users' interests – goals that seem to be shared by many of, if not most of, the members of the public'.

On the whole, the Marrakesh Treaty obliges States Parties to introduce a set of limitations and exceptions to copyright rules permitting reproduction, distribution and making available of published works in formats that are accessible to persons who are blind, visually impaired or otherwise print-disabled. Furthermore, it permits the exchange of these works across borders by organizations that help those beneficiaries. In this respect, Trimble (2014) notes that the Marrakesh Treaty is unique in that no Treaty before had been based entirely on exceptions and limitations.

As mentioned above, the scope of the Treaty when it comes to beneficiaries extends its protection to all those persons with disabilities that cannot access effectively printed material. The material scope of the Treaty covers all those works 'in the form of text, notation and/or related illustrations, whether published or otherwise made publicly available in any media' (Art. 2.a.). Those also include audio books.

Authorized entities or entities recognized by the government 'to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis' must be permitted, 'without the authorization of the copyright rightholder, to make an accessible format copy of a work, obtain from another authorized entity an accessible format copy, and supply those copies to beneficiary persons by any means, including by non-commercial lending or by electronic communication by wire or wireless means, and undertake any intermediate steps to achieve those objectives', on a non-profit basis and supplying the copies for use by beneficiary persons (Art. 4). Furthermore, the Marrakesh Treaty obliges States Parties to import and export accessible format copies under certain conditions (Art. 5). However, the Treaty leaves some room for maneuver to States Parties allowing them to take into account their own legal systems and practices (Art. 10), including determinations on 'fair practices, dealings or uses', provided they comply with their three-step test obligations under other relevant international treaties.[16]

As yet, the Marrakesh Treaty has attracted a lot of attention among copyright scholars (*inter alia* Sganga, 2015; Koklou, 2014; Vezzoso, 2014; Ayoubi, 2015; Helfer, Land & Okediji, 2020; Vleugels, 2020). In 2017, the WBU supported the publication by Oxford University Press of a 'Guide to the Marrakesh Treaty' (Helfer et al., 2017). The Guide aims to explicate the content of the Treaty, its implementation, and to support State Parties in deciding how to incorporate the Marrakesh Treaty into their domestic systems. Academic scholarship has also discussed the somewhat flexible nature of the Treaty and the discretion left to State Parties to implement provisions into domestic laws and practice as they see fit (Land, 2018), as well the implementation of the Marrakesh exception in selected jurisdictions from multiple perspectives (Olwan, 2017; Kouletakis, 2020; Li & Selvadurai, 2017; 2019; Chaouch, 2014; Cassells, 2021). There appears to be a recurring theme within current disability scholarship about whether the Treaty sufficiently fulfils the rights of persons with disabilities, or should be broadened to include other disabilities, as many feel the current framework falls short by only including print-disabled persons. However, this is still partially unexplored.

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[16] The three-step test is a basic principle used to determine whether an exception or limitation is permissible and requires that any exception or limitation: (1) must cover only certain special cases; (2) must not conflict with the normal exploitation of the work; and (3) must not unreasonably prejudice the legitimate interests of the rightholder.

Furthermore, as yet, an investigation on the effects displayed 'on the ground' by the Marrakesh Treaty and on the perception among end-users is still lacking.

2.3.3. The Marrakesh Treaty in the EU

The EU ratified the Marrakesh Treaty only on 1 October 2018, following Opinion 3/15 of the Court of Justice of the European Union (CJEU),[17] almost four years after the EU Council decided to sign the Marrakesh Treaty for the EU. It was implemented by the EU legislator by means of a Directive (2017/1564/EU, Marrakesh Directive),[18] amending the InfoSoc Directive and a Regulation (2017/1563/EU, Marrakesh Regulation).[19] The implementation of this Directive has been monitored and mapped in Task 2.1 (see D 2.1 – legal mapping). In Annex 2.c. of this deliverable, we include a table related to the relevant 'disability exceptions and the implementation of the Directive based on D 2.1.

As yet, scholarly contributions have been published on the Marrakesh Directive and Regulation (Oppenheim, 2017; Sganga, 2020).[20] Furthermore, a report from the European Parliament in 2016, which laid out the core tenets of the Treaty, presented a discussion on the implementing option for the EU (Ramirez-Montes, 2016). Scholars have also discussed at length the ratification process (Ramalho, 2015) and the EU exclusive competence to access the Marrakesh Treaty (Kubek, 2018; Verellen, 2017; Kubek, 2017). Little has been published on the implementation of the Marrakesh Directive in EU countries (see e.g. Banasiuk, 2019 on Poland), and to our knowledge no empirical research has been conducted on the actual application of the copyright exception. In this respect, the case study proposed is innovative and aims to fill a gap in current knowledge.

3. Methodology

The methodology that has been adopted to undertake Task 2.5 is empirical, and based on surveys. First, we have identified our target populations and, then, tailored our surveys to the different cohorts addressed, with due regard to the research questions indicated above. The two surveys are conducted across 6 jurisdictions: Germany, Hungary, Italy, Ireland, the Netherlands, and Sweden. The selection is also supported by the legal mapping conducted under Task 2.1. and the systematic study of the national copyright systems.

The differences in the population for case study 1 and case study 2 require different research approaches, which will be further explained below.

3.1 Case Study 1: Methodology

3.1.1. Desk Based Research and Empirical Research

Our theoretical framework for answering the research questions of case study 1 highlighted in section 1.2.1 builds upon three bodies of literature (see section 2.2. for an overview). We use as general framework to answer **R.Q.1** and **R.Q.2** the business and management literature that examine attitudes, intention and behaviour towards digital piracy looking at consumers or corporate employees. Further, to answer **R.Q.2** specific to academics and Sci-Hub we integrate the economics of innovation, science of science literature and the interdisciplinary research on Sci-Hub. Following this structure, our survey includes two main blocks of questions. The first asks general questions on pirated behaviour, knowledge, and perception of the copyright law. The second block of survey questions ask questions specific to Sci-Hub.

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[17] Opinion 3/15/CJEU. *Opinion 3/15 of the Court pursuant to Article 218(11) TFEU.* Grand Chamber of the Court of Justice of the European Union. EU:C:2017:114

[18] Supra nt. 4

[19] Supra nt. 4

[20] See also Implementing Marrakesh in Europe – A Guide. (2017, October 12). *International Federation of Library Associations.* https://www.ifla.org/ES/publications/node/11858 accessed 17 June 2021.

Figure 1 shows our general theoretical framework representing the causal links with the specific research questions. In our framework, the perception of agents of copyright law is influenced by the knowledge of the law **(R.Q.1.1)** and at the same time by the behaviour towards digital pirated product **(R.Q.1.3)**, demographics characteristics **(R.Q.1.2)**, and the social environment **(R.Q.1.4)**. The behaviour towards digital pirated products (both in general terms and specific to Sci-Hub) might be influenced by the demographic characteristics **(R.Q.2.2)**, the morality of individual towards the law and his/her political ideology **(R.Q.2.3)**, the past behaviour for other pirated products **(R.Q.2.4)**, the original product/service characteristics compared to the pirated copy **(R.Q.2.5)**, the institutional norms of the country or university **(R.Q.2.6)**, the social environment in terms of colleagues behaviour and the characteristics of the working environment **(R.Q.2.7)**.
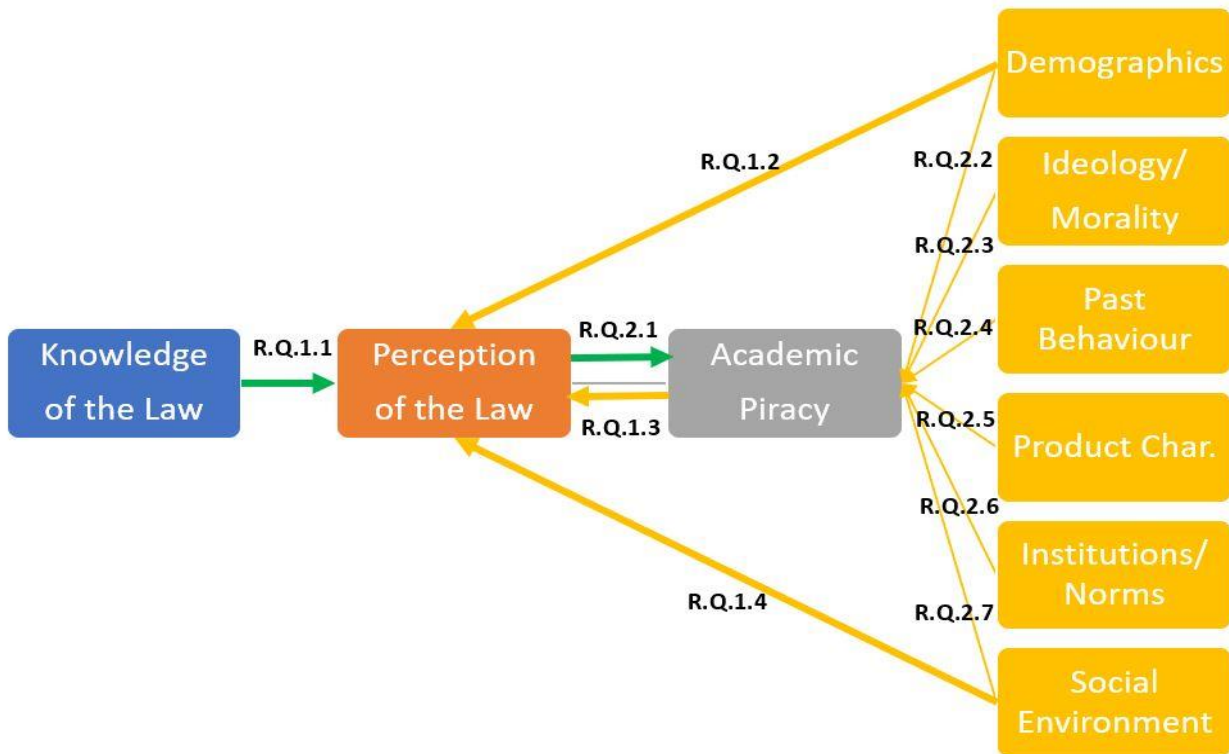
Figure 1 Theoretical Framework. Green (darker) lines are right arrows and orange (lighter) lines are left arrows.

3.1.2. Research Design

Our survey for Case study 1 contains 54 questions and takes approximately 15 minutes to complete. We attach the complete survey in Annex 1. The 54 questions are grouped in 3 blocks covering different aspects:

- **Block 0** comprises demographic questions such as gender, year of birth, academic rank, ERC scientific category (proxy for field), and nationality.

- **Block 1** focuses on questions related to the respondent's general perception and knowledge of copyright law, her institutional norms and morality, her working environment, and her and her colleagues' past behaviour in terms of pirated digital products.

- **Block 2** contains questions to derive our main dependent variable on the respondents use of Sci-Hub. Additionally, Block 2 includes questions on the respondent colleagues use of Sci-Hub, the scientific literature access through the respondent's institution library vis-à-vis the characteristics of the Sci-Hub website, and the behaviour and norms related to sharing scientific literature with other scholars.

To reduce the survey fatigue and possible biases given by attrition,[21] we randomize the order of Block 1 and Block 2 as described in Figure 1. Since both fatigue and attrition are influenced by the order of questions, this strategy should neutralize the potential harm of those biases.
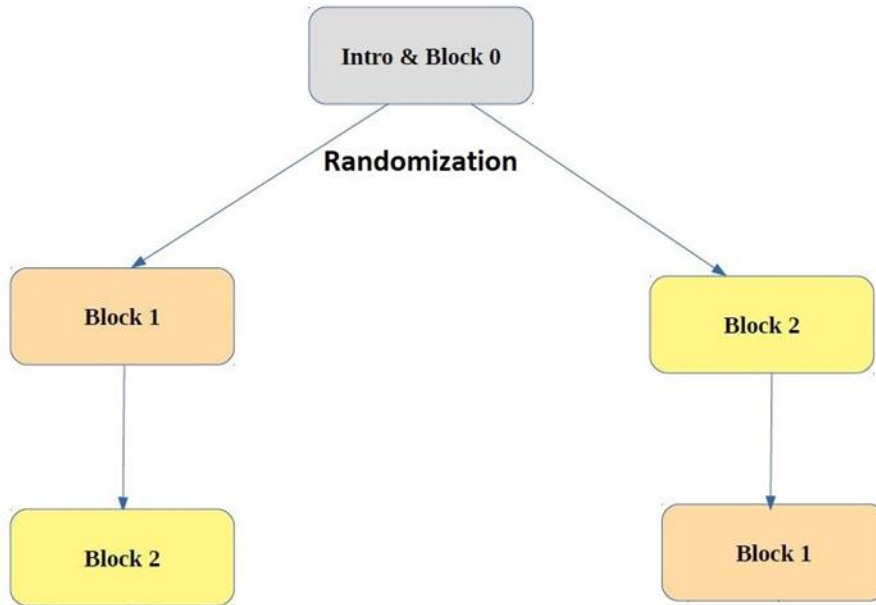
Figure 2 Block Randomization. In order to reduce the survey fatigue, we randomly assigned each respondent to answer first ether Block 1 or Block 2

3.1.3. Data Collection

We will distribute the survey by email between June and September 2021. In this section, we describe our sampling strategy and some preliminary data.

Our target population are academics working in Germany, Hungary, Ireland, Italy, The Netherlands, and Sweden. However, most of these countries lack a public registry of academic staff at the national levels. In similar circumstances, past research often relies on publication data such as those listed in Web Of Science or Scopus. However, this strategy, systematically excludes most scholars in humanities and is biased in favour of research-active scholars. To overcome this issue, we decided to web-scrape email addresses from universities websites.

Because of time constraints, we decided not to target all the academics in these six countries, but we stratify our sample in the following way. Using the 2021 Times Higher Education World University Rankings, we select the top 5 ranked universities for each country, and through web-scraping, we retrieved all the publicly available email addresses.

Our sample of potential respondents includes 130211 academics emails, of which, 25522 from Germany, 10607 from Hungary, 11169 from Ireland, 33974 from Italy, 26814 from the Netherlands, and 22125 from Sweden. Tables 1-6 reports the selected universities, the number of emails collected, and some information about their size and discipline focus.

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[21] With survey attrition we refer to the fact that some respondents might not fill out certain questions or may not finish the survey.

ReCreating Europe

Name	N. emails	City	Founded	THE Rank	Res. Rank	Cit. Rank	N. Students	Student/ Staff	% Int Students	Female/ Male	Soc. Sci.	Hum.	Life Sci.	Eng.	Med.
Heidelberg University	9597	Heidelberg	1386	42	71	52	20,020	14.5	18%	54:46	x	x	x	x	x
Humboldt University of Berlin	4633	Berlin	1810	80	54	428	33,388	56.3	18%	NA	x	x	x		x
LMU Munich	1996	Munich	1472	32	34	161	34,249	33.6	17%	61:39	x	x	x		x
Technical University of Munich	4793	Munich	1868	41	42	209	32,377	39.8	31%	36:64	x		x	x	x
University of Tübingen	4503	Tubingen	1477	78	80	242	27,590	36.6	14%	58:42	x	x	x		x

Table 1 Germany University Statistics of email collection

Name	N. emails	City	Founded	THE Rank	Res. Rank	Cit. Rank	N. Students	Student/ Staff	% Int Students	Female/ Male	Soc. Sci.	Hum.	Life Sci.	Eng.	Med.
Budapest University of Technology and Economics	2635	Budapest	1782	1001+	958	1169	19,415	17.7	11%	31 : 69	x			X	
Eötvös Loránd University	2687	Budapest	1635	601–800	747	768	27,199	14.8	10%	63:37	x	x	x		
University of Debrecen	1084	Debrecen	1538	801–1000	1201	1038	26,938	14.1	21%	55:45	x	x	x	X	x
University of Pécs	2657	Pecs	1912	601–800	1183	844	16,798	11.7	24%	57:43	x	x	x	X	x
University of Szeged	1544	Szeged	1872	801–1000	976	878	18,859	12.1	20%	56:44	x	x	x	X	x

Table 2 Hungary University Statistics of email collection

Name	N. emails	City	Founded	THE Rank	Res. Rank	Cit. Rank	N. Students	Student/ Staff	% Int Students	Female/ Male	Soc. Sci.	Hum.	Life Sci.	Eng.	Med.
Maynooth University	1489	Maynooth	1997	401–500	405	456	10,107	28.6	12%	56:44	x	x	x	x	
National University of Ireland, Galway	1187	Galway	1845	301–350	336	405	14,453	26.6	18%	58:42	x	x	x	x	x
Trinity College Dublin	5437	Dublin	1592	155	169	296	17,154	21.4	32%	59:41	x	x	x	x	x
University College Cork	1423	Cork	1845	301–350	544	230	17,051	17.6	19%	58:42	x	x	x	x	x
University College Dublin	1633	Dublin	1854	251–300	245	353	23,148	23.2	30%	NA	x	x	x	x	x

Table 3 Ireland University Statistics of email collection

Name	N. emails	City	Founded	THE Rank	Res. Rank	Cit. Rank	N. Students	Student/ Staff	% Int Students	Female/ Male	Soc. Sci.	Hum.	Life Sci.	Eng.	Med.
Sapienza University of Rome	6566	Roma	1303	201–250	202	424	77,496	22.9	7%	57:43:	x	x	x	x	x
University of Bologna	11761	Bologna	1088	167	263	221	67,298	24.4	12%	56:44	x	x	x	x	x
University of Milan	8602	Milano	1924	351–400	399	362	45,752	20.9	6%	59:41	x	x	x	x	x
University of Padua	3252	Padova	1222	251–300	321	289	46,900	21.7	7%	55:45	x	x	x	x	x
University of Trento	3793	Trento	1962	301–350	339	333	13,180	20.1	7%	51:49	x	x		x	

Table 4 Italy University Statistics of email collection

Name	N. emails	City	Founded	THE Rank	Res. Rank	Cit. Rank	N. Students	Student/ Staff	% Int Students	Female/ Male	Soc. Sci.	Hum.	Life Sci.	Eng.	Med.
Erasmus University Rotterdam	2224	Rotterdam	1913	72	91	41	26,453	26.8	22%	50:50	x	x	x		x
Leiden University	4158	Leiden	1575	70	60	214	30,178	19	18%	59:41	x	x	x		x
University of Amsterdam	7337	Amsterdam	1632	66	69	102	24,747	12.8	24%	57:43	x	x	x		
Utrecht University	6252	Utrecht	1636	75	73	141	32,022	14	10%	58:42	x	x	x		
Wageningen University & Research	6843	Wageningen	1876	62	95	45	14,356	21	27%	54:46	x		x	x	

Table 5 The Netherlands University Statistics of email collection

Name	N. emails	City	Founded	THE Rank	Res. Rank	Cit. Rank	N. Students	Student/ Staff	% Int Students	Female/ Male	Soc. Sci.	Hum.	Life Sci.	Eng.	Med.
Karolinska Institute	191	Stockholm	1810	36	47	66	7,696	8.8	26%	68:32	x	x	x		x
Lund University	9214	Lund	1666	103	100	202	27,443	11.3	19%	55:45	x	x	x		
Stockholm University	3879	Stockholm	1878	183	130	235	27,200	19.1	10%	NA	x	x	x		
University of Gothenburg	2726	Gothenburg	1891	191	210	94	19,616	9.8	13%	NA	x	x	x		x
Uppsala University	6115	Uppsala	1477	111	98	212	25,112	15.8	18%	58:42	x	x	x	x	x

Table 6 Sweden University Statistics of email collection

3.1.4. Summary Data Statistics

It is not straightforward to assess the goodness of our procedure to collect email. In fact, while we try to target all the academics with any research or teaching activities in the select universities, each county might have different rules and each university might differently show emails on their website. For instance, most of the selected universities in Italy, Sweden, Ireland, and the Netherlands have aggregate staff webpages that include the administrative personnel. In contrast, universities in Germany and Hungary have more fragmented websites where the non-academic staff are often non present.

As we noticed that the universities in our sample do not report comparable data on the staff numerosity, comparing the number of emails collected and these data is not viable. However, to have some sense of our

coverage, we use as a proxy of staff and therefore university size the number of students. To check for potential biases introduced by our web scraping technique we compare in figure 3 the number of emails collected with the number of students disaggregated by universities. Under the assumption that number of students is a good proxy for faculty sizes, figure 3 shows that we probably oversampled emails in LMU Munich, the University College of Dublin, University of Bologna, Stockholm, and Lund University. While we probably under-sampled University of Szeged, University of Trento, and the Karolinska Institute. Given the heterogeneity of this bias across universities we can conclude that our sampling method is sound.
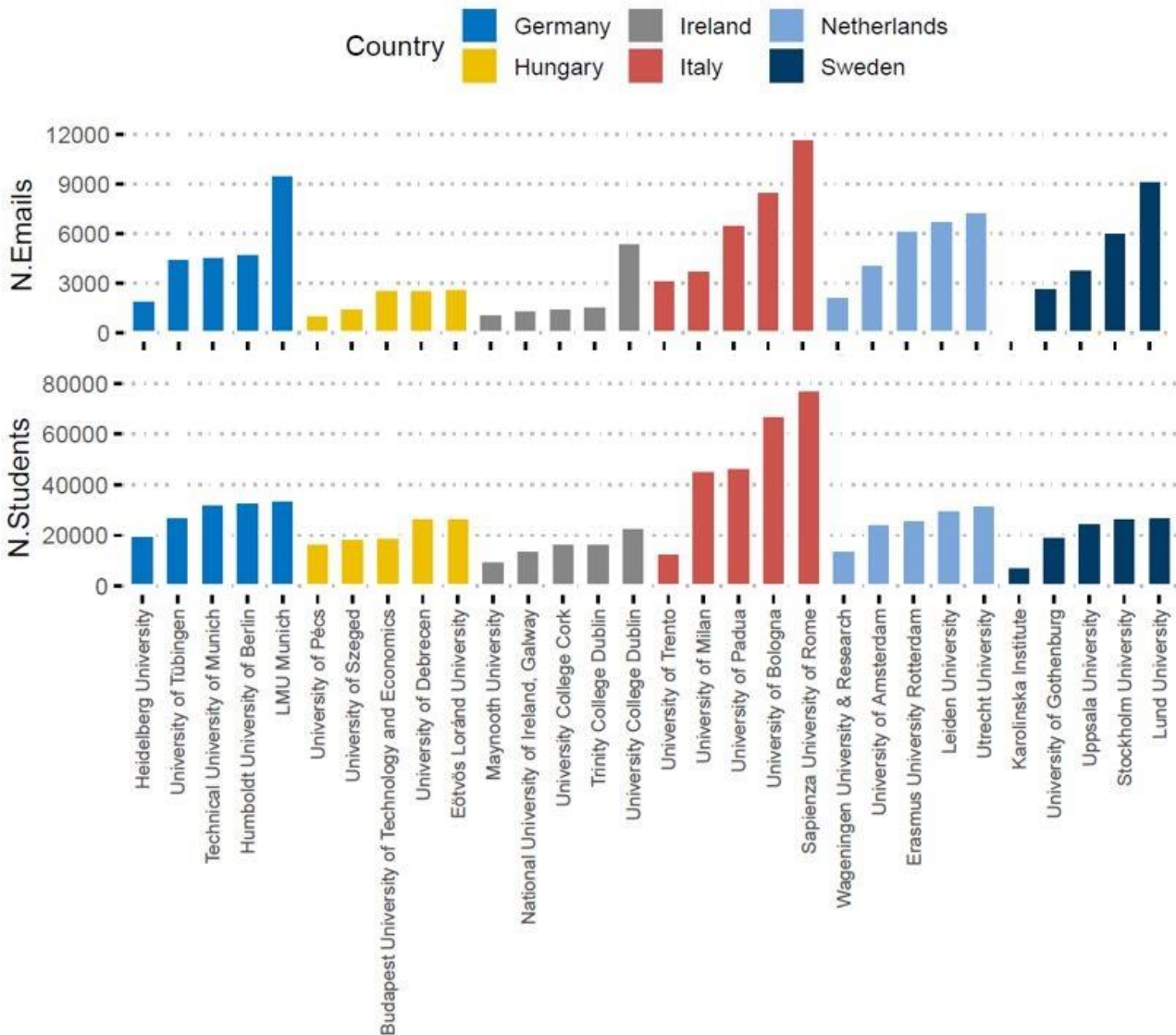

Figure 3 Comparison between Number of Emails collected per university and Number of Students per university.

3.1.5. Ethics Review Process

The survey of Case Study 1 has been submitted on the 21.12.2020 for ethical approval to the *Comitato Etico Congiunto* of Santa'Anna School of Advanced Studies, Scuola Normale Superiore di Pisa, and Scuola IMT Alti Studi Lucca. Our survey received the approval on the 11.02.2021 and we attach the ethical approval of case study 1 is in the section C of Annex 1.

3.1.6. Limitations

The potential limitation of case study 1 are the following:

- Sampling strategy – Given time constraints related to the project, we collected email addresses on a subsample of universities in each country. This subsample could not be representative of all academics in EU;

- Response rate – The study's success and the quality of the results depend on the response rate. While we have undertaken several actions to maximise it, the actual response rate falls outside our direct sphere of control.

- Biases in respondent – Since our survey is not mandatory and individuals can decide whether to answer or not, we acknowledge that certain groups might be more motivated than others to answer our survey.

- Biases in responses – As our survey asks about the use of Sci-Hub and other products who violate copyright law, respondents might not answer honestly and under-report their actual behaviour.

3.2.   Case Study 2: Methodology

3.2.1. Desk Based Research and Empirical Research

Our theoretical framework for answering the research questions of case study 2, highlighted in section 1.2.2, builds upon legal literature on copyright, but also disability law literature, and is informed by a human rights approach to disability. Alongside the review of relevant EU studies and grey literature, scholarly works, the sample countries' legal system and their copyright law were investigated to refine the survey questions, and will be used to support the analysis of data stemming from the survey.

Desk-based research is ongoing to support and ultimately inform the analysis of data stemming from the survey, and will be further detailed in the final deliverable.

3.2.2. Research Design

The overall goal of subtask 2.5.1. is to provide empirical evidence on the perceptions that people with visual impairments have of copyright law and their preferred channels of access to printed material. In line with that goal, our survey includes 24 main questions that will help us shed a light on how the Marrakesh exception has been applied and whether it has improved access for a specific cohort of persons with disabilities, i.e. persons with visual impairments. Following the research questions, this survey will be used for ascertaining participants' attitudes, beliefs, opinions, or the reporting of their experiences and/or behaviours in accessing printed material.

In particular, the survey includes forced-choice questions, leading respondents to choose from a range of response options select. The forced-choice questions have multiple-choice, dichotomous questions and, Likert scales (see Annex 2A). Respondents will also have the opportunity to raise issues that are of importance to them through specific open answer options, to capture different dimensions of accessibility and the role of copyright law. We did not use open-ended questions as a main source on the survey for two reasons. First, there is anecdotal evidence that respondents tend to skip such questions, raising a problem of response bias and missing data. Secondly, open-ended questions require a wider timeframe for coding and analysis, which was not appropriate for the project (Vogt et al. 2014).

The survey includes initial demographic questions related to gender, year of birth, level of education (etc.), as well questions related to internet access and use of assistive technology. It then collects data around channels of consumption of accessible material, knowledge and perception of copyright law (figure 4).
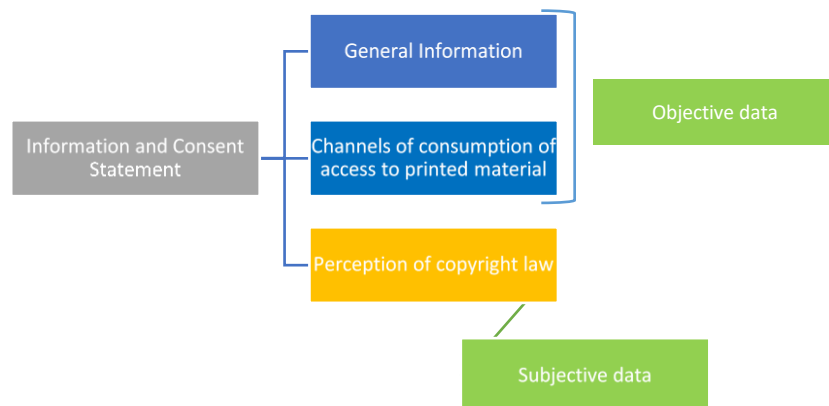
Figure 4 Chart displaying the objective and subjective characterization of Data around channels of consumption of accessible material, knowledge, and perception of copyright law

3.2.3. Data Collection

The survey will be available in the six selected countries' official languages[22] and administered online through Jisc Online Survey as the study-hosting service, enable to be accessed from desktop and mobile devices with ease and include geographically dispersed respondents.

After having obtained ethical approval, the survey will be launched in July. We will recruit potential respondents over a month period. Eligible respondents for the survey are adults who are blind or have a visual impairment. Given the specific target of the survey we expect a low intake, and we envisage a sample size of approximately 20-35 respondents per country, depending on the country.

Our recruitment strategy revolves around the support of 'gate-keepers' such as Universities Access Offices, and organizations representing people that are blind or visually impaired. We will distribute and spread the survey invitations as widely as possible across the six selected countries. Traditional and Internet-mediated recruitment methods include:

- Advertise the research survey and distribute to the European Blind Union (EBU) and their national members of the six selected countries (Table 7).
- Survey invitations will be distributed to the professional network of the Research team, Department of Law and ALL Institute at Maynooth University via e-mail.
- Survey invitations will be sent to Access offices of major universities in the countries considered.

Research adverts placed on social media of Maynooth Research Team and recreating Europe project (Twitter, Facebook) using a targeted social media strategy will support the distribution.

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[22] These are Dutch, English, Hungarian, Irish, Italian, German and Swedish.

Organisations and associations delivering the research invitation on behalf of Maynooth Research Team	Mode of recruitment	Target population	Country to target
Danish Association of the Blind	Email mailing list	Blind and persons with visual impairments	Denmark
German Federation of the Blind and Partially Sighted	Email mailing list	Blind and persons with visual impairments	Germany
German Centre for Accessible Reading	Email mailing list	Blind and persons with visual impairments	Germany
Hungarian Federation of the Blind and Partially Sighted	Email mailing list	Blind and persons with visual impairments	Hungary
National Council for the Blind of Ireland	Email mailing list	Blind and persons with visual impairments	Ireland
Voice of Vision Impairment	Email mailing list	Blind and persons with visual impairments	Ireland
Italian Union of the Blind and Partially Sighted	Email mailing list	Blind and persons with visual impairments	Italy
CBM Italia	Email mailing list	Blind and persons with visual impairments	Italy
Eye Association Netherlands	Email mailing list	Blind and persons with visual impairments	The Netherlands
Royal Dutch Visio	Email mailing list	Blind and persons with visual impairments	The Netherlands
Swedish Association of the Visually Impaired	Email mailing list	Blind and persons with visual impairments	Sweden

Table 7 Members of EBU

Creating an accessible and inclusive digital environment is one of the core principles of this research project. Given that the survey is targeted to persons with visual impairments, accessibility is our highest priorities. Before launching the online survey, and building on the work done under Task 2.2, we will make sure to comply with most recent web accessibility standards and best practices on accessibility, in line with the Web Accessibility Directive (WAD). Following consultations with different accessibility experts, and with Maynooth Access Office, alongside with what was already done in the remit of Task 2.2, we will also create additional versions of the survey in accessible Word-format, to make sure that everyone will be able to participate on an equal basis with others.

3.2.4. Ethics Review Process

We are in the process of requesting ethical approval to the *Social Research Ethics Subcommittee* at Maynooth University. On a general note, our work is informed by four general principles of research ethics: autonomy (i.e. respecting the rights of the individuals), beneficence; non-maleficence; and distributive justice or equity, and was in line with Maynooth University's Research Integrity Policy and Research Ethic Policies.[23]

We will launch the survey as soon as ethical approval will be obtained, predictably in July.

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[23] These policies are available at Research Policies. (n.d.). *Maynooth University.* https://www.maynoothuniversity.ie/university-policies/research-policies accessed 17 June 2021

As stated above, all respondents will be over the age of 18 and will be required to give informed consent to participate in the survey research. The study-hosting service – Jisc Online Survey, allows us to introduce the first page with an electronic consent statement to a general introductory page that included the information about the purpose of the study and a data protection statement. This page has the option of plain language in each of the seven languages available. Respondents will know upfront what they will be asked and what will be done with the information collected from them. Answers will be anonymised; thus, there are no anticipated risks to participating in this study.

3.2.5. Limitations

The potential limitation of the case study 2 are the following:

- Response rate – We expect a limited intake due to the limited scope of the sampling, but also to a certain 'survey fatigue'.

- Linguistic and Technological barriers – The questionnaire will be available in the official languages of the sample countries. However, language limitations with particular reference to vulnerable people. Technological barriers may also prevent certain part of the target population from undertaking the survey.

Conclusion

Task 2.5 encompasses two empirical case studies assessing the impact of regulatory responses to paradigmatic access issues: (i) academics and the research exception, and (ii) people with visual impairments and the so-called Marrakesh exception.

Digital technologies allow scholars to potentially access all prior existing knowledge. However, despite research and teaching exceptions, access to scientific materials remains highly costly. The cost of scientific materials represents a barrier that might affect access to knowledge also within the EU. This coupled with the ongoing debate on publishers' business models might affect academics' perception of copyright law and the channels used to access scientific knowledge in platforms such as Sci-Hub. Against this background, Sub-task T2.5.1 aims to provide empirical evidence on academics' perception of copyright law and their preferred channels of access to scientific knowledge using data collected through a survey in six European countries (Italy, Ireland, Sweden, Germany, Hungary, The Netherlands).

Copyright exceptions, now provided for in the Marrakesh Treaty, implemented into EU law by means of a Directive and Regulation, have aimed at enhancing access to published works in accessible formats for people with visual impairments, blind persons and people that are otherwise print disabled. In the EU, the effects of the Marrakesh Treaty and of the domestic implementation of the Marrakesh Directive are, however, still unclear. In this respect, Sub-task T2.5.2. aims to gather evidences about the actual channels of consumption of printed material for persons with visual impairments, and their perception on copyright.

This interim report has presented a detailed overview of the objectives of these two case studies. It has examined existing relevant literature that supports the analysis conducted, and laid out the specific research questions, and the methodology followed for the sampling and data collection. Analysis of the data will be presented in the final report.

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Annex 1 – Survey Case Study 1

A. Survey Academics and Sci-Hub- Final

Q1.1

We are a research team from Sant'Anna School of Advanced Studies in Italy. This survey is part of the project *reCreating Europe* (https://www.recreating.eu/)*,* funded by the European Commission under the H2020 Program.

Our research aims at understanding your views on how copyright law impacts your work as an academic. *Your participation in this survey is essential as it contributes to future policy design aimed at improving access and diffusion of scientific knowledge.*

Our survey will allow you to express your views about copyright, scientific publishers, and access to the scientific literature.

You are free to withdraw from the study at any time without giving a reason.

All information that is collected about you during the research is confidential. No personal information will be distributed to any other unauthorised individual or third party. Answers will be elaborated as aggregate and anonymised data for research purposes related to the project. If you want to know more about data treatment and GDPR please look at this link: Data processing and GDPR

Our research received the ethical approval from Scuola Superiore Sant'Anna Research Ethics committee (https://www.santannapisa.it/it/ateneo/comitato-etico-congiunto), you can contact them via email at comitatoetico@santannapisa.it. **For any further information**, or to withdraw your consent you can contact us at arianna.martinelli@santannapisa.it or giulia.rossello@santannapisa.it.Your input is very valuable for our project and it is a fundamental part of the project's successful development.

 If you agree to take part in the study, please complete the **CONSENT FORM IN THE NEXT PAGE**

Page Break

Q1.2
CONSENT FORM FOR RESEARCH PARTICIPANTS   Below there is a list of conditions that we kindly ask you to read through. If you AGREE with all of these conditions, please SELECT YES. By selecting YES in this informed consent form YOU DO understand that you give your CONSENT to participate in the questionnaire, and in particular you know that:
Your participation in this reCreating Europe survey is voluntary.
You can decide to withdraw your participation at any time.
You are encouraged to ask questions about the project and your participation at any time.
Your personal data will be processed as stated in the privacy information.
CONSENT:

○ YES, I would like to take part in this study (7)

○ NO, I would not like to participate (8)

Page Break ───

Q1.3 **Survey Introduction**

Please answer honestly and read the questions carefully before answering. Anytime you don't know an answer, give your best guess. However, please be sure to spend enough time reading and understanding the question. To ensure the quality of our survey data, we will perform various statistical checks. Thus, responding without adequate effort may result in your responses being flagged for low quality.   It is also crucial for our research's success that you complete the entire survey once you have started. Approximately, you will employ 15 minutes to complete our survey. **The survey has different type of questions indicated in the following list.**

- **Single Choices --** it asks you to select one choice
- **Multiple Choices --** it asks you to select one or more choices
- **Drop Down menu choices --** it asks you to select one choice from the list of the dropdown menu
- **Text --** it asks you to write your answer
- **Slider Choices --**it asks you to move the slide cursor to express a quantity

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Page Break

Q1.4 **What is your gender?**

◯ Male (1)

◯ Female (2)

◯ Non-binary / third gender (3)

◯ Prefer not to say (4)

Page Break

ReCreating Europe

✳

Q1.5 **What is your year of birth? Please enter your year of birth as a 4 digits number XXXX.**

_____

Page Break

ReCreating Europe

Q1.6 **What is your current job?**

○ PhD student (1)

○ Post-Doc (2)

○ Assistant Professor (3)

○ Associate Professor (4)

○ Full Professor (5)

○ Administrative Staff (8)

○ Student (9)

○ Technician (10)

○ Prefer not to say (6)

○ Other (7) _____

Skip To: Q1.8 If What is your current job? != Administrative Staff

Page Break ───

ReCreating Europe

Q1.7 Does your work include a bibliographic search for projects or to support academic staff?

○ Yes (5)

○ No (6)

Skip To: End of Survey If Does your work include a bibliographic search for projects or to support academic staff? = No

Page Break

ReCreating Europe

Q1.8 Which is your nationality? Please select one from the list

▼   Afghan (1) ...   Zimbabwean (221)

Page Break ───────────────────────────────────────

ReCreating Europe

Q1.9 Please enter your main research interests as ERC categories [you can indicate more than one (Max 4)]

PE1–PE10 Physical Sciences and Engineering;
SH1–SH6 Social Sciences and Humanities**;**
LS1–LS9 Life Sciences
If you are not sure click here **to see the sub-categories**

☐   **PE1** Mathematical foundations: All areas of mathematics, pure and applied, plus mathematical foundations of computer science, mathematical physics and statistics (1)

☐   **PE2** Fundamental constituents of matter: Particle, nuclear, plasma, atomic, molecular, gas, and optical physics (2)

☐   **PE3** Condensed matter physics: Structure, electronic properties, fluids, nanosciences (3)

☐   **PE4** Physical and analytical chemical sciences: Analytical chemistry, chemical theory, physical chemistry/chemical physics (4)

☐   **PE5** Materials and synthesis: Materials synthesis, structure-properties relations, functional and advanced materials, molecular architecture, organic chemistry (5)

☐   **PE6** Computer science and informatics: Informatics and information systems, computer science, scientific computing, intelligent systems (6)

☐   **PE7** Systems and communication engineering: Electronic, communication, optical and systems engineering (7)

☐   **PE8** Products and processes engineering: Product design, process design and control, construction methods, civil engineering, energy systems, material engineering (8)

☐   **PE9** Universe sciences: Astro-physics/chemistry/biology; solar system; stellar, galactic and extragalactic astronomy, planetary systems, cosmology, space science, instrumentation (9)

☐   **PE10** Earth system science: Physical geography, geology, geophysics, meteorology, oceanography, climatology, ecology, global environmental change, biogeochemical cycles, natural resources management. (10)

☐   **SH1** Individuals, institutions and markets: Economics, finance and management (11)

☐   **SH2** Institutions, values and beliefs and behaviour: Sociology, social anthropology, political science, law, communication, social studies of science and technology (12)

☐   **SH3** Environment and society: Environmental studies, demography, social geography, urban and regional studies (13)

☐   **SH4** The Human Mind and its complexity: Cognition, psychology, linguistics, philosophy and education (14)

☐   **SH5** Cultures and cultural production: Literature, visual and performing arts, music, cultural and comparative studies (15)

☐   **SH6** The study of the human past Archaeology, history and memory (16)

☐   **LS1** Molecular and Structural Biology and Biochemistry: Molecular biology, biochemistry, biophysics, structural biology, biochemistry of signal transduction (17)

☐   **LS2** Genetics, Genomics, Bioinformatics and Systems Biology Genetics, population genetics, molecular genetics, genomics, transcriptomics, proteomics, metabolomics, bioinformatics,

computational biology, biostatistics, biological modelling and simulation, systems biology, genetic epidemiology (18)

☐   **LS3** Cellular and Developmental Biology: cell biology, cell physiology, signal transduction, organogenesis, developmental genetics, pattern formation in plants and animals (19)

☐   **LS4** Physiology, Pathophysiology and Endocrinology Organ physiology, pathophysiology, endocrinology, metabolism, ageing, regeneration, tumorigenesis, cardiovascular disease, metabolic syndrome (20)

☐   **LS5** Neurosciences and neural disorders Neurobiology, neuroanatomy, neurophysiology, neurochemistry, neuropharmacology, neuroimaging, systems neuroscience, neurological disorders, psychiatry (21)

☐   **LS6** Immunity and infection Immunobiology, aetiology of immune disorders, microbiology, virology, parasitology, global and other infectious diseases, population dynamics of infectious diseases, veterinary medicine (22)

☐   **LS7** Diagnostic tools, therapies and public health Aetiology, diagnosis and treatment of disease, public health, epidemiology, pharmacology, clinical medicine, regenerative medicine, medical ethics (23)

☐   **LS8** Evolutionary, population and environmental biology Evolution, ecology, animal behaviour, population biology, biodiversity, biogeography, marine biology, ecotoxicology, prokaryotic biology (24)

☐   **LS9** Applied life sciences and biotechnology Agricultural, animal, fishery, forestry and food sciences; biotechnology, chemical biology, genetic engineering, synthetic biology, industrial biosciences; environmental biotechnology and remediation (25)

Page Break

ReCreating Europe

Q1.10 **Which type of output is more valued in your field. Please choose only one**

○ Research Article (1)

○ Book - Monograph (2)

○ Comment -Chapter in a collected volume (3)

○ Conference Proceeding (4)

○ Patent (5)

Page Break

Q1.11 **To which of the following statements you most agree?**

○ Private Property is the foundation of civil society and should not be limited by the State (1)

○ Private Property is the foundation of civil society and should be limited by the State only in extreme circumstances, subject to compensation (2)

○ Private Property Rights have a social function and can be limited by the State every time it is needed, subject to compensation (3)

○ The Common Good and social goals are more important than Private Property Rights (4)

○ None of the above (5)

○ Prefer not to say (6)

Page Break

Q1.12 **To which statement you most agree?**

○ Income inequalities reflect individual efforts and merits and should not be a concern for the State (1)

○ Some degrees of income inequalities are needed to promote the individual effort (2)

○ The government should try to diminish income inequalities (3)

○ Income inequalities are wrong and should be eliminated (4)

○ None of the above (5)

○ Prefer not to say (6)

Page Break

End of Block: Block 0: Demographic section

Start of Block: Block 1

Q2.1 **What is your expertise of the national laws on the topic of copyright?**

○ Perfectly knowledgeable (1)

○ Very knowledgeable (2)

○ Moderately knowledgeable (3)

○ Vaguely knowledgeable (4)

○ Not knowledgeable at all (5)

○ Prefer not to say (6)

Page Break

Q2.2 **Which statement best describes your understanding of the copyright agreements you signed with journals for your scientific publications?**

46

○ I understood all of the agreements (1)

○ I understood most of the agreements (2)

○ I understood about half the agreements (3)

○ I understood less than half of the agreements (4)

○ I barely understood the agreements (5)

○ Prefer not to say (6)

Page Break

Q2.3
Figure 1 Creative Commons
Looking at the Figure 1 above [click on the blue label to zoom]. How many of the 6 symbols of copyright agreements in Figure 1 do you understand?

○ 0 (1)

○ 1 (2)

○ 2 (3)

○ 3 (4)

○ 4 (5)

○ 5 (6)

○ 6 (7)

○ Prefer not to say (8)

Page Break

Q2.4

In general, how familiar are you with the following areas of copyright law? [Please move the cursor to represent how much you are familiar, where 0 is not familiar at all and 100 is perfectly familiar.]

	Not at all familiar	half		Very familiar
	0	33	67	100

Orphan works ()

Authorship and ownership of rights ()

Copyright duration ()

Out-of-commerce works ()

Copyright exceptions ()

Licensing ()

Page Break

ReCreating Europe
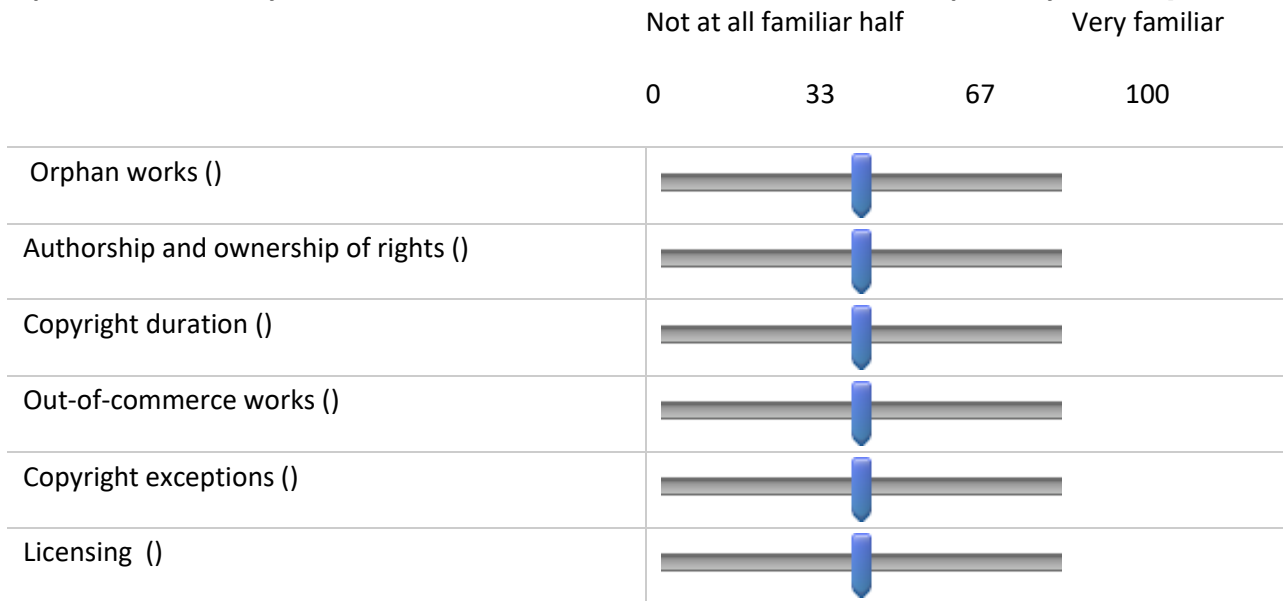
Q2.5 **The use of pirated software for research purposes is pretty common. How accurate or inaccurate is the sentence:** *Researchers can rely on copyright exemptions even while using pirated software.*

○ strongly accurate (4)

○ accurate (5)

○ somewhat accurate (6)

○ neither accurate nor inaccurate (7)

○ somewhat inaccurate (8)

○ inaccurate (9)

○ strongly inaccurate (10)

○ Prefer not to say (11)

Page Break

Q2.6 **How accurate or inaccurate is the sentence:** *Academics never need to ask permission from the copyright holder when they use materials of third parties for teaching or research purposes*

○ strongly accurate (1)

○ accurate (2)

○ somewhat accurate (3)

○ neither accurate nor inaccurate (4)

○ somewhat inaccurate (5)

○ inaccurate (6)

○ strongly inaccurate (7)

○ Prefer not to say (8)

Page Break

Q2.7 How accurate or inaccurate is the sentence: *The copyright of a published non-open access scientific article normally belongs only its Authors*

○ strongly accurate (1)

○ accurate (2)

○ somewhat accurate (3)

○ neither accurate nor inaccurate (4)

○ somewhat inaccurate (5)

○ inaccurate (6)

○ strongly inaccurate (7)

○ Prefer not to say (8)

Page Break

ReCreating Europe

Q2.8 **Do you need to ask permission from the journal to post a copy of a published article on the web page of the course you are teaching?**

○ Yes (1)

○ No (2)

○ Maybe (3)

Page Break

Q2.9 **Do you need to ask permission to the journal or to the author to share in a password-protected platform (like e-learning) accessible only to students a published article?**

◯ Yes (1)

◯ No (2)

◯ Maybe (3)

Page Break

Q2.10 **Do you need to ask permission to the journal or to the author if you use a figure from a published article and you cite the source?**

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◯ Yes (1)

◯ No (2)

◯ Maybe (3)

Page Break

Q2.11 **To cite a part of the text from another scientific article is a common practice. The following sentence is correct or incorrect to your knowledge:** *There is no length limit to a quotation for criticism purposes if the quotation is required for the specific purpose and the author source are indicated*

○ Extremely correct (1)

○ Moderately correct (2)

○ Slightly correct (3)

○ Neither correct nor incorrect (4)

○ Slightly incorrect (5)

○ Moderately incorrect (6)

○ Extremely incorrect (7)

○ Prefer not to say (8)

Page Break

Q2.12 Text and Data Mining are becoming an important source of information for research purposes. The following sentence is correct or incorrect to your knowledge: *Text and Data Mining for research purposes can be used for research purposes pursued on material protected by copyright without the need for prior authorization and without compensating the copyright holders*

○ Extremely correct (1)

○ Moderately correct (2)

○ Slightly correct (3)

○ Neither correct nor incorrect (4)

○ Slightly incorrect (5)

○ Moderately incorrect (6)

○ Extremely incorrect (7)

○ Prefer not to say (8)

Page Break

Q2.13 **In your opinion what should be the appropriate length for copyright protection of a scientific article?**

○ Scientific Articles should not be protected by copyright (1)

○ Less than 2 years from publication (2)

○ Between 2 and 20 years from publication (3)

○ Less than 50 years from the death of the author (4)

○ More than 50 years from the death of the author (5)

○ I don't know (6)

○ Prefer not to say (7)

Page Break

Q2.14 According to the law in the country where you work, which is the length of copyright protection for scientific works?

○ less than 20 years from the death of the author (1)

○ between 20 years and 50 years from the death of the author (2)

○ between 50 years and 95 years from the death of the author (3)

○ more than 95 years from the death of the author (4)

○ I don't know (5)

○ Prefer not to say (6)

Page Break

ReCreating Europe

Q2.15 **Does your university institution provide guidance and advice of rules relating to copyright law and your work as an academic?**

◯ Yes (1)

◯ No (2)

◯ Maybe (3)

◯ Prefer not to say (4)

Page Break

Q2.16 **Do you consider likely or unlikely that someone will be legally prosecuted for copyright infringement (such as streaming or downloading pirated music, TV-series, movies) in your country?**

○ Absolutely likely (1)

○ Likely (2)

○ Slightly likely (3)

○ Neither likely nor unlikely (4)

○ Slightly unlikely (5)

○ Unlikely (6)

○ Absolutely unlikely (7)

○ Prefer not to say (8)

Page Break

Q2.17 **Have you ever discussed using SCI-HUB with your colleagues?**

◯ Yes (1)

◯ No (2)

◯ Maybe (3)

Page Break

ReCreating Europe

Q2.18 **How accurate or inaccurate is the following sentence to describe your thinking:** *I think accessing a movie or TV series on an illegal platform is just as wrong as illegally accessing a scientific article*

○ Strongly accurate (1)

○ Accurate (2)

○ Somewhat accurate (3)

○ Neither accurate nor inaccurate (4)

○ Somewhat inaccurate (5)

○ Inaccurate (6)

○ Strongly inaccurate (7)

○ Prefer not to say (8)

Page Break

ReCreating Europe

Q2.19 **Do you feel guilty when you use copyrighted material (papers, software, books, movies) without permission for research purposes?**

○ Yes (1)

○ No (2)

○ Maybe (3)

○ Prefer not to say (4)

Page Break

ReCreating Europe

Q2.20 **In your opinion, the Copyright Protection on scientific articles is morally a good or a bad thing**

  ◯ Extremely good (1)

  ◯ Moderately good (2)

  ◯ Slightly good (3)

  ◯ Neither good nor bad (4)

  ◯ Slightly bad (5)

  ◯ Moderately bad (6)

  ◯ Extremely bad (7)

  ◯ Prefer not to say (8)

Page Break

Q2.21 **Are you involved in commercial activities (such as books, textbooks, patents) related to your research**

○ Yes (1)

○ No (2)

○ Maybe (3)

○ Prefer not to say (4)

Skip To: Q2.23 If Are you involved in commercial activities (such as books, textbooks, patents) related to your re... = No

Page Break

Q2.22 **Which percentage of your total working time do you devote to commercial activities (such as books, textbooks, patents)? [Please move the cursor to indicate the percentage of your time]**

	None	Half	All
	0	33	67	100

()

Page Break

ReCreating Europe

Q2.23 **What are for you the most negative aspects of being an academic [please indicate more than one]**

☐ teaching responsibilities (1)

☐ administrative responsibilities (2)

☐ not being prepared, emotionally, for distressing aspects of competition (3)

☐ being unable to concentrate on my research (4)

☐ feeling under pressure to proceed in the career (5)

☐ the behaviour of junior colleagues (6)

☐ the behaviour of senior colleagues (7)

☐ the inadequate facilities or funding (8)

☐ being away from home (9)

☐ the feeling that sometimes my research is a waste of time (10)

☐ the feeling that sometimes my research is a waste of public money (11)

☐ It undermined my confidence in knowledge and science (12)

☐ not having the appropriate recognition from my colleagues (13)

☐ other [please indicate it] (14) _____

Page Break

Q2.24 **Software piracy is considered common or uncommon among your colleagues**

○ Extremely common (1)

○ Moderately common (2)

○ Slightly common (3)

○ Neither common nor uncommon (4)

○ Slightly uncommon (5)

○ Moderately uncommon (6)

○ Extremely uncommon (7)

○ Prefer not to say (8)

Page Break

ReCreating Europe

Q2.25 **Circulating without permission copies of material protected by copyright (books, articles, data..) is considered appropriate or inappropriate by your colleagues?**

○ Extremely appropriate (1)

○ Moderately appropriate (2)

○ Slightly appropriate (3)

○ Neither appropriate nor inappropriate (4)

○ Slightly inappropriate (5)

○ Moderately inappropriate (6)

○ Extremely inappropriate (7)

○ Prefer not to say (8)

Page Break

ReCreating Europe

Q2.26 **When you were a student, how likely or unlikely is that you used proprietary software, data, or books copies without the license**

○ Extremely likely (1)

○ Moderately likely (2)

○ Slightly likely (3)

○ Neither likely nor unlikely (4)

○ Slightly unlikely (5)

○ Moderately unlikely (6)

○ Extremely unlikely (7)

○ Prefer not to say (8)

Page Break

Q3.1 **How much you are satisfied or dissatisfied with the resources of your library**

○ Extremely satisfied (1)

○ Moderately satisfied (2)

○ Slightly satisfied (3)

○ Neither satisfied nor dissatisfied (4)

○ Slightly dissatisfied (5)

○ Moderately dissatisfied (6)

○ Extremely dissatisfied (7)

○ Prefer not to say (8)

Page Break

ReCreating Europe

Q3.2 **In the last year, how many times you were not able to find a journal article in the one provided by the journal subscription of your library**

○ Always (1)

○ Most of the time (2)

○ About half the time (3)

○ Sometimes (4)

○ Never (5)

○ Prefer not to say (6)

Page Break ———————————————————————————————

Q3.3 **How likely or unlikely you are to ask a colleague you don't know to send you a published article**

◯ Extremely likely (1)

◯ Moderately likely (2)

◯ Slightly likely (3)

◯ Neither likely nor unlikely (4)

◯ Slightly unlikely (5)

◯ Moderately unlikely (6)

◯ Extremely unlikely (7)

◯ Prefer not to say (8)

Page Break

Q3.4 To your knowledge how many colleagues use platforms or databases like SCI-HUB, Z-Library, or Library Genesis (LibGen)

○ Everyone (1)

○ Almost everyone (2)

○ More than half (3)

○ About half of them (4)

○ Less than half (5)

○ Only a few (6)

○ No-one (7)

○ Prefer not to say (8)

Page Break

ReCreating Europe

Q3.5 **Have you ever used online platforms or databases like SCI-HUB, Z-Library,or Library Genesis (LibGen)**

◯ Yes (1)

◯ No (2)

◯ I am not aware of them (3)

Page Break

ReCreating Europe

Q3.6 **How many papers did you download using platforms or databases like SCI-HUB, Z-Library, or Library Genesis (LibGen) in the last month?**

○ zero (1)

○ at least one (2)

○ 2-5 (3)

○ 5-10 (4)

○ more than 10 (5)

Page Break

Q3.7 **How many times did you use platforms or databases like SCI-HUB, Z-Library, or Library Genesis (LibGen) in the last year?**

○ zero (1)

○ at least one (2)

○ 2-5 (3)

○ 5-10 (4)

○ more than 10 (5)

Page Break

ReCreating Europe

Q3.8 **Why you used platforms or databases like SCI-HUB, Z-Library, or Library Genesis (LibGen) last year [you can indicate more than one]**

☐   I lack access to the scientific literature (1)

☐   For the high cost of scientific articles (2)

☐   I used it to complement the journal access of my library (3)

☐   It is convenient and saves time (4)

☐   To support open science (5)

☐   To boycott large publishers such as Elsevier and Springer (6)

☐   Prefer not to say (7)

☐   Other [please indicate] (8) _____

Page Break ───

ReCreating Europe

Q3.9 **How adequate or inadequate is the sentence to describe your thoughts:** *Academics must research the last available scientific knowledge also using shadow libraries such as SCI-HUB even if they violate Copyright law.*

○ Extremely adequate (1)

○ Moderately adequate (2)

○ Slightly adequate (3)

○ Neither adequate nor inadequate (4)

○ Slightly inadequate (5)

○ Moderately inadequate (6)

○ Extremely inadequate (7)

○ Prefer not to say (8)

Page Break

Q3.10 **How adequate or inadequate is the sentence to describe your thoughts:** *SCI-HUB is a valuable source of scientific knowledge also to professionals outside of academia*

○ Extremely adequate (1)

○ Moderately adequate (2)

○ Slightly adequate (3)

○ Neither adequate nor inadequate (4)

○ Slightly inadequate (5)

○ Moderately inadequate (6)

○ Extremely inadequate (7)

○ Prefer not to say (8)

Page Break

Q3.11 **Is a platform or database like SCI-HUB, Z-Library, or Library Genesis (LibGen) better or worse than the service to access scientific literature provided by your library**

○ Much better (1)

○ Moderately better (2)

○ Slightly better (3)

○ About the same (4)

○ Slightly worse (5)

○ Moderately worse (6)

○ Much worse (7)

○ Prefer not to say (8)

Page Break ────────────────────────────────

Q3.12 **How important or unimportant is for your research to access scientific literature or books as much as possible**

○ Extremely important (1)

○ Very important (2)

○ Moderately important (3)

○ Slightly important (4)

○ Not at all important (5)

Page Break

Display This Question:

If Have you ever used online platforms or databases like SCI-HUB, Z-Library,or Library Genesis (LibGen) = Yes

Q3.13 **Does the use of platforms or databases like SCI-HUB, Z-Library, or Library Genesis (LibGen) improved your academic performance (i.e. number and quality of publications)?**

○ Yes (1)

○ No (2)

○ Maybe (3)

Page Break

B. Ethical Approval Case study 1

COMITATO ETICO CONGIUNTO PER LA RICERCA

Espressione di parere

Delibera n. 03/2021

Titolo progetto	*Copyright perception to academics and channels for access scientific knowledge*
Proponente	Prof.ssa Arianna Martinelli Istituto di Economia - SSSA
Data della riunione	11/02/2021
Esito della valutazione finalizzata all'espressione di parere	Il Comitato Etico congiunto esprime parere favorevole in merito al protocollo di cui al n. 22 del registro delle richieste di parere presentato in data 21/12/2020, secondo le integrazioni pervenute alla data del 08/02/2021 (v. elenco documenti allegati parte integrante di questa delibera). Decisione assunta all'unanimità (lett. a), art. 13 delle Procedure Operative CEc).
Componenti del Comitato Etico congiunto presenti	Francesco Cardarelli, Arianna Menciassi, Michele Emdin, Alberto Pirni, Emiliano Ricciardi, Francesca Torelli
Firma del Segretario	
Firma del Presidente	
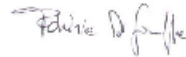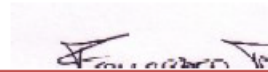
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Scuola Superiore Sant'Anna Piazza Martiri della Libertà, 33 - 56127 Pisa - Scuola Normale Superiore Piazza dei Cavalieri, 7 - 56126 Pisa
Segreteria Comitato congiunto: tel: +39 050 883308 e-mail: comitatoetico@santannapisa.it

C. Case study 1 - Subjects taught at universities

Name	Subjects Offered
Budapest University of Technology and Economics	Mathematics & Statistics,Physics & Astronomy,Mechanical & Aerospace Engineering,Education,Business & Management,Computer Science,Communication & Media Studies,Chemical Engineering,Civil Engineering,Electrical & Electronic Engineering,Psychology,Architecture,Accounting & Finance
Eötvös Loránd University	Computer Science,Politics & International Studies (incl Development Studies),History, Philosophy & Theology,Chemistry,Sport Science,Geology, Environmental, Earth & Marine Sciences,Archaeology,Mathematics & Statistics,Psychology,Accounting & Finance,Languages, Literature & Linguistics,Geography,Physics & Astronomy,Business & Management,Art, Performing Arts & Design,Education,Mechanical & Aerospace Engineering,Sociology,Economics & Econometrics,Law,Biological Sciences,Communication & Media Studies
Erasmus University Rotterdam	Communication & Media Studies,Psychology,Business & Management,History, Philosophy & Theology,Sociology,Law,Medicine & Dentistry,Education,Other Health,Politics & International Studies (incl Development Studies),Art, Performing Arts & Design,Accounting & Finance,Economics & Econometrics
Heidelberg University	Languages, Literature & Linguistics,Sociology,Law,Chemistry,Education,Politics & International Studies (incl Development Studies),History, Philosophy & Theology,Sport Science,Other Health,Medicine & Dentistry,Archaeology,Mathematics & Statistics,Geography,Geology, Environmental, Earth & Marine Sciences,Economics & Econometrics,Physics & Astronomy,Psychology,Computer Science,Art, Performing Arts & Design,Biological Sciences
Humboldt University of Berlin	Biological Sciences,Chemistry,Other Health,Politics & International Studies (incl Development Studies),Sociology,Mathematics & Statistics,Physics & Astronomy,Law,Computer Science,Sport Science,Geography,Economics & Econometrics,Medicine & Dentistry,Geology, Environmental, Earth & Marine Sciences,Archaeology,History, Philosophy & Theology,Psychology,Agriculture & Forestry,Art, Performing Arts & Design,Accounting & Finance,Communication & Media Studies,Education,Languages, Literature & Linguistics,Business & Management
Karolinska Institute	Geology, Environmental, Earth & Marine Sciences,Mathematics & Statistics,Languages, Literature & Linguistics,Education,Psychology,Medicine & Dentistry,Sociology,Chemical Engineering,Other Health,Business & Management,Biological Sciences
Leiden University	Languages, Literature & Linguistics,Law,Sociology,Other Health,Economics & Econometrics,Medicine & Dentistry,Psychology,Business & Management,History, Philosophy & Theology,Education,Biological Sciences,Communication & Media Studies,Politics & International Studies (incl Development Studies),Mathematics & Statistics,Computer Science,Art, Performing Arts & Design,Archaeology,Geology, Environmental, Earth & Marine Sciences,Physics & Astronomy,Chemistry
LMU Munich	Business & Management,Computer Science,Sociology,Geology, Environmental, Earth & Marine Sciences,Archaeology,Other Health,Education,Chemistry,Psychology,Languages, Literature & Linguistics,Art, Performing Arts & Design,Politics & International Studies (incl Development Studies),Communication & Media Studies,Biological Sciences,Law,Medicine & Dentistry,Economics & Econometrics,Physics & Astronomy,Mathematics & Statistics,History, Philosophy & Theology,Veterinary Science,Geography
Lund University	Biological Sciences,Politics & International Studies (incl Development Studies),Architecture,Communication & Media Studies,Art, Performing Arts & Design,Physics & Astronomy,Archaeology,Law,Geology, Environmental, Earth & Marine Sciences,Business & Management,Computer Science,Psychology,Other Health,Geography,Electrical & Electronic Engineering,Sociology,Languages, Literature & Linguistics,Chemistry,Economics & Econometrics,Mathematics & Statistics,Accounting & Finance
Maynooth University	Communication & Media Studies,Education,History, Philosophy & Theology,General Engineering,Law,Accounting & Finance,Biological Sciences,Chemistry,Psychology,Languages, Literature & Linguistics,Mathematics & Statistics,Business & Management,Geography,Electrical & Electronic

	Engineering,Economics & Econometrics,Geology, Environmental, Earth & Marine Sciences,Politics & International Studies (incl Development Studies),Sociology,Computer Science,Physics & Astronomy
National University of Ireland, Galway	Other Health,Electrical & Electronic Engineering,Chemical Engineering,Politics & International Studies (incl Development Studies),Agriculture & Forestry,Archaeology,Computer Science,Languages, Literature & Linguistics,Business & Management,Physics & Astronomy,Medicine & Dentistry,Civil Engineering,Geology, Environmental, Earth & Marine Sciences,Mathematics & Statistics,Economics & Econometrics,Communication & Media Studies,Mechanical & Aerospace Engineering,General Engineering,Education,Chemistry,History, Philosophy & Theology,Law,Art, Performing Arts & Design,Sociology,Psychology,Accounting & Finance,Biological Sciences,Geography
Sapienza University of Rome	Languages, Literature & Linguistics,Geology, Environmental, Earth & Marine Sciences,Mathematics & Statistics,Law,Psychology,Chemical Engineering,Communication & Media Studies,Archaeology,Mechanical & Aerospace Engineering,Economics & Econometrics,General Engineering,Politics & International Studies (incl Development Studies),Computer Science,Chemistry,Sociology,History, Philosophy & Theology,Other Health,Electrical & Electronic Engineering,Education,Civil Engineering,Business & Management,Art, Performing Arts & Design,Biological Sciences,Geography,Architecture,Medicine & Dentistry,Physics & Astronomy,Accounting & Finance
Stockholm University	Communication & Media Studies,Business & Management,Mathematics & Statistics,Physics & Astronomy,Politics & International Studies (incl Development Studies),Sociology,Psychology,Geography,History, Philosophy & Theology,Law,Computer Science,Education,Chemistry,Languages, Literature & Linguistics,Archaeology,Geology, Environmental, Earth & Marine Sciences,Economics & Econometrics,Biological Sciences,Accounting & Finance
Technical University of Munich	General Engineering,Biological Sciences,Agriculture & Forestry,Economics & Econometrics,Mechanical & Aerospace Engineering,Chemistry,Mathematics & Statistics,Architecture,Electrical & Electronic Engineering,Physics & Astronomy,Sport Science,Business & Management,Accounting & Finance,Civil Engineering,Politics & International Studies (incl Development Studies),Computer Science,Chemical Engineering,Education,Other Health,Geology, Environmental, Earth & Marine Sciences
Trinity College Dublin	Art, Performing Arts & Design,Physics & Astronomy,Languages, Literature & Linguistics,Chemistry,Civil Engineering,Sociology,History, Philosophy & Theology,Biological Sciences,Economics & Econometrics,General Engineering,Politics & International Studies (incl Development Studies),Accounting & Finance,Law,Medicine & Dentistry,Geology, Environmental, Earth & Marine Sciences,Education,Psychology,Mechanical & Aerospace Engineering,Geography,Mathematics & Statistics,Communication & Media Studies,Business & Management,Computer Science,Electrical & Electronic Engineering,Other Health
University College Cork	Computer Science,Electrical & Electronic Engineering,Law,Sociology,History, Philosophy & Theology,Chemistry,Accounting & Finance,Economics & Econometrics,Languages, Literature & Linguistics,Physics & Astronomy,Other Health,Education,Mechanical & Aerospace Engineering,Sport Science,Mathematics & Statistics,Psychology,Biological Sciences,Medicine & Dentistry,Civil Engineering,General Engineering,Politics & International Studies (incl Development Studies),Agriculture & Forestry,Art, Performing Arts & Design,Communication & Media Studies,Geography,Geology, Environmental, Earth & Marine Sciences,Chemical Engineering,Business & Management,Archaeology,Architecture
University College Dublin	Accounting & Finance,Other Health,Mathematics & Statistics,Psychology,Computer Science,Electrical & Electronic Engineering,History, Philosophy & Theology,Sociology,Archaeology,Chemical Engineering,Economics & Econometrics,Architecture,Agriculture & Forestry,Physics & Astronomy,Languages, Literature & Linguistics,Business & Management,Politics & International Studies (incl Development Studies),Art, Performing Arts & Design,Civil Engineering,Veterinary Science,Medicine & Dentistry,Biological Sciences,Geology, Environmental, Earth & Marine Sciences,Law,General Engineering,Chemistry,Education,Communication & Media Studies,Geography,Mechanical & Aerospace Engineering,Sport Science

University of Amsterdam	Physics & Astronomy,Chemistry,Communication & Media Studies,Psychology,Politics & International Studies (incl Development Studies),Accounting & Finance,Sociology,Art, Performing Arts & Design,Archaeology,Economics & Econometrics,Mathematics & Statistics,Computer Science,Business & Management,Biological Sciences,Geography,Law,Languages, Literature & Linguistics,Geology, Environmental, Earth & Marine Sciences,History, Philosophy & Theology,Education
University of Bologna	Architecture,Computer Science,Psychology,Geography,History, Philosophy & Theology,Mathematics & Statistics,Electrical & Electronic Engineering,Sport Science,Other Health,Civil Engineering,Politics & International Studies (incl Development Studies),Medicine & Dentistry,Veterinary Science,Communication & Media Studies,Education,Economics & Econometrics,Law,Biological Sciences,Art, Performing Arts & Design,Geology, Environmental, Earth & Marine Sciences,Chemical Engineering,Agriculture & Forestry,Archaeology,Sociology,Languages, Literature & Linguistics,General Engineering,Physics & Astronomy,Business & Management,Accounting & Finance,Mechanical & Aerospace Engineering,Chemistry
University of Debrecen	Electrical & Electronic Engineering,Mathematics & Statistics,Law,Languages, Literature & Linguistics,Architecture,Accounting & Finance,Physics & Astronomy,Other Health,Communication & Media Studies,Art, Performing Arts & Design,Civil Engineering,Geography,History, Philosophy & Theology,Education,Chemical Engineering,Politics & International Studies (incl Development Studies),Medicine & Dentistry,Chemistry,Biological Sciences,Agriculture & Forestry,Sport Science,Business & Management,General Engineering,Economics & Econometrics,Geology, Environmental, Earth & Marine Sciences,Computer Science,Psychology,Mechanical & Aerospace Engineering,Sociology
University of Gothenburg	Archaeology,Chemistry,History, Philosophy & Theology,Biological Sciences,Psychology,Art, Performing Arts & Design,Sociology,Medicine & Dentistry,Geology, Environmental, Earth & Marine Sciences,Business & Management,Languages, Literature & Linguistics,Communication & Media Studies,Sport Science,Law,Other Health,Geography,Economics & Econometrics,Education,Mathematics & Statistics,Accounting & Finance,Computer Science,Physics & Astronomy,Politics & International Studies (incl Development Studies)
University of Milan	Education,Sport Science,Business & Management,Chemical Engineering,Communication & Media Studies,History, Philosophy & Theology,Mathematics & Statistics,Politics & International Studies (incl Development Studies),Economics & Econometrics,Medicine & Dentistry,Chemistry,Archaeology,Psychology,Biological Sciences,Sociology,Veterinary Science,Law,Computer Science,Geology, Environmental, Earth & Marine Sciences,Other Health,Physics & Astronomy,Accounting & Finance,Languages, Literature & Linguistics,Agriculture & Forestry,Geography
University of Padua	Art, Performing Arts & Design,Mechanical & Aerospace Engineering,Mathematics & Statistics,Sociology,Biological Sciences,Other Health,Geology, Environmental, Earth & Marine Sciences,History, Philosophy & Theology,General Engineering,Chemistry,Education,Languages, Literature & Linguistics,Agriculture & Forestry,Physics & Astronomy,Economics & Econometrics,Geography,Civil Engineering,Accounting & Finance,Psychology,Law,Chemical Engineering,Communication & Media Studies,Computer Science,Archaeology,Business & Management,Sport Science,Medicine & Dentistry,Architecture,Veterinary Science,Electrical & Electronic Engineering,Politics & International Studies (incl Development Studies)
University of Pécs	Accounting & Finance,Mechanical & Aerospace Engineering,Education,Geology, Environmental, Earth & Marine Sciences,Medicine & Dentistry,Communication & Media Studies,Sport Science,Biological Sciences,Economics & Econometrics,Business & Management,Law,Geography,Archaeology,Agriculture & Forestry,Languages, Literature & Linguistics,Civil Engineering,Other Health,Electrical & Electronic Engineering,Psychology,Politics & International Studies (incl Development Studies),History, Philosophy & Theology,General Engineering,Architecture,Physics & Astronomy,Computer Science,Art, Performing Arts & Design,Chemistry,Sociology,Mathematics & Statistics
University of Szeged	Computer Science,Biological Sciences,Accounting & Finance,Archaeology,Electrical & Electronic Engineering,Medicine & Dentistry,Law,Sociology,Psychology,Economics & Econometrics,Geography,Mechanical & Aerospace Engineering,Mathematics & Statistics,Other Health,Education,Sport Science,Languages, Literature & Linguistics,Communication & Media

	Studies,Agriculture & Forestry,Art, Performing Arts & Design,History, Philosophy & Theology,Business & Management,Geology, Environmental, Earth & Marine Sciences,Politics & International Studies (incl Development Studies),Chemistry,Physics & Astronomy
University of Trento	Accounting & Finance,Economics & Econometrics,Mathematics & Statistics,Sport Science,Agriculture & Forestry,Politics & International Studies (incl Development Studies),Mechanical & Aerospace Engineering,History, Philosophy & Theology,Electrical & Electronic Engineering,Archaeology,Languages, Literature & Linguistics,Civil Engineering,Business & Management,Sociology,Biological Sciences,Psychology,Physics & Astronomy,Law,Computer Science,Architecture
University of Tübingen	Law,Sport Science,Medicine & Dentistry,Computer Science,Geography,Languages, Literature & Linguistics,Sociology,Economics & Econometrics,History, Philosophy & Theology,Geology, Environmental, Earth & Marine Sciences,Physics & Astronomy,Mathematics & Statistics,Psychology,Business & Management,Biological Sciences,Politics & International Studies (incl Development Studies),Education,Other Health,Archaeology,Chemistry,Communication & Media Studies,Accounting & Finance
Uppsala University	Other Health,Physics & Astronomy,Sociology,General Engineering,Languages, Literature & Linguistics,Geography,Electrical & Electronic Engineering,Law,Mathematics & Statistics,History, Philosophy & Theology,Medicine & Dentistry,Psychology,Politics & International Studies (incl Development Studies),Business & Management,Geology, Environmental, Earth & Marine Sciences,Accounting & Finance,Economics & Econometrics,Civil Engineering,Chemical Engineering,Chemistry,Biological Sciences,Archaeology,Education,Computer Science,Communication & Media Studies
Utrecht University	History, Philosophy & Theology,Computer Science,Business & Management,Psychology,Chemistry,Education,Biological Sciences,Veterinary Science,Economics & Econometrics,Sociology,Politics & International Studies (incl Development Studies),Mathematics & Statistics,Geography,Geology, Environmental, Earth & Marine Sciences,Languages, Literature & Linguistics,Physics & Astronomy,Accounting & Finance,Medicine & Dentistry,Other Health,Communication & Media Studies,Law,Art, Performing Arts & Design
Wageningen University & Research	Veterinary Science,Geology, Environmental, Earth & Marine Sciences,Biological Sciences,Economics & Econometrics,Chemistry,Politics & International Studies (incl Development Studies),Other Health,Business & Management,Agriculture & Forestry,Chemical Engineering,Communication & Media Studies,Sociology

Table 8 Fieds by university

We are a research team from Sant'Anna School of Advanced Studies in Italy. This survey is part of the project *reCreating Europe* (https://www.recreating.eu/), funded by the European Commission under the H2020 Program.

Our research aims at understanding your views on how copyright law impacts your work as an academic.

Your participation in this survey is essential as it *contributes to future policy design* aimed at improving *access and diffusion of scientific knowledge*.

Our survey will allow you to express your views about copyright, scientific publishers, and access to the scientific literature.

You are free to withdraw from the study at any time without giving a reason. All information that is collected about you during the research is confidential. No personal information will be distributed to any other unauthorised individual or third party. Answers will be elaborated as aggregate and anonymised data for research purposes related to the project. If you want to know more about data treatment and GDPR please look at this link: Data processing and gdpr Our research received the ethical approval from Scuola Superiore Sant'Anna Research Ethics committee (https://www.santannapisa.it/it/ateneo/comitato-etico-congiunto), you can contact them via email at comitatoetico@santannapisa.it.

For any further information, or to withdraw your consent you can contact us at arianna.martinelli@santannapisa.it or giulia.rossello@santannapisa.it. Your input is very valuable for our project and it is a fundamental part of the project's successful development.

If you agree to take part in the study, please complete the **CONSENT FORM IN THE NEXT PAGE**

→

Figure 5 Look and Feel of the Survey of Case Study 1

ReCreating Europe

Annex 2 – Survey Case Study 2

A. Survey Case Study 2

The survey will be available in the official languages of the six selected countries and administered online through Jisc Online Survey as the study-hosting service.

General Information
1. **In which country are you based?**
   a. Germany
   b. Hungary
   c. Ireland
   d. Italy
   e. The Netherlands

2. **Which category best describes your age?**
   a. Between 18 and 30
   b. Between 30 and 45
   c. Between 45 and 60
   d. More than 60
   e. Rather not say

3. **Gender:**
   a. Male
   b. Female
   c. Non-binary
   d. Rather not say

4. **What is the highest level of education you have completed?**
   a. I did not attend school.
   b. Primary education
   c. High school
   d. Technical/Vocational training
   e. Bachelor's degree
   f. Master's degree
   g. Doctorate

5. **Are you a:**
   a. Person with a visual impairment
   b. A blind person
   c. None of the above (if this option is ticked the survey closes)

6. **Do you consider yourself to be:** *(Tick all relevant options)*
   a. An Indigenous person
Please specify the Indigenous Group to which you belong.
   b. A person belonging to an Ethnic Minority Group
Please specify the Ethnic Group to which you belong.
   c. A person belonging to a Linguistic Minority Group
Please, specify the Linguistic Minority Group to which you belong.
   d. A person belonging to a Religious Minority Group
Please, specify the Religious Minority Group to which you belong.
   e. A Migrant

f.   A Refugee
g.   None of the above.

7. **Which of the following best describes the area you live in?**
   a.   Urban area
   b.   Rural area

8. **Do you have access to the Internet daily?**
   a.   Yes
   b.   No

   i.   **(If yes): Do you have Internet access?**
      a. For free (Public Wi-Fi Hotspot/library/coffee shop/train station, etc.)
      b. Through a paid subscription to an Internet Service Provider

9. **Do you have access to your own computer/tablet/Smartphone?**
   a.   Yes
   b.   No
      i.   **(If no): Do you share a device with another person?**
         1.   Yes
         2.   No

10. **What assistive technologies do you use?** *(Tick all relevant options)*
   a.   Screen-readers
   b.   Text-to-speech synthesis (TTS) technologies
   c.   Screen Magnifiers
   d.   Braille Printers
   e.   Other (please specify)
   f.   None

Access to printed material in accessible formats
11. **What kind of printed material in accessible format do you access the most? (***Please, select up to 2 options***)**
   a.   Novel/short stories/essay
   b.   Academic books
   c.   Journals/Magazines
   d.   Comics/art books
   e.   Other (please specify)
   f.   None

12. **On a scale of 1 to 5, how would you rate your experience of accessing printed material in an accessible format?**
1 (Extremely Bad) 2 (Mostly bad) 3 (Partially good) 4 (Good) 5 (Very good)

13. **What kind of format do you prefer? (***Please select up to two options***)**
   a.   Braille
         i.   Printed Braille
         ii. Electronic Braille
   b.   Audio reading materials (such as audiobooks)
   c.   Digital reading materials (such as ebooks)

14. In your experience, are accessible formats available in your community? (*Please, fill in only the options that apply to you*)

	Yes	No	Yes, but with limitations	I do not know
Braille				
Electronic Braille				
Audio reading materials (such as audiobooks)				
Digital reading material (such as ebooks)				

Please, explain further if you wish.

15. How do you get reading material in accessible formats?
   a. I convert the material in an accessible format
   b. My caregiver converts reading material in an accessible format for my personal use
   c. My organisation/service provider provides me with reading
      i. Through a catalogue
      ii. By request
   d. The public library of my community has a catalogue of reading material available in accessible formats.
   e. Other, please specify

16. Do you think that digitalisation (i.e. the widespread publication of reading material -pictures and text- into a digital format that a computer or another electronic device can process) has improved the availability of reading materials in accessible formats?
   a. Yes
   b. Yes, but only to a limited extent
   c. No
   d. I do not know

17. How much have the restrictions imposed because of the COVID-19 pandemic impacted your access to the following format materials? (*Please, fill in only the options that apply to you*)

	Positive impact	Negative impact	No impact	I do not know
Braille				
Electronic Braille				

Audio reading materials (such as audiobooks)				
Digital reading material (such as ebooks)				

Please, explain further if you wish.

18. **On the whole, in your own experience, what are the main barriers to get and use accessible formats?** *(Tick all relevant options)*
    a. Intellectual property/copyright/creators' rights
    b. Lack of knowledge about copyright exceptions
    c. Lack of technologies to make the material accessible to me
    d. I do not know

Knowledge and Perception of Copyright Law

International treaties, EU law and national legislation establish a series of flexibilities to copyright that allow beneficiaries to produce accessible works without infringing copyright. Through this section, we would like to know what you think about this matter. Please, note that your answers will be anonymised. This means that nobody can identify the people that participate in the survey.

19. **How knowledgeable are you of European Union laws and national laws on copyright?**
    a. Extremely knowledgeable
    b. Very knowledgeable
    c. Moderately knowledgeable
    d. Slightly knowledgeable
    e. Not knowledgeable at all

20. **Do you know what the Marrakesh Treaty provides for?**
    a. Yes
    b. No
    c. I do not know
        i. If yes: Do you think that it has enhanced awareness about the accessibility of printed material for persons with visual impairments?
            a. Yes
            b. No
            c. I do not know

21. **Are you aware about how the Marrakesh Treaty and the related EU Directive have been implemented in your own country?**
    a. Yes
    b. No
    c. I do not know
        i. If no: Would you like to know more about this issue?
            d. Yes
            e. No

f. I do not know

22. **Have you experienced an improvement in your access to accessible printed materials in the last few years?**
   a. Yes
   b. No
   c. I do not know

   ii. **If yes: In particular when?**
      a. In the last year
      b. In the last two years
      c. I do not know

   ii. **If yes: why?**
      a. Because of the Marrakesh Treaty was implemented in our country
      b. Because national copyright legislation has been recently changed
      c. Because I have better technologies
      d. Because of the advancements in digitalization
      e. Because there is more awareness about accessibility
      f. Other (please specify)
      g. I do not know

23. **When you use printed material in accessible formats do you think about whether you may infringe copyright laws?**
   a. Yes (please specify)
   b. No
   c. I do not now
   d. I rather not say

24. **In your opinion and, on the whole, are current copyright laws and exceptions for persons with visual impairments adequate to protect the rights of persons with visual impairments to access cultural materials?**
   a. Yes
   b. No
   c. I do not know

Thank you for your participation. We appreciate your time
Please share any feedback you wish to make about the accessibility or the content of this survey with us at laura.serra@mu.ie
If during your participation in this study you feel the information and guidelines that you were given have been neglected or disregarded in any way, or if you are unhappy about the process, please contact the Secretary of the Maynooth University Ethics Committee at research.ethics@mu.ie or +353 (0)1 708 6019. Please be assured that your concerns will be dealt with in a sensitive manner.
For your information, the Data Controller for this research project is Maynooth University, Maynooth, Co. Kildare. Maynooth University Data Protection officer is Ann McKeon in Humanity house, room 17, who can be contacted at ann.mckeon@mu.ie. Maynooth University Data Privacy policies can be found at https://www.maynoothuniversity.ie/data-protection.

ReCreating Europe

B. Relevant Provisions on Copyright Exceptions

Country	Transposition Directive	Provision related to persons with visual impairments	Content of the provision
Italy	Law of 3 May 2019, No. 37 Provisions for the fulfillment of obligations arising from Italy's membership of the European Union - European Law 2018 Official publication: *Gazzetta Ufficiale della Repubblica Italiana* ; Number: *109* ; Publication date: *2019-05-11*	Article 71 bis of Law No 633 of 1941	Article 71 bis: 1. The reproduction of works or protected subject matter as well as the use of their communication to the public are permitted to persons with disability, for personal use, provided these permitted acts are directly related to the disability, are of a non-commercial nature and are limited to the extent required by the specific disability. 2. A decree adopted by the Minister of Culture, in agreement with the Minister of Labour and Social Affairs, after hearing the Committee under art. 190 of this Law, the categories of disabilities referred to in paragraph 1 and the criteria to identify individual beneficiaries are stated, as well as, if necessary, the conditions on which this exception shall be enjoyed (...)
Ireland	Statutory Instrument No. 412 of 2018 – European Union (Marrakesh Treaty) Regulations 2018 Official publication: *Iris Oifigiúl* ; Number: *82* ; Publication date: *2018-*	Section 104 Copyright and Related Rights Act, 2000; Sections 104A and 104B of the Copyright and Other Intellectual Property Law	Section 104: (1) Subject to subsection (1A) and section 104A(1), a designated body may do any of the following in respect of a relevant work without infringing the copyright in that work: (a) make, or cause to be made, a copy of the work for the purpose of modifying the copy; (b) supply the modified copy of the work to a person with a disability; (c) supply the modified copy of the work to another designated body; (d) receive a modified copy of the work from— (i) another designated body, or (ii) a person with a disability; (e) supply the modified copy of the work that it has received under paragraph (d) to— (i) a person with a disability, or 20 [2019.] Copyright and Other [No. 19.] PT.2 S.26 Intellectual Property Law Provisions Act 2019. (ii) another designated body.

10-12 ; Page: *01411-01411*	Provisions Act, 2019	(1A) Subsection (1) shall not apply unless the modified copy concerned of the relevant work— (a) bears or otherwise incorporates an express statement to the effect that the copy has been made under this section, and (b) is accompanied by a sufficient acknowledgement. (1B) (a) Subject to section 104A(1), a use to which paragraph (b) applies may be made of a relevant work by a person with a disability without infringing the copyright in that work provided that the use is for the benefit of the person, is directly related to the disability, is for a non-commercial purpose and is made only to the extent required by the nature of the disability. (b) A use to which this paragraph applies is any of the following: (i) make, or cause to be made, a copy of the relevant work for the purpose of modifying the copy; (ii) access a modified copy of the work which has been modified pursuant to subparagraph (i) or supplied pursuant to subsection (1); (iii) supply such modified copy to a designated body. (2) Where a copy which would otherwise be an infringing copy is made under this section, but is subsequently sold, rented or lent, or offered or exposed for sale, rental or loan, or otherwise made available to the public, it shall be treated as an infringing copy for those purposes and for all subsequent purposes. (3) In this section, 'designated body'' means a body designated for the purposes of this section by order of the Minister who shall not designate a body unless he or she is satisfied that the body is not established or conducted for profit.' Section 104A: (1) Section 104 shall not apply to a relevant work where— (a) there is a licensing scheme certified under section 173 that is applicable to section 104 in so far as that work is concerned, and (b) the designated body or person with a disability making, or causing to be made, a modified copy of that work knew or ought to have been aware of the existence of the licensing scheme. (2) Any terms of a licence granted on foot of the licensing scheme referred to in subsection (1) that purports to restrict the obligation imposed under section 104B(1) on the publisher of that work shall be unenforceable. Section 104B: (1) Subject to subsection (3), the publisher of a relevant work first published in the State on or after the commencement of section 27 of the Copyright and Other

			Intellectual Property Law Provisions Act 2019 shall make or cause to be made at least one electronic form of the 21 PT.2 S.27 [No. 19.] Copyright and Other [2019.] Intellectual Property Law Provisions Act 2019. work which complies with the requirements of subsection (2) unless the publisher already has, in the publisher's possession, custody or control, at least one electronic form of the work which complies with those requirements. (2) The electronic form of the relevant work shall enable copies of the work to be made— (a) without undue difficulty, (b) which are easily navigated, and (c) which are capable of being modified. (3) A designated body may make a relevant request of the publisher of a relevant work to which subsection (1) applies to deliver, within one month of the publisher's receipt of the request, the relevant material in respect of the work, and the publisher shall, subject to subsection (4), comply with that request. (4) The publisher of a relevant work who is the subject of a relevant request may, by notice in writing given to the designated body which made the request, decline to comply with the request until the publisher receives a payment to cover the reasonable costs of the publisher that would be incurred in complying with the request. (5) Where a publisher fails to comply with this section he or she shall be guilty of an offence and shall be liable on summary conviction to a class E fine. (6) In this section— 'relevant request' means a request in writing that the publisher deliver, in the manner specified in the request, the relevant material— (a) in such digital or electronic or other technological form specified in the request and to the address (which may be an electronic address) specified in the request, or (b) by permitting the designated body to access the relevant material; 'relevant material' means the electronic form of a relevant work and any other material required to ensure that such electronic form complies with subsection (2).
Netherlands	i. Act for the Implementation of the Reading Disability Convention Directive and	Articles 15i, 15j, 15k Dutch Copyright Act (Act of	Article 15i: 1. Without prejudice to Article 15j, not regarded as an infringement of the copyright of a literary, scientific or artistic work is the reproduction or disclosure which is intended

for the Implementation of the Reading Disability Convention Regulation Official publication: *Staatsblad (Bulletin des Lois et des Décrets royaux)* ; Number: *302* ; Publication date: *2018-09-07* ; Page: *00001-00007* ii. Decree of 30 August 2018 determining the date of entry in to force the Act for the Implementation of the Print Disability Directive for the Implementation of the Reading Disability Convention Regulation Official publication: *Staatsblad (Bulletin des Lois et des Décrets royaux)* ; Number: *304* ; Publication date: *2018-09-14*	September 23, 1912)	solely for the use of people with disabilities, provided that it is directly related to the disability, of a non-commercial nature and necessary because of the disability. 2. For the reproduction or publication referred to in paragraph 1, equitable remuneration shall be payable to the maker or those entitled under him or her. Article 15: 1. Not regarded as an infringement of copyright in a literary, scientific or artistic work is any act necessary for that purpose: 1° the conversion of a published work into a form accessible to a person with a reading disability, by a person with a reading disability or a person acting on his or her behalf, provided that the person with a reading disability has lawful access to the published work, that the converted work is exclusively intended for use by the person with a reading disability and that the integrity of the published work is respected as much as possible; 2° the conversion of a published work into a form accessible to a person with a reading disability by an authorised entity, provided that the authorised entity has lawful access to the published work, that the converted work is exclusively intended for use by a person with a reading disability and that the integrity of the published work is respected as much as possible; and 3° the publication of a converted work as referred to under 2 by an authorised entity to a person with a reading disability residing in or another authorised entity established in a member state of the European Union or a state that is a party to the Convention on Reading Disabilities, provided that the publication is made with a view to the exclusive use by the person with a reading disability and takes place on a not-for-profit basis. 2. No agreement shall deviate from the provisions of the first paragraph. 3. It may be determined by order in council that the authorised entity established in the Netherlands shall owe reasonable compensation for the conversion or publication referred to in the first paragraph, under 2° and 3°, on behalf of the maker or his assignees. Further rules and conditions may be laid down in this respect. Article 15k: Not regarded as an infringement of copyright in a literary, scientific or artistic work is the import by a person with a reading disability or an authorised entity of a converted work into another Member State of the European Union or a state party to the

			Convention on the Rights of the Reading Disabled. Derogation cannot be made by a contract
Sweden	i. Act amending the Act (1960: 729) on copyright in literary and artistic works Official publication: Swedish Constitution (SFS); Number: 2018: 1099; Publication date: 1001-01-01 ii. Ordinance amending the Copyright Ordinance (1993: 1212) Official publication: Swedish Constitution (SFS); Number: 2018: 1100; Publication date: 1001-01-01	Section 17 Act on Copyright in Literary and Artistic works (No. 729 of 1960)	Section 17: A person with visual impairment or other print disability who, as a result thereof, cannot access a published work in the form of a book or other document, notation, or associated illustration to essentially the same extent as a person without such impairment may make a copy of the work in a format which is accessible to him or her. The same shall also apply to a natural person acting on that person's behalf. (…)
Germany	i. Law implementing the Marrakech Directive on improved access to copyrighted works for the benefit of people with a visual or print impairment Official publication: *Bundesgesetz*	Section 45a, 45b Act on Copyright and Related Rights (Copyright Act of 9 September 1965 as last	Section 45a: (1) The reproduction of a work for non-commercial purposes shall be permissible for, and its distribution exclusively to, persons whose access to the work is, due to a disability, not possible or is made considerably more difficult by the already available means of sensual perception, if such reproduction is necessary to facilitate access. (2) Equitable remuneration shall be paid to the author for reproduction and distribution; production solely of individual copies shall be exempted. Claims may only be asserted through a collecting society.

	blatt Teil 1 (BGB 1); Number: *40*; Publication date: *2018-12-04*; Page: *02014-02015* ii. Ordinance on authorized bodies under the Copyright Act (UrhGBefStV) Official publication: *Bundesgesetz blatt Teil 1 (BGB 1)*; Number: *45*; Publication date: *2018-12-14*; Page: *02423-02423*	amended by Article 1 of the Act of the 28 November 2018)	(3) Subsections (1) and (2) shall not apply, only sections 45b and 45c, to the use of literary works and graphic recordings of musical works for the benefit of persons with a visual impairment or reading disability. Section 45b: (1) Persons with a visual impairment or reading disability may reproduce, for their personal use, published literary works which are available in text or in audio format as well as graphic recordings of musical works, or may have them reproduced, in order that they may be converted into an accessible format. This authorisation also encompasses illustrations of all kinds which are contained within literary or musical works. Copies may only be produced of works to which persons with a visual impairment or reading disability have lawful access. (2) Persons with a visual impairment or reading disability within the meaning of this Act are persons who are unable, as a result of a physical or mental impairment or of a perceptual disability, to read literary works, even with the assistance of a visual aid, to substantially the same degree as persons without such an impairment or disability.
Hungary	i. 2018 LVI. Act LXXVI of 1999 on Copyright amending the law Official publication: *Magyar Közlöny*; Publication date: *1001-01-01*; Page: *30440-30442* ii. Government Decree 198/2018. (X. 25.) on the detailed rules of free use for the benefit of persons with disabilities affecting reading ability	Section 41 Copyright Act LXXVI of 1999 Section 41a, 41b, 41c Government Decree 198/2018	Section 41: (1) The scope of free use shall cover uses, exclusively for the benefit of people with a disability, which are directly related to the disability and of a non-commercial nature, to the extent required by the specific disability. (1a) Free use under Subsection (1) shall, in particular, cover the following: a) where accessible format copies of works are produced for the exclusive use of beneficiary persons with reading disability, either by the beneficiary or by a person or authorized entity who does so on behalf of a beneficiary person, provided that the producer of accessible format copies obtained the works of which accessible format copies are made legitimately; b) the distribution, communication to the public or making available to the public of accessible format copies by an authorized entity for the benefit of beneficiary persons with reading disability or other authorized entities, including the making available to the public in such a way that members of the public may access them from a place and at a time individually chosen by them.

| | Official publication: *Magyar Közlöny* ; Publication date: *1001-01-01* ; Page: *30844-30845* | | (1b) An authorized entity established in Hungary may freely carry out the acts referred to in Paragraph b) of Subsection (1a) for a beneficiary person with reading disability or another authorized entity established in any Member State of the European Union.

(1c) An authorized entity established in Hungary and a beneficiary person with reading disability may freely obtain an accessible format copy from an authorized entity established in any Member State of the European Union. (1d) The free use referred to in Subsections (1a)-(1c) shall apply to any work published in written form or other kind of notation [Paragraph a) of Subsection (1) and Subsection (2) of Section 18], including the related illustrations, in any media, including in audio form and in digital format. (1e) A contractual term which excludes or restricts free use provided for in Subsections (1)-(1d) shall be considered null and void. (1f) The changes required for producing accessible format copies and to make them accessible may not exceed the extent justified by the purpose to be achieved. (...) |