



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 2013-2015

**Please complete and return by e-mail to
Rachel.Soucher@ec.europa.eu no later than 30 October 2015**

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

Contact Details (info will not be published):

Name	Dr. Uwe Müller
Organisation	German National Library
Telephone	+49 69 1525-1788
Email	u.mueller@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 your report should focus on new developments in the reference period 2013-2015.

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

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 provide quantitative indicators on progress achieved, where applicable.

If no information is available for a question, please leave the corresponding box empty.

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

DIGITISATION: ORGANISATION AND FUNDING

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

a. Setting clear quantitative targets for the digitisation of cultural material, in line with the overall targets mentioned under point 7, indicating the expected increase in digitised material in Europeana and the budgets allocated by public authorities

- Is a national strategy or other scheme in place for planning the digitisation of cultural material?

National strategy

National funding programme

Domain specific initiatives

Regional schemes

No specific scheme

Other

Please provide details of the **present** scheme, and any developments **since the last reporting period**.

In November 2013 the **German Digital Library** (Deutsche Digitale Bibliothek, DDB) organised a workshop with **stakeholders from all cultural sectors and federal states** to discuss the status quo and to ask how a better coordination of digitisation schemes could be achieved. The participants agreed that a national "Master Plan" on digitisation was not the way forward. The decision which objects to digitise, it was felt, should not be the result of a top-down-process. Instead, the separate cultural sectors/institutions should have the right (and the responsibility) to make these decisions themselves. However, the participants also agreed that there is a need for more coordination and networking between the separate players to achieve a better overview of ongoing projects.

On the **domain level**, several coordinated strategic digitisation activities exist: Regarding digitisation for academic and research purposes a major coordinating role continues to be played by the German Research Foundation (Deutsche Forschungsgemeinschaft, DFG). In addition to the well-established funding lines VD 16 and VD 17, for example, the printed works of the 18th century are now being digitised cooperatively by the participating libraries of the VD 18 project cluster. Another DFG project, "Digitalisierung von archivalischen Quellen" ("Digitisation of Archival Sources") ran from 6/1/2013 until 7/31/2015, one of its goals was the development of a strategy for the digitisation of the holdings of German archives. Furthermore, the DFG is planning to systematically fund the

digitisation of historical newspapers. In preparation of this upcoming funding line a currently running pilot project is working on a master plan, which is to be presented to the DFG by the end of 2015. In the context of the mass digitisation of newspapers, there are plans to develop a national newspaper portal which might be based on the existing DDB portal.

The 2013 coalition agreement of the German government states that the **national film heritage** has to be preserved for the digital age, a task which will involve the federal digitisation funding programme as well as the federal states and the film industry. The Federal Government Commissioner for Culture and the Media (Beauftragte der Bundesregierung für Kultur und Medien, BKM), the German Federal Film Board (Filmförderungsanstalt, FFA) and the federal states are currently developing a concerted digitisation strategy. Their starting point is a report commissioned by the FFA and compiled by PwC which estimated a total financial demand of 500 million euros to preserve the German film heritage. The report recommends that over the next 10 years, 10 million euros should be spent annually on the digitisation of films. To date, the BKM has already substantially contributed to the transformation of film classics into digital form: Since 2012 German cinematic heritage institutions received a total of about 3.5 million euros to digitise films. In addition, the BKM sponsors the creation and the development of a catalogue which will give an overview of existing films in film archives and facilitate the digitisation measures. Since 2012, the FFA is spending 1 million euros per year for digitisation measures. The recipients are the respective rights holders.

On the **regional level** there exist funding schemes in several states, like in Berlin for example where digitization projects from museums, libraries, archives and memorials are funded on a yearly basis since 2014. Also, the state government in Berlin finances digiS (Service Center Digitization Berlin), which helps cultural heritage institutions in Berlin with their digitisation efforts. In total, digiS has supported 35 projects in 17 institutions. Similar initiatives exist in other states in Germany or are going to take up work soon.

- Are quantitative targets for the digitisation of cultural material set at national level?

Please provide details for the reference period 2013-2015 including any available figures on digitisation targets and allocated budgets/budget sources.

No, there are no quantitative targets on a national level, since there is no national digitisation strategy. However, there are some figures, especially concerning budgets, on a regional/sectoral level. The Berlin senate, for example, spent 400,000 Euros in 2014 and again in 2015 on the digitisation of Berlin's cultural heritage. In 2013 and 2014, the German Research Foundation (DFG) spent 16.5 million euros and 17.5 million euros respectively, for projects in its digitisation funding programmes. A PwC report recommends an annual budget of 10 million euros for the next ten years to digitise cinematic material.

- Are qualitative targets for the digitisation of cultural material set at national level?

Please provide details of any **present** standards or guidelines, and any developments **since the last reporting period**.

There are no qualitative, national targets, since there is no national digitisation strategy. The most important standards in use nationwide, however, continue to be the Practical Guidelines on Digitisation published by the German Research Foundation (http://www.dfg.de/formulare/12_151/). One aim of the above-mentioned project “Digitalisierung von archivalischen Quellen” (“Digitisation of Archival Sources”) was to evaluate these Guidelines from an archive-specific point of view. DigiS has also published a checklist (<http://dx.doi.org/10.12752/2.0.001.1>) that aims to help cultural heritage institutions in choosing a good digitisation service provider. Furthermore, the German Initiative for Network Information (DINI) which continuously develops criteria and recommendations for Open Access Repositories and Publishing Services and has been awarding certificates on this basis since 2004 is now creating a catalogue of criteria for digital collections where digitisation quality, metadata formats and interoperable interfaces play important roles. The catalogue is being developed together with the German Digital Library (DDB) and is going to be published in 2016. The German Digital Library is another driving force in establishing national standards. Only institutions which fulfill the German Digital Libraries’ technical requirements can become its data providers.

b. **Creating overviews of digitised cultural material and contributing to collaborative efforts to establish an overview at European level**

- Is a national scheme or mechanism in place for monitoring the digitisation of cultural material?

Yes [] No [X]

If yes, please provide details.

- Has your country encouraged and supported the participation of cultural institutions to the [ENUMERATE](#) surveys for the establishment of a European-level overview of digitisation data? Please provide details of actions **within this reporting period**, any related figures, and/or plans to support contribution in upcoming surveys.

Yes. The German Digital Library and the Institute for Museum Research (Institut für Museumsforschung) have collaborated in 2013 and 2014 in inviting all cultural heritage institutions registered with the German Digital Library (ca. 2,000) as well as other cultural heritage institutions via their respective mailing lists to fill in the ENUMERATE survey. The German Digital Library and the Institute for Museum Research will continue to support ENUMERATE in this way.

2. PROGRESS ON 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 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?

Yes [] No []

Please provide details of any major partnerships established **since the last reporting period**, compliance of the respective agreements with the conditions in Annex I of the Recommendation as well as contact details of the cultural institution involved.

The Bayerische Staatsbibliothek (Bavarian State Library) has entered into a Public-Private Partnership with Google (see last questionnaire). As a new sub-project of this PPP, big parts of the State and City Library Augsburg's collection will now also be scanned by Google. Until 2017 more than 100,000 books are planned to be digitised using the existing Google/BSB infrastructure in the Bavarian State Library Munich.

The digital copies will be available via the OPAC of the Bavarian State Library and are being integrated into German and European digital library projects by means of their metadata.

However, the key principles 3 and 4 of Annex I of the Recommendation (Transparency of the Process and Transparency of Agreements) have not been completely adhered to in this PPP.

Another example is the Yousef Jameel project of the Museum für Islamische Kunst (Museum of Islamic Art) of the Staatliche Museen zu Berlin. While not a PPP in the classical sense this cooperation between a public museum and a private sponsor enables the museum to digitize and document a major part of its collection to make it easily accessible online.

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

- Is your country using, or planning to use, funding from the European Structural and Investment Funds for the period 2014-2020 for the digitisation of cultural material?

Yes [] No []

If yes, please provide details of specific programmes, or large-scale projects, and respective amounts.

There are several projects which have been or are being funded by the European Structural and Investment Funds on state levels. For example, scanning equipment at the University of Applied Sciences in Potsdam and the University in Frankfurt/Oder were financed with money from the EFRE Fund. A list for EFRE-projects in Berlin in 2013–2015 can be found here: <https://www.berlin.de/sen/kultur/foerderung/eu-foerderung/efre/foerderperiode-2007-2013/artikel.82619.php>. However, there is no existing data base about the projects on federal level, so we cannot give a comprehensive answer. It is also not possible to gather information about projects that are still in the planning stage.

Generally, we can state that the conditions of the EFRE Fund favour institutions of a certain size, like universities. For small institutions it is very difficult to meet the EFRE conditions since in most cases they do not possess the required own resources.

4. PROGRESS ON WAYS TO 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 developed ways to optimise the use of digitisation capacity and achieve economies of scale, through pooling of digitisation efforts or cross-border collaboration?

Yes [] No []

Please provide details of any developments or best practice examples of national, or cross-border, collaboration **within this reporting period**.

The large scale digitisation centres in the public sector mentioned in our answer in the previous questionnaire continue to play the major role in digitisation efforts in Germany.

DIGITISATION AND ONLINE ACCESSIBILITY OF PUBLIC DOMAIN MATERIAL

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

a. Ensuring 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? How do cultural institutions in your country take up the Europeana Public Domain Charter? Please provide details of the **present** situation and any developments **within this reporting period**.

Some cultural institutions, especially museums, are still hesitant to label content which is clearly in the public domain in physical form as PD after digitisation. However, projects such as the German Digital Library and other aggregators are raising awareness of the Europeana Public Domain Charter and related issues. Institutions wishing to join such projects have to address these issues and – at least – make their stance on them transparent. Indeed, the recently published strategy of the German Digital Library (http://pro.deutsche-digitale-bibliothek.de/sites/default/files/atoms/files/ddb_strategieplan-2015-2020.pdf) clearly states that digital objects should be made available using transparent and consistent copyright labelling. The German Digital Library and other institutions like digiS are also promoting the CC/PD-model by, for example, organising workshops on the use of CC licences (see, for example <http://www.servicestelle-digitalisierung.de/confluence/plugins/servlet/mobile#content/view/9273851>).

However, a clear-cut legislation addressing this issue at the European level remains to be desired. For lobbying at the national level, the German Digital Library has established the Think Tank “Kulturelles Gedächtnis digital” (Digital Cultural Memory). The Think Tank aims to improve the legal framework for German memory organisations.

In November 2013, the Stiftung Preußischer Kulturbesitz signed the [“Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities”](#) of October 2003. The Berlin Declaration was initiated by the Max-Planck-Gesellschaft zur Förderung der Wissenschaften (Max Planck Society for the Advancement of Science) and other research institutes. It pursues the goal of supporting free, simple, comprehensive access via the Internet to scholarly knowledge and cultural heritage. That does not, however, mean that the available data should be provided for every purpose including commercial use.

On the occasion of the signing of the Berlin Declaration, the Stiftung Preußischer Kulturbesitz agreed on a best practice recommendation with the Stiftung Preußische Schlösser und Gärten Berlin-Brandenburg (Prussian Palaces and Gardens Foundation Berlin-Brandenburg), the Bundesarchiv (Federal Archives), the Deutsches Archäologisches Institut (German Archaeological Institute), and the Stiftung Jüdisches Museum Berlin (Foundation of the Jewish Museum Berlin). This recommendation advises on how content can be made freely available by

public cultural institutions. The guidelines developed by the SPK recommend making scholarly and cultural content available according to the principle of Open Access but only under certain conditions. These conditions are:

- The publication of digitised materials includes all the associated data, including the relevant legal provisions. It should be published in an online archive according to Open Archive rules.
- The author and copyright holders grant all private and scholarly users free access to these publications.
- Digitised materials can be used for commercial purposes on payment of a fee based on Creative Commons licenses.

b. Promoting the 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 and re-use of digitised public domain material? Please provide details of any developments **within this reporting period**.

The German Digital Library and other portals, for example regional initiatives like Bavarikon (<http://www.bavarikon.de/?locale=en>) or Kulturerbe Niedersachsen (<http://kulturerbe.niedersachsen.de/viewer/>), continue to promote access and re-use of digitised PD material. The content offered via the German Digital Library, for example, comes from 224 institutions and includes more than 6 million digital objects (in September 2015). Last year, the German Digital Library introduced a search filter in the portal that allows users to restrict their searches to PD material only, at the moment (September 2015) 1,343,100 objects are labelled as public domain. Another important development in this regard is the decision by the Museum für Kunst und Gewerbe (MKG) Hamburg to publish substantial parts of its collection online, explicitly marking them, where possible, as public domain. This step, taken by a big and important museum, will hopefully serve as a lighthouse project for the museum sector which has been comparatively reluctant to share its material in such an open way.

- What experience has your country been able to gather concerning the re-use of digitised public domain material for non-commercial or commercial purposes? Please provide details of **any best practice examples within this reporting period**. 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).

The Application Programming Interface (API) of the German Digital Library was introduced and opened to all interested parties in November 2013. Using the API, it is easy to re-use the public domain metadata in the DDB for commercial and non-commercial purposes. The amount of user access can be tracked using the API

keys.

Furthermore, an important event in this regard has been the cultural hackathon Coding da Vinci (<http://codingdavinci.de/english-infos/>). The event, organised amongst others by Wikimedia, the Open Knowledge Foundation and the German Digital Library, brings together cultural heritage institutions and the programmer and designer communities to develop ideas and prototypes for the cultural sector and the public. The first hackathon in 2014 was already very well received and in 2015 the amount of institutions that provided free data more than doubled to an overall number of 33. There are no formalised mechanisms for monitoring PD re-use in place but the apps created by the Coding da Vinci participants are documented on the project website (<http://codingdavinci.de/projekte/>).

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

- Are measures to limit the use of watermarks or other visual protection measures reducing the usability of digitised public domain material in place?

Yes [] No [X]

Please provide details of any developments **since the last reporting period**. Where applicable, please also indicate best/worst practice examples.

DIGITISATION AND ONLINE ACCESSIBILITY OF IN-COPYRIGHT MATERIAL

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

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

- Has your country adopted legislation to transpose the Directive on orphan works?

Yes [X] No []

Please provide details of any developments **since the last reporting period**.

The orphan works Directive became German law on January 1st 2014. German institutions can register orphan works in the European Orphan Works Database after signing up as a user. For entries by German users, the German Patent and Trade Mark Office (Deutsches Patent- und Markenamt, DPMA) is automatically

notified of new title additions and asked to confirm these. The German National Library, who was also involved in testing the European Orphan Works Database, is currently exploring ways of conducting the required diligent search for rights holders to gather experience and to establish an efficient in-house workflow.

b. 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 out-of-commerce works?

Yes No

Please provide details of any developments **since the last reporting period** (including schemes, references and impact).

Following the new legislation on out-of-commerce works of April 1st 2014 the Kultusministerkonferenz (the assembly of ministers of education, research and culture of the German states), the VG Wort and the VG Bild-Kunst (the copyright collectives for written material and the visual arts) have entered into a contract that regulates how to licence out-of-commerce-works and what fees will be incurred. The contract's preamble explicitly states that the scans of out-of-commerce-works shall be made available in digital libraries like Europeana or the German Digital Library. At the moment, the contract applies only to monographs, an agreement regarding journals and newspapers will follow.

This contract provides the basis for large-scale digitisation projects of out-of-commerce works. The German National Library has developed a licensing service (Licensing service for out-of-commerce works, VW-LiS, <http://www.dnb.de/EN/vwlis>) in cooperation with the collecting societies VG Wort and VG Bild-Kunst as well as the German Patent and Trade Mark Office. Libraries and other privileged institutions can register for this service for free in order to research out-of-commerce titles and purchase licenses with the collecting society VG Wort (for the register of out-of-commerce works see http://www.dpma.de/service/e_dienstleistungen/register_vergriffener_werke/recherche/index.html).

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

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

Yes No

Please provide details of any developments **since the last reporting period**.

As described in the answer to question 6a, the use of the European Orphan Works Database has been made mandatory for all who want to register orphan works. The

German Patent and Trade Mark Office, which, as described above, plays a central role in the orphan works registration workflow, collaborates closely with the European Patent Organisation and the Office for Harmonisation in the Internal Market.

EUROPEANA

7. PROGRESS ON CONTRIBUTION TO THE FURTHER DEVELOPMENT OF EUROPEANA

- a. 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
- Please provide details of any developments, or best practice examples, **within this reporting period.**

The German Digital Library and other aggregators continue to forward data to Europeana. Regarding sound material, the German Digital Library is in the planning stages for establishing a helpdesk dedicated to audio content. It will become active in the beginning of 2016 and will be situated at the State and University Library Dresden. The help desk will be instrumental in augmenting the audio content available in the German Digital Library and, therefore, Europeana.

German heritage institutions have also taken part in shaping Europeana's ideas on its role as a "Digital Service Infrastructure" which focuses on better (rather than just more) data. Thus, the German Film Institute (Deutsches Filminstitut) and the Free University Berlin (FU Berlin) have not only committed themselves to deliver (via the European Film Gateway and Open Up! respectively) new collections but also to improve discoverability of digital objects by enriching keywords and content descriptions.

- Please provide figures concerning the contribution of your country to Europeana with regards to the indicative targets for minimum content contribution by 2015, as set at Annex II of the Recommendation.

The target of 5,496,000 objects from Germany set in the Recommendation has nearly been reached. At the moment (September 2015), German institutions contribute 5,423,000 objects to Europeana. By the end of the year the target will most likely have been surpassed.

- Are there known obstacles that have prevented your country from reaching the indicative targets for 2015? **(if relevant)**

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

- Please provide details of any steps taken, or best practice examples, **within this reporting period.**

More and more, public funding of digitisation projects comes with an obligation or at least a strong recommendation to add the resulting digital objects to the German Digital Library. One of the goals of the German Digital Library's newly published strategy is fulfilling the role as the German national aggregator for Europeana. So the public funding that includes the condition to deliver data to the DDB profits Europeana as well. However, we would also like to mention that it would be helpful for the data delivery process (and to avoid duplicates) 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 regional aggregators as well.

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

- Please provide details of any steps taken, or best practice examples, **within this reporting period.**

This goal could not be achieved. In its place, the "Europeana 280" project has been initiated. Hopefully, it will serve as a starting point to bring as many public domain masterpieces as possible into Europeana.

d. 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, which may bring about economies of scale

- Is a national aggregator bringing content from different domains into Europeana present in your country?

Yes No

- Please provide details of any developments, **within this reporting period**, concerning national aggregators, participating organisations and content domains covered.

The German Digital Library, Germany's national aggregator, is now (September 2015) working with 224 data providers from all cultural domains. More than 6 million digital objects can be found in the DDB. This positive trend is mirrored by

the developments regarding structure and funding of the DDB: Following the positive external evaluation and the successful launch of the DDB's full version in spring 2014, the relevant political bodies decided unanimously to continue the DDB's funding at least at the current financial level. Indeed, the efforts of DDB officials to ensure not only continued but increased funding from 2017 onwards appear promising. This would allow the DDB to increase the amount of data conveyed to Europeana.

- Please provide details of any developments or best practice examples, **within this reporting period**, concerning contribution to cross-border aggregators in specific domain or for specific topics.

In the field of natural sciences, three German institutions have contributed to the OpenUp! project which creates free access to resources concerning the world's biodiversity heritage. Regarding film material a major role continues to be played by the European Film Gateway, the single access point to films, images and texts from selected collections of 34 film archives across Europe – one of the main project partners is German Film Institute. In the archival sector, the German Archives Portal (Archivportal-D, <https://www.archivportal-d.de/>), which uses the archival content in the DDB and presents it in a more comprehensive, specialist view, went online in September 2014. The Archivportal-D has begun to take on the role of a national aggregator for archival content to the Archives Portal Europe and routinely passes on data to this European portal.

- e. 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

- Please provide details of any steps taken, or best practice examples, **within this reporting period**, to ensure the use of common digitisation and metadata standards to achieve interoperability at European level.

The German Research Foundation is working on adapting the METS/MODS standards for use in archives. Another group, led by the State and University Library Dresden is developing a METS/MODS standard for audio files. A group consisting of several stakeholders (among others the German Digital Library) is working on the further standardisation of the LIDO format so that it can be employed for data deliveries to the German Digital Library (and from there to Europeana).

An archival group is concerned with developing further the EAD subset "EAD(DDB)" which has already been in use for some time and serves as a simple data exchange format in order to deliver archival data to the DDB and the Archivportal-D (see <http://www.landesarchiv-bw.de/ead>).

DINI, the German Initiative for Network Information, is preparing a criteria catalogue of digital collections including aspects like digitisation quality, metadata

formats, sustainability, and interoperable interfaces.

The SIG Documentation in the German Museum Association is a partner in the LIDO-Working Group, hosted by CIDOC, the documentation committee in ICOM (the International Museum Organisation). LIDO is by now a widely used publication format for metadata of museum objects. It is used in Europe and the US and is also the format for museum data for the German Digital Library.

- Please provide details of any developments or best practice examples, within this reporting period, concerning the systematic use of permanent identifiers.

The German National Library continues to operate a URN resolver that is available to public and/or scientific institution and publishing houses. However, since a similar service is still missing for archives and museums, the German National Library, the German Digital Library, the Federal Archives and the State Archives of Baden-Wuerttemberg are developing “CHE” (Cultural Heritage Entities) a new system of permanent identifiers which will be usable by all cultural sectors and can be used for all types of cultural heritage. It will work for digital as well as for physical (and not yet digitised) objects. A revised version of the CHE concept was published in February 2015 (<https://wiki.dnb.de/pages/viewpage.action?pageId=99093259>) but work on the concept is still ongoing.

f. 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 steps has your country taken to ensure the free availability of existing metadata? How do cultural institutions in your country take up the Europeana Data Exchange Agreement? Please provide details of any developments or best practice examples, **within this reporting period.**

Since July 1st 2015 the German National Library publishes the metadata of its catalogue and of the Gemeinsame Normdatei (Integrated Authority File) under a CCO licence.

The existence of a national aggregator and other projects that are channelling content to Europeana help establish the dogma that metadata should be in the public domain. The Europeana Data Exchange Agreement served as a model for the contract between the German Digital Library and its content providers. The German Digital Library and others like digiS continue to lobby for free metadata by, for instance, organising workshops or publishing material regarding legal matters (see, for example https://www.deutsche-digitale-bibliothek.de/static/de/sc_documents/DDB_Broschuere_RechteGuide_2014_final_low.pdf or http://www.servicestelle-digitalisierung.de/objects/public/HandreichungRecht2015_Webversion.pdf).

However, many museums regard their object descriptions, that in many cases have been written by scientists, as copyright protected and thus are not ready to provide these description texts under a CC0 license. Currently, these museums provide

metadata to Europeana only without object descriptions.

- What experience has your country been able to gather concerning the re-use of free metadata, through services such as Europeana or for innovative applications? Please provide details of **any best practice examples within this reporting period.**

Since November 2013 the German Digital Library offers an open API that enables users to re-use its metadata. The service has been well received, from January till August 2015 there were already more than 50,000 requests per day. However, it is not possible to follow up on what the metadata was actually used for.

Steps were also taken in using free metadata in the educational sector. For example, WebWeaver® School, a commercial software that provides cloud services for schools and universities, offers its users content it receives via the German Digital Library's API.

An event that was organised to raise awareness of the possibilities of open (meta)-data is Coding da Vinci. Please refer to answer 5b for more details. The projects resulting from this event can be found here: <http://codingdavinci.de/projekte/>.

- g. 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
- Please provide details of any developments or best practice examples, **within this reporting period.**

There is no overarching communication plan referring to Europeana. However, in the communication between aggregators and cultural heritage institutions, Europeana is always an important topic. This way, by raising awareness of themselves, aggregators are also raising awareness of Europeana.

Also, there have been several conferences that dealt explicitly or at least in big parts with Europeana. For example, in March 2014 SPK organised together with partners the conference "Deutsches Kulturerbe auf dem Weg in die Europeana II" (Cultural Heritage in Germany on its way to Europeana II), where German partners in Europeana related projects presented their projects in order to be able to coordinate their activities relating to Europeana.

Also the yearly conference "Zugang Gestalten!" (Shaping Access!) which took place in 2014 in Berlin and in 2015 in Hamburg lobbies for open access, revision of copyright, and publishing of data through the German Digital Library and Europeana (www.zugang-gestalten.de).

Furthermore, in July 2015 the German Digital Library launched a new website, DDBpro (<https://pro.deutsche-digitale-bibliothek.de/>), which, like its role model Europeana professional, is geared towards institutions who are wishing to join or have already joined the DDB as data providers. The German Digital Library has also stepped up its communication with the public in the reporting period. For

example, besides the full time Public Relations Officer, there is now a full time post dedicated to Social Media. A Facebook (<https://www.facebook.com/ddbkultur>) and a Twitter account (<https://twitter.com/ddbkultur>) have been opened in the reporting period. On Twitter there are regular re-tweets of Europeana tweets and the DDB homepage publishes news from Europeana, like, for example the interview series conducted by Joris Pekel.

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? Please provide details of **any developments since the last reporting period.**

Nestor, the German competence network for digital preservation, continues to play a major role in organising and coordinating long-term preservation matters in Germany.

Furthermore, in Autumn 2014 a new committee was created, the Council on Information Infrastructure (Rat für Informationsinfrastrukturen, <http://www.gwk-bonn.de/themen/uebergreifende-wissenschafts-und-forschungspolitische-themen/informationsinfrastruktur/>), that coordinates and gives advice on the challenges that digitisation brings to the natural sciences and the humanities. Long-term preservation for research data is one of the topics tackled by the Council on Information Infrastructure.

A joint working group of the German National Library/German Digital Library, the Federal Archives and the State Archives of Baden-Wuerttemberg has developed a concept for a persistent identifier for all kinds of digital and digitized materials from archives, museums and other heritage institutions.

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? Please provide details of **any developments since the last reporting period.**

No new developments in the reporting period.

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.

- a. 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? Please provide details of **any developments since the last reporting period.**

No new developments in the reporting period.

- b. 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? Please provide details of **any developments since the last reporting period.**

No new developments in the reporting period.

c. 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 of **any developments since the last reporting period**.

Since 2006 the German National Library is obligated to collect digital publications and websites. However, due to continuing technical problems and limited resources not all but only ca. 900 selected German websites are being harvested twice a year. In 2014 the German National Library also conducted its first experimental domain crawl.

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 of **any developments since the last reporting period**.

COAR, the World Confederation of Open Access Repositories (<https://www.coar-repositories.org/>) is an association of repository initiatives and networks that unites and represents more than 90 institutions worldwide and places the interoperability of open access repositories at the heart of its mission. With nine German members (including the chairman of COAR) Germany is well represented in this important initiative.

IS THE RECOMMENDATION UP TO DATE AND FIT FOR PURPOSE?

THE RECOMMENDATION IS A NON-BINDING EU LEGAL ACT WHOSE PURPOSE IS TO COORDINATE, SUPPLEMENT AND SUPPORT MS' ACTIONS IN AN AREA WHERE THE EU HAS NO CENTRAL COMPETENCE. IN THIS CONTEXT:

- What are your views on the overall usefulness of the Recommendation as an instrument to improve conditions, in the areas addressed therein, in your country?

The Recommendation is undeniably useful in that it summarises concisely what measures have to be undertaken by a country wishing to digitise, preserve and make accessible its cultural heritage. However, turning the measures proposed in the Recommendation into reality is dependent on a lot of factors (availability of

necessary money and resources, adaptability of the national legal framework, flexibility of a country's political and cultural institutions, acceptance of the paradigm shift towards digital culture by the staff of cultural heritage institutions) that operate independently from the Recommendation. Since the Recommendation works, after all, only at the advisory level, whereas the other factors are realities in national decision making, it should come as no surprise that the implementation of the proposed measures is, in some instances, lagging behind. Nevertheless, the usefulness of having thought-out European-wide best practices on digitisation and preservation should not be underestimated.

- Which provisions of the Recommendation do you consider to have had high impact in your country?

The setting up of Europeana and, in its wake of the national German aggregator, the German Digital Library, has been a major catalyst for many of the efforts proposed in the Recommendation (mainly concerning the fields of metadata and digitisation standardisation, digital long term preservation and legal matters). For many German cultural heritage institutions getting involved with Europeana, be it directly or via an aggregator, has been a starting point to tackling these issues in their own institution (or even to become aware of them for the first time).

- Which provisions of the Recommendation do you consider to have had low impact in your country?

Provisions that clash with political realities have not seen much progress. For example, while the need for a national digitisation strategy is easily agreed upon by all stakeholders, the federate nature of Germany – particularly when it comes to the cultural sector – makes it very hard to even find a political body that would take on the responsibility of drawing up such a national strategy. Another problem are provisions that encounter active resistance by stakeholders who fear loss of income or loss of control should the Recommendation be made reality. This concerns mostly copyright related matters, particularly content that, according to the Recommendation, should be in the public domain but which some stakeholders are reluctant to consider as such.

However, the existence of these kinds of opposition does not mean that the work on the affected provisions should be abandoned. On the contrary, one could also draw the conclusion that stricter measures will have to be taken (like a re-working of the European copyright law) to enable Member States to act on the Recommendation.

- Would the Recommendation benefit from an update to enhance its impact or bring it up to date with current challenges so that it remains relevant in the coming years? Please provide your suggestions or comments with respect to specific provisions or in general.

Most of the topics covered in the Recommendation (like the necessity for

developing national digitisation and preservation strategies, ensuring the accessibility of public domain works or the use of standardised metadata) continue to be key elements for the success of transferring Europe’s cultural heritage into the digital age. Seeing that in many areas progress has been slow most recommendations continue to be as valid today as in 2011. However, they could be reinforced in some cases. When, for example, no central body for nationwide decision making exists, the recommendations should advise to establish networks that work towards the desired goals. Also, some recommendations, especially those naming concrete projects or target number for 2015 would profit from a re-working. For example, as the goal to make all Public Domain masterpieces accessible through Europeana by 2015 could not be achieved, the “Europeana 280” project is a starting point in that direction and should motivate others to follow. Also, since 2015 is nearly over, the target numbers for minimum content to Europeana need to be updated. The recommendation could also take on the need for the development of standards for 3-D-digitisation.

The Recommendation should also be scrutinized regarding matters that were not included in 2011 but have since become prominent. Examples might be the licencing of metadata under CC0 conditions and the Linked Open Data Movement which could profit immensely from freely available metadata. Another important aspect is the purposeful addressing of target groups like pupils, students and teachers as well as the creative sector.

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.

We would like to use this opportunity to point out that in our opinion outdated European copyright laws continue to be one of the major stumbling blocks in our endeavours to preserve and present Europe’s cultural heritage. Rules and regulations that were devised for printed works need to be updated to provide a fitting legal framework for the digital age. For example, Europe should consider the introduction of a Fair Use Principle after the American model. Lobbying for necessary changes – both at the national and at the European level – should be highly prioritised.

Also, we would like to repeat that European funding of digitisation projects is still necessary and 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.

Also, a stronger recommendation of the European Commission to the Member States to include digitisation of Cultural Heritage as a topic in structural and investment funds could help to establish digitisation as a core activity of those funds, which is currently not the case in many regions.

