

## **Europeana – next steps**

### **The National Library of Wales**

The National Library of Wales is pleased to have the opportunity of responding to the European Commission's public consultation "Europeana – next steps".

### **Background**

The National Library was established in 1907 and is based in Aberystwyth, Ceredigion. As a legal deposit library since 1911 it has the right to receive a copy of every printed item published in the United Kingdom and Ireland. It possesses incomparable collections of books, pamphlets, newspapers and music, manuscripts, archives, maps, photographs, pictures and sound and moving image material. It is the world centre of research material on Wales, the Welsh people, and the Celtic nations. The National Library is funded by grant-in-aid received from the Welsh Assembly Government.

The National Library adopted its first digitisation strategy in 2001 and since then its digitisation activities have greatly grown and developed. A dedicated section within the National Library carries out the main digitisation activities with staff expert in the fields of digital imaging, metadata, and text encoding. This section is supported by and draws upon the expertise and experience of other sections and units within the National Library. Digitisation is funded from the National Library's core budget, but it has also received additional funding for digitisation from other public funding sources, private trusts and individuals. At present the National Library is a partner in a Welsh Assembly Government funded project to develop an innovative approach to collect, interpret, distribute and discuss Wales' cultural heritage in an online environment, Casgliad y bobl – The people's collection.

The Library's main digitised collections are accessible through the Digital Mirror section of its website <[www.llgc.org.uk/digitalmirror](http://www.llgc.org.uk/digitalmirror)>.

The Library is a member of LIBER (Association of European Research Libraries) and supports the LIBER submission in response to the consultation "Europeana – next steps".

### **Response to the questions for consultation**

#### **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 with its present orientation of giving a common point of access to digital content from a wide-range of cultural institutions from across Europe within an integrated environment. It should continue to do so in order to encourage

these institutions to sustain and expand their efforts to digitise their collections and to develop further partner networks.

It should continue to ensure that the interface is multilingual and should consider reflecting the rich linguistic heritage of Europe by including further regional and lesser-used languages, especially those with an officially recognised status with regions.

### ***Question 2***

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

In further developing the site ensuring that the views of users of the site continue to inform those developments should be a main concern.

The main features to be given priority should be the development of tools that will enable users to use and re-use the digital content within a variety of contexts by developing appropriate licenses where possible. Any Web2.0 services developed should be open rather than enabling such activities exclusively on the Europeana site.

In developing the multilingual features of the site consideration should be given to developing multilingual cross-searching of metadata.

As the number of objects increase year on year searching will become more of a challenge for many users. The site should develop tools that will give users the guidance in searching, but also to enable them to make more sense of the results using them in turn to guide them further.

### ***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?*

While it is important that Europeana develops its own identity it should do so based on the identity of its contributing organisations. These organisations bring their authority and trustworthiness to the Europeana project and this should not be lost.

In presenting the material available through Europeana in a more unified way the emphasis should be upon developing and implementing further standardisation in metadata to enable optimised searching of the collections contributed.

### ***Question 4***

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

Europeana should develop its own identity based on the quality of the information that it offers its users and the effectiveness of the search and retrieval tools that the site offers in order to query that information.

Materials accessible through Europeana should become much more visible through search engines.

Europeana should ensure that it is seen as an institution in its own right that is going to be a permanent feature of the information landscape in Europe. Building on this foundation it should emphasise its ability to ensure long-term access to the materials in partnership with the contributing institutions.

#### ***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?*

There should be some minimum requirements for those wishing to contribute to Europeana, but these should be seen as encouraging good practice rather than imposed. Therefore these requirements should be applied in consultation with the contributing institutions.

Defining totally new standards, for example in the field of descriptive metadata, should be avoided if possible but Europeana should rather encourage the adoption of existing and proven standards where they are available and enable their integration. The same is true for standards of re-use; where possible it should encourage the use of a common licence. Perhaps there could be a case made for the development of a common Europeana license.

### **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?*

Because of problems associated with rights it would seem that generally it could be said that 20th century materials are so important that member states and institutions should be encouraged to make them available through Europeana, this would include current publications, born-digital material, sound and moving image material, broadcast archive material. These are problematic materials but every opportunity should be taken to ensure that contributing institutions and member states are concentrating their efforts on making such materials available.

The other category of material that institutions should be encouraged to make available is material that has a high-level of use in its analogue form. It should enable and encourage users to nominate categories of materials (or even specific materials) to be made available through its site. Along with the contributing institutions these responses could be published in the form of wish-lists or allow for the preparation of criteria lists to be used by institutions in the selection of materials to be made available 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?*

In order to encourage cross-border access to digitised materials there needs to be a cross-border solution which is possible through the EU. At present the fact that copyright law exists at both an European and member state level leads to conflicts in rights and entitlements which can be confusing for producers and users.

Copyright laws need to be re-assessed in the light of the development of the internet and digitisation. Emphasis should be put on enabling and opening up the use of materials rather than on restriction balancing the rights of rights holders with those of users.

### ***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)?*

For institutions involved in the digitisation of cultural materials the subject of orphan works, works where the copyright holder is unknown, is particularly problematic. Unless they adopt a policy of risk management institutions will not digitise any materials for which the rights holders are unknown, therefore effectively locking up the content for many years. The materials involved are very often of low economic value, but are of great cultural significance and importance.

There are many options that could be adopted as suggested by the question to lessen the problem.

- A legal definition of an 'orphan work' providing legal safeguards in order to ensure that access to works is not restricted where it need not be.
- The establishment of a cut-off date that places all material from before that date in the public domain would be an easy solution to administer.
- A modified form would not release the work into the public domain but could allow certain uses in certain circumstances, e.g. educational, non-commercial, &c.
- Establish an European data-base of orphan works and rights holders.
- Negotiate blanket EU-wide agreements with copyright collecting societies to allow the digitisation of out-of-print materials, orphan works, &c.

Whatever solution is adopted for enabling access to orphan works, there remains the need for a 'preservation exception' within copyright legislation allowing the copying of a work for digital preservation purposes. Without such an exception there is a danger that much material might be lost forever.

### ***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?*

This problem is legal and a solution would be a legal solution. Copyright legislation should ensure that straightforward copying of public domain material does not establish a new copyright. The present uncertainties are not helpful. Where public domain materials is digitised using public funds it should be an established principle that such materials must be made freely available. This principle should be adopted by Europeana and 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?*

The principle that publicly funded digitisation of public domain material should be made accessible and usable should be a condition of that public funding both at European and member state level. It could also be a condition that the material is also made available to Europeana, and therefore should conform to other requirements of the project.

## ***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?*

Member states should primarily be involved with the funding of digitisation activity at a state level, creating content which would be available for Europeana. Community funding then should primarily be at an European level in the development of the Europeana site and other related sites. National cultural institutions should not solely fund Europeana. If the funding of Europeana were to come solely from private funding then it would probably require some commercial exploitation of the collections funded by member states. Would this be acceptable to the member states?

### ***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?*

Without becoming a completely commercial entity it will probably be necessary for the EU to fund (or part-fund) the basic operations of Europeana after 2013. Sustained funding from the EU would better ensure the sustainability of the project as well.

### **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?*

Users should have a role within the governance structure of Europeana.

### **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)?*

Europeana should seek to partner with private bodies without compromising its commitment to free access. Technological partnerships, where the benefits run both ways would seem a natural way forward, in addition to offering access to sites where in-copyright materials can be bought, but this would depend on the type of materials to be sold.

### **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)?*

If Europeana does receive private sponsorship then acknowledgement of such sponsorship would be expected. But Europeana will need to ensure that any such commercial communications do not compromise the non-commercial service that the site is intended to deliver to the people of Europe and are appropriate within such a context.

### **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?*

Free access to digitised content is one of the basic aims of Europeana, so the provision of free access should be paramount. Users, on the other hand, might wish to know about all the materials available on a particular subject and so would find such service that integrates both free and paid-for services useful. It is important that should this be done that the different services are clearly differentiated, and that paid-for content does not totally 'overshadow' free content, turning Europeana into a commercial venture through the back door.

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