How a librarian uses the Policy Modelling tool:

Apart from the issue of digitizing works to make them searchable on the Internet, the librarian is also interested in the issue of orphan works. Prior to visiting the consultation website, he /she has heard about a new proposal to deal with orphan works that is to be discussed in the consultation. He / she has also learned that one of the IMPACT tools, the 'Policy Modelling Tool', lets the user analyse the effects of certain policy proposals and compare them to other proposals. He / she starts the Policy Modelling tool to find out more about the new policy proposed for dealing with orphan works.

➔ *Click on 'Start now!' in the 'Policy Modelling' box on the start screen of the IMPACT toolbox to start the Policy Modelling tool.*

The Policy Modelling tool helps the user to model the effects of a policy proposal in any given case that might be affected by the policy. After choosing one policy proposal, the user is asked to enter the facts of the case which are relevant from the point of view of the policy. Once he / she has entered all necessary facts, the tool will show the inferences that are drawn from the policy with respect to specific case. It will also allow the user to choose an alternative policy to compare the effects for the particular case.

The first screen of the tool informs about the procedure.

➔ *Click on 'Start' at the bottom of the screen to enter into the dialogue with the tool.*

On the second screen, the user can choose a specific policy whose effects are to be modelled. In the case of the librarian discussing the Copyright Green Paper, there's just one policy available for modelling, and that's a proposal related to the orphan works issue.

➔ *Choose 'Q12. Cross-Border Aspects of Orphaned Works' from the list and click on the 'Submit'-button to proceed.*

The next screen asks about two identifiers to be used in the modelling, one for a person interested in publishing a work assumed to be 'orphaned', one for the work itself.

➔ *Choose whatever names you wish and click on the 'Submit'-button to proceed. In case you would like to enter more than one person or more than one work, click on the '+' sign and another text box will open.*

On the same screen, a new question is displayed, asking whether the publication is for commercial purposes.

➔ *Answer by clicking on one of the options and click on the 'Submit'-button to proceed.*

The next question is whether the publication is for non-commercial purposes. Then the tool asks whether a license to publish the work exists and whether a professional search was performed to find the copyright owner and whether this search was publically announced or whether a standard search was performed and whether this search was publically announced.

➔ *Again, please answer all questions by clicking the appropriate button for your (hypothetical) case and click on the 'Submit'-button to proceed. Note that all questions have been derived from the particulars of the policy proposed for dealing with the issue orphan works.*

The next screen that appears *outlines the argumentation* that is derived from the proposed policy as applied to the case described in the dialogue before. As the central question about orphan works is whether a person is allowed to publish them or not, the conclusion, stated at the very beginning, is always 'person *XYZ* may publish the work *abc*'. The interesting part is about the arguments that are constructed to support or challenge the conclusion. Below the conclusion, you can see one argument for each consideration that builds on the policy proposals under discussion. And for each argument, you can see whether the premises hold (indicated by a check mark) or do not hold (indicated by a cross).

In the case of the orphan works, two policies are considered: the current German law, the 'Urheber-rechtsgesetz' or 'UrhG', and a proposal by the German 'Aktionsbündnis "Urheberrecht für Bildung und Wissenschaft"', the 'Coalition for Action "Copyright for Education and Research"', short 'AB'. The current German law does not recognise the problem of orphaned works and requires the agreement of the author prior to any publication of a work. This effectively prevents orphaned works to be published, as the author in these cases is not known or cannot be contacted for some other reason. The AB therefore has proposed to modify the law to allow the publication of orphaned works under certain circumstances that differ for commercial and non-commercial use of the material.

The three arguments displayed in the outline show the inferences that are drawn from the facts entered by the user before, assuming that (a) the UrhG is in place, (b) the AB proposal is implemented and a non-commercial use is intended, and (c) the AB proposal is implemented and a commercial use is intended. For each case, the facts are evaluated with respect to their relevance for the publication decision and the result is displayed in the form of supporting or challenging statements. Each statement can be clicked on to see the metadata associated with it, e.g., the value, its relation to the conclusion etc.

Another feature of the Policy Modelling tool can be accessed from the screen with the outline: a map of the outline, showing essentially the same information, but in graphical form.

➔ *On the screen with the outline of the arguments (the 'Arguments' section in the navigation bar on top of the screen), click on the 'Map' button above the description of the main issue, almost at the top of the screen, to open the graphical outline of the policy modelling. To get back, click on the 'Arguments' section at the top of the screen.*

For each statement shown on the right side of the screen, the colour shows whether it supports (green colour) or challenges (red colour) the respective conclusion or is neutral (white colour). You can also see which statements are considered together with which other statements in the consideration, and whether or not the evidence provided does support the conclusion with regard to the main issue (shown on the left side of the screen).

The Policy Modelling tool not only allows to model the different policies, but also to *compare their effects*. To do so, the user can choose one of the policies available and see what would change if it was implemented. In the case of the orphan works issue, the user can choose whether or not the AB proposal should be implemented as supplement of the current German law, UrhG. The results with respect to the publication of a specific work can be seen either in text format in the outline view or in graphical format in the map view.

➔ *On the top of the screen, click on the 'Policies' section in the navigation bar to select one of the proposed policies. Selecting the 'Urheberrechtsgesetz' will show the situation under current German law, selecting the 'Orphaned Works Policy Proposed by the Aktionsbündnis' will show the situation after acceptance and implementation of the AB proposal. Clicking on either 'Select' button will take you back to the screen with the outline of the arguments. You may use the mapping function described above to more easily see the difference accepting the new policy would make to your case.*

➔ *Suggestion: To see how the AB policy proposal changes the publication situation in comparison to the situation under UrhG, you can enter the following facts in the Policy Modelling dialogue:*

      Name of the person: (arbitrary)
      Name of the work: (arbitrary)
      Will the work be used for commercial purposes: Yes
      Will the work be used for non-commercial purposes: No
      Does the person have a license to publish the work: No
      Was a professional search for the copyright owner conducted: Yes
      Was the search publically announced: Yes
      Was a standard search for the copyright owner conducted: No
      Was the search publically announced: No

This will give you a first result which makes no assumption about the validity of a specific policy. Click on 'Map' to see the results in graphical format. In a second step, choose the policy proposed by the 'Aktionsbündnis' from the 'Policies' tab and click on 'Map' again – the statement '[person] may publish [work]' has changed from white (undecided) to green (valid).

➔ *Please answer our online survey about the IMPACT tools (http://ofb.zebralog.de/policy-argumentation/) or try out the other tools / the role as policy analyst.*

➔ *To get back to the start screen of the IMPACT toolbox click on the 'Home' icon at the top of the right bar with icons.*

➔ *Please turn to the next page for instructions for using the Structured Consultation tool!*