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Digital libraries and copyright : towards balanced legal certainty in Europe. (non-exclusive license)**

Abstract:

The mission of libraries has historically been the collection, preservation and safeguarding of works, in whatever support, and their widest dissemination for research, education, information and leisure purposes. In the analogical world, National Libraries and other depository ones have historically benefited of Legal Deposit legislations, which *mutatis mutandis* are, in fact equivalent to what we could call today a legal exception to book trade, for publishers are legally obliged to deposit a certain number of copies at no cost for the library. This system has permitted to build huge repositories that represent the cultural memory of a country or a region and are made available to the public for education and research, the true pillars of the knowledge economy.

The vertiginous development of new technologies (NTICs) opens up new avenues for libraries to accomplish their mission while giving birth, at the same time, to more duties for libraries, such as those required to ensure digital preservation. The advent of the digital environment should, in no way, undermine the mission of libraries. It should at the same time provide appropriate incentives to creators and publishers. Libraries and copyright holders alike, need today the capacity to evolve in a scenario of legal certainty that allow them to pursue their respective missions.