

To  
The European Commission

## Public consultation “Europeana - next steps”

### Questions and answers

#### **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 continue to integrate all available, digital content from museums, libraries, archives and audio-visual institutions, for use by web-based services.

There should be room for both fee-based access and access free of charge.

##### **Question 2**

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

At this stage, Europeana should focus on functionalities rather than features:

Multilingualism has to remain a priority for searching.

Possibility to harvest data from Europeana to national or regional portals should be a priority.

Europeana needs to develop easy-to-use procedures for contributing content, with high-quality, standardized metadata.

Work needs to be done on improving access through search and browse. This means working on models to relate metadata from the different domains, to show items connected to the ones targeted by the search undertaken.

Enriching data so that it can be used for geographic and temporal search and browse should also be a priority.

##### **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?*

The balance seems reasonable at the moment.

**Question 4**

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

Europeana's brand image should be maintained in all web 2.0 communications and applications, alongside the branding of the contributor of the content. However, it is essential that intensive marketing should not take place until the Europeana service has been fully developed into one offering clearly value-added services.

**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?*

Minimum requirements for content should be defined by the EDL Foundation in consultation with content providers and aggregators (like, e.g., The European Library, TEL), not to forget the quality aspects.

Europeana should give easy access to the full content of the digital items; a maximum of three clicks is a good principle.

All data should comply with of the current world standards for library, museum, archive and audiovisual materials.

All digitised content should contain a persistent identifier, and European-level resolution services are needed to make use of these identifiers effectively.

As a principle, materials which were in the public domain in analogue format should remain in the public domain after digitisation.

Access should preferably be free of charge, especially for public domain materials.

Contracts regulating Public-Private Partnerships, entered into to fund the digitisation and making available of non-copyrighted content, should be short-term.

## **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?*

All of the European cultural and scientific heritage in digital format should be available through Europeana.

In many member states copyright legislation is a barrier. I.a., member states should make provisions to allow for extended collective licensing of copyrighted materials, which seems to be the only practical way of dealing with the clearing of rights in a mass digitisation context.

### **Question 7**

*What is the best way to encourage cultural institutions and right holders 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?*

Institutions should avoid licensing agreements which restrict use of material to specified territories, because such restrictions work against the fundamental purpose of the EU in funding Europeana – i.e. to promote cross-cultural understanding and recognition of the common European heritage, and a level playing field for the accessing of this heritage. Moreover, the goal of the cultural institutions should be to have their materials used as much as possible.

There seem to be no legal barriers to cross-border access. Practical barriers are mainly financial.

The European Commission should produce a model contract allowing for cross-border access.

### **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 setting of a cut-off date is not primarily about orphan works, but about the need to clear rights in general. The European cut-off date should be the same as the US one.

### **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?*

The European Commission should repeat its recommendation that public domain materials should stay in the public domain. (See above, under Question 5.)

The EU Database Directive from 1996 should be repealed.

However, and in addition, it has to be said, that charging for access can just as well be applied to public domain materials as to materials with some kind of protection by copyright or related rights.

#### **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 EC recommendation should be that digitised public domain materials are made available free of charge. Imposing minimum *requirements* could, however, work against ensuring that the material is at least accessible.

### **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?*

To ascertain the widest possible access in the long term, the Europeana portal should be funded 100% by the European Union, including overhead costs.

Individual Member States' primary responsibility should be to fund national digitization and the aggregation of content for Europeana.

Core funding from private sources means high risks as to sustainability and independence.

#### **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, under Question 11.

#### **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 governance of Europeana should be based on its major, long term stakeholders, i.e. the content providers.

At the moment, there is an interesting proposal for a new governance structure based on the EDL Foundation.

The proposed structure is as follows:

An EDL Executive Group of nine elected from a Board of Participants of pan-European Associations of cultural institutions and of content providers, including six elected members from a Council of Content Providers and Aggregators made of up of all interested providers, commercial and public, across Europe.

**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)?*

In every way indicated.

**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)?*

All commercial communications should be acceptable, as long as they do not intrude on user activities.

**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?*

1. Yes.
2. Possibly, but the model has to be user friendly and easy to operate.

November 19, 2009

Bengt Wittgren  
Västernorrland County Museum