



## *Ministero per i beni e le attività culturali*

ISTITUTO CENTRALE PER IL CATALOGO UNICO DELLE BIBLIOTECHE ITALIANE

E PER LE INFORMAZIONI BIBLIOGRAFICHE

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

The present document complements the Commission Communication on 'Europeana - next steps' with a series of questions for consultation. Interested parties are invited to submit their comments on all or some of the questions **by 15 November 2009** to:

European Commission,  
Directorate General for Information Society and Media  
Unit 'access to information', EUFO 2281  
Rue Alcide de Gasperi  
L-2920 Luxembourg  
or by e-mail to: [ec-digital-libraries@ec.europa.eu](mailto:ec-digital-libraries@ec.europa.eu)

Contributions will be published on the digital libraries website of the Commission, unless requested otherwise by the organisation/person submitting them.

The questions of this consultation all have a direct impact on the future development of Europeana. Some of the questions - in particular questions 7-10 - also have more general policy implications for the digitisation, accessibility and use of content from cultural institutions. The replies to these questions will feed into the further policy development in areas such as the re-use of public sector information and copyright related questions for the digitisation and online accessibility of cultural material. In the latter area the questions complement the work undertaken by the Commission in the context of the Green Paper on copyright in the knowledge economy and the follow-up Communication. Where relevant, the results of the consultation will be taken up and further discussed in stakeholder groups and working groups with Member States' representatives.

### **Questions for consultation :**

#### **Central Institute for the Union Catalogue of Italian Libraries and Bibliographic Information (ICCU)**

ICCU is the national Center which promotes and coordinates the cataloguing and documentation activities of the Italian libraries.

The National Centre for the Union Catalogue was created in 1951 with the task of cataloguing the entire national bibliographic heritage. This objective is pursued due to a strong collaborative strategy among Italian libraries even under different administrations. Resulting from this collaboration is the establishment of the National Library Service.

The National Library Service (SBN) is the network of the Italian libraries aimed at providing services to the end-users. SBN involves almost 4,000 state, local, and university libraries operating in different sectors and distributed in 65 nodes. OPAC SBN (On Line Public Access Catalogue) allows the access to the collective catalogue of the Italian libraries participating to the National

Library Service. The Institute is responsible for guiding, producing, adapting and diffusing the standard rules and regulations for cataloguing all types of materials ranging from manuscripts to multimedia documents.

ICCU depends on the General Directorate for Library Heritage and Cultural Institutes of the Italian Ministry for Cultural Heritage and Activities

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## ***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 **increase its multilingual and multicultural coverage**: not all European cultures and languages, in fact, are at this stage equally represented in proportion to their relevance for the history and the culture of Europe.

A general orientation for the further development of Europeana under both the technical and the organisational point of view is that Europeana's organisational structure and technical architecture evolve so to become as much distributed as possible.

### ***Question 2***

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

**Collection level description is missing**, as a mean to allow a better understanding of the context and the meaning of digital objects, and of assessing the relevance in relation to the user's information needs. Moreover, there are types of documents (e.g. archival materials) which can only be described by making reference to the contextual group of objects they belong to.

### ***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?*

Although Europeana can present the material in a unified way, **attribution and visibility should be guaranteed** both to the **organisation** originally making the content available and to the **aggregator** that provides it to Europeana.

### ***Question 4***

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

Europeana has a clear brand and identity already. However, there might be the need of making an effort to **further detail and improve the relationship and the balance between Europeana's brand and the ones of the several projects and organisations contributing to it**. This can only happen through an open dialogue of Europeana and the cultural institutions experienced in managing cultural content in the digital environment.

### **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?*

Selection criteria should be agreed by a **technical governance body** where all stakeholders, including professional and user associations, should be represented.

The technical standards adopted by Europeana should be agreed in collaboration with the participating partners, and consortia and other external organisations and networks should contribute disseminating the standards and help the institutions to comply with them.

Europeana should make use of existing standards developed and maintained by professional associations of libraries, archives, museums, audiovisual organisations and not invent more standards.

The minimum requirements for the content brought into Europeana should concern, first of all, the minimum level of information and services that should be made thoroughly available to all users under no conditions.

## **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 richness and the diversity of the European cultural heritage should come out clearly from a flagship initiative like Europeana: Therefore, priority should be given to coverage, comprehensiveness and due representation of all European languages and cultures, rather than to the selection of specific categories of content.

### **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?*

In order to encourage institutions and rightholders to take into account cross-border access in their agreements on digitisation and dissemination of in-copyright material, the **benefits** resulting to them from initiatives such as Europeana, in terms of visibility and/or financial revenue, should be clearly demonstrated.

**Translation and multilingual facilities** would make it viable for local content to be really visible and usable at international level.

In order to overcome legal and practical barriers, it would be helpful to make content providers and rights holders aware of the relevant copyright issues, and in particular to help them understanding the usefulness and the mechanisms of **open content licences** (such as Creative Commons). A unified policy of Open Access would be desirable, as would be a revisitation of EU copyright law in relation to cultural web services.

### **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)?*

Better **databases of orphan and out-of-print works** are absolutely needed; work done by the project **ARROW** should receive institutional support and be carried on after the end of the EC funding.

**Officially endorsed guidelines and standards for diligent search** would be extremely helpful for institutions, in order for them to do all what is possible to identify and locate the rightsholders, and then proceed with digitisation and online publication if the rightsholders are impossible to be contacted.

As for the legislation, a cut-off date placed in the first half of the 20<sup>th</sup> century, before which all works are considered out of copyright, and a cut-off point, placed later on, imposing lower requirements for diligent search of works produced before, would help harmonizing the European and the US legislation on copyright and would make it easier for cultural institution to give online access to a critical mass of materials of high cultural interest.

### **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?*

There are national laws that provide for cultural institutions to retain the copyright on works entrusted to their care, conservation and curation. The copyright applies to any kind of reproduction, digitisation included.

In Italy, this is stated by the Code for cultural heritage and landscape (Decreto legislativo 22 gennaio 2004, n. 42 "Codice dei beni culturali e del paesaggio").

As a support measure, EU should develop policies which are more explicit on **open access** to materials which are digitised, in every case digitisation is funded by the EU or other public bodies in the Member States.

### **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?*

Although several institutions make their digitised public domain material less accessible and usable than they might do, only a few cultural institutions are able to obtain financial revenue as the result of their quality digitisation projects and information system design. In order to achieve that these institutions renounce to their revenue, a funding body should provide them with **the funds needed for the sustainability** and the further development of their digital services.

There are two main requirements in order for institutions to make their content available to Europeana:

1. To let them **track the use Europeana makes of the content**;
2. To let them **take part to the decision process**, even if through a representative.

EU can support the process by providing more funding to systematic, or subject-driven, or material type-driven digitisation initiatives by cultural institutions, at the condition that they will make the resulting digital content freely available through Europeana.

### *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?*

Europeana could take into account **sponsorships and private-public partnership** funding models. This approach could be complemented by:

1. **Contribution by individual organisations:** Institutions that benefit by the service provided by Europeana in terms of increased visibility, wider access to their services and collections and, for private enterprises, increase in revenue of their digital services should contribute financially to the maintenance of Europeana service. It might be envisaged a multi-level model that relates the right to take part to the decisional process (e.g. the right to vote in the General Assembly or the Managing Board) to the participating share in the funding of the operations.
1. **Members States** could contribute through encouraging the local institutions to provide their content to Europeana and make otherwise use of it (e.g. for teaching, learning, provide services for tourism etc.) and by funding national digitisation programmes and national digital libraries, aggregating content also for Europeana;
2. The **European Community** might provide occasionally a complementary financial support.

#### *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?*

**By 2013 Europeana service should be fully operational and very rich in content**, and therefore interesting to be invested on by private organisations and cultural institutions.

Only a small part of the funding for the basic operations should come from the European Union, and only occasionally.

The budget needed for the basic operations might rather be downsized than publicly funded at EU level: **A lighter and more distributed organisation, involving those Member States and**

**institutions** more active and able to run digital services, would help to substantially **lower the budget** needed for Europeana's sustainability, which is currently too expensive, while at the same time empowering Member States and cultural institutions and making them more actively contribute to Europeana.

European Union funding should rather support further research targeted at the development of technological services and foster digitisation activity, creativity and content creation.

### **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?*

**The current governance model is too centralised** and it involves at the highest level professional associations, not necessarily experienced in large scale digitisation programmes and the running of digital services.

At the highest level of the governance structure should be better represented:

- **Organisations contributing content**, typically public and private institutions running services rich in data and contributing them to Europeana;
- **Ministries and other national agencies**, funding and managing digitisation programmes, as the only bodies able to **guarantee the sustainability** of the national services Europeana builds upon, such as national aggregators and digital libraries, and the institutional commitment at national level;
- It should be envisaged a **Technical governance body**, different from the Foundation Board and from the Council of content providers.

### **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)?*

All these models should be explored and might be implemented, provided that they contribute to the sustainability and the further development of the system, according to the rules defined by the Technical governance body, and that the rights of all stakeholders and contributors are respected.

### **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)?*

A page with the list of the sponsors and technology contributors, detailing the kind of contribution they gave, might be created on the site (see, for example, the World Digital Library project).

Logos might be displayed on the homepage for sponsorships which are exceptional for their value.

Commercial communications could be included in Europeana's dissemination materials, both digital and printed.

### **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?*

A contribution should be fixed once there is evidence of the traffic that the Europeana service brings to the content charged for, and appraised according to the importance of this traffic.

A model like the one implemented by Gallica2 might be taken into account.

Also a partnership with Google (or other main initiatives in the field of digital access to culture) might be explored. For instance Europeana might link to the url of all the full text copies of digitised works made available by Google Book Search for public display and download, and receive a financial contribution from Google in exchange.