



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**

PROGRESS REPORT 2011-2013

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

Country	Germany
----------------	----------------

Contact Details (info will not be published):

Name	Reinhard Altenhöner
Organisation	German National Library
Telephone	+49-69-1525-1700
Email	r.altenhoener@dnb.de

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).

Although various political and cultural parties have drawn attention to the necessity of a coordinated approach to the digitisation of Germany's cultural heritage, as yet there is no overall master plan. However, several initiatives to coordinate digitisation projects on the federal state level, on the level of the Länder and/or domain level do exist. For example, the Servicestelle Digitalisierung Berlin (<http://www.servicestelle-digitalisierung.de/confluence/pages/viewpage.action?pageId=917513>) and the Koordinierungsstelle brandenburg-digital (<http://www.servicestelle-digitalisierung.de/confluence/pages/viewpage.action?pageId=3571725>) support cultural heritage institutions in their digitisation efforts. Regarding digitisation in the sciences a major coordinating role is played by the German Research Foundation (Deutsche Forschungsgemeinschaft). Part of the project VD 17 (*Bibliography of Books Printed in the German Speaking Countries from 1601 to 1700*, <http://www.vd17.de>), where many libraries collaborate, for example, is the successive and coordinated digitisation of more than 200.000 17th century books.

It has been suggested by various parties that the Deutsche Digitale Bibliothek (German Digital Library (DDB), <http://www.deutsche-digitale-bibliothek.de/?lang=en>), the national aggregator for Europeana, take on a bigger role in the overall coordinating and monitoring of the digitisation of cultural heritage. First steps in this direction have already been taken; the German National Library (the technical coordinator of the DDB) will organise a workshop on „Digitalisierungsaktivitäten in Deutschland stärken: Die Deutsche Digitale Bibliothek als Vernetzungsplattform?“ (“How do we strengthen digitisation efforts in Germany: The German National Library as platform for information and networking?”) in November 2013 which will bring together the DDB and representatives of all sectors and federal states. The participants will discuss how to form a network between all major players, how to achieve a better overview and coordination of the national digitisation projects and thus the workshop will hopefully serve as a starting point towards a national digitisation scheme.

The Deutsche Digitale Bibliothek is also supporting ENUMERATE, a EC-funded project, led by Collections Trust in the UK that aims to create a reliable baseline of statistical data about digitization, digital preservation and online access to cultural

heritage in Europe. Fulfilling its role as coordinator and initiator the Deutsche Digitale Bibliothek will invite all the 2.000 cultural heritage institutions registered with the Deutsche Digitale Bibliothek to participate in the second ENUMERATE survey. In a similar vein, the Deutsche Digitale Bibliothek has also requested that the member institutions of its competence network participate in the ongoing survey of the EU project “succeed” which promotes the take up and validation of research results in mass digitisation. This will hopefully lead to a much clearer picture of current digitisation schemes in Germany and Europe.

- 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.

On a national level there are no quantitative targets as yet, since there exists no overarching digitisation strategy.

However, the Deutsche Digitale Bibliothek intends to incorporate 7–8 mio. metadata for existing digital objects by the end of 2013. At the moment (October 2013), the Deutsche Digitale Bibliothek gives access to ca. 5.7 mio. digital objects/related metadata.

- 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.

On a national level there are no qualitative targets as yet, since there exists no overarching digitisation strategy.

However, the German Research Foundation, which, through its various programmes finances most digitisation measures in Germany, has published widely used Practical Guidelines on Digitisation (http://www.dfg.de/formulare/12_151/), that define standards and best practices for the digitisation of a variety of materials (text based works, graphic representation, photographs, microforms, three-dimensional objects). The Guidelines also address the question of how to make a valid qualitative selection from the material available for digitisation, one major factor being the usefulness of a particular collection for science and research. They also advise on how best to avoid duplicate digitisation. Adherence to the DFG Guidelines is mandatory for all digitisation projects funded by the DFG. In fact, the DFG-guidelines are used by many digitisation projects in Germany even if they are financed by other parties.

Furthermore, in the framework of the Deutsche Digitale Bibliothek a content strategy is being developed which takes into account factors such as cultural relevance and the quality of the available metadata.

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.

Yes, the Bayerische Staatsbibliothek (Bavarian State Library) has entered into a Public-Private Partnership with Google. In the coming years the Bavarian State Library will continue to digitise the entirety of its copyright-free historical holdings, presumably over one million titles will be scanned in the course of the project.

The digital copies are available via the OPAC of the Bavarian State Library and are being integrated into German and European library projects by means of their metadata. However, the key principles 3 and 4 of Annex I of the Recommendation have not been adhered to in this PPP.

Contact:

Bayerische Staatsbibliothek

Ludwigstr. 16

80539 München

User Services

Dr. Wilhelm Hilpert

Tel.: ++49 89 28638-2401

Fax: ++49 89 28638-2403

[✉ benutzung@bsb-muenchen.de](mailto:benutzung@bsb-muenchen.de)

After a public tender, the Deutsche Digitale Bibliothek had also entered into negotiations with Google regarding the possibility of a joint mass digitisation project. However, no scheme that seemed equably agreeable to both parties could be found. There exist a few individual private-public partnerships between cultural heritage institutions and private persons/organisations or associations

In general, however, negotiations regarding projects on a smaller scale, between individual archives and museums and the private sector, were not successful – we conclude that in general PPPs do not seem to be the most promising way forward and that state funding will continue to play a major role in digitisation measures.

- 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.

No

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.

There are several projects which have been or are being funded by structural funds on state levels. But there is no existing data base about the projects on federal level. It is not possible to get this information in due time.

The major sponsor for digitisation measures in Germany is the German Research Foundation as stated above. For the last 12 years, funds of ca. 10 mio Euro per year have been dedicated to digitisation projects. There also exists a “Digitalisierungsoffensive” (Digitisation Effort) for federal state organisations sponsored by the Beauftragte der Bundesregierung für Kultur und Medien (Federal Government Commissioner for culture and media) with 5 mio Euro in 2013. In some states like Baden-Wuerttemberg special funds for promoting eLearning in universities are given to the state archives and the state libraries to enforce digitisation. As a general trend we can see that funds that were formerly dedicated to the production of micro films are now increasingly used for digitisation measures. However, this also holds certain dangers for the financing of the preservation of the physical objects themselves which continues to need funding as well.

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?

A large part of the actual digitisation work in Germany is carried out by service providers from the private sector. However, over the last few years the number of large scale digitisation centres in the public sector has steadily grown. Besides the long-established centres in Munich (Bavarian State Library) and Göttingen (State and University Library) large-scale facilities in Dresden, Jena, Münster and Berlin have also been established. In the archival sector two competence centres exist with the State Archives of Baden-Wuerttemberg and the Federal Archives. Digitisation activities of museums generally take place onsite due to the fragility and value of the objects.

The optimisation of digitisation capacity and possible cross-border collaborations are issues the digitisation network that is to be established by the Deutsche Digitale Bibliothek will address by providing information about possible project partners to smaller cultural institutions who wish to digitise their cultural material.

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.

Some cultural heritage institutions hesitate to provide open access to digitised versions of their public domain (PD) material. Partly this results from the fear of losing control, partly from the practice resp. necessity of using PD material as a way to generate income. Partial ambiguities in the legal framework, insecurities regarding the legal status of certain material and the time and labour consuming research for copyright holders provide high obstacles to declare material as belonging to the public domain.

Some cultural heritage institutions, for example, hold the opinion, that a photograph of a Renaissance painting is itself a work of art and therefore protected by copyright. This allows them to restrict the use of digital representations of their material or to charge for the use of said photographs while at same time forbidding the taking of any other photographs of the painting. In some cases it is debatable if a photograph of a two dimensional work fulfils the criteria for being a work of art itself. However, since no finally binding legal decisions exist, this has to be judged on a case-to-case basis and so in practice the public domain use of much material is being restricted in this way.

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.

As the national aggregator for cultural digital material the Deutsche Digitale Bibliothek aims to include as much relevant digitised public domain material as possible acting as a national access point and a hub for data aggregation for Europeana. This on-going process is a big step to make PD material easily accessible to a wider public as the information on holdings of many different institutions can be browsed via one website.

- 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).

A shortly to be implemented feature of the Deutsche Digitale Bibliothek is an Application Programming Interface (API) which will be open to all interested parties. Using the API it will be easy to re-use the public domain metadata in the DDB for commercial and non-commercial purposes. Using the API keys it will also be possible to keep track of the reuses.

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.

As part of the Deutsche Digitale Bibliothek a project researches the integration of non-visual watermarks which also allows tracking the re-uses of the watermarked material. These watermarks, however, will only be added to copyrighted material. The project is now under extended evaluation.

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?

The EU Directive on orphan works has been transposed into German federal law by the German Parliament on 27 June 2013. We expect that the practical regulation will be in place in spring 2014. As far as the Office for Harmonization in the Internal Market (OHIM) is in charge of implementation, relevant stakeholders are discussing the proposed workflow organisation. For books, a solution has been proposed, which is based on the existing data infrastructure making use of authorised data records provided by the German National Library.

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.

No.

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?

Germany has been one of the major contributors to the ARROW project. Furthermore, the Deutsche Digitale Bibliothek has been tasked by the Federal Ministry of Justice to negotiate with collecting societies, such as the VG Wort or the VG Bild-Kunst, regarding the Internet use of copyright-protected digitised material. This process will include a close coordination with the European partners (see answers above).

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 national aggregator initiative, the Deutsche Digitale Bibliothek, is intended to become the central data hub for Europeana. It is expected that in the long run the Deutsche Digitale Bibliothek will incorporate metadata from up to ca. 30.000 cultural institutions in Germany. At the moment ca. 2.000 institutions have registered as interested partners. As part of the integration of the metadata of their digitised material into the DDB they are asked to provide their metadata to Europeana as well. Currently around 100 data providers ingest metadata into the DDB, the aim is a regular data exchange with Europeana at the end of the year 2013.

On an operational level the teams of Europeana and DDB are continuously exchanging know-how and trying to save resources by sharing tools.

One of the explicit aims of the DDB is the increase of sound or audio-visual material.

Data providers with sound or audio-visual material get preferential treatment.

Also, the German National Library is part of the Europeana-Sounds project.

Furthermore, a significant part of the funds distributed by the “Digitalisierungsoffensive” (Digitisation Effort) has been earmarked for the digitisation of film material. Beneficiaries include the Deutsche Filminstitut (German Film Institute), the Stiftung Deutsche Kinemathek (Foundation German Kinemathek) or the DEFA-Stiftung (foundation dedicated to films produced in the German Democratic Republic). Since the integration of the results into the DDB was a condition for receiving funding, the audio-visual objects in the DDB and therefore hopefully Europeana as well will increase (see question 3).

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?

As the national aggregator for Europeana the Deutsche Digitale Bibliothek has committed itself in its foundation charter to working actively on making material from the publicly funded cultural heritage institutions available through Europeana. The contracts with the data providers mention the transfer of their data to Europeana. The DDB also offers participants of Europeana projects that have already ended to take over the harvesting of their metadata and to enrich it so that it can continue to be integrated into Europeana and used in other projects.

To further facilitate and speed-up this process it would be very helpful if the granting of EU funds for digitisation projects would be tied to an obligation of the beneficiaries to deliver the metadata of their digitised material not only to Europeana but to the national or Länder aggregators as well.

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?

As a result of Germany’s federal system where “culture” is the responsibility of the separate German states, it will not be easy to come to a comprehensive definition of what exactly belongs in the category “public domain masterpiece”. However, the ever growing digitisation efforts will surely include a great number of masterpieces. Through the centralisation efforts of the Deutsche Digitale Bibliothek and its cooperation with Europeana, many if not most of them will be included in Europeana as well. In fact, a good start has already been made: As part of the dedicated project “100 Bände Klassik” (100 volumes of classical literature) the German National Library has digitised 100 German literary masterpieces which are accessible 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 Deutsche Digitale Bibliothek is Germany's national aggregator for Europeana. Underpinning the work of the Deutsche Digitale Bibliothek is a competence network with members from all domains. Participating cultural and scientific institutions, supported by federal, state and local authorities, exchange information and contribute their combined experience to the joint task of expanding the DDB. Members of the competence network are:

- Bayerische Staatsbibliothek
- Bibliotheksservicezentrum Baden-Württemberg
- Brandenburgisches Landesamt für Denkmalpflege und Archäologisches Landesmuseum
- Bundesarchiv
- Deutsches Filminstitut
- Deutsche Nationalbibliothek
- digiCULT-Verbund eG
- Digitales Kunst- und Kulturarchiv Düsseldorf (d:kult) / Kulturamt der Landeshauptstadt Düsseldorf
- Landesarchiv Baden-Württemberg
- Max-Planck-Institut für Wissenschaftsgeschichte
- Niedersächsische Staats- und Universitätsbibliothek Göttingen, more specifically the Göttinger Digitalisierungszentrum (GDZ)
- Sächsische Landesbibliothek – Staats- und Universitätsbibliothek Dresden
- Stiftung Preußischer Kulturbesitz

The DDB is a cross-domain aggregator. It includes material from archives, film libraries, historic preservation institutions, libraries, museums and scientific research institutions.

- 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.

There are several German cultural heritage institutions active in participating in Europeana related projects providing data to dark aggregators or to portals (e.g. Europeana-Fashion).

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

The most wide-spread standard for digitisation in Germany are the DFG Practical Guidelines on Digitisation (see section 1.3 of this questionnaire). Most recently, the Servicestelle Digitalisierung (Konrad-Zuse-Zentrum, Berlin) has published a checklist on how to choose the best digitisation provider for projects in the cultural heritage sector (<http://www.servicestelle-digitalisierung.de/confluence/pages/viewpage.action?pageId=5144604>, accessed 2013-09-30). Regarding the metadata of digitised objects the Deutsche Digitale Bibliothek has formulated rules for the most common metadata formats (METS/MODS, Dublin Core, EAD, LIDO etc.) and ensures that they will be mapped to the Europeana Data Model.

The German National Library operates a URN resolver that is available to public and/or scientific institution and publishing houses. Also, institutions that want to contribute to the Deutsche Digitale Bibliothek need to provide persistent identifiers for their digital objects. However, a cross-domain URN service remains very much in demand. The demand is particularly great in the museum and in the archival sector and the German National Library is offering support and advice via the URN-NBN service; at the moment there are talks to introduce a new name space for these sectors for non-book material.

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 of the underlying content through services such as Europeana or for innovative applications? Please provide details, examples and references.

The Europeana Data Exchange Agreement served as a model for the contract between the Deutsche Digitale Bibliothek and its content providers. In general, it has been readily accepted. However, in some cases German cultural heritage institutions are rather reluctant regarding the use of CC0-licences for their metadata. Especially museums, who often provide detailed description texts for their pieces, are often unwilling to give this information away in an open-licensed form, therefore they currently do not provide object description to Europeana. Regarding the archives sector where the conditions are quite comparable to the museum sector, the archival DDB partners raise the awareness for the subject and support the cause of CC0.

However, the majority of institutions taking part in the DDB have agreed to deliver metadata under CC0-licences.

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.

There are no specific measures referring exclusively to Europeana. However, it is part of the communication strategy of the Deutsche Digitale Bibliothek to raise awareness of digitisation phenomena and virtual libraries in general which also includes Europeana. Since 2013 the Deutsche Digitale Bibliothek employs a full time Public Relations Officer and is present with its own booth at the German book fairs in Frankfurt and Leipzig. For 2014 it is planned to increase the DDB's public relations staff with special regard to online-news and social media. A further step will be to contact schools and universities to raise awareness and look into possible cooperation projects. Indeed, the DDB aims to establish its own sub-portal targeted to children.

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.

Since 2003 nestor, the German competence network for digital preservation (<http://www.langzeitarchivierung.de>), has been in place. Initiated and supported by nestor many initiatives regarding the establishment of a national strategy for long-term preservation have been undertaken. In 2012 the German Research Foundation issued a call for proposals to combine all these initiatives into one comprehensive approach aiming for a national infrastructure for digital preservation. However, none of the submitted proposals was regarded as adequate and the German Research Foundation has reissued the call in 2013. Nestor is willing to take over extended responsibility.

As part of the ongoing development of the Deutsche Digitale Bibliothek there are plans to establish a hosting infrastructure (storing data for immediate and preformat access) as part of the DDB services.

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?

Yes, certain rules to provide for this do exist. However, they are not applicable to all public institutions but, first and foremost, to the German National Library. In recent years some of the federal states have introduced similar rules to provide for the preservation mandate of the federal state libraries. However, laws that allow all public institutions multiple copying and migration still remain a desideratum.

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 2006 law regarding the German National Library explicitly states that presentation copies for the library must be free of technical protection measures, similar laws have been passed in several federal states to give the same right to the respective federal state libraries. The practical application of this law, however, remains problematic especially since some see a conflict between the copyright law and the German National Library law of 2006.

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.

No. This issue too, is one that needs to be addressed in future negotiations regarding copyright laws. In the direct negotiations between the German libraries and the German

Publisher's and Bookseller's Association the latter suggested a license for such provisions to be paid to the collecting society VG Wort. This suggestion was refused by the libraries.

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.

There are legal obligations within each sector to be followed, e.g. archival laws for the archives sector (stipulating that public authorities must offer their material to archives and archives are obligated to appraise and, where appropriate, keep it in their custody) and the obligation of a legal deposit in libraries. One example for the preservation of web-content can be found at: BOA – Baden-Wuerttembergisches Online-Archiv (<http://www.boa-bw.de>), which is an internet archive for websites and online publications of institutions in Baden-Wuerttemberg. These laws and obligations apply for analogue as well as digital material.

For libraries there is a regular exchange of information regarding digital legal deposit within the Conference of European National Librarians. A lot of bi- or trilateral practical projects are in place.

Furthermore, since 2006 the German National Library is obligated to collect digital publications and websites. Due to technical reasons and limited resources not all German websites are being harvested at the moment. The German National Library is therefore concentrating on websites, that fulfill some or all of the following criteria: Websites that report on events that are of importance for German society, history, politics, economy or culture; websites of federal authorities; websites of associations, non-profit organisations, political parties or religious communities; websites that offer collections that are relevant to regional topics; websites that report on important singular events. The amount and scope of harvested websites is continuously growing.

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.

Part of the work of nestor, the competence network for digital preservation in Germany, is the exchange of information and best practices with European projects also active in the field of digital preservation. Of course, the German National Library and the Deutsche Digitale Bibliothek are also part of all the relevant discourses by participating in several European projects and networks, attending the main conferences and events

etc.

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.

In the interest of all European citizens, the undoubted success story of Europeana must continue. Therefore, all necessary efforts to ensure the future financing of this ambitious project within the given EU-budget have to be undertaken, even if this will not be easy in the current economic situation.

Another important point we would like to make is the necessity of a better coordination and integration between EU projects, especially between the Europeana-platform and the “Europeana Group”-projects on the one side and national and thematic aggregators on the other side. Particularly in these times of strained finances we must not waste time and money on efforts that turn out to be redundant. This can only be avoided by a better monitoring, communication and coordination of digitisation projects at the European level.

Also, European funding of digitisation projects should be beneficial for national aggregators as well just as national funding for national aggregators leads to more content for Europeana. Therefore, the national aggregators, the collection hubs for national content, should be explicitly included in agreements between the commission and project consortia.