

## **Questions:**

### **1. LEGISLATIVE AND ADMINISTRATIVE MEASURES PROMOTING THE OBJECTIVES OF THE FILM HERITAGE RECOMMENDATION (TABLE 8)**

What legislative, administrative or other appropriate measures have you adopted to ensure that cinematographic works forming part of your audiovisual heritage are systematically collected, catalogued, preserved, restored and made accessible for educational, cultural, research or other non-commercial uses of a similar nature, in all cases in compliance with copyright and related rights?

*There has been no change in the legal framework for the collecting of audiovisual material by the UK archives.*

*Implementation of the £25 million Screen Heritage UK project has begun, led by the British Film Institute (BFI) and covering four separate but related programmes: Securing the National Collections, Revitalising the Regions, Delivering Digital Access and Demonstrating Educational Value.*

### **DEFINITION OF CINEMATOGRAPHIC WORKS FORMING PART OF THE NATIONAL FILM HERITAGE (TABLE 8)**

How do you define the notion of cinematographic works forming part of your audiovisual heritage?

*The definition of the works which form the national film heritage is achieved through the separate Collecting Policies of those Archives which constitute the Film Archive Forum - membership includes all publicly funded archives in the UK.*

### **FILM HERITAGE INSTITUTIONS (TABLE 1)**

What appropriate bodies have you designated to carry out the public interest tasks described in point 2 with independence and professionalism, ensuring that they are provided with the best available financial and technical resources? What is their budget for 2009? What is their workforce for 2009 (staff directly related to film heritage)?

Please list of all the Film Heritage Institutions, including also those of regional or local character, as well as their websites.

*The British Film Institute (BFI) operates under a Royal Charter – this charges the organisation with establishing, caring for and developing Collections that reflect the moving image (film and television) history and heritage of the UK.*

*The BFI was asked in 2005 by the Secretary of State for Culture, Media and Sport to reinvigorate its leadership role in relation to film archiving in the UK and, through the investment made available through the Screen Heritage UK project, it is developing a coordinated range of activities including the creation of a Union Catalogue of all UK screen archive databases (providing online public access to information about the holdings of the UK's public film archives). In addition, there is significant new investment in the archive infrastructure at both the BFI National Archive and the Regional Film Archives.*

*The budget for the BFI National Archive in 2009/10 is ca £4.6 million*

*The film heritage institutions in the UK are:*

- *British Film Institute [www.bfi.org.uk](http://www.bfi.org.uk)*
- *Imperial War Museum ([www.iwm.org.uk](http://www.iwm.org.uk))*
- *Regional Film Archives in England*
  - *(Screen Archive South East ([www.bton.ac.uk/screenarchive](http://www.bton.ac.uk/screenarchive)))*
  - *London Film Archive Network ([www.filmlondon.org.uk/screenarchives](http://www.filmlondon.org.uk/screenarchives))*
  - *Wessex Film Archive ([www3.hants.gov.uk/wfsa.htm](http://www3.hants.gov.uk/wfsa.htm))*
  - *South West Film and TV Archive ([www.swfta.org.uk](http://www.swfta.org.uk))*
  - *East Anglia Film Archive ([www.eafa.org.uk](http://www.eafa.org.uk))*
  - *Media Archive of Central England ([www.macearchive.org](http://www.macearchive.org))*
  - *North West Film Archive ([www.nwfa.mmu.ac.uk](http://www.nwfa.mmu.ac.uk))*
  - *Yorkshire Film Archive ([www.yorkshirefilmarchive.com](http://www.yorkshirefilmarchive.com))*
  - *Northern Regional Film and Television Archive ([www.nrfta.org.uk](http://www.nrfta.org.uk))*
- *National Library of Scotland (<http://ssa.nls.uk/>)*
- *Welsh National Library (<http://screenandsound.llgc.org.uk/>)*

*In addition there are a number of organisations which operate film archives in specialist fields (e.g Wellcome Foundation)*

#### **4. COLLECTION**

**Deposit of cinematographic works forming part of national audiovisual heritage (Table 2)**

- . 1) What steps have been taken to systematically collect cinematographic works forming part of your audiovisual heritage?

*There is no mandatory legal deposit relating to cinematographic works in the UK*

- . 2) Would you describe the type of deposit in your Member State as
  - . i. Legal Deposit
  - . ii. Compulsory Deposit of all funded films
  - . iii. Voluntary Deposit

*Voluntary Deposit with the exception of some films in receipt of Lottery Funding through the UK Film Council where financing includes a clause requiring deposit of a print in the BFI National Archive.*

- . iv. Other (please specify)
- .
- . 3) What material has to be deposited?

*A print of a Lottery Funded production (see above).*

- . 4) What is the deadline for deposit? Do you ensure that deposit takes place when the film is made available to the public and in any case not more than two years later?

*There is no deadline for deposit as specified under 4.3. above. The UKFC and BFI work jointly to secure the deposit within a 2 year window post release.*

- . 5) Is there a compliance checking for the deposit obligation and for the quality of the material? Which measures have been taken to ensure good technical quality of the deposited cinematographic works (with accompanying metadata as appropriate)?

*The BFI checks the quality of deposited material as specified under 4.3 above and works with the UKFC to ensure good standard.*

#### **. 4.2. Collection of cinematographic works not forming part of national audiovisual heritage (Table 9)**

- . 1) Is there any provision / practice in your Member State concerning the collection of cinematographic works not forming part of the national audiovisual heritage?

*Yes, there are examples of voluntary deposit of materials from other territories which are deemed important to the development of film culture in the UK.*

- . 2) And about moving-image material other than cinematographic works?

*The BFI National Archive is designated as the National Television Archive and the archiving of British commercial public service broadcasting content (ITV, Channel Four and Five) is carried out under a legislative provision in the Communications Act 2003.*

#### **. Collection of non-film material (Table 9)**

- . Is there any provision / practice in your Member State concerning the collection of non-film material?

*The BFI engages with industry and rights holders to secure the voluntary deposit of ancillary and publicity material relating to the cinematographic works that it acquires.*

#### **. 5. CATALOGUING AND DATABASES (TABLE 3)**

- . 1) What measures have been taken to promote the cataloguing and indexing of deposited cinematographic works and to encourage the creation of databases containing information about the films, making use of European and international standards?

*The BFI has actively participated in the CEN standardisation work and is contributing to the revision of the FIAF cataloguing rules.*

*It is envisaged that the BFI's new Collections Management System, to be implemented as part of the Screen Heritage UK programme, will use relevant standards such as CEN as a foundation for its data model. It is a good example of best practice and will establish a benchmark.*

. 2) What measures have you taken to promote European standardization and interoperability of film databases of and their availability to the public, for instance through the internet?

*In the context of the Screen Heritage UK project the BFI is leading the development of a Union catalogue of all UK screen heritage databases. The Union catalogue will provide online public access to information about the holdings of the UK's public film archives.*

*It is envisaged that the data model for the Union Catalogue will adhere to the CEN standard and follow the European Film Gateway framework to ensure future interoperability.*

. 3) Have you contributed to the setting-up of a network of databases encompassing the European audiovisual heritage together with the relevant organizations, in particular the Council of Europe (Eurimages and the European Audiovisual Observatory)?

*The BFI is involved with the European Film gateway project which aims to make digitised collections accessible across common platforms and languages. The BFI is leading on an important sub-group which is helping to define standards and practices for digital preservation.*

4) Have you invited archiving bodies to add value to stocks by organizing them in collections at EU level, for instance, by theme, author and period?

*The BFI has contributed further records to the MIDAS project, which is a collection of cataloguing records of non-fiction films which are archive owned or rights neutral. ([www.filmarchives-online.eu/](http://www.filmarchives-online.eu/))*

5) Could you describe the databases that are used by your Film Heritage Institutions? Are they searchable via internet?

*See answer to question 5.2 above*

## **6. PRESERVATION (TABLE 4)**

1) What measures/programmes have been taken in order to ensure preservation of deposited cinematographic works? Preservation measures should include in particular:

- The reproduction of films on new storage media;

- The preservation of equipment for showing cinematographic works on different legacy storage media.

*Work related to the Screen Heritage UK project has taken these factors into account. The Screen Heritage strategy includes significant financial investment in optimum storage facilities at the BFI for film collections. This investment will ensure the long term preservation of deposited works by preventing the natural decay process of film materials.*

*Furthermore, the BFI remains engaged in active restoration of film titles as part of its cultural plan. Recent projects in this respect including the restoration of key David Lean films and significant projects involving the active restoration and distribution of pre 1939 documentary works. The restoration process involves the creation of new preservation elements on film and also in digital media files.*

*In parallel, legacy equipment is fully maintained for both film and television in order that archival elements and materials can be successfully accessed prior to active preservation and restoration work and new media duplication.*

2) Does the national copy-right law implement the exception of Directive 2001/29/EC 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<sup>2</sup>?. This exception allows Member States to authorise acts of reproduction made by publicly accessible libraries or archives which are not for direct or indirect economic commercial advantage.

*We are awaiting the implementation of recommendations in the Gowers Review of Intellectual Property in 2007 which would inter alia provide this exception in UK law.*

#### **7. RESTORATION (TABLE 4)**

- 1) What measures have been adopted in order to permit, within your legislation, the reproduction of deposited cinematographic works for the purpose of restoration while allowing rights-holders to benefit from the improved industrial potential of their works resulting from that restoration on the basis of an agreement between all interested parties?

*The recent Gowers review of copyright has made specific suggestions related to the legitimate copying of cinematographic works for the purposes of preservation. The BFI has well developed relationships with rights holders with regard to constructive partnerships in the area of film restoration and subsequent commercial utilisation of the works. The ongoing support for the BFI facilitates the restoration of films with high cultural or historical value.*

- 2) How have you encouraged projects for the restoration of cinematographic works with high cultural or historical value?

*Through a series of partnerships with the commercial sector and through work funded by philanthropists. An example is the restoration of ten David Lean films in 2008 to celebrate the director's centenary year, and which was part-funded by the David Lean Foundation.*

#### **8. ACCESSIBILITY (TABLE 5)**

- 1) Have you adopted legislative or administrative measures to allow designated bodies to make deposited cinematographic works accessible for educational, cultural, research or other non-commercial uses of a similar nature, in compliance with copyright and related rights? Please give details of the measures taken.

***The BFI continues to provide BFI Screenonline ([www.screenonline.org.uk](http://www.screenonline.org.uk)) and, since September 2009, BFI InView ([www.bfi.org.uk/inview](http://www.bfi.org.uk/inview)), for educational access in full compliance with copyright legislation.***

- 2) Have you taken measures to ensure access for people with disabilities to deposited cinematographic works, in compliance with copyright and related rights? Please give details of the measures taken.

***The BFI tries to adopt best practice in terms of providing access through its venues, film festivals and online. It also makes archival material accessible through DVD and theatrical releases and television co-productions. Additionally, through BFI Mediatheques (London, Derby, Cambridge and more planned for 2010/11), everyone can browse and access thousands of digitised films and television programmes on demand.***

## **9. PROFESSIONAL TRAINING (TABLE 5)**

What steps have been taken to promote professional training in all fields related to film heritage?

***The Skillset Archive Skills Strategy was released in June 2008 giving an overview of the sector, outlining the key skills issues. These included the fact that the sector has an aging workforce and a lack of new entrants, and also that a diverse skillset is needed to deal with over 100 years worth of material from increasingly obsolete machinery through to born-digital server-based content. In addition, there is a lack of training courses available and a lack of information surrounding career opportunities within the sector.***

***Skillset, which is the Sector Skills Council for the Creative and Media industries, received £200k from the UKFC's Digital Film Archive Fund to address archive skills issues. This was matched with £200k from the Skillset Film Fund. Skillset has worked with industry to establish the following areas of priority for training:***

- ***Media asset management and new technologies***
- ***Technical operation both analogue (film handling, preservation and restoration) and digital content***
- ***Curatorial skills***
- ***Business and management skills for archives***
- ***Research – sourcing footage and rights clearance***

*Skillset has set up a Continuing Professional Development funding programme which is supporting training opportunities for existing archive professionals to update their skills in priority areas of need. A minimum of 100 professionals will receive training by March 2010. Skillset has also funded a New Entrants Scheme to address one of the key skills issues in the sector: a lack of new entrants to take over from a retiring workforce, leading to the disappearance of skills particularly within the technical areas. This scheme will train 10 new entrants over a 12 month period, commencing in January 2010. In addition, Skillset is providing information on careers options in this area, including a series of case studies on existing archivists. These are available from the Skillset website ([www.skillset.org/archives](http://www.skillset.org/archives)).*

#### **10. EDUCATION AND MEDIA LITERACY (TABLE 6)**

- 1) What steps have been taken to promote the use of film heritage as a way of strengthening the European dimension in education and promoting cultural diversity?

*BFI Screenonline is accessible in all schools, colleges, universities and many public libraries in the UK and has been designed to encourage an understanding of and educational activity relating to British film heritage. A key objective of the BFI is to reflect, through its moving image collections, the cultural diversity of the UK.*

- 2) What steps have been taken to foster and promote visual education, film studies and media literacy in education at all levels, in particular in professional training programmes or European programmes?

*The UK Film Council 21st Century Literacy project – involving the BFI, Film Education and Film Club – has worked to promote film education in the UK.*

- 3) What steps have been taken to promote close cooperation between producers, distributors, broadcasters and film institutes for educational purposes?

*The BFI and BBC have signed a Memorandum of Understanding to promote cooperation in the development of archival work covering the fields of preservation and access as well as interpretation for educational purposes.*

#### **11. FOLLOW-UP OF PRIORITIES IDENTIFIED IN THE FIRST IMPLEMENTATION REPORT**

What has been done in your Member State, in order to address the following priorities, identified in Point 24 of the first implementation report:

- 1) establishing a long-term strategy for their national film heritage and annual plans for specific issues (digitisation, restoration, education, etc);

*The Screen Heritage UK project received investment from HM Government in November 2007 to realise a long term strategy which is to ensure that the public are able to access, learn about and enjoy their screen heritage, regardless of where they live or where the materials are held.*

2) monitoring compliance with the mandatory forms of deposit (both with the obligation of deposit and the technical quality of the material);

*No action*

3) promoting voluntary deposit as a complement to legal deposit. Member States should encourage by all means agreements between film heritage institutions and right-holder associations covering the possible cultural uses of the deposited material by the archive.

*No further activity*

4) continuing efforts to achieve interoperability of film databases, and to make those databases accessible via the Internet;

*The aforementioned Union catalogue, which is a priority within the Screen Heritage UK project.*

5) establishing partnerships with the commercial sector and with other film archives for the restoration of cinematographic works, with the objective of sharing know-how and increase resources available;

*An ongoing priority in the work of the BFI National Archive.*

6) seeking agreements with right-holders with a view to promote cultural access to film heritage as broadly as possible. Have you encouraged the designated bodies to specify, in agreement or by contract with rights-holders, the conditions under which deposited cinematographic works may be made available to the public?

*Negotiations are currently in abeyance.*

7) creating specialised courses at university level for all areas related to film archives;

*The BFI is in active discussions with the HE sector to develop further research and teaching work in these fields.*

8) giving higher priority and visibility to educational programmes and activities.

*This has always been and continues to be a BFI priority.*

## **12. CHALLENGES OF THE DIGITAL ERA FOR FILM HERITAGE INSTITUTIONS**

What has been done or it is planned to be done in order to face the challenges of the digital era, described in Point 25 of the first implementation report:

1) collection / acquisition of digital material (distributed in cinemas or via new channels);

*This is currently the subject of an imminent public consultation by the BFI about its collecting policy.*

2) storage / conservation of digital material, which could require regular migration to new formats or supports;



*The BFI participates in all current international and European discussions on these subjects.*

3) applying digital technologies for restoration;

*This capability is being accelerated through investment from Screen Heritage UK in the BFI National Archive.*

4) giving access via internet to the collections, while ensuring respect of copyright laws;

*The BFI has been at the forefront in providing access to its collections on the web. In addition to BFI Screenonline and BFI InView (accessed by academia through an education sector extranet) the BFI has a successful channel on YouTube ([www.youtube.com/bfifilms](http://www.youtube.com/bfifilms)).*

5) integration in the European digital library.

*As yet the BFI has not had sufficient resources to participate in this initiative further.*

### **13. FILM POLICY AND FILM HERITAGE**

Is film heritage fully included in the film policy of your Member State? Have you consider linking funding film production and film heritage? For instance, it could be consider that films that have been financed with public funds are deposited and made available for cultural and education purposes by recognized film heritage institutions. This could be implemented in practice, for instance by requesting from producers that have received funding that they agree that:

- film heritage institutions make cultural screenings of those films without paying a fee;
- there is an educational use of their films (screenings made in schools, extracts made available for teaching purposes);
- extracts of their films are made available in Europeana.

*All these considerations are important objectives but have not been pursued.*

### **14. EUROPEAN AND INTERNATIONAL ACTIVITIES (TABLE 6)**

- 1) Are your film heritage institutions involved in bilateral co-operation with Film Heritage Institutions of other Member States? Are they active in European associations and projects? Are they active at international level?

*The BFI remains an active member of FIAF – the International Federation of Film Archives and FIAT – the International Federation of Television Archives.*

2) How are you encouraging and supporting designated bodies for the purpose of exchanging information and coordinating their activities at national and European levels in order for example to:

(a) ensure the coherence of collection and conservation methods and the interoperability of databases

*Standards groups have been set up under the aegis of the Screen Heritage UK project to secure a baseline agreement for these areas.*

(b) release, for example on DVDs, archival material with subtitles in as many European Union languages as possible, in compliance with copyright and related rights

*The BFI has released an increasing range of archival material on DVD but has not provided subtitling in any language.*

(c) compile a European filmography

*The BFI contributes to the FIAF international filmography.*

(d) develop a common standard for electronic information exchange

*Not as yet.*

(e) produce common research and educational projects, while promoting the development of European networks of cinema schools and museums

*Not as yet.*

## **15. PROGRESS IN RELATION TO PROBLEMS ENCOUNTERED IN THE FIRST IMPLEMENTATION REPORT (TABLE 7)**

What has been done to address the problems encountered or weak areas identified in table 7 of the First Implementation report, in relation to your country?

### **1. BEST PRACTICES**

Is there any specific good practice in the area of film heritage in your Member States that you would like to report?

*The major investment by HM Government in providing funding for state-of-the-art vaults for the BFI National Archive which will ensure the availability of the UK's film heritage for future generations. It provides optimum preservation storage environment and uses sustainable design.*

### **1. NEED FOR FURTHER EU ACTION?**

Is there a need of further action of the EU in any of the areas related to film heritage?

*The MEDIA programme should reinstate a funding stream to support archival work given the growing understanding of the significant use to which the holdings of the film archives can be put to realise both commercial and public value.*

*We welcome the Commission's renewed energy in considering the issues relating to archive orphan works and we would support a formal review of the whole copyright legislation in this area. It should be noted that HM Government has committed to addressing orphan work legislation in its recent Digital Economy Bill, and the BFI welcomes this.*