

Consultation on behalf of the Reflection Group ("Comité des Sages") on boosting cultural heritage online in Europe.

Online at: <http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=comitedessages>

Preliminary questions

I reply as / on behalf of: (compulsory)

- private citizen
- cultural institution or association of institutions
- private company or association of companies
- public authority/government body (other than cultural institutions)
- NGO
- university / academic institution
- other

Please provide your name, and where relevant the name of your organisation (compulsory)

Please provide your email address (compulsory)

Please provide your country of residence (compulsory)

Funding of digitisation

How should the digitisation of Europe's cultural heritage (books, maps, paintings, museum objects, films, archival documents, sound) held by cultural institutions be financed? (compulsory)

- solely public funding
- predominantly public funding
- solely private funding
- predominantly private funding

If public funding is used for digitisation, what is the key justification? (compulsory)

- cultural heritage should be accessible for all for work, leisure and studies
- better access to knowledge will contribute to innovation and will drive new information services
- control of access to our accumulated knowledge base cannot be left solely to a limited number of market players
- other

Could EU funding catalyse large-scale digitisation projects in the Member States? (compulsory)

- no, public funding for digitisation is in principle an issue for Member States or the individual institutions
- no, but EU funding should be available for digitisation projects with a real European scope and added value
- yes, EU funding can make the difference and accelerate digitisation processes across Europe, therefore specific funding needs to be made available
- yes, but the existing instruments at European level (e.g. the Structural Funds, Competitiveness and Innovation Programme) are sufficient

How can a sensible selection be made in the Member States of what needs to be digitised first with the limited funds available?

- cultural institutions should not spend too much thought on selection, it is the user who will decide what is interesting
- cultural institutions should start with public domain works, because it takes less time and money than clearing the rights for digitising in-copyright works
- cultural institutions should decide individually on the basis of their knowledge and know-how
- cultural institutions should decide, but they should be guided by a clear plan at national level to avoid duplication of effort
- this should be decided top-down at national level, if not all individual institutions will go their own way
- other

How should Europeana - the central portal giving direct access to the digitised collections of Europe's cultural institutions - be funded? (compulsory)

- through European funding
- through funding by the Member States
- through paid access
- through advertising
- other

Access and use models

If the digitisation of public domain content (out of copyright works) is funded by public funds, what is the access and use model that maximises the impact of the investment?

- the digitised content should be freely accessible and usable for all (including for commercial re-use)
- the digitised content should be freely accessible and usable for non-commercial purposes and commercial use should be allowed against payment
- the cultural organisations who have digitised should be able to charge users for access and use to recoup the investment

Should collections from public institutions who sell access to public domain content digitised with public funding be included in Europeana (and be accessible to the end user against payment)?

- yes, there is no problem with that
- yes, but only if the user gets access to the content in a reasonable resolution and can use it for non-commercial purposes such as schoolwork or research
- no, content digitised with public funding featuring in Europeana should be accessible and usable for all

Would you be willing to pay for accessing the content that you find through Europeana? (compulsory)

- yes
- yes, but only for in-copyright material
- no

Public-private partnerships for digitisation

If the digitisation of public domain content (out of copyright works) is funded by private partners, is it acceptable that the public domain content is not freely accessible to the end user, because the private partner charges for access? (compulsory)

- yes
- no

If the digitisation of public domain content (out of copyright works) is funded by private partners, is it acceptable that the public domain content is not freely available to the end user for a considerable amount of time because the private partner charges for access during that time? (compulsory)

- yes
- no

If the digitisation of public domain content (out of copyright works) is funded by private partners, is it acceptable that the public domain content is only freely accessible to end users in one specific country, and not to those in other countries, because the private partner charges for access in those countries? (compulsory)

- yes
- no

Is exclusivity on the exploitation of digitised public domain content acceptable in exchange for an investment by a private partner in digitisation? (compulsory)

- yes, there is no problem with exclusivity on the exploitation of public domain works from public institutions
- yes, any type of exclusivity on the exploitation of public domain works from public institutions is acceptable, including those where the end user has to pay for the digitised content, as long as the exclusivity is limited in time
- yes, but only models where access for the end user remains free are acceptable (e.g. models based on advertising). No time limits should apply.
- yes, but only models where access for the end user remains free are acceptable (e.g. models based on advertising). Exclusivity should be limited in time.
- no, any form of exclusivity in relation with public domain works from public institutions should be avoided

If you think that exclusive agreements with private partners on the exploitation of digitised public domain works are acceptable, but should be limited in time, what is the maximum term of exclusivity that should be allowed? (compulsory)

- < 2 years
- < 5 years
- < 10 years
- < 15 years
- < 25 years
- I think exclusivity should not be allowed

What exploitation model of digitised content would you consider best suited for public-private partnerships for public domain from cultural institutions? (compulsory)

- direct exploitation by the private partner through a service that sells access to users on a pay-per-view basis

- direct exploitation by the private partner through a service that sells access based on a subscription model (for individuals and organisations)
- indirect exploitation through an advertising model with free access for the user
- indirect exploitation through integration of the digitised content in the wider package of services/activities of the private partner, with free access for the user

Who should take responsibility for the long term preservation of the digital files resulting from public private partnerships for digitisation? (compulsory)

- the private partner
- the cultural institution (with public funding)
- the cultural institution (with private funding as part of the partnership agreement)
- other

Digitisation of in-copyright works

Who should be responsible for the digitisation and subsequent online accessibility of orphan works?

- cultural institutions
- private sector actors involved in the digitisation of content
- cultural institutions and private sector actors involved in the digitisation of content
- other

Who should be responsible for the digitisation and subsequent online accessibility of works that are in copyright but out of print/out of distribution?

- cultural institutions, through licences
- rights holders
- other private sector actors involved in the digitisation of content, through licences
- right holders in principle, but cultural institutions through licences if the right holders do not digitise themselves

What issue would have the greatest effect on the conclusion of licences between right holders and cultural institutions for the large scale digitisation of works that are in-copyright but out of print / out of distribution?

- organise a structured dialogue between right holders and cultural institutions to arrive at such licences
- make money available (at national and/or European level) for pilot projects
- expand collective management for works that are out of print/distribution
- introduce cut-off dates (e.g. licences for earlier works would be cheaper than for later works)
- introduce exclusivity periods for right holders to reserve their right to digitisation (after this period the cultural institution could proceed to digitisation)

Are there elements in the legislative copyright framework that would need particular attention in view of the large scale digitisation of works that are in-copyright but out of print / out of distribution?

- no changes are needed in the legislative framework
- the exception for cultural institutions in the copyright in the information society Directive (Directive 2001/29/EC) needs to be broadened
- other

Can public institutions who obtain a licence to digitise in-copyright content and make it available in their national territory (e.g. limited to internet addresses with a specific country code) be expected to get a licence covering the EU, even if this is more expensive?

- yes, this is an absolute must for the development of Europeana to which all MS have committed
- yes, but only if the price of the EU-wide licence is reasonable
- no, national money should be used to grant national access
- no, the negotiations on this with right holders are not likely to lead to results

If public funding is granted to pay right holders for the digitisation of their works, what conditions should be imposed in exchange for this funding? (compulsory)

- full online accessibility of the digitised works for the public (but no commercial use)
- partial online accessibility of the digitised works for the public
- onsite accessibility at the premises of selected cultural institutions
- no particular conditions should be imposed

Additional comments / suggestions (optional) (maximum 900 characters)

<END OF SURVEY>