



Attn: DG Information Society and Media
Audio-visual Unit
European Commission
e-mail: ec-digital-libraries@ec.europa.eu

November 4 – 2009.

**Subject: Response to the requests for comments on the Communication
“Europeana - next steps” .
Consultation deadline 15 November 2009.**

The World Cinema Alliance (WCA) would like to make some suggestions to the development of Europeana.

The digital library, “Europeana”, launched in November 2008 is a success with 4.6 million items, mostly books which are in the public domain. However, it is the aim of Europeana to include audio-visual works. There are three issues which we would like to be considered in the development of Europeana:

- Respect to Europe-wide licencing agreements,
 - The funding of Europeana,
 - Orphan works.
1. Regarding the first point, the needs for Europe-wide licencing agreements. These should be encouraged. Cultural institution which aims to up-load a film onto Europeana should first of all agree with copyright holders and their representatives licence agreements for the use of the work.
 2. Regarding the second point on the funding of Europeana. For some time rightsholders have argued that the levy system developed in most European countries (exceptions being Britain, Ireland, Luxembourg, Malta and Cyprus) should be extended to the Internet. This viewpoint was made clear by authors and their representative organisations in 2007 during their efforts to stop the Commission’s (ie, DG Internal Markets) moves to abolish levies. In the case of Europeana and for that matter for all kinds of uses and exploitations of content, the Commission could explore a levy on Internet use and downloading. A percentage of the levy would go to authors and rightholders to compensate for the use of their work and a percentage could go to fund artistic activities like Europeana. In France the current levy system gives 75% of the funds taken from the levy to authors and 25% goes to artistic and cultural events and activities.
 3. Lastly, regarding the third point on orphan works. It is better not to exploit an orphan work until the orphan(s) is found. In other words cultural institutions, which want to up-load content onto Europeana, should first make sure that the orphan work ceases to be orphan. If a cultural institution persists in uploading an orphan work, then money should be set aside in case the orphan(s) appear.

Yours sincerely,