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## Questions for the public consultation "Europeana - next steps"

### **General**

#### **Question 1**

*Which orientations would you suggest for the future development of Europeana as a common access point to Europe's cultural heritage in the digital environment?*

- 1.1 The Royal Library recommends that Europeana should be developed and marketed as a joint access point to electronic resources of the European National libraries and major libraries, archives, museums, sound collections and other institutions with large collections of cultural heritage materials.
- 1.2 Europeana should give access to paid-for material as well as unpaid, and look towards a generic multilingual payment system.
- 1.3 In order to encourage Europeana to flourish, and by extension, to encourage digitisation programmes and online access to knowledge, it is vital to revisit EU copyright laws in relation to the web. Allied to this are issues around funding for cultural institutions and their digitisation programmes. Pressure on funding digitisation has two consequences which run counter to the Commission's intention in funding Europeana. The first is that institutions set up exclusive licensing deals on long-term contracts in order to get material digitised; the second is that they are forced to maximise the revenue for re-use of digitised material. Charging for all types of re-use acts as an effective barrier to innovation and start-up creative enterprise.
- 1.4 Due to a lack of (public) funding of mass digitisation programmes the content in Europeana is and for the time being will remain biased in terms of content from the libraries' point of view as currently there are almost no books available. This should be addressed by supporting the Member States politically and financially in initiating mass digitisation activities.



## **Question 2**

*Which features should be given priority in the further development of the site?*

- 2.1 Comprehensiveness and easiness of access to digital full text, digital pictures, movies, sound and photos, combined with interactive facilities.
- 2.2 Europeana should therefore focus on prioritising functionalities rather than features.

## **Question 3**

*Has Europeana struck the right balance between making Europe's digitised cultural heritage searchable through a common entry point and at the same time giving visibility to the institutions that contribute the material, or should the material accessible through Europeana be presented in a more unified way?*

- 3.1 We recommend a more unified way including fair visibility of individual institutions. The academic user is basically not interested in library provenience, but library ownership should be clearly indicated in each record presented to the user. The general user is interested in subjects and experience.

## **Question 4**

*How should Europeana further develop its own autonomous identity?*

- 4.1 We recommend the development of an autonomous identity for the Europeana concept, but the material must also be searchable through all the most important search-machines, for example Google.

## **Question 5**

*Should there be minimum requirements for the content brought into Europeana by the contributing organisations (e.g. minimum viewing or use options)? If so, who should be responsible for defining and imposing these minimum requirements?*

- 5.1 Yes. Minimum requirements should comprise the access to the full text of literary materials, photos, pictures, and sound, movies (documentaries) and the possibility of easy and full (not partial or restricted) download of materials. It must be material of quality in content as well as in resolution.
- 5.2 The proposed Public Domain Charter of the EDL Foundation should be used as a guiding principle for organisations to find other ways, where possible, to earn revenue rather than from the digitisation of their content. As a principle material that was in the public domain in analogue form should remain in the public domain in digital form. Otherwise there is a risk that especially digitised books will disappear for many years from the public domain.
- 5.3 But as the principle ad 5.2 is not realistic, Public Private Partnerships contracted in order to digitise content should be licensed for short timescales (not more than 10-15 years), and in a way that the business model in the market is not destroyed.



## **Content for Europeana**

### **Question 6**

*Which categories of content are so important for the users that Member States and their cultural institutions should be encouraged to make them available through Europeana? What measures can be taken to ensure the availability of these works through Europeana?*

- 6.1 From the point of view of universities and the general public it will be necessary to have a strong focus on comprehensive access to each participating nations' literature in digital format, both books and periodicals. Comprehensive content is important.
- 6.2 Avoiding the 20<sup>th</sup> century black hole in particular regarding books is critical, especially when seeking to engage younger audiences and students.
- 6.3 If digitisation is undertaken by private companies and has exclusions in terms of time or use imposed upon it, part of the negotiations could include access by Europeana, even if paid for, up to a reasonable return on sales.

### **Question 7**

*What is the best way to encourage cultural institutions and rightholders to take into account cross-border access - including through Europeana - in their agreements on digitisation and dissemination of in-copyright material? Which legal or practical barriers to this cross-border access need to be addressed?*

- 7.1 Harmonization of copyright in Europe would improve the current situation. A revision of the Berne Convention with specific reference to the Internet is necessary so that new laws for Internet usage of copyrighted material can be determined.
- 7.2 Legal inconsistencies and IPR-related difficulties around the digitisation of orphan and out-of-print works need resolution.
- 7.3 Organisations should avoid licensing agreements which restrict use of material to specified territories. Such restrictions inhibit the intentions of the EU in funding Europeana – i.e. to promote cross-cultural understanding and recognition of the common European heritage. Therefore public funding for mass digitisation initiatives is paramount.
- 7.4 If mass digitization *will not* be funded by the public sector the principle ad 7.3 is not valid and limitations for foreign digital access will have to be part of a Public Private Partnership, as the only sustainable market for small countries lies abroad, i.e. outside small countries as a part of a greater whole.

### **Question 8**

*How can the difference in the level playing field for digitising and making accessible older works between the US and Europe (in particular the 1923 cut-off date in the US, that places all material from before 1923 in the public domain) be addressed in a pragmatic way (e.g. better databases of orphan and out-of-print works, a cut-off point that imposes lower requirements for diligent search in relation to orphan works)?*



- 8.1 We recommend a reworking of European copyright law with a view to making public access to digitized information resources easier and more comprehensive. Special focus must be on copyright problems regarding orphan works and out-of print works.
- 8.2 We recommend extending the principles of collective licenses from the Nordic countries to all European countries.

### **Question 9**

*What policies should be adopted to avoid that the process of digitisation itself creates new types of sui generis copyright that, in turn, could create barriers to the dissemination of digitised public domain material?*

- 9.1 See ad 8.

### **Question 10**

*What measures can be taken to ensure that cultural institutions make their **digitised public domain material** accessible and usable in the widest possible way on the Internet? Should there be minimum requirements for the way in which digitised public domain content is made available through Europeana?*

- 10.1 A combination of legislation and financial incentives.

## **Financing and governance**

### **Question 11**

*Which financing model would reflect a fair distribution between Community funding, Member States' funding and private funding, taking into account that the aim of Europeana is to give the widest possible access to Europe's cultural heritage at pan-European level? Could Europeana be financed solely by national cultural institutions or by private funding?*

- 11.1 A combination of central EU-funding and national funding of comprehensive digitization projects in the libraries as specified in comment ad 1, e.g. in such a way that the EU would support national projects with national funding (on a 50/50 basis). Extensive content is important.

### **Question 12**

*Is sustained European Union funding for the basic operations of Europeana necessary and justified for the period after 2013? What type of European funding instrument could best be used?*

- 12.1 Yes. Otherwise no comment except for – possibly – a proper European fund for digitization of cultural heritage materials.
- 12.2 The operation of Europeana should be funded entirely by the EU.



### **Question 13**

*Which governance structure for Europeana would best fit the preferred financing model (as indicated under question 11)? Should there be a role in the governance structure for organisations other than content providers?*

- 13.1 We recommend some kind of board with representatives of national libraries and an executive function financed through funds made available by the EU.
- 13.2 The governance of Europeana should come from its major, long term, persistent stakeholders, the content providers. They have the public responsibility – usually enshrined in their founding charters - to give access to their collections and maintain them for future generations.

### **Question 14**

*How can private involvement in Europeana best take shape (e.g. through sponsoring, through technological partnerships, through links from Europeana to the sites of publishers and other right holders where the user can buy in-copyright content, or through another type of partnership)?*

- 14.1 We recommend the various measures mentioned in the text of the question.

### **Question 15**

*How can private sponsorship of Europeana best be stimulated? Are commercial communications on the Europeana site acceptable, and, if so, what type of commercial communications (e.g. logos of sponsors, promotion of specific products)?*

- 15.1 We consider commercial communications to be acceptable, e.g. sponsor logos - but not promotion of specific products.

### **Question 16**

*Should there be a contribution (financial or other) in exchange for the links from Europeana to sites with content for which the user has to pay? Can a model such as that of Gallica 2, providing links from the site of the Bibliothèque Nationale de France to the content on the sites of French publishers, be transposed to Europeana?*