



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Media and Data
Creativity

**IMPLEMENTATION OF
THE COMMISSION RECOMMENDATION
ON DIGITISATION AND ONLINE ACCESSIBILITY
OF CULTURAL MATERIAL AND DIGITAL PRESERVATION**

FINLAND

PROGRESS REPORT 2011-2013

**Please complete and return by e-mail to
Rachel.Soucher@ec.europa.eu no later than 31 October 2013**

Country	
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NOTE: This template follows the structure of the Recommendation of 27 October 2011 on the digitisation and online accessibility of cultural material and digital preservation. This template should be strictly followed.

The Commission Recommendation was endorsed by Council on its Conclusion of 12 May 2012. The priority actions and indicative timetable contained in these Conclusions should clearly be taken into account in your reporting of progress.

Please note that particular attention should be given to new developments in the reference period 2011-2013, notably:

- Financial resources and quantitative/qualitative targets for digitisation
- Public-private partnerships for digitisation
- The transposition and implementation of the Directive 2012/28/EU of the European Parliament and the Council of 25 October 2012 on certain permitted uses of orphan works.
- Legislative or other actions taken by Member States to facilitate the large-scale digitisation of out-of-commerce works
- Actions taken by Member States to support Europeana (provision of content, funding, etc.)
- Measures taken by Member States to ensuring the wide and free availability of existing metadata produced by cultural institutions (Europeana Data Exchange Agreement)
- Financial and organisational aspects of digital preservation.

Besides your factual report, you are encouraged to raise any implementation problems or highlight any best practice examples to which you think special attention should be paid at national and/or European level. Where implementation is not fully reached, please describe how you plan to continue your work.

Please use the empty boxes underneath the questions to indicate your response/comments.

Please provide as much as possible quantitative indicators on progress achieved.

All reports will be published on the Commission's Digital Agenda for Europe website.

DIGITISATION: ORGANISATION AND FUNDING

1. PLANNING AND MONITORING OF THE DIGITISATION OF BOOKS, JOURNALS, NEWSPAPERS, PHOTOGRAPHS, MUSEUM OBJECTS, ARCHIVAL DOCUMENTS, SOUND AND AUDIO-VISUAL MATERIAL, MONUMENTS AND ARCHAEOLOGICAL SITES ("CULTURAL MATERIAL")

- Is there a scheme to plan, coordinate and monitor digitisation of cultural material?

If yes, provide details of all relevant aspects of the scheme and of the overall digitisation achievements (number of digitised objects) towards the overall targets mentioned under point 7 (support to Europeana).

The National Digital Library (NDL) is the Finnish Ministry of Education and Culture's way of creating a unifying structure for contents and services with the purpose of promoting the availability of digital information resources of archives, libraries and museums and developing the long-term preservation of digital cultural heritage materials. It is one of the key electronic research and culture infrastructures currently under construction in Finland.

The national guidelines for digitisation of analogue cultural heritage material are set as part of the National Digital Library. The quantitative and qualitative targets for digitisation of cultural heritage material are set both in the both in the performance agreements concluded by the Ministry and cultural institutions, and in the project plans for digitisation approved by the Ministry of Education and Culture.

The National Institutions (The National Library, The National Board of Antiquities, The Finnish National Gallery, The National Archives, The Institute for the Languages of Finland, The National Audiovisual Archive) maintain and update regularly their digitisation strategies. The standard portfolio of the National Digital Library defines the standards to be used in digitisation.

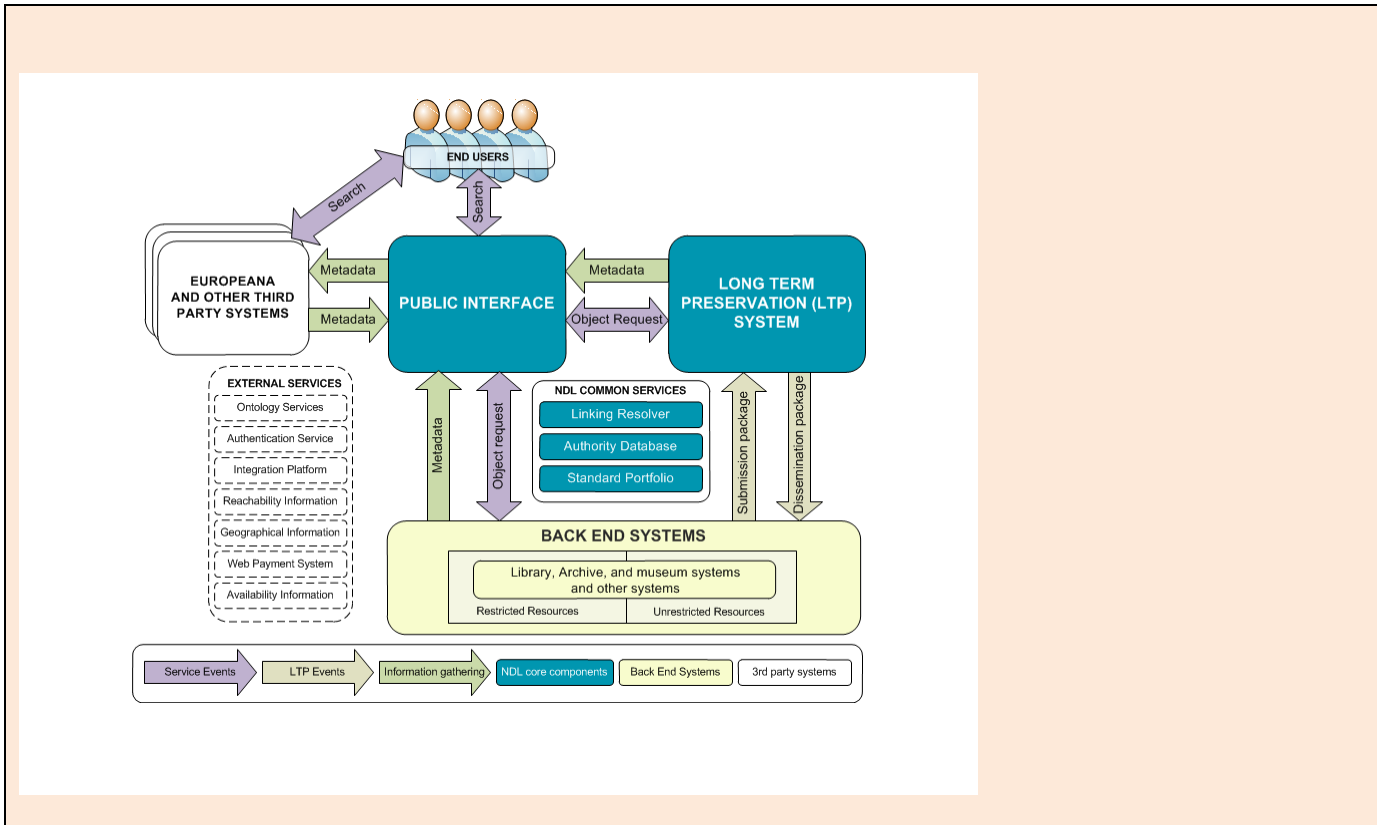
One of the key objectives of the NDL project was competence development. Methods applied are intensive team work, peer learning, active training and an exploration of services provided by libraries, archives and museums as well as international co-operation.

In 2011, a survey on digitisation of cultural heritage material of libraries, museums and archives between 2008 – 2011 was drawn up. Finnish institutions take actively part in the surveys of the Enumerate project.

www.kdk.fi/en

http://www.kansalliskirjasto.fi/attachments/5v5daJ8e3/5uhdIBk6X/Files/CurrentFile/NLF_Digitisation_Policy.pdf

http://www.arkisto.fi/uploads/Arkistolaitos/Strategia_visio_ja_arvot/strategy_2015.pdf



- Has your country set quantitative targets for the digitisation of cultural material?

If yes, please specify the targets and indicators/procedures for monitoring progress, if any.

The quantitative targets are:

- by number of analogue objects to be digitised
- by types of objects to be digitised

DIGITISED OBJECTS	2011	2012	2013	2011- 2013
NEWSPAPERS, PERIODICALS, LITERARY WORKS (pages)	1 915 000	910 000	1 000 000	3 825 000
ARCHIVAL RECORDS, LETTERS, HANDWRITTEN NOTES ALL	2 478 356	3 704 662	4 434 428	10 617 446
AUDIO	3 517	2 306	3 696	9 519
FILM, VIDEO	1 560	4 364	5 664	11 588
MAPS		100	700	800
PHOTOGRAPHS	257 388	276 052	57 029	590 469
PAINTINGS, DRAWINGS, ENGRAVINGS, 3 D ART	25 336	25 900	26 000	77 236
3 D MAN-MADE OBJECTS	34 000	26 000	10 000	70 000

MONUMENTS AND SITES	2 700	2 500	2 500	7 700
3 D digitisation		70		70
ALL (excl. newspapers and periodicals) objects	2 802 857	4 041 954	4 540 017	11 384 828
ALL NEWSPAPERS, PERIODICALS, LITERARY WORKS pages	1 915 000	910 000	1 000 000	3 825 000

The quantitative and qualitative targets for digitisation of cultural heritage material are set both in the both in the performance agreements concluded by the Ministry and cultural institutions, and in the project plans for digitisation approved by the Ministry of Education.

FUNDING FOR DIGITIZATION	2011	2012	2013	2011-2013
National Library, National Archives, National Board of Antiquities, The Institute for the Languages of Finland, National Audiovisual Archive, Finnish National Gallery, Finnish Literature Society and state subsidies	4 962 455	3 753 078	3 284 394	11 999 927

- Has your country set qualitative targets for the digitisation of cultural material?

If yes, please specify the targets and indicators/procedures for monitoring progress, indicate the expected increase in digitised material which could form part of Europeana and budgets allocated by public authorities.

The qualitative targets are:

- the quality of metadata
- the quality of the digitisation process
- transparency of selection criteria

The National Digital Library of Finland has standard requirements for digitized material to be included in its services.

DIGITISED MATERIAL THAT COULD FORM PART OF EUROPEANA	2011 digitised objects	2012 digitised objects	2013 digitised objects (estimation)	
NEWSPAPERS, PERIODICALS, LITERARY WORKS (pages)	1 075 000		1 040 000	2 115 000
ARCHIVAL RECORDS, LETTERS, HANDWRITTEN NOTES Pls. see the explanatory note below	40 878	37 865	9 525 694	9 604 437
AUDIO				
FILM, VIDEO			700	2 100

	700	700		
PHOTOGRAPHS			46 000	46 000
PAINTINGS, DRAWINGS, ENCRAVINGS, 3 D ART	11 376	11 376	11 376	34 128
3 D MAN-MADE OBJECTS			17 000	17 000
ALL (excl. newspapers and periodicals) <u>objects</u>	52 954	49 941	9 600 770	9 703 665
All NEWSPAPERS, PERIODICALS, LITERARY WORKS <u>pages</u>	1 075 000		1 040 000	2 115 000

Explanatory note / archival records: Archival records can be made available through Europeana, but considerable number of them might be of limited interest in this context.

2. PARTNERSHIPS BETWEEN CULTURAL INSTITUTIONS AND THE PRIVATE SECTOR IN ORDER TO CREATE NEW WAYS OF FUNDING DIGITISATION OF CULTURAL MATERIAL AND TO STIMULATE INNOVATIVE USES OF THE MATERIAL, WHILE ENSURING THAT PUBLIC PRIVATE PARTNERSHIPS FOR DIGITISATION ARE FAIR AND BALANCED, AND IN LINE WITH THE CONDITIONS INDICATED IN ANNEX I

- Have any cultural institutions in your country entered into PPPs (including also partnerships with non-EU partners) for digitisation or for facilitating the access to digital cultural heritage?

If yes, please provide details of the partnerships, compliance of the respective agreements with the conditions in Annex I of the Recommendation as well as contact details of the cultural institution involved.

The National Library of Finland has received funding for conserving and digitising parchment fragments (appr. 10 000 two-sided leaves) from a Finnish foundation, as well as for creating a web exhibition based on this material. The Library also has a “Save the Book” Project in which individual persons and communities can support financially the conservation and digitisation of rare or valuable library materials.

The Institute for the Languages of Finland has received funding from the Finnish foundation for Compiling the digital Dictionary of Old Literary Finnish (2012–) and Digital lexical archive of Karelian language (2013–2014).

- Has your country adopted legislation on PPPs in place (e.g. fiscal benefits, public procurement provisions) or is any such legislation under preparation?

If yes, provide details and references.

Finland does not have any specific legislation in place for PPP as regards this sector. Publicly funded institutions, such as libraries and museums are however bound by the Public Procurement Act (Laki julkisista hankinnoista, 30.3.2007/348). The Act is in line with the European Parliament and Council directive on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (2004/18 EC).

3. USE OF STRUCTURAL FUNDS, WHERE POSSIBLE, TO CO-FINANCE DIGITISATION ACTIVITIES

- Is your country using Structural Funds for the digitisation of cultural material?

If yes, provide details of the amounts and the specific programmes.

STRUCTURAL FUNDS / FUNDING SPENT ON DIGITISATION OF CULTURAL MATERIAL					
2007 - 2013					
<i>Fund</i>	<i>EU+state</i>	<i>municipality</i>	<i>other public</i>	<i>private</i>	<i>all</i>
European social fund	2 116 347	157 080	37 529	48 430	2 359 386
European regional development fund	583 500	134 485	104 825		833 786
ESF + ERDF all					3 193 172

4. OPTIMISE THE USE OF DIGITISATION CAPACITY AND ACHIEVE ECONOMIES OF SCALE, WHICH MAY IMPLY THE POOLING OF DIGITISATION EFFORTS BY CULTURAL INSTITUTIONS AND CROSS-BORDER COLLABORATION, BUILDING ON COMPETENCE CENTRES FOR DIGITISATION IN EUROPE.

- Has your country taken practical measures to optimise the use of digitisation capacity?

If yes, please provide details about the ways to optimise the use of digitisation capacity. Does this involve cross-border collaboration?

The National Library of Finland focuses on large-scale digitisation of its own materials, both rare pieces needing special attention and large quantities of material suitable for automated or semi-automated processing. It also provides digitisation services for other memory organisations, if needed.

The Ministry of Education and Culture has allocated funding for the development of the Library's Centre for Preservation and Digitisation. This funding has enabled the development of metadata, processes for different material types and logistics. The Ministry also funded another project for employing over 30 young persons which created a peak in the production volumes of the Centre.

The National Library / Centre for Preservation and Digitisation is a member in the European digitisation competence centre, IMPACT.

The National Library has a cooperation project with the Royal Library of Sweden. Swedish newspapers with links to Finland have been microfilmed in Finland as the first part of the project. The next step would be digitisation. Copyright solutions are sought for in this cross-border cooperation.

DIGITISATION AND ONLINE ACCESSIBILITY OF PUBLIC DOMAIN MATERIAL

5. IMPROVE ACCESS TO AND USE OF DIGITISED CULTURAL MATERIAL THAT IS IN THE PUBLIC DOMAIN

5.1. Mechanisms to ensure that material in the public domain remains in the public domain after digitisation.

- Has your country encountered obstacles in the process of ensuring that material in the public domain stays in the public domain after digitisation?

If yes, please provide details of the obstacles and explain how they have been overcome or how they are being addressed.

The problem of material in the public domain not remaining in the public domain after digitization concerns normally only images i.e. paintings etc. that are photographed in the digitization process. A photographer's related right (Section 49a of the Finnish Copyright Act) does normally emerge for the photograph. There is no specific provision in the law to state the opposite.

Finland is not in favor of limiting the public domain. The institution digitizing the images could prevent the adverse effect of this right by transferring in an agreement with the photographer his or her rights to the institution and allowing the use of public domain material without permission.

5.2. Widest possible access to digitised public domain material as well as the widest possible reuse of the material for non-commercial and commercial purposes.

- Are there projects or schemes for promoting the widest possible access to digitised public domain material?

If yes, please provide details.

The Finnish Government has expressed its strong commitment to promoting Open Data and supports the opening of the public data repositories.

Government Resolution of 3 March 2011¹ sets out the principles on improving the accessibility and promoting the reuse of public information resources in digital format. The Government Programme states that PSI will be opened for citizens, research, education and commercial purposes.

The Finnish Government has launched a 3-year national Open Data Programme 2013-2015. The aim of the Programme is to speed up opening up of public sector data and make it available mainly free-of-charge, in machine readable formats, and under a common open data licence.

The national Open Data Programme 2013 – 2015 covers all ministries and their respective administrative sectors. The national Open Data Programme focuses the funding and governmental support more directly to Open Data initiatives within Finland than before. The attitudes are more positive for Open Data and based on better awareness concerning the benefits of open data. The ministries have made their plans for opening data in the following years.

The principle is that data and information should be available primarily free of charge or at extraction cost, at most in accordance with the PSI Directive. No fees should be charged for the electronic disclosure in standard form or information between public sector authorities. Information held by public sector authorities in electronic form should be made available as widely as possible for citizens, companies, research, education and the whole of society, taking into account disclosure restrictions and other limitations relating to the information. In practice we still have different pricing practices. There are public sector agencies which are required to cover their costs by charges. There are also market-based criteria in use. The charges are to be reviewed and harmonized and made more transparent as part of the implementation of the changes in the PSI Directive and as a part of the Open Data Programme.

The implementation of open data strategy will proceed stage by stage, because the agencies which have covered the costs of their performance by charges, need compensation in the budgetary procedure.

At the moment Finland is mainly digitizing out-of-copyright cultural heritage materials. We endorse the widest possible access to public domain materials.

The National Board of Antiquities has opened its geospatial data service database for free reuse (in 2012) and there is a project to open limited public collection metadata for non-commercial purposes. Public collection metadata project is a co project with the National Digital Library.

¹ http://www.lvm.fi/c/document_library/get_file?folderId=1551281&name=DLFE-11992.pdf&title=Proposal

The National Archives enhances the use of digitised church population records by creating searchable indexes (contains of information) – co project with FAmilySearch, MyHeritage and Microtask Oy. The National Archives has drawn up a plan for georeferencing digitised historical map collections and showing them in a map service.

The Institute for the Languages of Finland provides archives and collections that are important for Finnish language and culture to public use as freely as possible. An increasing number of the collections are available in a digital form on the Internet and the Institute acts in the spirit of the open data, e.g. the Open data and GIS project (2013) will standardize existing digital data containing geographical information, and the most of the data will be opened for all use.

At the present the Institute for the Languages of Finland's on-line data service Kaino (<http://kaino.kotus.fi>) contains freely accessible dictionaries and collections. The web services is being renewed by a model, which utilises new solutions supporting a diverse use of linguistic collections in cooperation with Fin-Clarín, promotes opening data resources (for example licensing, APIs, file downloading services and other technical solutions), utilises crowdsourcing etc.

Units of the Finnish National Gallery manage more than 36 000 artworks. The API is a web service used to acquire information about the artworks <http://kokoelmat.fng.fi/api/v2support/docs/#/overview> . The API is developed and published to serve developers who wish to build applications, websites and mash-ups. In addition to the API, The Finnish National Gallery provides a data-package that contains all artwork information in a single data-file.

- Are there any schemes promoting reuse of the digitised material for non-commercial and commercial purposes? Please also indicate whether there are mechanisms for monitoring such reuse.

If yes, provide details of the schemes or best practice examples. Please also indicate whether there are mechanisms for monitoring such reuse (take-up by organisations engaging in re-use and take-up by end-users/visitors).

Finland promotes the widest possible access to and reuse of digitized materials taking into account the requirement of authorization from the rightholders as regards materials protected by copyright.

The National Library is developing a crowdsourcing platform for digitised newspaper, journal and ephemera material. By using the platform the users of the digitised material can mark up and tag articles or clips of their choice and share them e.g. in the social media. Some metadata must be added to the clips, so that others can also benefit from the work done. This is one of the first crowdsourcing platforms in the world for adding metadata to articles.

The volume of geospatial data service database uploads of the National Board of Antiquities is monitored, but at the moment not the purposes of their use.

Most of the digitised images in the Digital Archives of the National Archives http://digi.narc.fi:800/digi/?lang=en_US are open for all free of charge (only limited amount are restricted by legislation) and can be easily downloaded and reused free of charge (self service). The use is not monitored.

All users must apply for a Finnish National Gallery API key, a unique and confidential code allowing access to the Finnish National Gallery API. Terms of Use are listed in following address: <http://kokoelmat.fng.fi/api/v2support/docs/#/terms>

5.3. Measures to limit the use of intrusive watermarks or other visual protection measures that reduce the usability of the digitised public domain material.

- Has your country taken measures to limit the use of watermarks or other visual protection measures reducing the usability of digitised public domain material?

If yes, please describe the measures. Where applicable, please also indicate best/worst practice examples.

There should be best practice guidelines to restrict the use of watermarks etc. on public domain materials. Using watermarks and equivalent technologies for in-copyright materials allows, however, for broader access to the materials but limiting at the same time the unauthorized use of them.

Limiting of the use of intrusive watermarks is under discussion in the Finnish museum sector at the moment.

DIGITISATION AND ONLINE ACCESSIBILITY OF IN-COPYRIGHT MATERIAL

6. IMPROVE CONDITIONS FOR THE DIGITISATION AND ONLINE ACCESSIBILITY OF IN-COPYRIGHT MATERIAL.

6.1. Rapid and correct transposition and implementation of the provisions of the Directive on orphan works

- When and how is your country going to transpose the Directive on orphan works?

Finland is in way of transposing the Orphan works directive into national law. The Government Bill on the amendment of the Copyright Act and the making of an Act on the use of Orphan works (www.eduskunta.fi, HE 73/2013 vp) was given to the Finnish Parliament in June 2013. The new act on the use of orphan works will enter into force in October 29, 2014.

6.2. Legal framework conditions to underpin licensing mechanisms identified and agreed by stake-holders for the large-scale digitisation and cross-border accessibility of works that are out-of commerce.

- Are there any legal/voluntary stakeholder-driven schemes in your country to underpin the large- scale digitisation and cross-border accessibility of digital cultural works?

If yes, please provide details of the schemes, references and describe impact.

There are no specific provisions on out-of-commerce works in the Finnish Copyright Act and there are no plans to amend the Act to this effect.

However, several general solutions under the provisions of the Finnish Copyright Act are applicable to the use of out-of-commerce works, and diminish the need for a specific solution for them.

Firstly, there are some provisions on limitations that cover relevant areas of uses where the repertoire contains out-of-commerce works.

Secondly, a number of provisions on extended collective licences that are applicable on all kinds of works in the collections of archives, libraries and museums, including orphan works and out-of-commerce works. The system is in line with the principles of the Memorandum of Understanding on the use of out-of-commerce works from September 2011 (http://ec.europa.eu/internal_market/copyright/out-of-commerce/index_en.htm.)

The following provisions address the specific needs of archives, libraries and museums:

Reproduction in archives, libraries and museums (24.3.1995/446)

Section 16 (14.10.2005/821)

An archive, and a library or a museum open to the public, to be determined in a Government Decree, may, unless the purpose is to produce direct or indirect financial gain, make copies of a work in its own collections:

1. for the purpose of preserving material and safeguarding its preservation;
2. for the purpose of technically restoring and repairing material;
3. for the purpose of administering and organising collections and for other internal purposes required by the maintenance of the collection;
4. for the purpose of supplementing a deficient item or completing a work published in several parts if the necessary complement is not available through commercial distribution or communication.

Reproduction of works for the public and communication of works to the public (14.10.2005/821)

Section 16a (14.10.2005/821)

(1) An archive or a library open to the public, to be determined in a Government Decree, may, unless the purpose is to produce direct or indirect financial gain:

1. make copies of a work in its collections which is susceptible to damage by photocopying or by

corresponding means and make them available to the public through lending if the work is not available through commercial distribution or communication;

2. where seen appropriate, make copies by photocopying or by corresponding means of individual articles in literary or artistic works of compilation, newspapers or periodicals and of short passages in other published works to be handed over to the borrowers for their private use in lieu of the volumes and booklets wherein they are contained.

(2) An archive, and a library or a museum open to the public, to be determined in a Government Decree, may, unless the purpose is to produce direct or indirect financial gain, communicate a work made public that it has in its collections, to a member of the public for purposes of research or private study on a device reserved for communication to the public on the premises of the institution. This shall be subject to the provision that the communication can take place without prejudice to the purchasing, licensing and other terms governing the use of the work and that the digital reproduction of the work other than reproduction required for use referred to in this subsection is prevented, and provided that the further communication of the work has been prevented.

Use of works in libraries preserving cultural material (28.12.2007/1436)

Section 16b (28.12.2007/1436)

(1) A library entitled to a legal deposit of a copy of a work under the Act on Deposit and Preservation of Cultural Material (1433/2007) may:

1. use the copy it has in its collections in the manner referred to in Sections 16 and 16a and subject to the terms laid down in these Sections;

2. communicate a work made public that it has in its collections to a member of the public for purposes of research or private study on a device reserved for communication to the public, if the digital reproduction of the work other than reproduction required for use referred to in this paragraph is prevented and if the further communication of the work has been prevented, on the premises of a library in whose collections the material is deposited under the Act on Deposit and Preservation of Cultural Material, and in the Library of Parliament and in the National Audiovisual Archive;

3. make copies of works made available to the public in information networks for inclusion in its collections;

4. make a copy for inclusion in its collections of a published work which it needs to acquire as part of the library collection but which is not available through commercial distribution or communication.

(2) The provisions of paragraphs 1 and 4 of subsection 1, shall also apply to libraries in whose collections the library referred to in subsection 1 deposits the material under the Act on Deposit and Preservation of Cultural Material.

Use of works in the National Audiovisual Archive (28.12.2007/1436)

Section 16c (28.12.2007/1436)

(1) The National Audiovisual Archive may:

1. use a work in its collections in the manner referred to in Sections 16 and 16a and subject to the terms laid down in these Sections;
2. communicate a work in its collections to a member of the public for purposes of research or private study by means of a device reserved for communication to the public on devices located on the premises of a library referred to in Section 16b, in the Library of Parliament, and in the Department of Journalism and Mass Communication of the University of Tampere, if the digital reproduction of the work other than reproduction required for the use is prevented and if the further communication of the work has been prevented;
3. make copies of works made available to the public by transmission on radio or television for inclusion in its collections.

(2) The provisions of paragraphs 1 and 2 of subsection 1 shall not apply to a cinematographic work deposited by a foreign producer.

(3) A work in the collections of the National Audiovisual Archive, with the exception of a cinematographic work deposited by a foreign producer, may be used for purposes of research and higher education in cinematography.

(4) The provisions of subsections 1–3 shall also apply to material subject to legal deposit, stored in storage facilities approved in accordance with the Act on Deposit and Preservation of Cultural Material.

Use of works in archives, libraries and museums by virtue of extended collective licence
(14.10.2005/821)

Section 16d (14.10.2005/821)

(1) An archive, and a library or a museum open to the public, to be determined in a Government Decree, may, by virtue of extended collective licence as provided in Section 26:

1. make a copy of a work in its collections in cases other than those referred to in Sections 16 and 16a–16c;
2. communicate a work in its collections to the public in cases other than those referred to in Sections 16a–16c.

(2) The provisions of subsection 1 shall not apply to a work whose author has prohibited the reproduction or communication of the work.

Further provisions concerning the use of works in archives, libraries and museums
(14.10.2005/821)

Section 16e

(1) In cases referred to in Sections 16, 16a and 16d, provisions may be issued by Government Decree regarding the archives and the libraries and museums open to the public which are authorised under these Sections to use works, or who may apply the provisions on extended collective license, if

1. the activities or mission of the institution has been enacted by an Act;
2. the institution has been assigned a specific archival, preservation or service function in

legislation;

3. the activities of the institution serve scientific research to a significant degree; or

4. the institution is owned by the State.

(2) Further provisions may be enacted by Government Decree concerning reproduction under Section 16 and Sections 16a–16c and the use of the copies thus made.

(3) Further provisions may be enacted by Government Decree concerning the communication of a work to a member of the public under Sections 16a–16c.

Furthermore, according to the Act on Deposit and Preservation of Cultural Material (Act nr 1433/2007) producers or distributors of publications and recordings, including films and broadcast programs produced or distributed in Finland shall be deposited at and preserved by the National Library and the National Film Archive. The National Library also has to right to preserve content published on the internet (Section 16b, para 1 (3)).

The Act on deposit and preservation of cultural heritage includes provisions on quality and usability of the deposited content. When offering access to the content, the Act on the Openness of Government Activities and the Copyright Act have to be observed.

6.3. Contributing to and promoting the availability of databases with rights information, connected at the European level, such as ARROW.

- How is your country contributing and promoting the availability of such databases at the European level?

The Ministry of Education and Culture and the National Library follow up the development of European databases with rights information.

EUROPEANA

7. CONTRIBUTE TO THE FURTHER DEVELOPMENT OF EUROPEANA

7.1. Encouraging cultural institutions as well as publishers and other right holders to make their digitised material accessible through Europeana, thus helping the platform to give direct access to 30 million digitised objects by 2015, including two million sound or audio-visual objects

- How is your country encouraging cultural institutions, publishers and other right holders to make their digitised material accessible through Europeana? Are there specific measures to encourage the contribution of sound or audio-visual material?

The Finnish National Digital Library is maintaining a service called “Formula” for aggregating metadata into Europeana. In addition, some of the Finnish cultural heritage institutions will continue to channel metadata via sectoral and cross-sectoral aggregators such as Athena and Partage Plus.

The National Library of Finland is participating and has participated in several European projects aiming at producing material to Europeana. The Europeana Newspapers Project is going on at the moment and will provide Europeana with appr. 18 million pages of newspapers via a newspaper browser.

Almost all audiovisual content is still under copyright protection.

7.2. Making all public funding for future digitisation projects conditional on the accessibility of the digitised material through Europeana.

- What measures has your countries taken to ensure that all cultural material digitised by means of public funding will be accessible through Europeana?

At present, the number of digitised cultural heritage objects, majority of which is digitised by public funding, is appr. 28 million. Majority of digitised objects, such as archival records of national and regional authorities, has very limited relevance in the European context. Also materials with limited usability or availability, such as archive materials for restricted use and with restricted accessibility, have been digitised by public funding, but will not be made accessible through Europeana.

In Finland, the cultural institutions are responsible for selecting the items and collections that will be made available through Europeana. The Ministry of Education and Culture encourages the organisations to make objects of wider interest accessible through Europeana, and funds the service "Formula" channelling metadata of Finnish cultural objects into Europeana.

7.3. Ensuring that all their public domain masterpieces will be accessible through Europeana by 2015,

- What measures has your country taken to ensure that your country's public domain masterpieces will be accessible through Europeana by 2015? Have you set indicators to measure progress?

In Finland, the cultural institutions are responsible for selecting the items and collections that will be made available through Europeana. The expertise of the institutions, and the variety and the vast amount of objects in their collections will guarantee, that the most relevant digital cultural materials in public domain will be available through Europeana.

7.4. Setting up or reinforcing national aggregators bringing content from different domains into Europeana, and contributing to cross-border aggregators in specific domains or for specific topics, this may bring about economies of scale.

- Has your country set up a national aggregator bringing content from different domains into Europeana? If yes, please provide details of the aggregator, participating organisations and content domains covered.

The Finnish National Digital Library is maintaining a service called "Formula" for aggregating metadata into Europeana.

- Are there specific measures the participation of cultural institutions, publishers or other right holders in cross-border aggregators in specific domains or for specific topics? If no such measures have been taken, are you aware of voluntary participation by organisations based in your country? Please provide details of such participation and participants' motivation.

The Federation of the Finnish Media Industry and the Finnish Newspapers Association have together with the Joint Copyright Organisation KOPIOSTO and the National Library of Finland worked on a project called "Newspaper Archives for the benefit of news houses and the citizens". The project aims to pilot, in co-operation with various parties, the digitization of old newspaper archives and providing web-access to them.

There are two ways of making newspapers accessible to the public in Finland: either via services of the news houses themselves (a law amendment pending in the Parliament based on extended collective licensing, 25 g §) or via library services based extended collective licensing for libraries, archives and museums, 16 d §).

Services that are free of charge and are based on public funding can in a worst case scenario impede or prevent the development digital businesses of publishers. In the best case scenario the parties are able to find co-operation schemes where the activities of private and public sectors support each other. In Finland there is a good spirit between the parties and the aim is to find win – win – models that all parties can accept.

7.5. Ensuring the use of common digitisation standards defined by Europeana in collaboration with the cultural institutions in order to achieve interoperability of the digitised material at European level, as well as the systematic use of permanent identifiers.

- How does you country encourage the use of common digitisation standards defined by Europeana? How do you support the systematic use of permanent identifiers?

Due to the National Digital Library (NDL) project, the use of shared standards and persistent identifiers is actively promoted. Common standards make it possible to build shared information systems for archives, libraries and museums. Persistent & actionable identifiers are vitally important for digital preservation, and the project has decided to recommend the use of URNs. Finland is actively involved in the further development of the URN system in IETF.

The National Library maintains a URN resolver at <http://urn.fi>. The service is used not only by libraries, but also by other organizations. In addition to URNs, Handles are also commonly used as internal PIDs in DSpace systems.

NDL project has developed a standard portfolio for digital preservation. The portfolio contains for instance file formats which are eligible for long term preservation. There is also a detailed METS profile for submission packages to be sent to the digital archive.

EDM is not used for cataloguing, but we can migrate metadata to that format prior to sending it to Europeana.

The National Board of Antiquities has done guidelines for digitalization for Finnish museums. Permanent identifiers are in test use in some Finnish museums.

7.6. Ensuring the wide and free availability of existing metadata (descriptions of digital objects) produced by cultural institutions, for reuse through services such as Europeana and for innovative applications.

- Which measures has your country taken to ensure the wide and free availability of existing metadata? How do cultural institutions in your country take up the Europeana Data Exchange Agreement?
- What experience has your country been able to gather to re-use of free metadata for re-use if the underlying content through services such as Europeana or for innovative applications? Please provide details, examples and references.

The metadata of the public interface Finna of the NDL will open its metadata in 2014. Part of that metadata is already aggregated to Europeana as CC0. The Europeana DEA was actively discussed in Finland when CC0 was proposed to content providers and that process was very valuable for the development of open cultural heritage data in Finland.

7.7. Establishing a communication plan to raise awareness of Europeana among the general public and notably in schools, in collaboration with the cultural institutions contributing content to the site.

- What measures has your country taken to establish a communication plan to raise awareness of Europeana? Are there specific measures targeting schools or other specific user communities? If yes, please provide details.

The National Library of Finland is partner in the Europeana Awareness project. There will be the national Europeana Awareness campaign in 2014 in connection with the Media Literacy Week, coordinated by the Centre for Media Education and Audiovisual Media. The Finnish EuropeanaAwareness Campaign will be aimed at schools. The overall theme of the week is "let's create a better internet."

DIGITAL PRESERVATION

8. REINFORCE NATIONAL STRATEGIES FOR THE LONG-TERM PRESERVATION OF DIGITAL MATERIAL, UPDATE ACTION PLANS IMPLEMENTING THE STRATEGIES, AND EXCHANGE INFORMATION WITH EACH OTHER ON THE STRATEGIES AND ACTION PLANS.

- Does your country have a strategy for the long-term preservation of digital material? What actions are you planning to implement the strategy? Have you exchanged information with other Member States in order to devise your strategy and action plan? If yes, please provide details.

In the national plan for long-term preservation of digital cultural heritage, the concept “digital cultural heritage content” refers to both digitized and born-digital content: digital cultural information within subject to a statutory preservation duty, digital documentary information that is part of the national cultural heritage, and other digital information resources subject to the duty of digital preservation in control of organizations operating within the administrative branch of the Ministry of Education and Culture that are responsible for the preservation of tangible and intangible cultural heritage.

In the administrative branch of the Ministry of Education and Culture, the National Archives Service, the National Library of Finland, the National Audiovisual Archive, the National Board of Antiquities, the National Gallery, and numerous other operators are under an obligation to store much of their digital information for future users.

Digital preservation refers to the reliable preservation of digital information for several decades or even centuries. Hardware, software, and file formats will become outdated, while the information must be preserved. The digital preservation of digital information is not just a technical challenge, as it also requires operational, cognitive, financial, legal, and skills capabilities to be managed successfully.

At present, most of the cultural heritage information preserved over long term consists of digitized documents, maps, photographs, newspapers, and sound recordings. In the future, key material groups will have originated as digital data (recordings of TV and radio broadcasts, films, documents, and publications).

Digital preservation requires a suitable information system and especially a common, new approach and operating model for the partner organizations. The long term lends a special feature to the design of this system, as the data must be managed over a time span extending to centuries. This also directs the design towards an approach that should enable interorganizational cooperation, system interoperability and compatibility of digital information, as well as a consideration of a steady stream of changes in technical systems and components from the start.

The information systems used by organizations responsible for the preservation of digital cultural heritage materials do not feature the functionalities required for digital preservation (such as integrity monitoring, refreshment, and migrations). Similarly, organizations also lack data management processes focusing on digital long-term preservation. A common digital preservation solution will resolve the needs of a number of organizations and allow future access to the content.

According to the national plan of long term preservation of digital cultural heritage, the digital preservation system will be implemented in two distinct phases: Preparation of the DP system (Phase I) and Implementation of the DP system (Phase II). The DP system preparation phase will ensure that the original digital data (bit stream) of the information remains unchanged and can be preserved on up-to-date storage media. Launching of the bit stream preservation system in December 2013 will ensure that digital information in the partner organisations' possession can be reliably preserved until the DP system as a whole becomes available. Phase II of the implementation of the DP system will ensure that the digital information remains intelligible and that the actual information can also be accessed by future generations. In this phase, the necessary hardware, services, and processes will be built for the shared use of the partner organisations.

After its introduction from 2017 onwards, the DP system will move on to the maintenance and service provision stage. In consideration of with the nature of digital preservation, this will also mean a continuous development of operations. On the other hand, updating the technical environment (including software, hardware, and network links) in regular cycles in the coming decades must be taken into consideration, but particular focus must be on the continuous development of a common approach and services. Development in the coming decades will enable new kinds of services that will also increase the value of the preserved material. DP system resources must therefore be allocated both to the maintenance and development of technology as well as to the development of methods for preserving and accessing the data. In addition, the skills of the staff maintaining the DP system should be constantly developed so that the technological and substance-specific knowledge can be kept up to date in a changing environment.

In the initial phase, digital information stored for long periods or permanently by organisations that store cultural heritage and operate within the administrative branch of the Ministry of Education and Culture will be covered by the centralised digital preservation system. The common digital preservation system will be scalable as the volume and types of data, and number of partner organisations increase.

<http://kdk.fi/images/tiedostot/digital%20preservation%20implementation%20plan.pdf>

9. EXPLICIT AND CLEAR PROVISION IN YOUR COUNTRY'S LEGISLATION SO AS TO ALLOW MULTIPLE COPYING AND MIGRATION OF DIGITAL CULTURAL MATERIAL BY PUBLIC INSTITUTIONS FOR PRESERVATION PURPOSES, IN FULL RESPECT OF EUROPEAN UNION AND INTERNATIONAL LEGISLATION ON INTELLECTUAL PROPERTY RIGHTS.

- Have your country made explicit and clear provision in its legislation to allow multiple copying and migration of digital cultural material by public institutions for preservation purposes?

In 2005 new provisions were inserted into the Copyright Act on reproduction and communication to the public of works within archives, libraries and museums provisions referred to and quoted above under point 6 a).

There are not any specific provisions stating how many copies an institution is allowed to make

under this provision. The wording of the provision is in plural. It is therefore considered that a copy may be made in every such case when there's a need to migrate the works/collection to a new format.

According to Section 16, an archive, and a library or a museum open to the public, to be determined in a Government Decree, may, unless the purpose is to produce direct or indirect financial gain, make copies of a work in its own collections:

- 1) for the purpose of preserving material and safeguarding its preservation;
- 2) for the purpose of technically restoring and repairing material;
- 3) for the purpose of administering and organising collections and for other internal purposes required by the maintenance of the collection;
- 4) for the purpose of supplementing a deficient item or completing a work published in several parts if the necessary complement is not available through commercial distribution or communication.

Section 16a includes provisions, in line with Article 5(3)(n) of Directive 2001/29/EC, which enable the communication to the public of works within the above-mentioned archives, libraries and museums.

10. MAKE THE NECESSARY ARRANGEMENTS FOR THE DEPOSIT OF MATERIAL CREATED IN DIGITAL FORMAT IN ORDER TO GUARANTEE ITS LONG-TERM PRESERVATION, AND IMPROVE THE EFFICIENCY OF EXISTING DEPOSIT ARRANGEMENTS FOR MATERIAL CREATED IN DIGITAL FORMAT.

10.1. Ensuring that right holders deliver works to legal deposit libraries without technical protection measures, or that, alternatively, they make available to legal deposit libraries the means to ensure that technical protection measures do not impede the acts that libraries have to undertake for preservation purposes, in full respect of European Union and international legislation on intellectual property rights.

- What arrangements has your country made to ensure that technical protection measures do not impede the acts that libraries have to undertake to guarantee long-term preservation of material created in digital format?

The National Library of Finland takes care of the legal deposit of digital materials by automated searches and by co-operating with publishers of such material based on the Act on Deposit and Preservation of Cultural Material (Act nr 28.12.2007/1433). The library has given guidelines to publishers on how to deposit materials and normally no technological protection measures (TPMs) are used in the files that are deposited. And even if there were TPMs attached to the files, the National Library would have the right to circumvent them in order to deposit a copy to their collections (19§).

The National Library is involved in the development of the METS format and ALTO format.

10.2. Where relevant, making legal provision to allow the transfer of digital legal deposit works from one legal deposit library to other deposit libraries that also have the right to these works.

- Has your country made legal provision to allow the transfer of digital legal deposit works from one legal deposit library to other deposit libraries that also have the right to these works? If yes, please provide details.

The Finnish Copyright Act allows for the access to digital legal deposit collections of the National Library in the premises of other legal deposit libraries in the country via a device designated for that purpose. The other legal deposit libraries in Finland are the Library of the University of Eastern Finland, the Library of University of Jyväskylä, the Library of University of Oulu, the Library of University of Turku and the Library of Åbo Akademi. The collections are accessible also in the premises of the National Audiovisual Archive.

10.3. Allowing the preservation of web-content by mandated institutions using techniques for collecting material from the Internet such as web-harvesting, in full respect of European Union and international legislation on intellectual property rights.

- What measures has your country adopted to allow preservation of web-content by mandated institutions? Please provide details, e.g. of the types of web-content preserved and the organisations mandated.

The Finnish Copyright Act was amended in 2006. The National Library of Finland (NLF) was given mandate to "make copies of works that have been made available to the public in data networks". The Copyright Act also regulates the ways the Library may make these copies available.

Preservation of web content was made a duty of the National Library of Finland by Act on Depositing and Preservation of Cultural Materials (Act nr 28.12.2007/1433). The purpose of the Act is to preserve for future generations, and make available to scholars and others who need them, the materials of national culture made available to the general public in Finland. The Act regulates all legal deposit activities of the Library, and also the activities of the National Audiovisual Archive in the field of films and broadcast materials.

According to the Act, the National Library shall, employing software, collect web contents available to the general public. In this collection the Library shall include contents from different points of time, in a representative and multifaceted manner. The Act applies to web contents that are located on servers in Finland or whose primary audience is the general public in Finland.

The National Library of Finland is thus the only organization mandated to web preservation. The Library uses two methods of collecting web contents: web harvesting, and deposit.

Web harvesting means highly automated downloading and storing of web contents. The Library makes an annual general harvest of web contents in *.fi namespace, on servers in Finland and in a number of other recognized sources. In addition, the Library makes theme-based harvests. As can be seen, the general policy of the Library on web harvesting emphasizes the everyday history (Alltagsgeschichte) point of view.

The Library may require web publishers to dispatch web contents, if web harvesting is not a viable way of collecting the material. Usually the Library limits using this methods to e-books and other book-like or journal-like publications on the web, as well as music published only on the web, from a limited number of web major publishers.

The long-term preservation of web content will happen in the framework of the National Digital Library. It will provide - launching in December, 2013 - a national, centralized, long term preservation solution of electronic materials that will be utilized by Finnish libraries, archives, and museums.

11. TAKING INTO ACCOUNT DEVELOPMENTS IN OTHER MEMBER STATES, WHEN ESTABLISHING OR UPDATING POLICIES AND PROCEDURES FOR THE DEPOSIT OF MATERIAL ORIGINALLY CREATED IN DIGITAL FORMAT, IN ORDER TO PREVENT A WIDE VARIATION IN DEPOSITING ARRANGEMENTS.

- How is your country taking into account developments in other Member States in order to prevent a wide variation in deposition arrangements? Please provide details.

The National Library has a pilot project in the digital deposit of newspapers. It has benchmarked other national libraries e.g. in Norway and Estonia in creating its own system. Because digital deposit is not included in legislation yet, the agreements must be made on a publisher basis at the moment.

The National Library follows closely international developments in digital legal deposit. It is, for example, an active member of the International Internet Preservation Consortium.

There has been discussion on common metadata guidelines within museum sector in Nordic countries.

The National Audiovisual Archive is collaborating through the Association of European Film Archives and the International Federation of Film Archives to define best practices.

ANY OTHER BUSINESS

- Please indicate in the box below any suggestions or other comments you would like to make, or any further information you consider of use for the purposes of this progress report and/or the further implementation of the Recommendation.

