

## 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?*

Europeana should not only provide access to digitized resources, but also help localize non-digitized ones, be they in partner libraries, museums or archives. Not all the cultural heritage is digitized, some of it will probably be not be so in the foreseeable future for a variety of reasons (budget, legal, technical reasons, etc.). Even if it were, the contact with the real object is an incomparable experience. Such information may help people plan cultural visits to other European cities and countries. That kind of information – about the localization of non-digital/non-digitized/non-digitally available cultural heritage – could be optionally displayed (as a feature) rather than by default (the default being the digitally-available documents). Together with true semantic capabilities, Europeana should be able to answer such questions as “what is the oldest written document in French?” (*le Serment de Strasbourg*), or “where is the oldest surviving written document in French?” (the *Cantilène de Sainte Eulalie*, in Valenciennes, France), through geolocalization tools.

As of now, Europeana harvests information about individual items (objects, collections, etc.) from partners' databases. But in many cases, these items may be “contextualized” in the partners' web sites – through thematic dossiers or imaginary exhibits, for instance, constituted of comments; essays; models, exhibits guides, bibliographies... about selected subsets of resources. It would be a meaningful extension if Europeana could also provide access to this kind of “metainformation”, and provide links from the metadata of resources to the relevant context information.

### Question 2

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

Currently, Europeana is indeed an access point - i.e., a portal. It provides search only into the metadata of the contents it links to (and, hopefully, into semantically enriched metadata), but not search *into* the contents - full text search for text (as Google Books does), search by contents in audio (e.g., by melody) and video, etc. This is a major handicap, which Europeana should strive to correct with high priority so as to become a true digital library.

Secondly, the current popularity of social networks should not be ignored. Such systems (e.g., [Libfly](#)) allow for appropriation and reuse of contents through widgets and APIs (create one's library, mash up contents such as audio contents à la deezer, etc.; provide ways to integrate contents in other social networks such as Facebook or Twitter), its annotation (comments, as in Amazon too and elsewhere), discussions (in the comments sections, in distinct forums), etc. Such features should integrate Europeana.

Thirdly, Europeana should provide (semi-)automatic translation services, in particular of metadata, so as to allow finding, and understanding, resources in multiple languages.

Fourthly, music is the poor parent of Europeana. This is due in part to the problems of intellectual property, but also to the fact that the current model does not take into account the fact that music may take different forms (recordings – but not every recording is musical –, written notation, i.e., scores, be they printed or manuscripts). Yet this is a major cultural domain.

### **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?*

For the sake of efficiency and ease of navigation/browsing from item to item, interfaces should be unified. The current variety of interfaces (shapes, controls; languages) for the same type of contents – e.g., for digitized books – is baffling to users. This is due to the fact that contents are *not* captured by Europeana, but hosted by partners who have developed their own interfaces. This would be an additional argument (the first one being indexing of contents) to allow (legally) Europeana to bring the contents into its servers and provide its own, unified, interfaces (that would also ensure availability even when a partner's system is temporarily unavailable). Regarding streamed contents, alternative mechanisms should be developed. For contents that cannot be so captured, there should be a prior indication that it is available "out of" Europeana.

### **Question 4**

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

### **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?*

## **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?*

### **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?*

As of now, the amount of information required by right-holding societies so as to negotiate the rights to digitize and provide access to in-copyright material – most

times, geographically limited (in the premises of the cultural institution, e.g.) or in contents (low quality except on the internet) and with as little possibility to reuse, even for personal or pedagogical purposes – is tremendous. This is particularly true of audiovisual archive material, where the required information (*all* performers of a recording of a concert 30 years ago, for instance; whether the score used by the orchestra then was rented or bought; etc.) may just not be available anymore. Additionally, the costs required to make this material available for non-commercial purposes is still too high for many institutions, and seriously limits the amount of material that can be made available thusly.

It would be much easier if several mechanisms were put in place:

- Harmonize IPR throughout Europe, and make it apply retrospectively to *all* contents.
- Create single European-wide access points to negotiate rights, regardless of the country of the institution or the provenance of the material under rights.
- Put in effect exceptions such as fair use, right to cultural organizations to copy and distribute contents for non commercial personal or pedagogical purpose.
- Consider any kind of work – not only text, but also sound and audiovisual – to be a partially orphan work if some of the rights holders can't be identified.

### **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)?*

The cut-off point should not only be “calendar” (i.e., how much time an organization has spent searching for rights holders of a single work), but take into consideration, in some creative way, volume: when a small institution holds thousands of unique archive documents, it may be just impossible for it to launch such a search for every single document. It should be able to affirm that to the best of its knowledge, it has no further information for whole collections of documents.

### **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?*

### **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?*

Unless #9 above is taken care of, digitized public domain material would acquire some (copy)rights which would limit the rights to make it circulate and/or reuse them. Such

material should be available at least under the equivalent of the Creative Commons “attribution non-commercial share-alike” licence.

### ***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?*

National cultural institutions are (partly) funded by their Member States. Analogously, Europeana is a pan-European cultural institution, and as such it should be (partly) funded by the European Union (which is funded in turn by Member States, so they shouldn’t necessarily have to pay twice, as if it were). This will ensure independence from national policies which may vary depending on the party/majority in power in this or that Member State. Private funding should be used when available, provided it has no influence whatsoever on the orientations of Europeana (but with participation in the stakeholder advisory committee, see question 13 below). Discreet logos (and mentions) might be acceptable (see question 15 below).

#### ***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?*

See above for the first question.

#### ***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?*

Governance should include aggregators which Europeana harvests (they are not content providers, strictly speaking). Europeana should appoint advisory committees – a scientific one composed of experts in various relevant domains, professional societies (such as LIBER, IFLA, IASA, IAML, ICOM...), an overseeing one (or whatever its name may be) composed of the stakeholders (public *and* private) – but they should not have a voting voice in its governing body.

#### ***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)?*

#### ***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)?*

Commercial information (links to goods – e.g., books, posters, CDs, DVDs...) may even be useful, provided it is very clearly identified as such in contradistinction to the available cultural heritage content. It should always be displayed in the context of such a content and not be directly referenced in Europeana (e.g.: a link to an online store allowing to buy a book should only be displayed in records providing either access to the digital version of the book as made available by a partner, or providing information on its availability in a partner's library, say).

Logos of sponsors can be made available in a specific section of Europeana with information on the sponsors (which may then include some specific commercial information and links to their websites, including their online store). I would advise against independent promotion of goods (i.e., outside Europeana records describing this good).

### **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?*

In the current model, it would seem that putting in place such a mechanism – paying Europeana for the existence of a Europeana link to contents for which the user has to pay – would imply a double payment mechanism: for the Europeana link actually comes from another (non-commercial) partner site, such as Gallica; if Europeana were to ask for monies for the link, Gallica might do so too (or already does, not sure).

If, on the other hand, payment is by click from within a Europeana page, it might be fair to say that payment has to be split between Europeana and the source (Gallica, say).