

Background

Background about the bidder, including evidence of their ability to perform this work.

Wikimedia Sverige (WMSE) is a non-profit organization dedicated to free knowledge. We collaborate with libraries, museums, UN agencies, educational and research institutions, governmental agencies and many others in our mission to make knowledge free. Wikipedia, the only non-profit website among the world's 10 most visited plays, alongside the other Wikimedia projects, a pivotal role in achieving our objectives.

For the last decade, and especially since the implementation process of the CDSM Directive, we have strategically engaged in advocacy efforts to represent the voices of internet users, who are often underrepresented in Swedish legislative proceedings. This distinctive approach has positioned us as a respected and unique voice in Sweden. Our contributions to government authorities, policymakers, and politicians have been valued and significantly influenced various legislative matters, particularly in the realm of copyright. Our efforts in this regard were acknowledged when Wikimedia Sverige was one of only 10 organizations entrusted with nominating an expert to a Government-appointed public inquiry on exceptions and limitations to copyright. This marks a significant step towards enhancing flexibility in Swedish copyright law, one of the most important since the turn of the millennium.

The [Swedish Government Official Report](#) (SOU) of the inquiry will be handed over to the Government on 19 January. This marks the start of the next phase: the Government's process to turn the report into a draft law. With the experience, deep understanding, and insights of the arguments from allies and enemies, that we have gained through the inquiry process, WMSE is again in a unique position when it comes to government affairs to influence the legislative process, and especially to coordinate with allies and like minded actors – libraries and research organizations have been some of our key allies with this work over the years. The SOU will be several hundred pages, written in heavy, legal language and with complex proposals. We will thus have a pivotal opportunity, almost a responsibility, to share our insights and experiences with others, and lower barriers for others to make their voices heard in the legislative process in order to ensure a user-friendly, research-focused law. This involves developing reports, drafts, briefings and educational material to explain the importance of certain aspects, and why others are very problematic. As we have already done much work and preparations in this field any further funding allows us to build upon the previous investment and create significant value added.

Description of activities

A description of the activity that you plan to undertake, as well as expected outputs and outcomes as well as timings.

This project will consist of activities aiming to maximize our influence on the legislative process towards flexible exceptions and limitations to copyright. We will be using the momentum built up during the inquiry to collaborate with allies and likeminded for great impact, as well as explaining the importance of our positions to wider networks and a general public. While the activities are broad, all work has the SOU report, and the work to turn it into actual law, as its starting point.

The project consists of five major areas of work:

0. **Planning:** The work of the inquiry ends on 23 November. The SOU report will be handed over to the government on 19 January. November to January will be crucial for planning the work ahead, especially when it comes to communication and networking.
1. **Reports:** As a first step we will develop a set of easy-to-understand reports that will act as a foundation for our continuous work. The reports will focus on issues raised in the SOU where we see 1) room for change and 2) important positive or negative consequences for WMSE and KR21. The reports will serve two purposes: to inform allies, our networks, politicians and lawmakers for the lawmaking process, and to raise the issue among the general public. Early in the project we will decide on which of the reports that are most urgently needed to be finalized for our engagement activities and will focus on it. However, all the different reports will be developed and communicated continuously throughout the project. They will be translated to English, to inform other national coordinators and allies of possible solutions and arguments.
2. **Communication:** A key part of this project is to actively communicate and build engagement based on the reports. We need to build support and engagement to ensure that allied organizations, people and experts are empowered to give input and make their voices heard. This is key to put this on the political agenda. The reports outlined above will form the foundation for our communication activities.
 - a. Communication plan – To structure this work and to directly target identified decision makers we will develop a detailed communication plan as well as supporting material and tools that are needed to effectively engage people online.
 - b. Paid and organic social media campaigns – The campaigns will be launched early in the project and continuously scaled up. The campaigns will be aimed at groups interested in the topic or who are decision makers in relevant organizations. We want to reach both those who can influence the political decision making, but also to build a community on our platforms to create further engagement.
 - c. Media visibility – We will use the momentum and the media interest in these questions to make sure that the importance of flexible copyright exceptions and limitations is communicated actively in the press, including daily newspapers with large reach and thematic magazines reaching our target groups.
3. **Network building and policy feedback:** We will build upon our current networks to form a dedicated network of organizations in Sweden that can engage in the SOU implementation. The network will include research libraries, people's libraries, cultural heritage institutions and consumer organizations. We will organize the meetings based on the reports and through the discussions in the network we will both sharpen our joint arguments and hopefully impact their input to the government in the legislative process. The members of the network will also support each other in developing responses to the draft law, and our reports will provide a basis for this support. A newsletter dedicated to copyright and advocacy issues will be launched, with a wide network as target group but with a further aim

to mobilize grassroots and involve activists and members. We aim to continuously expand the network through both the communication campaigns as well as word of mouth.

4. **Member engagement:** Wikimedia Sverige has become an important voice for copyright reform in Sweden, but we lack the impact that a large membership base yields, especially people that are very engaged and interested in these political issues. If new and existing members can be empowered and act as ambassadors they have the potential to help enhance our voice and allow us to reach even further. By positioning ourselves as a central actor for a flexible copyright legislation and KR21 policy objectives, we aim to attract new members, both organizational and individual. This work is carried out in close tandem with the network building, where members join the network and network members join the organization. To make sure that members feel empowered to speak about the issues raised in the reports, we will develop online learning material, organize training days and provide clear pathways for volunteer involvement.
5. **Events:** To reach politicians and policy makers we will organize activities at a minimum of four events. Our initial ideas are:
 - a. Events at the Swedish Parliament with the Swedish Library Association.
 - b. Presentation at the Swedish Museums Spring Meeting 23–25 April 2024.
 - c. Presentation at the Library Days 15–17 May 2024.
 - d. Presentations for the Expert Network on Libraries and Copyright throughout the spring.

KR21 policy goal alignment

An indication how they fit with KR21 policy goals.

The SOU makes a complete review of the chapter on exceptions and limitations (E&Ls) in the copyright law. In this project, we will focus predominantly on parts that relate to open knowledge, open access and open science (and its intersection with open culture). We will push the E&L chapter as far towards open norms as possible under EU law, and establish this with law- and policy makers.

The most important legal case in Sweden regarding open norms is the Wikimedia judgment from 2016, about freedom of panorama. In this judgment, the Supreme Court of Sweden interpreted the Infosoc directive as saying that the 3-step-test should not only be applied by lawmakers but also by the court system for individual uses. The judgment also suggests that the court when interpreting an individual use should consider how any new technology affects a copyright holder's ability to profit economically from their work. Essentially, this means that all technological innovation benefits copyright holders at the expense of the general public. This poses a significant legal threat to open norms and flexible exceptions in copyright law, not the least in relation to AI. We believe that by showing how the absence of open norms negatively impacts a non-profit platform like Wikipedia, we can help the public better understand copyright issues, especially in the context of a flexible copyright system. As the three-step-test will be a significant part of the SOU, we have a chance to impact how it is used and potentially, hopefully overturn a real, concrete threat against open norms.

The issues raised in the SOU that we will pick up will be aligned with several KR21 policy goals. The exceptions to allow libraries to digitize their collections, for example, and make those remotely accessible as e-books. The [KR21 Policy Statement](#) on eBooks and eLending will be very helpful in this regard. The right for researchers to access material – such as for example for text and data mining (TDM) – without contract overrides or technical protection measures is another example. One

important part of our work is to ensure that the TDM exceptions are implemented in as cross-border friendly way as possible, relating to the KR21 goal of reducing barriers to the functioning of the ERA.

In order to ensure success for the project, we will put a large focus on grassroots mobilization. We will build upon our current networks to involve a large set of actors affected negatively by the lack of flexibility in the copyright regime, and mobilize these actors, members in the association and the general audience to become advocates for flexible copyright reform.

Timeline and budget of activities

An indication of how you plan to carry out this activity, including a budget.

1. **Reports:** The first report is expected to be finalized by January 2024. The rest will be published ongoingly until June 2024. Budget: 7,500 euro for staff time and 1,000 for an agency to help with the design of the reports.
2. **Communication:** The communication plan will be published in early 2024. Communication will take place ongoingly until June 2024. Budget: 7,000 euro for staff time. 5,000 euro for direct communication costs (tools, ad costs and consultancy services).
3. **Network building and policy feedback:** The network building will start in November 2023 and will continue ongoingly until June 2024, chaired by WMSE as part of this project. We will coordinate our efforts and focus with the scope of other professional networks that we are frequently engaging with, such as the Swedish Library Association's *Expert network for libraries and copyright*. The network will meet regularly, as well as in direct relation to any events of importance for the SOU implementation. Budget: 7,000 euro for staff time.
4. **Member engagement:** Learning material based on our reports will be developed and shared with our members. A hybrid or in-person training event will be organized in May 2024. The insights will be shared at the AGM in late April, and we will organize a membership meeting in May to further engage members in the discussions and priorities. This material will be promoted through different channels. We will engage volunteers in translation to English of the material. Budget: 5,000 euro for staff time.
5. **Event:** The events will all take place at the second half of the project as the reports should all ideally be finalized and we hope to engage the network in different ways as well. The event at the Parliament will be co-hosted by at least two parliamentarians from across the political spectrum. Budget: 5,000 euro for staff time. 2,500 euro for event costs (travel, catering, speaker gifts, conference fees etc.).

TOTAL: 40,000 euro

Why funding is needed

An indication of how this work would not be possible without this funding.

Wikimedia Sverige is in a unique position to make Swedish copyright law more flexible. Since September 2022, we have been represented in an exclusive public inquiry on exceptions and limitations in Swedish copyright law. The work of the inquiry is extremely time-consuming, but not compensated. We have only been able to carry out this heavy work because of external funding. This external funding, however, ends in 2023.

Without more funding, we will not be able to take full advantage of our hard work and bring our hard-won battles home. The general KR21 project will run to June 2024, but if we were to use this general funding for this work, then we would have little to no time to dedicate to questions such as secondary publishing rights and rights retention. SPR and RR appear on the horizon in Sweden, but with fewer near-time deadlines as the exceptions and limitations. This funding would be an efficient way of ensuring as much success as possible in the finalization of the review of the E&Ls in Swedish copyright.

Indicators of success

Suggested indicators of success.

1. **Reports:** At least 3 reports will be developed. The reports will be referred to by at least 3 decision makers or other organizations (e.g. in speeches or proposals), showing that they have been of use and value.
2. **Communication:** At least 5,000 people from the identified target groups (e.g. librarians, politicians etc.) are reached with our targeted communication (e.g. people reach through social media, through direct emails or emails to specialized lists). Our social media accounts gain at least 500 new followers in the time period, allowing for continuous communication efforts around flexible copyright laws. Either through debate articles or media reports the issues are covered 5 times.
3. **Network building and policy feedback:** 100 subscribers of our new free knowledge advocacy newsletter. 15 new members join the organization because of their interest in the work we do with advocacy work. The network grows to a total of 15 organizations over the span of the project.
4. **Member engagement:** 50 people use the learning material developed. 5 members of WMSE are directly engaged in the advocacy work.
5. **Event:** We present our findings during at least four events. In total 150 experts or decision makers participate.

Risk assessment

An assessment of risks, and how these will be managed including any data protection risks.

Some of the key risks identified are:

1. **The collective management organizations (CMOs) control the narrative.** CMOs in Sweden are very well organized and coordinated with large political networks and significant funding – and as such they have a history of being able to control the narrative. To manage this we need an active communication effort and to engage the network to show politicians and decision makers that there is a large part of society that disagrees with the copyright collection societies' narrative. A sub-risk of this is that we might be unable to hire a communication staff member as early as we would hope which will limit our ability to control the narrative. We will try to handle this by publishing a job description as soon as this project is funded.
2. **Early and strong support from one of the far left or far right parties.** This could prevent broad support from the major parties in the country. We will handle this by being strategic in

our early conversations and information efforts. Initially we will also target the main national media publications rather than smaller publications that are more closely connected to the different parties. This way we will try to give the main parties the opportunity to position themselves early on.

3. **Post-project work is needed.** The political process is expected to last also after the project has formally ended. We will organize the network so that it can continue the work over time by ensuring that close allied organizations take ownership over different aspects of the work. We will also connect the work with other expert networks to ensure continuation. Finally, Wikimedia Sverige will also self-fund limited staff time to continue the work during the second half of 2024.
4. **Personal data is incorrectly processed or shared.** The lists of e.g. relevant stakeholders, members of our network must be handled with great care to avoid any unintentional sharing of the personal data. Wikimedia Sverige has a detailed policy and processes in place which we will follow: <https://se.wikimedia.org/wiki/Integritetspolicy>.