

## **Public Consultation 'Europeana : Next Steps'**

### **Response from the National Library of Scotland**

The National Library of Scotland is happy to be able to respond to the consultation on the future of Europeana. Please find our answers below.

#### **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?**

#### ***NLS Response***

- Europeana should maintain focus on fully accessible and useable content, i.e. require minimum restrictions on use from contributors.
- Europeana should continue to expand the diversity of content and formats.
- Europeana should develop focus on invisible/underrepresented cultures in Europe.
- Europeana should integrate Europeana in local environment – e.g. use of simple APIs.
- Europeana should be developed as a target for other portals and search tools at local, regional, national, and global levels.
- Europeana should be promoted at very local level to increase widespread awareness, use and feedback (incumbent on partners and national strategic bodies).
- Europeana should clarify what user groups will most benefit from Europeana.

**Question 2 - Which features should be given priority in the further development of the site?**

#### ***NLS Response***

See above.

- There should be further development of user search experience, e.g. did you mean, enhanced thumbnail browsing, etc.
- Analysis of user behaviour should be developed and available to partners (and public?).
- Additional functionality for user interaction, participation and contribution and should be built into Europeana – current 'my europeana' and tagging good but great potential to use the expertise, knowledge and enthusiasm of users across Europe. Some of this activity may be best implemented at local level but Europeana can assist and co-ordinate.
- Develop Web 2.0 functionality integrated with the application of learning technology

**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?**

### ***NLS Response***

- About the right balance, but see response to answer to Q4.

### **Question 4 - How should Europeana further develop its own autonomous identity?**

#### ***NLS Response***

- The portal should be promoted at local, regional, national and international levels.
- Relationship with related portals such as TEL and EDL needs to be clarified/streamlined, as well as its relationship with external search tools such as WDL, Google, WorldCat.

### **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?**

#### ***NLS Response***

- The baseline is that search results should be of value to the user.
- Ideally content should be accessible and useable by the user, and minimum requirements need to be defined from a user perspective.
- Standard rights metadata should be included in harvested metadata.
- Open Access and Creative commons offer the best models for access and explanation on use, but should not be mandatory.
- If a significant percentage of content available via Europeana has restricted viewing or use below minimum requirements, the user should have the option to exclude this content from search results (both pre and post search).

### **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?**

#### ***NLS Response***

- Priority categories: unique material, educational material, iconic material, audiovisual material, culturally significant material, in demand/user-led content.
- Member states should be encouraged to contribute content, with proposals for the allocation of grants and other forms of encouragement to ensure organisations take this expectation seriously, including wider contribution from smaller institutions in member states.
- Public domain licensing should be encouraged.

- The community should develop national digitisation registries to avoid duplication, develop co-ordinated national digitisation strategies, and support the setting up and funding of national digitisation centres.

**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?**

***NLS Response***

- Adoption of at least Europe-wide licensing for digitised content should be encouraged, where applicable.
- Limitations on use should be discouraged and - where applied due to commercial licensing - adoption of deadlines for such limits should be encouraged.
- Europeana should encourage wider adoption of the out of print model licence, taking into account developments in the e-book market (where print on demand and e-book delivery may affect the definition of 'out of print').
- 3rd party rights holders should be encouraged to move to the open access/creative commons model where appropriate, especially in the area of primary research content.
- EC impact assessment should inform discussion.
- The community should support greater harmonisation of copyright exceptions across Europe.

**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)?**

***NLS Response***

- Lowering requirements for diligent search will have legal implications, so any European wide guidance would be helpful, in line with the existing MoU.
- The EC impact assessment should inform this, and ARROW will be of assistance.
- EU-wide development of collective licensing with 'opt-out' option (as per Google Books Settlement) should be explored.
- Stronger support for development of voluntary registration to reduce the problem of future orphan works should be encouraged, in addition to an EU-legislative response to orphan work question.
- These would all go some way to solve the 1923 issue, but unless the legal frameworks are harmonised – and there are risks in attempting to do this - it is difficult to see a wholly level playing field emerging.

**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?**

***NLS Response***

- Partners should be encouraged to foster a climate of open access, creative commons and public domain, including the adoption of the public domain charter.
- Any restrictions put in place due to commercial licensing should be limited and include a deadline.
- Clear and consistent advice on IPR policy and practice and how it affects the use and value of digitised content should be made available.

**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?**

***NLS Response***

- In addition to the adoption of appropriate rights models outlined above, partners should be encouraged to adopt standard formats, metadata schema, and accessibility standards.
- Europeana should promote, adopt and develop tools to enable easy compliance with common standards – make it easy for partners to contribute.

**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?**

***NLS Response***

- Community funding at national level is the most appropriate, as well as the most effective and workable, model.
- We agree that funding at institutional level would not work well and be a barrier to participation for many organisations.
- We agree that private funding will be insufficient on its own to support Europeana, but should be explored as a source of supplementary funding.

**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?**

***NLS Response***

- The underlying infrastructure and operation should be developed to be as efficient and economic as possible.
- However central funding for support and development is required to ensure continued value, meet long-term objectives and avoid stagnation.

**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?**

***NLS Response***

- With enlarged membership Europeana should consider moving to an elected board, with voting rights of all contributing members, and the ability to co-opt experts outside of the membership.

**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)?**

***NLS Response***

- Europeana should establish closer links with the private sector, including Google.
- Sponsorship and technical partnership should be encouraged.
- Revenue via links to paid for services, such as Amazon, should be explored.
- Such funding routes will need to be balanced against the status of contributing partners who charge users to view their content.

**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)?**

***NLS Response***

- Suitable sponsorship and use of logos should be allowed, but should not be over intrusive to the user experience.

**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?**

***NLS Response***

- Yes.