



## EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Media and Data  
Converging Media and Content

### **Questionnaire on the implementation of the Recommendation<sup>1</sup> of the European Parliament and the Council of 16 November 2005 on “Film heritage and the competitiveness of related industrial industries” (hereafter referred to as ‘The Recommendation’)**

#### **Notes:**

- The replies to this questionnaire shall cover all the film heritage institutions in the Member State, including those of local or regional character.
- The structure of the questionnaire follows Annex I of the Third implementation report, in order to facilitate your reporting. In case that the situation has not changed since your 2011 report, please indicate “NO CHANGE”.

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<sup>1</sup> OJ L 323, 09.12.2005

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l\\_323/l\\_32320051209en00570061.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_323/l_32320051209en00570061.pdf)

## **Questions:**

### **(1) TABLE 1 - FILM HERITAGE INSTITUTIONS**

- 1.1. What appropriate bodies have you designated to carry out the public interest tasks described in point 2 of the Film Heritage Recommendation, ensuring that they are provided with the best available financial and technical resources?

#### **MaNDA**

The Hungarian National Film Archive was reorganised following the amendment of Act CXL of 1997 on Heritage Institutions, Public Library Services and Public Culture (the 'Culture Act') and of Act II of 2004 on Motion Pictures. The Hungarian National Digital Archive and Film Institute (the 'MaNDA') was established with effect from 2 September 2011. It is responsible for ensuring the digital preservation of, and provision of broad access to, Hungarian cultural heritage, in addition to the performance of tasks defined in the Act on Motion Pictures in relation to public collections. The statutes of the MaNDA set out its legal status, mission and core activities:

The MaNDA is a public collection under the control of the Minister of State heading the Prime Minister's Office. It is responsible for taking inventory of, and supporting the digital archiving of, assets that form part of the cultural heritage of Hungary, particularly works of literature, the fine arts, music and audiovisual works, enabling the preservation of these works for posterity and the provision of broad access to them. As part of its specialised activity, it is also responsible for carrying out tasks relating to the collection, sorting and archiving of material, written and other documents of Hungarian and universal film culture, particularly Hungarian feature films, documentaries, newsreels, experimental and animation films and related documents. Finally, it is responsible for contributing to the development of Hungarian culture by providing professional services and carrying out research and for facilitating education in the field of film culture.

Within the organisation of the MaNDA, all tasks relating to film heritage are carried out by the Directorate of Film Institute.

The new organisational structure, the new application schemes (which we hope will be available) and the planned technical investments may improve the efficiency of carrying out tasks in the public interest relating to film heritage.

#### **NAVA**

The NAVA – the National Audiovisual Archive – is the legal deposit archive of Hungarian national broadcasters. Its basic activity is the collection of audiovisual content. Just as the National Széchenyi Library is associated with printed publications and the MaNDA with Hungarian film, the NAVA is linked to electronic programmes. The NAVA also receives other audiovisual archives for sorting and storage purposes, enabling the preservation of audiovisual content as part of cultural heritage. The archive started its activity on 1 January 2006. The operation of the NAVA is regulated under Act CXXXVII of 2004, its activities relating to copyright are defined under Government Decree No 117 of 28 April 2004, while Joint Decree No 52 of 17 May 2007 of the Minister for Economy and Transport and the Minister for Education and Culture sets out the technical, quality and other requirements applicable to the restoration and supply of audiovisual programmes. The National Audiovisual Archive was operated by Neumann János Digitális Könyvtár és Multimédia Központ Nonprofit Kft. (Neumann János Digital Library and Multimedia Centre Non-Profit LLC) between November 2005 and August

2011. It is currently operated by MTVA Digitalizációs Műhely Kft. (MTVA Digitisation Studio LLC).

*The Public Service Archive of the Media Support and Asset Management Fund (MTVA)*

Section 100 of Act CLXXXV of 2010 on Media Services and Mass Communications sets out detailed rules relating to the Public Service Archive.

1.2 What is their budget for 2013?

*MaNDA*: The budget for 2013 is approximately HUF 420 million.

1.3. What is their workforce for 2013 (staff directly related to film heritage)?

The authorised public workforce of the MaNDA for 2013 consists of 79 employees, with 34 employees working in the field of film heritage. This workforce includes staff who deal with the expansion, preservation, restoration and digitisation of materials, and provide the film services of the MaNDA.

1.4. Please list of all the Film Heritage Institutions, including also those of regional or local character, as well as their websites.

Hungarian National Digital Archive and Film Institute      [www.mandarchiv.hu](http://www.mandarchiv.hu)  
[www.kulturkincs.hu](http://www.kulturkincs.hu)

National Audiovisual Archive      [www.nava.hu](http://www.nava.hu),  
[www.kereso.nava.hu](http://www.kereso.nava.hu),  
[www.tematikus.nava.hu](http://www.tematikus.nava.hu)

Public Service Archive of the Media Support and Asset Management Fund  
[www.mtva.hu](http://www.mtva.hu)

1.5. Is there any change to report in relation to 2011?

The Culture Act amended the tasks of the MaNDA as of 1 January 2013.

**(2) TABLE 2 – LEGISLATIVE MEASURES / DEFINITION OF NATIONAL FILM HERITAGE**

2.1. List the legislative / administrative measures promoting the objectives of the 2005 Film Heritage Recommendation

The entry into force of the amendment to Act II of 2004 on Motion Pictures in 2012 represents a major legislative change resulting in the revision of detailed rules relating to the management of national film assets, in addition to the expanded definition of national film assets (see paragraph 2.2). The key elements are as follows: national film assets are owned by the State, managed by the MaNDA and distributed by the Hungarian National Film Fund (MNF). The MaNDA and the MNF are required to conclude a so-called distribution agreement that lays down the detailed rules of distribution; it is subject to approval by the head of the body operating the MaNDA. (The distribution agreement has yet to be concluded, therefore, the MaNDA continues to directly carry out distribution. That, however, does not pose a risk to the broad availability of national film assets, as supported by the distribution figures /TV, DVD and other forms of distribution/ for the reporting period.) Pursuant to another change in regulation, public media service

providers can access film assets managed by the MaNDA with the involvement of the Media Support and Asset Management Fund basically free of charge (i.e. they are only required to pay directly incurred costs that are primarily of a technical nature).

Act CXXXVII of 2004 on the National Audiovisual Archive was amended by Act CCI of 2011, which sets out interpretative provisions.

2.2. What is the definition of cinematographic works forming part of your national film heritage?

Act II of 2004 on Motion Pictures defines the term ‘national film assets’ as follows: national film assets are deemed to be copyright due to the State pursuant to Section 3 of the repealed Act XVI of 1884 on Copyright, copyright due to the State pursuant to Section 3 and Section 74 of repealed Act LIV of 1921 on Copyright, copyright due to the State pursuant to Section 41(3) of repealed Act III of 1969 on Copyright, licenses due to the State pursuant to Section 64 of Act No LXXVI of 1999 on Copyright due to the State, the totality of rights due to the State as the holder of neighbouring rights pursuant to Section 82 of the same Act, and copies of the original negatives of the cinematographic works concerned, which constitute assets of the treasury. The amendment of the Motion Picture Act in 2012 expanded the latter category to include the reproductions (dupe negative, dupe positive copies) of the cinematographic works concerned.

The motion picture materials produced in the territory of Hungary or in co-production that have significance in terms of the history and culture of Hungary or Hungarian society are also regarded as part of national film heritage.

Works of universal cinematography, distributed or issued in Hungary with the added value of Hungarian subtitles or dubbing, are also regarded as part of national film heritage.

2.3. Is there any change to report in relation to 2011?

The amendment of the Motion Picture Act in 2012 expanded the latter category to include reproductions (dupe negative, dupe positive copies) of the cinematographic works concerned.

**(3) TABLE 3 – DEPOSIT OF CINEMATOGRAPHIC WORKS FORMING PART OF YOUR NATIONAL AUDIOVISUAL HERITAGE**

3.1. How do you define the type of deposit in your Member State?

a) Legal deposit

The MaNDA basically carries out the systematic collection, cataloguing and storage of cinematographic works falling within the scope of its collection duties on the basis of statutory legal deposits.

This activity is regulated firstly by Act II of 2004 on Motion Pictures and secondly by Government Decree No 60 of 27 March 1998 on the provision and use of legal deposits of media products (the ‘Decree’).

b) Compulsory deposit of cinematographic works that have received public funding (contractual deposit)

According to the practice followed in the reporting period, the organisations that allocate public funds set the provision of a legal deposit of the funded cinematographic work as a condition for funding.

c) Voluntary deposit

Voluntary deposit is an option and is regulated by appropriate legal procedure, but rarely occurs in practice. (The MaNDA recently received Hungarian advertisement films dating back several decades under this title.)

3.2. Are film on digital support covered by the obligations of deposit?

Yes.

3.3. What material has to be deposited?

MaNDA

Pursuant to Section 3 of the Decree:

- (2) Legal deposits of films, video documents and electronic documents
  - (a) produced in Hungary, or
  - (b) produced abroad and issued in Hungary, or
  - (c) produced abroad and distributed in Hungaryshall be provided, irrespective of the number of copies.

Pursuant to Section 6(1)(b) of the Decree:

With the exception of periodical publications and policies, the provision of legal deposits of publishing products relating to the operation of legal persons and unincorporated economic operators stored in their archives and image and audio depositories is not required.

NAVA

*The relevant rules are laid down in Act CXXXVII of 2004 on the National Audiovisual Archive (the 'NAVA Act'):*

Section 2(d) audiovisual legal deposit: programmes broadcast to the public by public service media service providers, and in relation to programmes falling within the scope of the decree of the president of the National Media and Infocommunications Authority (NMHH), programmes broadcast by terrestrial means by television media service providers, falling within the scope of this Act.

3.4. What is the deadline for deposit?

MaNDA

Section 8 of the Decree:

- (2) The original image and audio negative and dupe positive of the film produced in Hungary shall be provided within 1 month of the completion of production.
- (3) The legal deposit of video documents produced abroad and distributed in Hungary shall be provided within 3 days of the date of distribution.

(4) Unless provided otherwise under the distribution contract, the legal deposit of a film produced abroad and distributed in Hungary shall be provided within 2 years of the premiere, or within 30 days of the expiry of the distribution right in the case of films distributed for a fixed period.

### NAVA

NAVA Act, Section 10(1) The legal deposit of audiovisual material broadcast to the public and identification data defined in the regulation of the president of the NMHH shall be made available to the NAVA – in the form defined in the regulation of the president of the NMHH – for the purpose of archiving.

(2) The NAVA shall have the right to directly record an audiovisual legal deposit from the broadcast version of the audiovisual material. If the NAVA does not exercise its right of direct recording, the media service provider shall make available the programme no later than 60 days of the notice of the Fund or the organisation operating within its framework – issued within 60 days of the broadcast of the programme – on the storage media and in the manner defined in the regulation of the President of the NMHH.

3.5. Is there a compliance checking of the obligation of deposit?

Yes.

We check whether the given film material falls within the scope of the statutory requirement to provide legal deposits. If not, but otherwise it falls within the MaNDA's scope of collection, it is managed as a voluntary deposit. If it does not fall within our scope of collection, it is offered to other public collections with an appropriate profile.

3.6. Is there a check of the quality of the deposited material?

Pursuant to Section 7(1) of the Decree:

### MaNDA

Only faultless, complete copies may be provided as legal deposits. The provider shall replace or supplement the faulty or incomplete copy within 3 days of its sale with a faultless copy.

The staff of the MaNDA check the compliance of legal deposits with quality requirements when they are deposited.

We carry out checks of 35 mm new material within 1 week and request a replacement copy, if necessary. Checks take longer in the case of electronic/digital storage media due to the overload of our equipment. As a bridging solution, the producer submits a declaration together with the material in which he guarantees the adequate quality and completeness of the submitted material.

### NAVA

Joint Decree No 52 of 17 May 2007 of the Minister for Economy and Transport and the Minister for Education and Culture sets out the technical, quality and other requirements applicable to the restoration and provision of audiovisual programmes.

3.7. Do you have any problem or best practice to report in relation to collection of cinematographic works?

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3.8. Is there any change to report in relation to 2011?

NO CHANGE.

**(4) TABLE 4 – COLLECTION OF MATERIAL OTHER THAN CINEMATOGRAPHIC WORKS FORMING PART OF YOUR NATIONAL AUDIOVISUAL HERITAGE**

4.1. Is there any provision / practice in your Member State concerning the collection of cinematographic works not forming part of the national audiovisual heritage?

The MaNDA aims to collect the works of universal cinematography not distributed in Hungary, realised by purchases or exchanges between film archives, depending on the availability of funds.

4.2. And about moving-image material other than cinematographic works?

The MaNDA collects the screen tests, film fragments, dailies, making-of films and trailers of films that make up the national film assets.

Pursuant to Section 5(3)(d) of the Decree, one legal deposit of the films and of the posters and brochures of films and cinemas must be provided to the Film Institute.

The Photo and Poster Archive is one of the most important special collections of the MaNDA and includes over 50 000 film posters and 200 000 film-related photographs and postcards. The collection also includes a small number of memorabilia. Aiming for completeness, the MaNDA collects the posters of Hungarian and foreign films from the past (by receiving legal deposits and through purchases and gifts) which were distributed in Hungary. It also stores a large number of posters of foreign films not distributed in Hungary and posters related to film festivals and film events. In addition to unique Hungarian silent film photos, the Archive also contains location photographs, photos of film stars and photos of documents related to films distributed in Hungary and abroad.

4.3. Is there any change to report in relation to 2011?

NO CHANGE.

**(5) TABLE 5 - CATALOGUING AND DATABASES**

5.1. Can you describe your cataloguing practices?

MaNDA

From the establishment of the Institute's predecessor in 1957, the collections of the MaNDA Film Institute have been sorted under a catalogue card system operated in accordance with individual rules of procedure established on the basis of film descriptions, but based on the system of library cataloguing. (Film archive, artist, topical, video and media archive catalogues.) The library describes its materials in accordance with the principles of library

cataloguing.

Version 1.0 of the Film Institute's proprietary database was put into operation in 2000 and underwent complete restructuring in 2005 (on the basis of FIAF principles and our foreign experience). Due to the unique sorting and registration methods of film materials, we were unable to apply computerised library registration systems for our purposes, therefore, we had to design and develop a special database. (To our knowledge, all European film collections were required to proceed in a similar fashion.) The system is suitable for the registration and complete sorting of filmographies, warehouse materials and special collections. It manages the borrowing of copies and provides a platform for researcher access. Additional enhancements were implemented between 2005 and 2011: collection modules, the development of an artist registration system, a module suitable for the storage of the digitised elements of dossier archives, researcher access on 2 levels. Library items are catalogued in the KisTéka library cataloguing system, independently of the database of the Film Institute. Database sorting and cataloguing does not mean the closing of the of earlier registration systems (catalogue, general ledger). We manage computerised and paper based records in parallel, as the card catalogue system [*source sentence incomplete*].

### NAVA

The catalogue containing metadata relating to programmes broadcast since 1 January 2006 currently contains 790 000 metadata records, and an extra 100 000 to 120 000 new items are added annually. The catalogue is developed on the basis of the 15 data elements of the qDC, in line with in-house rules. The recording of the various characteristics is achieved partly by namespaces (personal names) maintained in-house and partly by a thesaurus developed and maintained by external parties. From the second half of 2011, metadata records have been supplemented with full text transcripts in the case of news and current affairs programmes. The recorded key images (also used for making an image gallery) are very important components representing the contents of metadata records. In addition to the above, one-minute segments provide support for user searches. The online catalogue is open to the public. Pursuant to Act CXXXVII of 2004 on the NAVA, programmes may be viewed in their entirety within a dedicated network at educational and public collection research bodies.

#### 5.2. Can you describe your filmographic databases?

All workflows are integrated into a single system at the Film Institute division of the MaNDA. In the database of the Film Institute, a filmographic item is sorted with a mandatory minimum of 5 basic data (registration title, director, country, year, genre), followed by the generation of the primary ID of the filmographic item in the system. Additional steps of content sorting: title versions, entire credits (from the person sub-module), production companies (from the sub-module), sponsors (from sub-module), content descriptions, sources used, primary data of the archive copy; distributor data (from the sub-modules): company, place and date of the premiere, festival screenings and awards, integration of digitised documents: synopsis, script, dialogues, dossier archive materials. A special filmographic sorting method is applied to so-called sketch films, series and news materials. Materials contained in the film archive (celluloid media – 5 items), the media archive (digital/electronic media – 9 items), the photo and poster archive are sorted within the same system, but through separate data input interfaces. The materials sorted through the interfaces of the collection may be integrated and displayed in the filmographic sorting process. In other words, in addition to content/filmographic data shown beneath the given film title, there is a direct indication of any related legal deposits of photos, posters, celluloid or digital material, or viewable material in our collection. Further components of the system:



Person management module: facilitating the uploading of personal data sheets, enabling the sorting of the digitised materials of personal artist dossiers, our collection of portrait photos, and biographical entries published during the past decades in our self-published encyclopaedias. The warehouse borrowing module manages celluloid borrowings.

Internal research platform: full access only for data retrieval. In situ use.

External research platform: limited access to public data content, only for data retrieval. In situ use.

The media archive borrowing module is in a semi-finished, non-serviceable state; it will manage borrowings from the media archive in the future.

<b>Database of the Film Institute</b>	<b>2000-2013 Total data sheets (pcs)</b>	<b>Increase in 2012 – new data sheets (pcs)</b>	<b>Increase in 2013 – new data sheets (pcs)</b>
filmographic items	32 500	665	283
copies	71 900	5 921	913
electronic, digital media	13 000	600	1 700
posters	2 800	219	0
photos	8 600	1 846	1 132
persons	76 200	1 750	350
production companies	10 000	430	90

The digital database of the MaNDA uses the standard of the Europeana Dublin Core ESE (European Semantic Elements), while its export function also provides data to the digital library of the EU in the EDM (Europeana Data Model) required by Europeana, including audiovisual materials. The CHOs (cultural heritage objects) are exported on the basis of the access settings and according to their copyright status; metadata are provided in full in accordance with the DEAs (Data Exchange Agreements) concluded with Europeana. The partial migration of the MaNDA's internal databases commenced in 2013. Since the audiovisual metatables of the MaNDA DB are of a medium level, in accordance with the standard of Europeana ESE, the databases of the Film Institute continue to be uploaded.

#### NAVA

Database of legal deposits: it contains 550 000 programme records.

Image gallery belonging to the database of legal deposits: 1 260 000 key image records.

Namespaces of the database of legal deposits: 380 000 classification data records.

5.3. How do you ensure the interoperability of your databases with other databases in your Member State or with other Member States?

## MaNDA

The proprietary database of the Film Institute used by the Film Institute division of the MaNDA is compliant with FIAF guidelines. We have experience relating to the European Film Gateway Project and the EFG1914 Project, indicating that the metadata content of the system fully meets the requirements. Although the communication of data is not automatic (we produce xml files from our database, programmed according to the given data communication questionnaire), it operates well.

## NAVA

The complete meta-database is accessible through the OAI-PMH protocol.

- 5.4. Have you implemented or do you plan to implement the European Standard EN 15744:2009 “Film Identification – Minimum metadata set for cinematographic works” and/or standard EN 15907:2010 “Film Identification – Enhancing interoperability of metadata – Element sets and structures”?

When establishing the proprietary database of the Film Institute used by the Film Institute division of MaNDA, we have applied the stipulations of standard EN 15744:2009, preceding the standard to a certain extent, by using the FIAF sorting guidelines contained in it, already in effect prior to its publication.

Our set of metadata complies with the data structure defined in standard EN 15907:2010; the output side (data communication) is yet to be resolved, but we are working on it.

- 5.5. Do you have any problem or best practice to report in relation to cataloguing and databases?

None.

- 5.6. Is there any change to report in relation to 2011?

NO CHANGE.

## **(6) TABLE 6 – PRESERVATION AND RESTORATION**

- 6.1. What measures/programmes have been taken in order to ensure preservation of deposited cinematographic works?

The MaNDA has suitable air conditioned storage rooms and sufficient storage facilities for the purpose of storing traditional film reels. The MaNDA carries out tasks related to the preservation of works each year. Within the framework of the activities performed, approximately 9 370 copies (previous figure: 8 386) and 22 451 production items (previous figure: 35 889) were checked in the reporting period (between 1 November 2011 and 31 October 2013). In the reference period, checks focus on documentaries and various topical news materials, thus, although the number of copies increased by 12 %, the volume of reels declined by 37 %. In justified cases, it was necessary to carry out the restoration of the physical condition of film reels by traditional technology.

Some of the cinematographic works stored by the MaNDA (a total of 1 673 copies; previous figure: 4 950 copies) have been converted from celluloid to electronic media. The approximately 76 % decline is attributable to rising demand in the service segment,

because the overload of machines as a result of supply on electronic media did not allow for more time spent on preservation. The Spirit Classic SDC 2000 telecine device of the brand DTF was purchased in 2012, representing a substantial technical progress in producing Full HD digital copies of negative, dupe negative, dupe positive, intermediate, master and positive copies stored in the MaNDA collection.

## 6.2 List the measures or programmes in place for restoration.

One of the key goals of the MaNDA is to preserve and make accessible the existing assets of Hungarian film culture for posterity. This requires the professional storage, regular renewal and, if necessary, the restoration of films. There is an urgent need to restore early films owing to their decomposing, flammable and potentially explosive nitro-based raw material. Films have been restored systematically since 1989. We aim to transfer nitro-based films in our collection to a safe medium as soon as possible and to produce safety accessory material for them to enable the production of additional copies. The methods and tools used in film renewal and restoration have undergone significant development over the last 20-30 years. The copies restored in recent years are much closer to the originals than the back-up copies created in the 1960s and 1970s. Digital technology opens up even more opportunities in the field of film restoration, Therefore, efforts should be made to preserve the original nitro-based accessory materials to enable repeated restoration in a quality better than before. The restoration activity of the Archive is internationally recognised.

During the reporting period, 1 silent film was restored with traditional methods and digital masters were made of 72 films. Restoration was funded from central government finances (8 films), under the EFG project (11 films) and from the MaNDA's own contributions (54 films).

## 6.3. Does the national copy-right law implement the exception 5(2)(c) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society<sup>2</sup>? This exception allows Member States to authorise acts of reproduction made by publicly accessible libraries or archives which are not for direct or indirect economic commercial advantage. If the exception is implemented, are all the film heritage institutions on your Member State authorised to make use of this exception? Is the exception implemented in a way that allow format-shifting for digital material?

Pursuant to Section 35(4) of Act LXXVI of 1999 on Copyright:

‘(4) Libraries providing public services, ... institutions providing school education, museum institutions, archives, and image and audio archives regarded as public collections may make copies of the work if this does not even indirectly serve the generation or increase of income, and

(a) these are necessary for scientific research or archiving,

(b) are made for public library services or for purposes defined in Section 38(5),

(c) are made of a smaller part of the published work, or of a newspaper or periodical article for internal use within the institution, or

(d) are permitted by law in exceptional cases, under certain conditions.’

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<sup>2</sup> OJ L 167, 22.6.2001, p. 10.

6.4. Do you have any problem or best practice to report in relation to preservation and restoration?

None.

6.5. Is there any change to report in relation to 2011?

Legislative amendment.

**(7) TABLE 7 – ACCESSIBILITY, PROFESSIONAL TRAINING AND EDUCATION**

7.1. Does the national copy-right law implement the exception 5(3)(n) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society? This exception allows Member States to authorise “in situ” consultation for researchers. Is the exception implemented to cover consultation in a “closed network”?

Pursuant to Section 38(5) of Act LXXVI on Copyright (the ‘Copyright Act’), unless provided otherwise in an agreement on use, works forming part of the collections of libraries offering public services, institutions providing school education, museum institutions, archives, and image and audio archives qualifying as public collections may be freely displayed on the premises of such institutions for individual members of the public for the purpose of scientific research or individual study on the screens of computer terminals installed for this purpose, and may be freely transmitted – with the method and under conditions set out in separate pieces of legislation – to such members of the public for this purpose, including their accessibility to the public, provided that they are not even indirectly used for generating or increasing income. [In the context of free use under this provision of the Copyright Act, the method and conditions of the transmission of works to certain members of the public and their accessibility to the public is set out in Government Decree No 117 of 28 April 2004.] Based on the cited rule of the Copyright Act, the NAVA currently makes audiovisual content (news programmes, documentaries, cinematographic works, advertisement films, etc.) accessible within a closed system, via so-called NAVA points, i.e. terminals installed at certain institutions, for educational and scientific purposes, with downloading disabled.

7.2. Does the national copy-right law implement the exception 5(3)(a) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society? This is an exception that allows illustration for teaching or scientific research. If so, are cinematographic works also covered by the exception?

See points 6.3 and 7.1.

7.3. Has the Directive on certain permitted uses of orphan works been implemented in your Member State?

Yes.

Section 5, Section 16, Section 24, Section 26 and Section 27(b) of Act CLIX of 2013 on the Amendment of Certain Acts Concerning Intellectual Property, enacted by the

Hungarian Parliament, serve compliance with Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works.

- 7.4. Is there any licencing practice that facilitates that cinematographic works are accessible for educational, cultural, research or other non-commercial uses of a similar nature? Please give details of the measures taken.

A statutory regulation is in place.

- 7.5. Have you taken any measures to ensure access for people with disabilities to deposited cinematographic works, in compliance with copyright and related rights? Please give details of the measures taken.

Section 41(1) of Act CII of 2003 on the Amendment of Certain Acts on the Protection of Industrial Property Rights and Copyright Acts, inserted into the Copyright Act, grants persons with disabilities the right to freely use works within a wide scope, setting out that the non-commercial use of a work falls within the scope of free use if it exclusively serves the satisfaction of the needs of persons with disabilities that are directly related to their disabilities, and does not exceed the extent justified by such purpose.

- 7.6. What steps have been taken to promote professional training in all fields related to film heritage?

In this respect, first of all we need to mention the National Core Curriculum (the 'NAT'), whose key competences cover the development of aesthetic and artistic awareness and expression, in line with the Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (2006/962/EC). The curriculum 'Arts' includes film culture and media literacy. This subject focuses on film literacy and on the understanding of the social role and working mechanisms of audiovisual media.

- 7.7. What steps have been taken to foster and promote film literacy? Do Film Heritage Institutions provide free online footage to allow the public to learn to manipulate images through mash up?

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- 7.8. Do you have any problem or best practice to report in relation to accessibility, professional training or education?

None.

- 7.9. Is there any change to report in relation to 2011?

NO CHANGE.

## **(8) TABLE 8 – EUROPEAN AND INTERNATIONAL ACTIVITIES**

- 8.1. Do you cooperate with other Film Heritage Institutions, broadcaster archives or other cultural institution in your Member State?

We cooperate with image and audio archives. As a result of such cooperation, 100 full-length Hungarian feature films and 65 digitised exam films (University of Theatre and Film Arts) stored by the MaNDA are accessible through NAVA points. Filmhíradó Online (Newsreel Online) and Gramofon Online (Gramophone Online) – operated by the NAVA earlier – has been operated by the MaNDA from 1 January 2013. There is also ongoing cooperation with the MTVA and public media service providers, serving the expansion of the programming of media service providers. We also provide services on demand (film supply, research) to national and other broadcasters. There is also cooperation between image and audio archives and other cultural institutions, such as museums, theatres and cinemas.

8.2. Have you established bi-lateral cooperation with Film Heritage Institutions in other Member States?

The expansion of the collection of pre-1945 Hungarian films and in particular of the incomplete collection of Hungarian silent films, is facilitated by cooperation with foreign archives. The MaNDA has exchanged films with the following archives in recent years: Filmarchiv Austria (Vienna), Österreichisches Filmmuseum (Vienna), EYE Film Institute Netherlands (Amsterdam), Jugoslovenska Kinoteka (Belgrade), Bundesarchiv-Filmarchiv (Berlin), Deutsche Kinemathek (Berlin), Cinematheque Royale de Belgique (Brussels), Cineteca del Friuli (Gemona), National Audiovisual Archive (Helsinki), Cinematheque Suisse (Lausanne), British Film Institute (London), Fondazione Cineteca Italiana (Milan), Gosfilmofond of Russia (Moscow), Archives Françaises du Film du Centre National du Cinema (Bois D'Arcy). The Hungarian silent film collection of the archive has more than quadrupled through these exchanges.

8.3. Do you participate in European projects? If so, please list them.

The MaNDA regularly takes part in European projects. New projects not included in previous reports:

The EFG1914 project has set the goal of digitising and making accessible historical documents of inestimable value: films that deal with the events of the First World War. It was launched in February 2012 and aims to provide online access to 650 hours of film and approximately 5 600 photographs, censorship cards, posters and texts by January 2014, the centennial of the start of the First World War, at the portals [www.europeanfilmgateway.eu](http://www.europeanfilmgateway.eu) and [www.europeana.eu](http://www.europeana.eu).

Twenty-five institutions, including 20 film archives, have joined the initiative from around Europe. The MaNDA is digitising and sharing 3 hours of film material, including 3 feature films (Az utolsó éjszaka, A föld rabjai, Egy fiúnak a fele) and documentaries (e.g. The coronation of King Charles, Prayer procession for military victory, Life on the former Zita estate, Caricatures on the front).

NAVA: Euscreen, Europeana

8.4. Are you active in international activities?

The MaNDA is a member of the International Federation of Film Archives (FIAF); membership makes it possible to exchange information on the creation and operation of databases, traditional and new methods of film restoration, and on the role of digitisation.

## **(9) TABLE 9 - FOLLOW-UP OF PRIORITIES**

What has been done in your Member State in order to address the following fields of action since 2011? Please mention also if you envisage tackling each field of action in 2014/2015.

### **Collection**

- 9.1. Have you foreseen enforcement mechanisms for the legal or contractual deposit?

Such mechanisms have already been in place before 2011. See Table 3.

- 9.2. Have you introduced systematic quality checks on deposited material? Has the concept of “good quality” be defined in the legal instruments which create the legal or compulsory deposit, if this is not yet the case?

Systematic quality checks had already been carried out before 2011. See Table 3.

The amendment of the decree concerning legal deposits is currently on the agenda, which would require the submission of one copy of the finalised electronic medium of the best quality, in addition to the finalised image and sound negative, dupe positive and positive copy of film products produced in Hungary. The draft regulation expands the obligation to provide a legal deposit of film and video products produced abroad in Hungarian co-production, but not distributed in Hungary. Pursuant to the draft regulation, the MaNDA would publish the quality requirements on its website.

- 9.3. Have you actively promoted voluntary deposit of cinematographic works and related film material? Have you ensured that all deposits are accompanied by contracts? Have you used the model contract for voluntary deposit signed by ACE and FIAPF?

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### **Cataloguing and creation of databases**

- 9.4. Are your databases completely available and searchable on the Internet?

See Table 5.

- 9.5. Have your institutions participated in the coaching financed by the EU for the implementation of European standards EN 15744:2009 and EN 15907:2010 on interoperability of film databases? Have you implemented or plan to implement those standards?

We have not participated in coaching. In other respects, see Table 5.

### **Preservation**

- 9.6. Have you established a long-term strategy for your national film heritage, as well as “national preservation plans”?

Chapter 4.2 of the national strategy for the 2013-2016 period concerning the protection of intellectual property (the JEDLIK PLAN) is related to the preservation and use of film heritage.

The MaNDA draws up annual plans for restoration and digitisation.

### **Restoration**

9.7. Have you created restoration plans, including prioritization systems in line with budget available?

See point 9.6.

9.8. Have you intensified your efforts to attract financial resources other than State funds for restoration projects, for instance from right-holders and from philanthropic or cultural institutions?

We regularly take part in the tenders of the National Cultural Fund, the Hungarian Academy of Arts and the Hungarian National Film Fund. The latter organisation awarded substantial funding (HUF 14 million) in 2013 for the restoration of the film of Mihály Kertész titled *Tolonc*, produced in 1914.

9.9. Have you established partnerships with other film heritage institutions for European restoration projects?

See Table 8.

9.10. Have you pursued agreements with right-holders for non-commercial exploitation of restored works?

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### **Accessibility**

9.11. Have you established agreements with right-holders, in order to obtain the rights for cultural use of films and film related material?

As to enabling access to the audiovisual heritage for educational, cultural or similar purposes, the relevant legal background is established by the Copyright Act, while the means of implementing the new distribution methods are regulated by Government Decree No 203 of 5 October 2006 on the detailed rules of the distribution of cinematographic works belonging to the national body of film assets.

To preserve and efficiently distribute films created by state-owned film studio companies, Act II of 2004 on Motion Pictures established the concept of 'national film assets' (see Table 2), with the aim of transferring the copyright to films produced by such film studios to the state (treasury), thereby ensuring their inalienability.

The Act designated the MaNDA as the trustee of cinematographic works belonging to the national body of film assets. It should be emphasized that the term 'national film assets' covers copyright only to cinematographic works produced by state-owned studios.



The rules of the Copyright Act continue to apply exclusively to copyright to works created by other film production companies and film producers.

See also point 2.1.

### **Education / Media literacy**

9.12. Have your Film Heritage Institutions and schools sought to establish agreements with right-holders in order to obtain the rights for educational use of films?

This is provided for under the Copyright Act.

9.13. Have you developed national strategies for film and young people?

No.

### **Professional training**

9.14. Have you considered or put in place temporary exchange of professionals between European film heritage institutions as a way of improving professional training?

The MaNDA has not participated in such an exchange, but we would find it very useful under appropriate conditions.

## **(10) TABLE 10 – MEASURES FACING THE CHALLENGES OF THE DIGITAL ERA**

What has been done since 2011 or is planned to be done in order to face the challenges of the digital era:

10.1. Collection / acquisition of digital material (distributed in cinemas or via new channels): have you updated the legal instruments establishing legal or compulsory deposit of films, in order to cover films produced in all media and distributed through all channels? Have you established standards specifying the conditions for the submission of digital films to archives and the conditions for their preservation? Would it be useful to develop European standards in these fields?

The amendment of the Copyright Act pursuant to Act CII of 2003 on the Amendment of Certain Acts on the Protection of Industrial Property Rights and Copyright Acts introduced regulations that implemented Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. By this amendment, several forms of free use were amended and several new rules were introduced to ensure the smooth implementation of digitisation as the most important instrument of preservation. In line with this change, Section 35(4) of the Copyright Act allows image and audio archives qualifying as public archives to digitise their collections and to preserve them as archives. However, owing to the lack of technological differentiation in copyright regulation, the regulations do not distinguish between digital and analogue activities: if a given act subject to copyright can be carried out with both technologies, it is subject to the same legal assessment. The amendment of the decree on legal deposits has been on the agenda for years. The new regulations are planned to cover all media and

cinematographic works in such media. We believe that the drawing up of related European standards would be useful.

- 10.2. Storage, preservation and long-term accessibility of digital material, which could require regular migration to new formats or support: Have you established a policy on digital preservation? Are Film Heritage Institutions benchmarking with other sectors which are confronted with same challenges? Are you investing in research on the long-term preservation of digital film? Have you invested in equipment and professional training needed to be put in place in order to ensure the long-term survival of cinema in digital format? Have you established or considered the possibility of common digital archives in order to pull expertise and reduce scale costs?

One of the main objectives motivating the establishment of the MaNDA was to address the issues noted in this point, to define objectives and to draw up a strategy relating to implementation. In the relatively brief period following the establishment of the MaNDA, many studies have been prepared in this area. After the analysis of these, a comprehensive strategy can be drawn up, possibly in the form of legislation.

- 10.4. Digitisation / Integration in Europeana: Have you established strategies and plans for digitisation of film heritage? What efforts have you made to digitise films and make them available to Europeana, in particular through sector or national “aggregators”? Can you provide the percentage of your film and non-film collections that have been digitised, and the definition of the digitisation? Have you used or plan to use structural funds for digitisation projects? What is the budget allocated to digitisation of film heritage since 2010?

The MaNDA and its predecessor have participated in the EFG (European Film Gateway) project since September 2008. The goal of the project is to create a single point of access to the digitised collections of European film archives, to agree on the joint cooperation standards of film archives and film repositories, to develop best practices for the clarification of copyright and for the management of intellectual property rights to cinematographic works, and to provide access to European film heritage via Europeana.

- 10.5. Access via internet to the collections: What have you done to exploit all the different ways of providing access to film heritage thanks to new technologies? If so, what kind of channels are you using (website, dedicated YouTube channel, Wikipedia, VoD...)? Can you provide the percentage of your film and non-film collections that are freely available for citizens online?

### *MaNDABLOG*

In the context of the MaNDA, MaNDABLOG was created in May 2012 to provide a platform for the informal discussion of cultural topics. The possibility to insert links is significant in the case of blogs, supporting the provision of context for the entries; in our case, it supports the links of articles published on the mandarchiv.hu website. Entries have their own permanent and unique links called permalinks allowing them to be linked and easily embedded on the Facebook platform, which in turn allows us to attract new visitors to the blog, to mandarchiv.hu and to Filmkultúra. Under the agreement concluded with index.hu, the textual and motion picture entries of the blog are embedded into the so-called blog cage, which brings additional visitors to the blog and to our YouTube

brand channel.

### *FACEBOOK*

Our Facebook sites (MaNDA and Örökmozgó) primarily target younger age groups and those who use social media. We use this platform to post images and interesting news briefs from the world of culture and arts.

### *KULTÚRKINCS*

Kultúrkincs (Cultural Treasures), the central online platform of the MaNDA was launched on the website [ww.kulturkincs.hu](http://ww.kulturkincs.hu) in 2013. This entry site is the virtual gate of the MaNDA that enables structural access to digital national cultural heritage from a single central site. The MaNDA operates a rich web network; therefore, it is essential to provide entry through a single condensed site.

### *YOUTUBE BRAND CHANNEL*

No one can ignore the changes that have shaped the world of the Internet in recent years. In fact, the appropriate design and implementation of web presence is in our elementary interest.

From November 2012, the MaNDA's own brand channel is accessible on YouTube under the user name 'kultúrkincs'.

According to the agreement with the website [index.hu](http://index.hu), [index.hu](http://index.hu) places film and text content embedded in the blog of the MaNDA into the so-called blog cage. This cooperation attracts a large number of visitors to both the blog and YouTube.

10.6. Digital projection and film heritage: Have you included cinematheques in your strategy for equipping European cinemas with digital projectors? Have you seek agreements with film distributors or cinema theatres in order to foster digital projection of heritage films?

As a result of technological development, digital screening has replaced traditional film reels used by cinemas ('art house' cinemas) that show Hungarian and valuable European cinematographic works. It is therefore essentially important to further develop the network, which, in fact, has been also addressed in the Communication of the European Commission 'on the opportunities and challenges for European cinema in the digital era.'

The Government of Hungary supports the modernisation of art house cinemas, their installation with digital projectors and the necessary servers within the framework of a three year programme, which we extended by one year to ensure coverage of the entire area. The ministry responsible for cultural affairs received funds serving the digital modernisation of the art house cinema network **in 7 cities in 2011 (9 art house cinemas), in 10 cities in 2012 (10 art house cinemas) and in 10 cities in 2013 (10 art house cinemas).**

**(11) TABLE 11 - FILM POLICY AND FILM HERITAGE**

Is film heritage fully included in the film policy of your Member State? Is there a link between the funding film production and film heritage, for enforcing the contractual deposit or for allowing cultural and educational uses of funded films?

In current practice, film funding is linked to legal deposits. In this respect, free access for educational purposes – as set out in legislation – is an existing possibility. The technological possibilities could be further improved.

Is there any change to report in relation to 2011?

NO CHANGE.

**(12) TABLE 12 - PROGRESS IN RELATION TO PROBLEMS ENCOUNTERED IN THE LAST IMPLEMENTATION REPORT**

What has been done to address the problems encountered or weak areas identified in table 12?

**(13) TABLE 13 - BEST PRACTICES**

Is there any specific good practice in the area of film heritage in your Member States that you would like to report?

**(14) TABLE 14 - NEED FOR FURTHER EU ACTION?**

Could you please comment on the suggestions for further action of the EU in any of the areas related to film heritage, proposed by Member States in Table 14? Which of those would you be willing to support? Do you have other suggestions for further EU action?

Several Member States have put forth proposals concerning the harmonisation of copyright and access to the film heritage. We also support an early resolution of these issues. We wish to note that Chapter 4.2 ‘Copyright serving the development of the creative industries and culture’ of our national strategy (JEDLIK PLAN) for the 2013-2016 period, aiming at the protection of intellectual property, also addresses these issues. We similarly attach importance to the implementation of the Directive on certain permitted uses of orphan works by the Member States. Hungary has fulfilled that obligation on 17 October 2013 by adopting Act CLIX of 2013.

We further believe that cooperation between the Member States in education and research, and in the drawing up of standards that meet the challenges of the digital age is important.

We think that it is still important to provide funds to support the preservation of the European film heritage within the Community.

**(15) TABLE 15 - FOLLOW-UP OF COUNCIL CONCLUSIONS ON EUROPEAN FILM HERITAGE, INCLUDING THE CHALLENGES OF THE DIGITAL ERA**

Have you introduced any policy change in relation to film heritage following the invitations made by the Council Conclusions on European Film Heritage, including the challenges of the digital era of 18-19 November 2010<sup>3</sup>?

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<sup>3</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/educ/117799.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/117799.pdf)