Summary Record of the

Public Hearing of the Comité des Sages on:

"Bringing Europe's cultural heritage online"

28th October 2010, 10:00 – 17:00

Charlemagne building,

conference room Sicco Mansholt

Brussels

AGENDA

10.05- 10.10   **Opening by the Chairman**

10.10 -12.45   **Morning session**

10.15 -11.30   Europeana Foundation - Jill Cousins

Federation of European Publishers (FEP) and Syndicat National de l'Edition (SnE) – Liv Vaisberg, Emily Cleevely, Catherine Blache

Ministry of Culture, France – Nicolas Georges, Sophie Verrier

European Broadcasting Union (EBU) and Zweites Deutsches Fernsehen (ZDF) Nicola Frank, Renate Dörr

European Bureau of Library, Information and Documentation Associations (EBLIDA) – Harald von Hielmcrone

11.30- 12.45   European Visual Artists (EVA)– Carol Streul

Google – Santiago de la Mora, Antoine Aubert

European Newspaper Publishers Association (ENPA) – Sophie Scrive

Orange France Telecom – Pierre Geslot, Benoît Chantoin

Association des Cinémathèque Européennes(ACE)–Thomas Christensen

14.15–16.45   **Afternoon session**

14.14–15.05   European Writers' Council (EWC) - Myriam Diocaretz

Maison des Auteurs, Belgium – Frédéric Young

Communia, European Network on the Digital Public Domain – Juan Carlos de Martin

European Federation of Magazine Publishers (FAEP) – Catherine Starkie

Conseil Régional d'Aquitaine - i2S – Hervé le Guyader, Adrien Poly

15.05–15.55   The British Library - BenWhite

Association of European Performers' Organisations (AEPO – ARTIS) Guenaëlle Collet, Nick Yule

Belgian Archives – Lucie Verachten

European Federation of the Picture Industry (CEPIC) - Sylvie Fodor

15.55–16.45   MediaLibraryOnLine, Italy – Guilio Blasi

Digital Heritage Netherlands (DEN) Foundation – Annelies van Nispen

European Federation of Journalists - Pamela Morinière, Yuklan Wong

Multimedia Library & Engineering Bureau (IRCAM) Michael Fingerhut

16.45–17.00   **Closing remarks**

Mr **Maurice Lévy (Chairman)** welcomed the participants and informed them about the organisation of the public hearing. In particular, he presented the composition and the mandate of the Comité. The hearing is part of a broader consultation process, including an online consultation which triggered 1258 replies. The stakeholders views gathered through this consultation process will feed into the reflection group's work which will be concluded at the end of the year with a final report including recommendations. The report will be presented to the Commission and made public.

23 organisations asked to be heard and were divided into five groups: two batches of five organisations in the morning session; one group of five and two groups of four in the afternoon. Each group was followed by questions posed by the Members to the speakers. The Chairman informed participants that after the hearing, the following documents would be published on the web pages of the Comité: the position papers submitted by participants; summary minutes and a video recording of the hearing.

Morning session

Group I

Europeana Foundation - Jill Cousins

Federation of European Publishers (FEP) and Syndicat National de l'Edition (SnE) – Liv Vaisberg, Emily Cleevely, Catherine Blache

Ministry of Culture, France – Nicolas Georges, Sophie Verrier

European Broadcasting Union (EBU) and Zweites Deutsches Fernsehen (ZDF) Nicola Frank, Renate Dörr

European Bureau of Library, Information and Documentation Associations (EBLIDA) – Harald von Hielmcrone

Europeana Foundation

The Europeana Foundation is the governing body of the Europeana service, based on collaboration between museums, archives, audiovisual collections and libraries. Europeana is about connecting society with culture. After the launch of a prototype in 2008, a service is now offered where users can have integrated access to cultural content. Europeana is based on an open source code to allow reuse. Europeana also attaches a high importance to the public domain, through the adoption of a public domain charter and of the public domain mark recently introduced by Creative Commons.

Key points:

Europeana expressed the following needs to improve their activities in bringing cultural heritage online:

- To ensure sustainable financing for the Europeana service, which provides a high European added value with a relatively small budget (4-5 million € per year);

- to simplify the clearance of copyright for cultural heritage, in particular for digitising out-of-print/out-of distribution works and bringing them online.

- to ensure EU-wide cross-border access to cultural heritage over the Internet: there is a risk that national silos of information arise from the way in which certain public private-partnerships based on public domain information are arranged.

- To develop the use of digital cultural content in schools and other educational settings.

- To foster the interoperability of data, and in particular the adoption of open metadata.

Federation of European Publishers (FEP) and Syndicat National de l'Edition (SnE)

FEP and SnE stressed that publishers support digitisation of cultural heritage and making it available, in particular on the basis of consensual arrangements between rightholders and cultural institutions.

Key points:

FEP and SnE recommend:

- to preserve the stability of the current copyright legislation and to enforce it.

- to ensure the possibility of publishers to get a return on investment.

- to find out the status of a work through due diligent search before digitising and making an orphan work available, and to support the mutual recognition within the EU of national orphan work solutions or negotiated licenses.

- to differentiate models of funding for digitisation on the basis of the copyright status: scanning of public domain works should be financed mainly with public funding, while for in-copyright works the involvement of rightholders is necessary.

- to ensure that digitisation and online accessibility for out-of-print works are always done in agreement with rightholders (various models of licensing can be envisaged, but prior authorisation should always be obtained).

- The ARROW system is the key to solving the orphan works issue.

Ministry of Culture, France

The representative of the Ministry illustrated legislation in place and the state of the political debate concerning digitisation of cultural content. France has developed an important large-scale digitisation policy; since 2005, France has been very supportive of the perspective of a European digital library. Means to finance digitisation include the use of a "para-fiscal" tax on reprographic devices, and more recently a national loan scheme (Grand Emprunt).

Key points:

- France will proceed and accelerate the digitisation process, online accessibility and long-term preservation based on a balanced legal framework.

- Digitisation of public domain works should be financed mainly with public funding, while the digitisation and exploitation of copyrighted works should be done by or in partnership with rightsholders.

- Any new EU legislation on orphan or out of print works should allow every Member State to continue using its own solutions, which are better adapted to the national situation and take into account the negotiations with rights holders.

European Broadcasting Union (EBU) and Zweites Deutsches Fernsehen (ZDF)

EBU and ZDF stressed that audiovisual content held by broadcasters archives (estimate: 28 million hours, most in analogue format) need to be fully considered as a part of our cultural heritage.

Key points:

- 70% of 5 million hours of non-digitised media material of broadcasters (films, video and audio recordings) is at risk of being lost. The funding issue is vital to avoid this loss.

- Clearing the rights for online use of broadcasters' archives would mean going back to some 3 million contracts. This cannot be done on an individual basis. Rights clearance for bringing the BBC archives online would involve 800 persons working full time for 3 years. A modern copyright clearing system adapted to the digital era is needed.

- EBU has put forward proposals to make copyright licensing future-proof and technology-neutral in "Modern Copyright for Digital Media"

European Bureau of Library, Information and Documentation Associations

Key points:

- Right clearance has become a major issue for libraries.

- On-site access to the digitised works on the premises of the libraries is not enough. A solution must be found by modifying the copyright legislation, either reinforcing the exceptions to copyright, or through extended collective licensing. Probably both are necessary.

- As for orphan works, in order to ensure a cross-border effect, a mechanism of mutual recognition by Member States of their solutions is needed.

Exchange with the Sages –Questions and Answers

Responding to a specific question on the need of a reform to copyright legislation, FEP replied that in their opinion EU copyright legislation would not require any change, while in certain Member States, parts of national copyright laws may need to be changed and adapted to the digital era. On the same topic Europeana expressed the view that also EU copyright legislation would need important changes.

EBU replied to a question on the impact of extended collective licensing for audiovisual works: the combined effect of the "country-of-origin" principle with "extended collective licensing" could allow the usage of the broadcasters' archives in digital services, it would reduce time, costs, resources for clearing rights and resolve the issue of orphan works.

EBLIDA reminded that extended collective licensing (ECL) is a well established system in Nordic countries, and that any initiative questioning the ECL would lead to opposition.

Europeana was questioned concerning the expression "national silos", and provided examples of public-private partnerships for digitisation of public domain works which result in content not being accessible online outside a specific country.

Other questions posed to the speakers concerned public domain in the digital environment, the conditions for successful public-private partnerships, sponsoring, advertising, the costs of digital preservation, the criteria for selecting content to be digitised, and the role played by users in this process.

Group II

European Visual Artists (EVA)– Carol Streul

Google – Santiago de la Mora, Antoine Aubert

European Newspaper Publishers Association (ENPA) – Sophie Scrive

Orange France Telecom – Pierre Geslot, Benoît Chantoin

Association des Cinémathèque Européennes(ACE)–Thomas Christensen

European Visual Artists (EVA)

EVA represents collecting societies for fine arts and photography in Europe. EVA societies license rights on behalf of the artists as a fiduciary.

Key points:

- Libraries that wish to digitize and make books and other printed materials available need prior authorization for the protected images included in the publications

- EVA societies urge for remuneration for uses of orphan works in order to prevent that orphan works are used for unfair competition with other protected works

- Within the ARROW PLUS project, EVA is studying the technical registration measures already existing on the market and new measures to be developed in order to prevent the future creation of orphan works.

Google

Google Books is fully part of the corporate mission, organising and providing access to the world's knowledge. Google Books Library Project has scanned 15 million works covering more than 100 languages. These books come from 40 different libraries, of which 9 are European (only public domain works in Europe). Under the Google Books Partner Programme, agreements have been reached with 35.000 rightholders concerning in-copyright works.

Key points:

- Web access is a complement to existing business models, not a substitute.

- Through digitisation it is possible to keep books alive: 25-35% of the digitised public domain books in Google Books are accessed at least once a month, which shows the interest in this material.

- The way forward is based on partnership, and on new legislation providing solutions for orphan works and out-of-print works. Commercial re-use of orphan works should be possible.

European Newspaper Publishers Association (ENPA)

Key points:

- A good basis for cooperation and agreement between libraries and newspaper publishers exists in all Member States. This should not be challenged by potential changes of copyright legislation (introduction of new exceptions) or by imposing mandatory conditions. Licensing agreements publishers/libraries are essential to authorise use of content.

- Public funding allocated to libraries should not lead to unfair competition with publishers´ business models. Moreover, libraries should not get into subscription and advertising models for access.

- An orphan works definition in the newspaper sector is unclear. It is important to acknowledge the different sectors specificities (books, magazines, newspapers)

- The concept of out-of-print works is questionable in the newspaper sector (most newspapers will be out of print in a day).

Orange France Telecom

Key points:

- Cultural material can become a powerful driver of new services on the internet. An open and distributed model (no dominant positions) is necessary for the use of the material.

- Europe could take leadership on digital cultural heritage. The contribution of the EU as a driving force capable of uniting the stakeholders is essential to: create the foundations of a European digital market; harmonize the regulatory framework; develop models of sustainable public private investment and coordinate the various stakeholders.

- A legal deposit requirement for digitised material should be considered.

Association des Cinémathèque Européennes

Key points:

- Cinema heritage can be estimated as being for 1/3 in-copyright, for another 1/3 in the public domain, and for the remaining 1/3 orphan works. Therefore the solution of the orphan works issue is vital for cinema archives and museums. European legislation on orphan works should cover all different types of material, including audiovisual.

- Copyright clearance of motion pictures is complex. If film archives are to facilitate rights clearance, either significant funds to do so, or clearer legislation with non-commercial fair use exceptions, is needed

- Digital "business models" should be a cultural investment. Public heritage institutions should continue to receive funds to preserve and present Europe´s heritage

Exchange with the Sages –Questions and Answers

Google was asked weather it would be possible to provide figures concerning the cost of digitisation. The reply was that this is an extremely expensive activity, but no concrete figures were provided. Google was also asked to clarify exclusivity clauses possibly present in its partnerships with libraries. Google denied the existence of exclusive arrangements.

ACE was questioned concerning the potential interest of the private sector in financing the digital preservation. The reply that so far there has not been a great interest of the private sector in preserving film heritage.

In reply to a specific question concerning how they intend to intervene in funding digitisation, Orange replied that their preference is to intervene through investment in

partnership rather than with sponsoring. The potential of involvement of SMEs as providers of added value services based on re-use of digital content is also very high. An obstacle to long-term investment is the pressure by shareholders for immediate return.

Afternoon session

Group I

European Writers' Council (EWC) - Myriam Diocaretz

Maison des Auteurs, Belgium – Frédéric Young

Communia, European Network on the Digital Public Domain – Juan Carlos de Martin

European Federation of Magazine Publishers (FAEP) – Catherine Starkie

Conseil Régional d'Aquitaine - i2S – Hervé le Guyader, Adrien Poly

European Writers' Council (EWC)

Key points:

- A clearer distinction in policy papers between the digitisation for preservation and digitisation for online availability would allow stakeholders to take a clearer position

- Support for Europeana; libraries should take the lead in digitisation; authors want their works to be widely available

- Out of print works (OPW) and orphan works (OW) should be treated separately.

- EWC focused on OPW in particular arguing that the issue must be considered from the authors´ perspective, who is the original and eventual right holder. Dealing with the issue requires an analysis of *the actual* contractual agreements and *provisions between author* and publisher. In the majority of cases, the rights revert to the author/heirs in which case they should be free to negotiate new agreements on future editions.

- A standard definition of out of print works (OPW) is needed, as the conditions defining when a work is out of print vary according to publishing and distribution factors and national contexts.
- At present there are no specific licences to handle OPW, as the rights revert to the author. In light of mass digitisation of OPW by libraries and other digitising bodies, new solutions may be required.

Maison d'Auteurs, Belgium

Key points:

- The promotion of wide access to works under the banner of access to cultural heritage does not necessarily promote authors' interests.

- There is a need to distinguish between digitisation of works and their accessibility. The authors welcome initiatives to digitise their creations for archiving and preservation purposes. This forms part of a 'shared cultural heritage'.

- Three priorities for the authors: 1) make others recognise their professional value; 2) enforcement of copyrights (fair remuneration and moral rights) ; and 3) role of authors in adding value to cultural material (editorial role) in the online environment.

- The debate on accessibility raises a series of questions for the authors: 1) opposition to a new European legal license that can simplify the overall management of copyright and preference for collecting management schemes and balanced agreements; 2) How to ensure that copyrights are not absorbed by a monopoly of commercial giants; 3) support for ARROW project for solving the issues relating to OW.

Communia, European Network on the Digital Public Domain

European thematic network on the digital public domain funded by EU (2007-2011); comprises 50 members including academic institutions, NGOs and umbrella organisations; issued Public Domain Manifesto (http://publicdomainmanifesto.org)

Key points:

- Digitisation should be financed predominantly by public funding, private partners should add value to this content and create new services and easy to access platforms. The involvement of private partners offers great advantages especially in terms of sustainability.

- Cultural institutions should start digitising public domain works. European funding can accelerate the digitisation process in Europe.

- Suggests legislative reforms abolishing or limiting territorial licensing within the EU.

- Digitised public domain content should be freely accessible for both commercial use/re-use and non-commercial purposes. Payment is only acceptable for in-copyright material.

- Exceptions in the European Copyright Directive are to be broadened.

- "User-generated" digitisation (photos and videos of cultural heritage by EU citizens) to be exploited.

European Federation of Magazine Publishers (FAEP)

FAEP represents the interests of 15,000 publishing companies, turning out more than 50,000 titles per year, selling 20 billion copies read by 360 million Europeans. The periodical press industry includes retail magazines, specialist magazines, business to business magazines as well as scientific and academic journals.

Key points:

- Copyrighted works can only be made available in respect of applicable laws and with the prior authorisation of rights holders.

- For orphan works a diligent search is crucial. The Memorandum of Understanding agreed upon in the framework of the High Level Expert Group on Digital Libraries establishes the relevant guidelines. The creation of a comprehensive database of rights holders and publishing companies could help. Member States should be able to adopt their own solutions.

- Voluntary agreements and public-private partnerships are the most suitable approach for the digitisation and exploitation of digitised content.

- Important that publishers investing in digitization are able to monetise that content. If a private sector partner has invested in digitisation, they should have the possibility to recoup their investment, for example by time limited exclusivity for that digitised content.

- Should an archive/library wish to provide online access to in-copyright content, it should do so through licensing arrangements, not interfering with the normal exploitation of the work by the right holders

Conseil Régional d'Aquitaine - i2S – Arkhopôle

Arkhopôle is a regional cluster of 125 SMEs specialised in the creation and commercial exploitation of digital heritage. Based in Aquitaine, it was set up in the context of the Grand Emprunt National. Its vision is to develop in France and Europe a new market for digital heritage material. Its mission is to provide flexible solutions to the owners of heritage contents (museums, libraries, local authorities) in the digitization, production and marketing of their cultural heritage in a sustainable way. It is a project of national and international ambition, although it is anchored on a specific region. It has a thematic focus on written and architectural heritage.

Intervention mostly focused on the specific features and objectives of the project, which nonetheless could have a broader reference.

Key points:

The project is organized around four axes:

- Implement innovative economic models for digitised cultural heritage

- Create an international Master programme for the development of cultural digital content

- Provide collaborative governance and a sustainable economic model through the creation of an investment fund which will be supported by two thirds industrial partners and one third public organizations and financial partners.

- Develop strategic partnerships with enterprises in the social media in Silicon valley on projects relating to new technologies and applications in new multimedia uses for culture, education, games, information etc. Strategic partnership already set up with network Joint Venture, which brings together SMEs and higher education institutions involved in the development of digital economy.

Exchange with the Sages –Questions and Answers

Responding to a question as to whether artists feel secure about being represented by collecting societies, **EWC** argued that, unfortunately, authors do not appear clearly under right holders. Collecting societies by definition do not represent authors unless this is clearly indicated in their mandate. So in certain areas, authors feel that they are not represented by collecting societies and prefer to 'represent themselves'.

EWC further argued that OPW may represent a dynamic new market. The e-book market is based on back catalogues of publishing houses, but unfortunately authors do not often reclaim their rights in this context. We would therefore need to create a database for OPW to indentify the status of the work and the rights holders, along the lines of ARROW for OW. The **Maison d'Auteurs, Belgium,** argued that a specific licence for OW should not be introduced at European level.

Responding to a question, the **Maison d'Auteurs, Belgium**, argued in favour of the role of authors in the process of digitization, which should not be a tool of exclusive use by certain actors. Cultural heritage is a shared value and its use and exploitation should be based on mutual agreements between relevant stakeholders. This premise is found in a project initiated by the University of Liège and based on a partnership between publishers, public and academic institutions.

In reply, the Aquitaine region explained that there is a strong potential for SMEs in these different steps of the digitization chain, especially as regards specific competences required at different stages and complementarities of results. This is why the logic clustering SMEs and stakeholders of different profiles (ie. academic and public institutions, cultural institutions, creators) is very useful. Another area deserving attention is the training needs for professionals involved in digital economy and creative content on line.

GROUP II

The British Library - BenWhite

Association of European Performers' Organisations (AEPO – ARTIS) Guenaëlle Collet, Nick Yule

Belgian Archives – Lucie Verachten

European Federation of the Picture Industry (CEPIC) - Sylvie Fodor

The British Library

Key points:

- Support for public-private partnerships to the extent that they endorse the outcome of the High Level Expert Group on Digital Libraries and maintain a balance between public and private interests.

- Funding for digitisation should be mainly public and with open terms and conditions, thereby allowing to associate commercial entities.

- Regret for the knowledge gap between Europe and the US due to the different regimes for public domain works: for example, the oldest known in-copyright work in the British Library dates back to 1859. This means that even for works from far before 1900 the rights status needs to be checked systematically. Sensible and negotiated cut-off dates are necessary, also taking into account that the US already has such a cut-off date (1923), which guarantees a much wider access to knowledge in the US than in Europe. The situation in Europe clearly leads to a digital "black hole of the 20th century". Call for the Comité des Sages to consider facilitating discussions between libraries and authors´ representatives on mutually agreeable historical cut-of dates for digitisation.

- Support for ARROW (British Library is a partner), which should become a 'one-stop shop' for clearing rights of works to be digitised.

Association of European Performers' Organisations (AEPO – ARTIS)

Key points:

- Europeana should be the model for the future.

- A sectoral approach is needed in order to tackle effectively problems linked with the digitisation of creative content. This applies also to OW.

- A solution for mass digitisation may come through agreements involving all stakeholders, which are premised on the following principles: identification of rights holders, authorisation by rights holders for digitisation of their work, fair remuneration.

- Diligent search is crucial, especially in the case of OW. As an example, diligent search has helped identify the rights holders for many recordings, which would have otherwise been considered as orphan. Introducing an exception for OW would not be a viable solution for European performers.

Belgian Archives

Key points:

- It is physically impossible to digitise everything and make it available. It is therefore fundamental that Europeana and other initiatives are not limited to simply providing digitised items, but also include metadata that lead to non-digital information (catalogues of libraries, inventories of archives services).

- A digitised copy can never replace the original. This is why valorisation and preservation of both digitised items and its originals remain indispensible.

- Digitising the existing heritage is as important as guaranteeing long-term preservation of digital born objects (objects created in digital format). The preservation of digital both objects is a complex exercise, as the creation process does not take place in a controlled manner.

- Sustainable preservation goes beyond digitisation. We need to consider the lifespan of support for digitised material (ie. Cd, DVD) and the data formats used. Key elements to a lasting cultural heritage for the future: awareness of the volatility of the media used (digital photographs, digital films), on the one hand, and preparation of a handbook with good practices, on the other.

European Federation of the Picture Industry (CEPIC)

CEPIC is an international federation of picture agencies and libraries. Members include over 1,000 stock photo and footage libraries, major news agencies, art galleries and museums in 20 European countries. These agencies and libraries produce content as copyright holders; collect and distribute distribution rights on behalf of the visual creators they represent; market this creative material, still and moving images, in their country and worldwide through a professional network for online publications, advertising, magazines and book publishing.

In this capacity, CEPIC defended the interests of the sector that may be put at stake through a future business model of Europeana.

Key points:

- Support for Europeana as a non profit organisation (Europeana not to "interfere" with market players). Europeana and the Digital Libraries Initiative are important counterpoints to Google Books.

- Costs relating to digitisation are not limited to the digitisation process as such, but also involve costs relating to cataloguing activities (ie. creation of databases, identification and capturing of material, indexing). The sustainability of digital assets is a major consideration in the preservation of cultural heritage. Criticism expressed that these aspects are not covered in the Terms of Reference of the CdS and the online questionnaire.

- Plans at national level, also linked with the Europeana project, should take into consideration that an extensive amount of material has already been digitised by

cultural heritage institutions having trading companies with own commercial image libraries and that the commercial use of this material creates income for these institutions and funds further digitisation.

- In the event of Europeana allowing its material to be used for commercial purposes, re-use should not be free of charge, even if public funds supported digitisation. The Europeana project should not undermine healthy market activity by creating a free stock image library. Europeana may therefore endanger what already works on the ground.

- By the same token, any exclusivity clause provided to a private partner will adversely affect the market.

- Possible solutions to the issues raised above can be sought through partnerships between Europeana and private entities (ie. photo agencies, picture libraries) and through working with established commercial models of licensing lending their experience and support to Europeana's service.

Exchange with the Sages –Questions and Answers

Responding to a question as to whether cut-off dates should be combined with licence fees, the **British Library** explained that 1900 seems like a reasonable solution in light of their experience of the digitisation project with Microsoft. An electronic based search for right holders of 19th century works may be combined with a search through publisher and authors to indentify the rights holders of in copyright works. Cut-off dates should be meshed with licences.

In response to a question on what business model is appropriate for the treatment of future OW, **CEPIC** argued that the best archives today dispose the best metadata and are commercially successful. This confirms that quality and technologically apt archiving systems are competitive commercially.

On a similar point, **AEPO-ARTIS** explained that the difficulties to identify authors, may be minimised if relevant information is clearly and correctly indicated at the moment of registration of an artistic production (ie. CD, DVD).

When asked to express views on the positions presented by CEPIC as regards a possible conflict between Europeana using its material for commercial purposes and existing business models for cultural content on line, **Europeana** replied that its structures are still new and totally tested. A business model is foreseen to be published by end 2010. Europeana only uses metadata and provides access to material held by other entities rather than stocking up material, something that it can afford.

In response, CEPIC clarified that there is no problem with Europeana acting as content aggregator.

In reply to a question as to what are the priorities or criteria used to select which material to digitise, **Belgian Archives** explained that selection is driven by demand by the public, contacts with universities in the framework of scientific projects, or the degree of risk to which certain categories of material are exposed.

GROUP III

MediaLibraryOnLine, Italy – Guilio Blasi

Digital Heritage Netherlands (DEN) Foundation – Annelies van Nispen

European Federation of Journalists - Pamela Morinière, Yuklan Wong

Multimedia Library & Engineering Bureau (IRCAM) Michael Fingerhut

MediaLibraryOnLine, Italy

MLOL has been the first network of digital public libraries in Italy. The service is now distributed in 4 Italian regions to about 1.000 civic public libraries in about 1.000 cities. The MLOL portal acts as an aggregator and gives access to a growing collection of digital objects including music, video, audiobooks, ebooks, newspapers and periodicals, professional databases, learning objects and other digital resources (both licensed in-copyright and public domain content). Access to this content is free for library users with username/password authentication. The collection is composed of both commercial contents licensed from publishers/distributors and public domain objects indexed through metadata harvesting from varioius content providers

Key points:

- The focus in Europe is on digitisation of cultural heritage and building academic digital libraries. A part of the public demand concerns movies, music, novels, essays, audiobooks of recent literature, newspapers and periodicals. In this field a very large part of the market is left to American and Asian companies.

- MLOL developed an economically sustainable model to bring in copyright digital content to library users. This model could be shared at the European level starting with Europeana project.

Digital Heritage Netherlands (DEN) Foundation

The DEN Foundation is the Dutch national ICT knowledge centre for cultural heritage. DEN supports archives, museums and other heritage institutions to improve their digital strategies and services. DEN encourages the institutions to invest in open technology, to implement ICT-standards and to make use of other tools that contribute to sustainable information services.

Key points:

- Highlghted the challenge of sustainability of many services with digitised collections. Digitisation remains very much an 'ad hoc' thing.

- Special attention is required for digital-born art and culture.

- Main challenge for heritage institutions is to offer digital information easy to use and re-use at educational, recreational or commercial level. Thus public funding is needed for digital services in order to boost the knowledge society, the economy and a vibrant cultural life.

- The exchange of data through portals gets more complicated with growing numbers of partners. Standardisation and interoperability is essential for improving access through search engines and other web services.

- Cultural heritage in the public domain should stay accessible to the public, even if it is digitised through public-private partnerships. Private entities can invest and add value to public domain material and still gain profit from it

- For in copyright content online, Creative Commons and the recently launched Public Domain Mark are useful instruments for cultural institutions to share material over the Internet. At the same time, adjusting the legal framework to the digital age is a necessity.

- Stressed the importance of a legal exemption from educational and cultural accessibility of non-commercial cultural heritage.

European Federation of Journalists

The EFJ represents members in 34 countries and coordinates the activities of unions affiliated to the [International Federation of Journalists](#) in Europe, with a focus on developing and promoting common interests in the fields of social, economic, cultural and media policy. Its aim is to protect and defend freedom of expression and information as well as journalists' human rights.

Key points:

- The shift to new sources of information sharing (ie. twitter, blogs) has resulted in a loss of protection for professional journalists and a lack of remuneration for the reproduction of their work online.
- Maintaining moral and economic rights is key, as well as developing online paid models.
- It is crucial to identify who owns the work in each case. Collecting societies have a key role to play. Journalists transfer the rights for first publication of their work only. Subsequent publications should be subject to agreement between collecting societies and publishers.
- We need to consider technical ways to avoid future orphan works and enforce moral rights (ie. signed works).

Multimedia Library & Engineering Bureau (IRCAM)

IRCAM (*Institut de Recherche et Coordination Acoustique/Musique*) is a European institute for science about music and sound and avant-garde electro-acoustical music. Its multimedia library was established in 1996 and is organisationally linked with the Centre Pompidou in Paris.

Key points:

- Need to reinforce the music content available on Europeana.

- At present, Europeana aggregates metadata from other content providers and aggregators. In addition, it should analyse the content of text, images, video, audio and provide a full text search for contents as is the case with some digital libraries.
- Europeana could copy contents with different purposes: 1) in order to extract words, concepts and use the resulting analysis as an index to full search 2) provide a faster and alternative online user access (cache) to the contents if it is temporary unavailable from the original provider.

- **Pleaded in favour of an exception for copying for non profit organisations. For instance,** Europeana should not renegotiate the right to copy and use the documents already placed online by the content provider, when their purpose is to make it available to the public.

- Music is part of cultural heritage but online access to it has many obstacles. Rights clearance is complex and we need to find creative solutions. A European solution on orphan works should also comprise the music sector. An exception should be envisaged; collecting societies should maintain an escrow amount to remunerate authors in case the rights holders appear.

Exchange with the Sages –Questions and Answers

In replying to a question regarding their business model, **MediaLibraryOnLine** explained that they represent an independent consortium of libraries which buy digital content and focus on digital lending. The use of the platform is allowed through licences, but the platform has a non competitive approach to publishers and producers of content as they don't pay to be on the platform. The platform acts as an aggregator of content on behalf of the consortium of participating libraries that provide financing, but contents are not accessible free of charge.

In replying to a relevant question, **DEN** explained that there is an initiative on mass digitization in the Netherlands, but it is still in its early stages. The Nordic model is currently being examined as a useful example. DEN further argued that there a legal exception for OW and OPW should be introduced at EU level.

The CdS expressed interest in the revolution brought by new technologies for certain categories of professionals, such as journalists, but wondered how legislation can adequately follow these rapid developments.

The public hearing was video recorded and streamed live on the web, from the Digital Libraries pages of Europa, the European Commission's web service. The video and the position papers are available at

http://ec.europa.eu/information_society/activities/digital_libraries/comite_des_sages/index_en.htm