

Answers to the consultation complementing Commission Communication ‘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?

The primary orientation for Europeana is to become the central access point to European digital cultural heritage for general user. In a time when national portals and various other aggregators focus on certain specific target groups – users speaking a specific language, users from specific areas, researchers, students, etc. – what is needed the most is one gateway providing content of general interest and demonstrating the richness of European cultural heritage. However, at the same time, there should be easy links and pathways to more user-specific resources and collections, and/or advanced search options for users coming to Europeana to conduct research. It should be a digital home both for the researcher and the digital tourist – a difficult task to achieve but nothing less should be expected from a project of such scope and scale.

Regarding content, Europeana should really strive to gather a critical mass of digital objects in order to be THE portal of European cultural heritage. 10 million objects available in 2010 is but a microscopic part of what Europeana could offer. However, several problems from technical incompatibility to copyright issues have to be tackled here to make possible the inclusion and ingestion of rich collections held by European memory institutions. Willingness to adopt common standards and to reform policies in all Member States is required; the support and encouragement from the European Commission both in the form of political directives and initiatives as well as programme funding for such basic activities as digitisation should continue.

Question 2

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

Refining and expanding search options available for users on the Europeana portal should be given priority over all other features and functions. If Europeana is to become THE gateway to European cultural heritage it has to offer added value to what search engines developed by private companies already offer. As more digital information is made available by commercial services like Google Books, it becomes more difficult for public services to compete with them and attract a critical number of users. One way to be better than Google is to offer unique content. The other way is to improve user's access to this content, allowing the user to search better and faster and producing more relevant results.

One major feature to be focused on in developing search functions is multilinguality. A multilingual user interface alone does not do much to improve the actual search if a user has to continue using keywords in different languages. Development of cross-language search options has lagged for years but this has to change. Can we imagine a system able to match the vocabularies of more than 20 official languages of the European Union and to produce results from all of them by entering a keyword in just one language? If we can dream it, we should be able to do it. Achieving this goal may take many more years of time and investment but it should be set as one of the priorities for Europeana and the aggregators feeding information to Europeana. No progress is to be foreseen if this problem is addressed only on national level; connecting it to the development of

Europeana and declaring it a priority on EU level would most likely lead to better results in shorter time.

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?

Europeana should be definitely marketed as a European service and its role is not to advertise the institutions participating in the project. However, some credit has to be given to the institutions making their content available: not as a token of gratitude to particular institutions but in order to provide better services to users. A user could be interested in finding out the physical location of a specific digital object or to browse only the collection where this and similar digital objects are included; for that reason it should be relatively easy to find out the name of the institution and the collection contributing the object. Keeping all that in mind it seems that Europeana has already struck the right balance between the visibility of its partner institutions and its own identity as a common access point. However, the question gets more complicated when we enter aggregators into this formula. Our view is that while there is enough reason to keep the individual partners visible in the portal, the aggregators feeding the partners' content to the portal do not require the same kind of visibility.

Question 4

How should Europeana further develop its own autonomous identity?

Europeana has established a very clear and distinct identity in the first year of its existence and it is our firm belief that if it continues on the same path, taking into account the recommendations for development listed in the answers above, no change of direction in developing its autonomous identity is required.

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?

Keeping in mind what we stressed in our answer to the first question – the obvious lack of critical mass of digital information in Europeana – it would be rather counterproductive to set any limits to the content contributed by European memory institutions. Most participating institutions have already defined such standards for themselves. If their own definitions are not sufficient, additional sets of rules and requirements have been set by aggregators they use to contribute their content to Europeana. While low-quality content would discourage users from returning to Europeana there is no reason to presume that the self-regulation of memory institutions and lower level aggregators is not enough to prevent such content from entering the system.

As far as rights of use are concerned we feel that partners should be relatively free to contribute also content with various rights attached. The only condition would be to avoid geographical restrictions to viewing the content. However, it is probably not reasonable to limit the content only to public domain material – it is far better for a user to be able to see a limited or partial preview of

a resource that would be fully available to him or her for a small or moderate fee than not to have any knowledge about such a resource at all. Including this kind of protected material in Europeana would also offer more opportunities for private-public partnership.

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?

The primary focus should be on making sure that the masterpieces of each country's cultural heritage are made available digitally. There are two major problems standing in the way: on the one hand, copyright restrictions, and on the other, the fact that many countries have until now concentrated their efforts on digitising documents that are used the most and are therefore more fragile, such as periodicals and small publications. The digitisation of important cultural heritage could be stepped up by introducing supranational programmes offering co-financing for digitising and making digitally available extensive texts, primarily books, that are considered significant in terms of cultural heritage.

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?

There is a group of rightholders who are not organized in Estonia. For example, photographers and writers do not have established collective societies. So there is a practical barrier for cultural institutions to negotiate agreements on digitisation and dissemination of in-copyright material. Even if collective societies are established, they usually do not represent all rightholders.

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)?

Databases of orphan and out-of-print works, a cut-off point that imposes lower requirements for diligent search in relation to orphan works are good in theory, but in practice this solution is too expensive and not cost-effective.

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?

To avoid that the process of digitisation itself creates new types of sui generis copyright, the copyright of digitised public domain material must be transferred on a contractual basis to public cultural institutions.

As to the copyright-related challenges of digitisation, we have an understanding that the EU itself is currently working on all the relevant issues by working out framework documents, impact assessments and other types of analyses. Estonia believes that digitisation itself is of course a process that can only be encouraged through simpler licensing systems, clearer and possibly to some extent wider exceptions to exclusive rights. Those are nevertheless questions discussed intensively at the moment at EU level under different DG-s (MARKT, INFSO, COMP) and must be followed simultaneously (see for instance Communication from the Commission 'Copyright in the Knowledge Economy' (COM (2009)532) and a reflection document of DG INFSO and DG MARKT 'Creative Content in a European Digital Single Market: Challenges for the Future', also upcoming regular impact assessment on orphan works, etc.). Estonia is following discussions on copyright matters closely. Until some binding decisions are made, the copyright legislation in force is used to digitise protected material and make it available to the public.

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?*

The willingness to adopt common standards and to reform policies in all Member States is required; the support and encouragement from the European Commission both in the form of political directives and initiatives as well as programme funding for such basic activities as digitisation should continue. Digitisation should be financed on a clear and uniform basis and locking up public domain material that has been digitised with public money should be unacceptable; arrangements where public institutions grant exclusive rights to private firms for the digitisation and exploitation of public domain assets in exchange for material advantages should be discouraged.

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?

As Europeana is a project of great importance for the whole of Europe, its financing has to be secure, stable and sustainable. In our view the most stable and sustainable financing can be ensured by clear, transparent and unambiguous principles, which are approved by Member States. In view of the role of Europeana, we find that these principles should be based on public funding, i.e. contributions from the European Commission and the Member States. Private funding is problematic in our opinion, particularly in the case of smaller linguistic areas; consequently, private funding can be viewed only as a complementary source of financing.

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?

Sustained European Union funding is very important. We consider it the cornerstone of Europeana's sustainability and it should certainly continue after 2013 as well. European Union funds are after all indirectly made up of membership contributions of Member States, and using them for ensuring the functioning of Europeana is completely justified. In our opinion, the best financing model for Europeana is one based on public funding through the financial contributions of the European Commission and the Member States. In terms of calculating the minimum contribution of Member States, it is preferred in Estonia that a financing system based on GDP, population size, etc. should be elaborated.

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?

Europeana's governance structure should involve all parties, while also ensuring that the interests of donors are represented. At the same time, this structure should make sure that governance is efficient, as is the very basis for the sustainability of Europeana.

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 rightholders where the user can buy in-copyright content, or through another type of partnership)?

Any type of private involvement in the development and work of Europeana is very positive. At the same time, we should make sure that this does not harm public interest in any way. Public interest should always come before business interest with Europeana.

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)?

Any type of private involvement in the development and work of Europeana is very positive, provided that the protection of public interest is guaranteed. We find that commercial communications of the private sector must be in concordance with and in proportion to the amount of financing, taking into account that the main source of financing will probably be contributions from the European Commission and the Member States.

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?

It is difficult to find a clear-cut answer to this question. We must keep in mind that for example publishing houses, in addition to having a private interest, also represent a certain public interest, by intermediating information to the citizens of Europe. We must find a balance between public and private interest that would not damage public interest, but would also sustain the interest of the private sector. We should keep in mind that links from Europeana to publishers offering interesting content for the users increase the numbers of Europeana-users as well, making it a starting point of sorts.