

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?

In the perspective of the next four years the Europeana portal should become the main integrated access point to the European cultural heritage in digital form, and at the same time a place of inspiration in the cultural sphere, both for private users and institutions creating digital resources. The European digital materials are dispersed among thousands of portals and, as a result, there is no cohesion in their description. Therefore users searching for digital versions of prints, manuscripts, antique books, graphics, drawings and photographs, music and film documents first of all turn to commercial searching engines, such as Google, paid services (Google Book Search, electronic periodicals databases, Internet bookstores) or portals providing digital contents without respecting any copyrights. Information about Europe's cultural heritage provided by such websites is often incomplete and burdened with mistakes. This supports the common delusion that all cultural resources are accessible via Internet, while only a small piece of European libraries', archives' and museums' resources is actually accessible through the universal Internet access.

Harmonious development of the Europeana website and expansion of its contents may in a decisive manner influence the average Internet user's knowledge of European culture and their situation with regard to information.

The following activities are necessary in order to obtain the aforementioned objectives:

- working on multilingual versions of the portal,
- constant expansion of digital contents, performed by institutions aggregating digital contents from individual countries and international organisations embracing cultural institutions,
- putting special emphasis on including 20th century resources in Europeana (licensed works, orphan works etc.). Conducting information campaigns in individual Member States, directed at the owners of copyrights, and promoting free licenses or non-exclusive licenses granted to individual cultural institutions and allowing the low-quality digital reproductions of in-copyright works to be included in a digital library and Europeana, may be an important factor supporting the inclusion of works covered by copyrights. Presenting parts of a work on the portal together with a link to a commercial website that provides complete works for a fee may be another effective solution aimed at expanding the 20th century digital resources,
- technological development of the website and expansion of its Web 2.0 functions.

Question 2

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

The Europeana portal should provide the maximum interactivity with the digital content users from all over the world. Therefore, special emphasis shall be placed on the multilingual versions of the access and data search, the possibility to tag digital objects by users and to create their own sub-collections from the Europeana collections. One might also consider allowing the users to make digital contents created by them accessible through the portal, provided that they respect copyrights and related rights.

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?

Presenting manifold digital contents originating from thousands of Europe's cultural institutions in a unified manner constitutes an almost impossible task. Therefore, a minimum set of descriptive metadata shall be specified for an individual document which shall allow its basic identification. Extended descriptive metadata and the object itself shall be accessible on the website of the institution presenting the object's digital reproduction. In such a way the balance between a unified access and the presentation of diversity of cultural institutions storing digital resources shall be struck.

Question 4

How should Europeana further develop its own autonomous identity?

The concept of the Europeana website, formulated at the phase of creating the portal's prototype, is a unique idea in the whole world. There exists no other project that would provide legal access to all types of digital resources and that would be co-created by more than 40 countries and accessible in almost 30 languages. This proves Europeana's uniqueness.

It seems that this line of development shall be continued by putting emphasis on the fact that in the coming years Europeana's digital resources shall constitute the treasury of European culture, illustrating the homogeneity and diversity of Europe's historical and cultural achievements, its influences on the world's history in the past and at present, and allowing to track the links between individual European states and nations.

One should ensure that all cultural institutions possessing digital resources and making them accessible via Internet, which so far have not made their collections accessible through Europeana, use this presentation possibility. Therefore, promotional activities aimed at the most important EU cultural institution are of significance. One should also consider the possibility of bringing to the portal digital content of cultural character provided by individuals (family archives or photographs taken for example before 1939). It should constitute a valuable supplement to the cultural institutions' resources. This would of course raise the issue of

controlling the presented materials so that no offending, unethical or illegal contents are made accessible.

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?

The specification of the minimum requirements for the objects brought into the Europeana portal shall be prepared by a working team consisting of representatives of cultural institutions, users and Europeana Office employees. Such requirements shall include the following items: specifying the data access protocol, acceptable formats for basic categories of digital resources (text, graphics, audiovisual file), minimal required resolution of the object, basic set of descriptive metadata and the manner of their presentation, as well as linking the object's metadata with the object itself.

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?

It is not possible to state which category of digital objects is especially important to European cultural institutions and their users. Therefore, the Europeana portal shall allow access to all types of digital resources: library resources, archive resources, museum resources and audiovisual files. One should aim at a situation when Europeana content reflects the richness of Europe's cultural institutions – libraries, museums and archives, proportionally, in such a way that no particular category of resources (for example library resources) dominate over other categories of objects (for example museum collections or archive materials). Individual Member States shall control whether the resources are being brought to Europeana in a harmonious way that reflects the culture of a given country.

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?

One should consider performing an extensive information campaign directed at cultural institutions and right-holders and aimed at making them aware that making in-copyright digital reproductions accessible via Internet not only does not deprive them of income from the copyrights, but first of all supports popularization of the works. Works covered by copyright may be made accessible under free licenses or non-exclusive licenses as a whole in graphic form

(printed texts or art works' images as low-resolution JPG files) or in parts, also as low-resolution files (films, music files).

One should analyse the licences present at the market in order to specify the best models, which might be then used for making in-copyright works accessible. One should also introduce legal instruments that would allow granting such licenses to individual cultural institutions by electronic contracts.

The cross-border aspect of making works accessible *online* requires performing harmonization or preparing detailed instructions at the community level for acting in case of using such works. One should remember that such regulations may not encourage publishing any works without the right-holders' permit.

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)?

One of the most important factors that support digitisation of resources and making them accessible in the Internet is a clear legal situation of digitised objects. The differences between European and American legislation, as well as differences among legislations of individual European Union Member States, significantly impede the process of making the digital resources accessible.

Works on establishing a list of orphan works, performed among others within the frames of the European ARROW project, are of extreme importance, as the putting a work into a database that includes orphan works constitutes an information for other digitising institution and allows the digital reproduction to be quickly made broadly accessible. The orphan works base shall be gradually extended by works from the out-of-print category under free licences.

Performing mass digitisation practically excludes works on examining the legal status of orphan works, since the basic feature of mass digitisation is the necessity to quickly introduce the works into digital circulation. Therefore institutions which perform mass digitisation make digital reproductions of objects that come mainly from the public domain.

One should also note that the issue of orphan works, especially due to the cross-border nature of making such works accessible in the digital form, requires undertaking activities in this area at the community level. Such activities shall not, however, lead to monopolisation and commercialisation of this form of making works accessible.

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?

According to Art. 14 par. 2 of the Act on libraries the libraries are entitled to collect fees for making reproductions of works included in their collections, except that according to par. 3 of the aforementioned article the amount of such a fee may not exceed the costs of making such a reproduction. There is no legal basis for the libraries to collect fees for using reproductions of works from their collections as fees under a license to use a work, as digital reproductions do not constitute works within the meaning of Art. 1 par. 1 of the Act on copyright and related rights, because they do not fulfil the condition of a creative activity of individual nature. Making such a copy neither does constitute a derivative work within the meaning of Art. 2 par. 1 of the Act.

Due to the aforementioned reasons the digitisation of documents in a public institution in Poland is not treated as an activity meeting the criteria of individual creativity. Information about the digitising institution is an element of descriptive and structural metadata of the digital object and it is a good practice to add it to the link to the digital object or to its reproduction. Some public institutions add watermarks identifying the digitising institution to the digital reproductions made by them, however such actions are of occasional nature and do not result from the commands of law. One should also aim at unifying the practices in this area by allowing the users the most extensive non-commercial usage of the digitised objects.

One might also consider a different solution, where, for example, an Internet library is treated as a database. This would protect the whole or a significant part of its collection from being used by a third party, while at the same time the investment efforts put in the library's creation would also be protected. On the other hand, the library could not oppose to the usage of individual digitized works. In case of in-copyright works, the user would be, of course, obliged to obtain the permit of the creator for such a use.

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?*

In relation to every cultural institution it is worth to compare two numbers: the amount of digitised objects originating from the public domain and the amount of objects made accessible via Internet. An annual survey conducted among cultural institutions (for example within the frames of the Numeric project) shall allow to compare those numbers in individual countries and in the European Union as a whole. It is proposed to analyse such comparisons in relation to the following basic categories: archives, libraries, museums, audiovisual archives.

The amount of digitised objects in individual countries may be compared with the amount of digital documents made available through the Europeana portal. The European Commission might define for the EU Member States and in agreement with any given Member State the minimum percent of objects made accessible via Internet that shall be available through the Europeana portal.

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?

In order to define the most advantageous model of financing the works on Europeana one should first of all specify the costs to be incurred at the portal's creation phase (until 2013) and at the phase of its further development. These costs may be divided into two basic categories:

- website's creation (concept model, functionality, ways of data aggregation, multilingual versions, programming works etc.) and its promotion,
- costs of providing contents.

At the present stage the works on the website are mainly financed from the EU funds, but the costs of works on creating the digital contents (metadata, digitisation, publishing digital documents in digital libraries) are mainly covered by individual EU Member States, which finance the activities of cultural institutions. To a much lesser extent they are also covered by funds from EU programmes.

Therefore, the systematic and long-term extension of resources accessible through the Europeana portal shall require regular financial outlays from the cultural institutions of the Member States for creation of digital reproductions of their own collections and for buying licences for making in-copyright works accessible in the digital form. In such a way individual institutions shall enrich the Europeana's resources according to their financial capabilities and the affluence of their own collections, which embrace the cultural heritage resources of individual states. In this sense individual states and cultural institutions shall incur regular and proportional to their capabilities costs of Europeana's extension.

One might assume that after the Europeana portal has been created some kind of central financing for the on-going website maintenance will be necessary, as well as for gradual extension of its functionalities and for promotional activities. These works might also be to some extent financed from private funds, taking into account that commercial companies shall be more interested in sponsoring Europeana as the number of the portal's users shall increase. Other costs shall be covered from the European Union funds. There is a high probability that the private financing's share shall gradually increase. However, it might be dangerous for the portal's future to assume that maintaining Europeana will be wholly financed from private funds, since this may lead to significant commercialisation of the portal and the Member States losing control over the contents brought to Europeana.

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?

After 2013 constant financing for maintaining the Europeana portal and extending its functionalities shall be necessary, according to the technological possibilities that emerge in the coming years. One should assume the financing of the following activities:

- management
- book-keeping
- contacts with institutions providing digital contents
- promotion and marketing
- sponsor acquisition
- programmers team
- server maintenance and extension
- team running orphan and out-of-print works base.

The aforementioned activities shall be financed by central European Union funds and by private sponsors.

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 direct management of Europeana shall be performed by a small and effective team, which would be appointed and financed by the European Commission.

The objectives, development directions and milestones shall be specified in a three-year cycle by a team constituting the Europeana Council, which would consist of representatives of the Member States (2 experts from each Member State) and representatives of the most important international organisations embracing cultural institutions (1 person from each organisation). The Council shall work under the direction of the European Commission's Information Society and Media Directorate.

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)?

The financing by commercial companies of the on-going maintenance of the Europeana website might be performed through the following:

- sponsoring,
- including commercials and advertisements on the portal's home page and subpages,
- paid links to websites of publishers and Internet bookstores selling digital publications ,
- paid mailing to registered users of the Europeana portal might also be considered.

The issue of technological partnership shall be treated with caution in order to avoid being dependent on one hardware/software provider.

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)?

Effective marketing and the predicted successive and documented increase in the number of Europeana portal's users shall support the acquisition of financing from commercial companies. The information about the number and profile of the website's users shall be published in the Internet on a regular basis and shall be presented to potential sponsors. It seems that various forms of commercial communications shall be accepted, including:

- sponsors' logos on the home page and subpages,
- commercials and advertisements on the home page and subpages,
- e-mails of commercial nature sent to mailboxes of registered website users.

One might also propose target advertisement, for example advertisements included only on pages displaying search results in a given language or advertisements aimed only to users from a particular country.

On the other hand, including advertisements in form of pop-up windows seems risky. Even though this form of advertisement is accepted, it might be bothersome for some of the users, and discourage them from using the Europeana portal.

The list of sponsoring companies shall be limited to companies active on the EU territory.

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?

Providing links in the Europeana portal to the sites of publishers or Internet bookstores, where the users might buy electronic publications, may bring economic benefits of two kinds:

- regular (monthly, quarterly or yearly) fee for providing the link,
- collecting a small fee, specified in a contract, for each publication bought by a user directed to the commercial site directly from the Europeana portal.

Collecting fees for links to sites of publishers/Internet bookstores may only apply to publishers which sign a contract directly with Europeana. The links included in digital libraries of institutions providing digital contents for the portal (for example Gallica 2) shall not be burdened with additional costs, unless the contract with the seller provides for otherwise.