



EUROPEANA SOUNDS

Project Number: 620591

D1.2 Rights labelling guidelines

D3.1 Guidelines for contributing audio content into Europeana

Document Identifier: EuropeanaSounds-D1.2-Rights-labelling-guidelines+D3.1-Guidelines-for-contributing-audio-content-into-Europeana-v1.1.docx

Document link: <http://pro.europeana.eu/web/europeana-sounds/documents>

Date: 01/09/2014

Co-funded by the European Union
Europeana Sounds is coordinated by the British Library



The project is co-funded by the European Union, through the **ICT Policy Support Programme** as part of the **Competitiveness and Innovation Framework Programme (CIP)**.
http://ec.europa.eu/information_society/activities/ict_psp/



Abstract

This is a merged document containing the outputs from two deliverables: *D1.2 Rights labelling guidelines* (WP1) and *D3.1 Guidelines for contributing audio content into Europeana* (WP3). These outputs have been merged for practical reasons, to enable users to reference a single project document about rights rather than two separate documents. It provides details on intellectual property rights associated with audio material, guidelines for the correct rights labelling of digital objects, information on re-use of the collections shared through Europeana, an investigation of barriers to online access, and information about rights clearing policies.

Dissemination level		
P	Public	X
C	Confidential, only for the members of the Consortium and Commission Services	
I	Internal, only for the members of the Consortium	

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II. REVISIONS

Version	Status	Author	Partner	Date	Changes
0.1	ToC	Lisette Kalshoven, Andra Patterson	KL / BL		
1.0	Draft	Lisette Kalshoven, Andra Patterson, Julia Fallon	KL / BL / EF		Input from Data Providers during June 12th Copenhagen workshop
1.1	Final	Lisette Kalshoven, Andra Patterson	KL / BL	29/08/2014	Integrating feedback from reviewers: Maarten Brinkerink, Ashley Burgoyne, and Reka Markovich

III. DELIVERY SLIP

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Approved by	Coordinator & PMB		01/09/2014

IV. DISTRIBUTION

No.	Date	Comment	Partner / WP
1	1/09/2014	Submitted to the European Commission	BL / WP7
2	1/09/2014	Posted on Europeana Pro website	BL / WP7
3	1/09/2014	Distributed to project consortium	BL / WP7

V. APPLICATION AREA

This document is a formal output for the European Commission, applicable to all members of the Europeana Sounds project and beneficiaries. This document reflects only the author's views and the European Union is not liable for any use that might be made of information contained therein.

VI. DOCUMENT AMENDMENT PROCEDURE

Amendments, comments and suggestions should be sent to the authors named in the Delivery Slip.

VII. TERMINOLOGY

A complete project glossary is provided at the following page:

<http://pro.europeana.eu/web/guest/glossary>

Further terms are defined below as required:

TERM	DEFINITION
AB	Advisory Board
APEX	Archives Portal Europe network of excellence
DEA	Europeana Data Exchange Agreement
EC-GA	Grant Agreement (including Annex I, the Description of Work) signed with the European Commission
GA	General Assembly
PC	Project Coordinator
PD	Public Domain
PI	Performance Indicator
PM	Project Manager
PMB	Project Management Board
PSO	Project Support Officer
TEL	The European Library
TD	Technical Director
UAP	User Advisory Panel
WP	Work Package

VIII. PROJECT SUMMARY

Europeana Sounds is Europeana's 'missing' fifth domain aggregator, joining APEX (Archives), EUscreen (television), the Europeana film Gateway (film) and TEL (libraries). It will increase the opportunities for access to and creative re-use of Europeana's audio and audio-related content and will build a sustainable best practice network of stakeholders in the content value chain to aggregate, enrich and share a critical mass of audio that meets the needs of public audiences, the creative industries (notably publishers) and researchers. The consortium of 24 partners will:

- Double the number of audio items accessible through Europeana to over 1 million and improve geographical and thematic coverage by aggregating items with widespread popular appeal such as contemporary and classical music, traditional and folk music, the natural world, oral memory and languages and dialects.
- Add meaningful contextual knowledge and medium-specific metadata to 2 million items in Europeana's audio and audio-related collections, developing techniques for cross-media and cross-collection linking.
- Develop and validate audience specific sound channels and a distributed crowd-sourcing infrastructure for end-users that will improve Europeana's search facility, navigation and user experience. These can then be used for other communities and other media.
- Engage music publishers and rights holders in efforts to make more material accessible online through Europeana by resolving domain constraints and lack of access to commercially unviable (i.e. out-of-commerce) content.

These outcomes will be achieved through a network of leading sound archives working with specialists in audiovisual technology, rights issues, and software development. The network will expand to include other data-providers and mainstream distribution platforms (Historypin, Spotify, Soundcloud) to ensure the widest possible availability of their content.

For more information, visit <http://pro.europeana.eu/web/europeana-sounds> and <http://www.europeanasonsounds.eu>.

IX. STATEMENT OF ORIGINALITY

This document contains original unpublished work except where clearly indicated otherwise. Acknowledgement of previously published material and of the work of others has been made through appropriate citation, quotation or both.

X. EXECUTIVE SUMMARY: D1.2 RIGHTS LABELLING GUIDELINES & D3.1 GUIDELINES FOR CONTRIBUTING AUDIO CONTENT INTO EUROPEANA

This document provides details on intellectual property rights associated with audio material. It first summarises the intellectual property rights that we encounter in audio collections, providing a basis for consulting with data providers. In the second section we give an overview on the Europeana Licensing Framework and provide guidelines for the correct rights labelling of digital objects. Next we discuss the issue of re-use of the collections shared through Europeana. Following that we examine the barriers to online access that have been identified based on the input given by the data providers in the Rights and Metadata Ingestion Survey. Lastly we focus on an important aspect of these barriers; rights clearing policies.

TABLE OF CONTENTS

1	INTRODUCTION & BACKGROUND	9
2	INTELLECTUAL PROPERTY IN AUDIO-MATERIAL	11
2.1	Copyright	11
2.2	Related Rights	11
2.3	Database Rights	15
2.4	Digitisation and Publication	16
3	EUROPEANA LICENSING FRAMEWORK.....	17
3.1	The Europeana Data Exchange Agreement (DEA)	17
3.2	The Creative Commons Zero Universal Public Domain Dedication (CC0 waiver).....	17
3.3	The Europeana Data Use Guidelines	17
3.4	The Europeana Terms for User Contributions	17
3.5	The edm:rights field of the Europeana Data Model	18
3.6	Available Rights Statements	18
4	TOWARDS OPEN SHARING OF DIGITAL OBJECTS	19
4.1	First step: Open Metadata	19
4.2	Next step: Open Digital Objects	20
4.3	Re-use of Digital Objects.....	21
5	RIGHTS AND METADATA INGESTION SURVEY RESULTS	23
5.1	Methodology	23
5.2	Preliminary Rights- Labelling Metrics	23
5.3	Issues raised relating to the Europeana Licensing Framework.....	25
5.4	How do we deal with the difference between Previews and Content?	25
5.5	How do we deal with discrepancies between the rights information from our institution and that of the information on Europeana?	25
5.6	How do we deal with the moral and ethical rights in our content?.....	25
5.7	Can we apply Creative Commons licenses while we only allow streaming on our website? 26	
5.8	How do we deal with password protected material in our collection?.....	26
6	INITIAL BARRIERS TO ONLINE ACCESS	27
6.1	Barriers to online access	27
6.1.1	Out-of-Commerce works	27
6.1.2	Orphan Works	27
6.1.3	Geo-locked collections	28
6.2	Next steps: Working groups for barriers to online access	28
7	RIGHTS CLEARING POLICIES	30
7.1	What is a rights clearance policy?	30
7.2	The benefits of a rights clearance policy.....	30
7.3	Attributes of rights clearance policy	30
7.4	Best practices - gathered from the Data Providers.....	31
7.4.1	Deutsche Nationalbibliothek (DNB).....	31

7.4.2	Rundfunk Berlin-Brandenburg (RBB)	32
7.4.3	Statsbiblioteket Denmark (SB)	33
7.4.4	The British Library (BL)	34
7.4.5	Netherlands Institute for Sound and Vision (NISV).....	36
8	APPENDIX	37
8.1	Appendix I: Copy of the Rights and Metadata Ingestion Survey	37
9	REFERENCES	44

1 INTRODUCTION & BACKGROUND

Rights labelling for audio material can be a complicated matter. The [Europeana Professional](#) website provides access to key documents on rights and provides online tools for determining the correct rights statement of a digital object. Our Europeana Sounds partners have varying levels of experience in determining what rights clearance policies are most suitable for their collections and in applying correct rights statements to their digital objects. This document directs data providers to the key documents on Europeana Professional, provides examples in the context of digital audio objects and explores specific issues relating to rights clearance for audio content.

For the development of this document we surveyed all data providers in the Europeana Sounds project with regards to rights clearance practices, use of identifiers, issues related to the Europeana Licensing Framework and the contents of the collections. We combined the survey from WP1 and WP3 in order to avoid duplicating questions between the two WPs. In the end 17 of 18 data providers filled out and returned the survey.

This survey provided valuable information on the way the project partners designed their rights policies, and how they registered and handled the rights in their collections. Based on the results we identified the main barriers we have to online access, which we discussed and validated during a rights workshop held in Copenhagen on 12 June 2014.

This document first summarises the Intellectual Property Rights that we encounter in audio collections, providing a basis for consulting with data providers. In the second section we give an overview on the Europeana Licensing Framework and provide guidelines for the correct rights labelling of digital objects. Next we discuss the issue of re-use in the collections shared through Europeana. Following that we examine the barriers to online access that have been identified based on the input given by the Data Providers in the *Rights and Metadata Ingestion Survey*. Lastly we focus on an important aspect of these barriers; rights clearing policies.

This document is a merged document containing the output from two deliverables: D1.2 Rights labelling guidelines (WP1) and D3.1 Guidelines for contributing audio content into Europeana (WP3). It has been merged for practical reasons, to enable users to reference one single project document about rights rather than two separate documents.

The two deliverables are represented in this merged document roughly as follows:

Table 1: Document sections per Deliverable

Section	Deliverable
1. Intellectual property in audio material	D1.2
2. Europeana Licensing Framework	D1.2
3. Heading towards open sharing of digital objects	D1.2/D3.1
4. Rights and Metadata Ingestion Survey results	D3.1
5. Initial barriers to online access	D3.1
6. Rights clearing policies	D3.1

The forthcoming *Europeana Sounds Manual for Data Providers* will point to this report and to other project documents, providing an updatable linking mechanism across the project.

2 INTELLECTUAL PROPERTY IN AUDIO-MATERIAL

“Public domain is the rule, copyright is the exception”. This statement from the [Public Domain Manifesto](#) might seem surprising, but all cultural works are in the public domain, except for the limited time period when they are protected by Intellectual Property Rights. Works that are in the public domain can be used and re-used as seen fit by the end user. This is the basis upon which we allow our culture to grow and evolve. Intellectual property rights (IPR) are intended to give the creator of a work an exclusive right to exploit (copy, spread, publish, use, re-use) his or her work for a limited period of time. The IPR that we are most likely to come across in our work in Europeana Sounds include copyright, related rights and database rights. These rights can be stacked; one digital object you want to show on Europeana can be protected by multiple types of IPR, held by multiple creators. Although the European Union has been harmonising national copyright laws in the past decades, it is still important to check your national laws to see whether the same guidelines in this document apply to your situation.

2.1 Copyright

Copyright is an exclusive and assignable right that exists in creative works that have enough originality (individual character) to warrant such a right. Copyright exists in literary and artistic works in the literary, scientific and artistic domains. The type of expression makes no difference in the protection, and the right is given automatically to the creator when the work is created. Therefore a quick sketch on a napkin can have the same amount of protection as a work made by a renowned author, if they both have originality.

Copyright protection has a time limit: in general this is 70 years after the death of the creator in Europe. Also, when the author is not a natural person (e.g. an institution) the term of protection is 70 years after first publication. This is also the case for anonymous works. When copyright protection has ended, a work enters the public domain. As stated, not everything warrants copyright protection. The most notable exceptions are facts and ideas. The idea of a novel is not protected unless you have written it down in an original enough manner. Even then, the way it is written down is protected, not the idea itself. Also, a phrase like ‘grass is green’ is not protected, as it is a fact. Natural artefacts are also not copyright protected. For example a flower is not copyright protected, because it was created by nature. However, an original recording or photograph of an object found in nature is protected for a period of time. This protection is guaranteed by related rights, which will be discussed below.


2.2 Related Rights

Related rights refer to a group of rights that seem very similar to copyright, but warrant a different term of protection. Related rights are given to performers, phonogram producers, sound recordists, film producers and broadcasters of works. They regulate the right of fixation, reproduction, distribution and broadcasting and communication to the public. Related rights are very relevant for

audio material. When determining the rights status of audio material there are differences among the composition, performances and recordings (phonogram) of a work. If a composition is in the public domain, it does not necessarily mean that the digital object is also in the public domain, as it may be protected by related rights (performance rights and phonogram rights).

Take for example these two digital objects ingested to Europeana from the Bibliothèque nationale de France. They both represent music written by Johann Sebastian Bach. The first example (Suite No. 1) has a Free Access no re-use statement; the second (Sonata in G major) has a Public Domain Mark attached to it.

Example 1: J. S. Bach, Suite No. 1, Free Access, No-re-use



The screenshot shows the Europeana Sounds search results page. On the left, there is a sidebar with the Europeana logo, a search bar, and navigation links. The main content area displays the search results for the specified Bach suite. The results include a thumbnail image of a CD, a copyright notice, and various metadata fields such as Description, Creator, Date, Type, Identifier, Relation, Is part of, Language, Rights, Source, Data provider, and Provider. The interface is clean and professional, with a clear layout for presenting digital content.

SUITE N °1 EN UT MAJEUR, BWV 1066 ; SUITE N °2 EN SI MINEUR, BWV 1067 / Johann-Sebastian BACH ; l'Orchestre de Chambre de la Radio de l'Etat Danois dirigé par Mogens WOLDIKE

Description: Titre uniforme : [Ouvertures. Flûte, orchestre. BWV 1067. Badinerie. Si mineur] ; Titre uniforme : [Ouvertures. Orchestre. No 1. BWV 1066. Do majeur] ; BnF-Partenariats, Collection sonore - Believe ; BnF-Partenariats, Collection sonore - Believe

Creator: Bach, Johann Sebastian (1685-1750). Auteur ou responsable intellectuel ; Bach, Johann Sebastian (1685-1750). Auteur ou responsable intellectuel ; Wöldike, Mogens (1897-1988). Direction d'orchestre ; Danmarks Radio. Kammerorkester. Interprète ; Danmarks Radio. Kammerorkester. Interprète

Date: 1958

Type: document sonore ; Sound recording

Identifier: <http://gallica.bnf.fr/ark:/12148/bpt6k88023392>

Relation: Notice du catalogue : <http://catalogue.bnf.fr/ark:/12148/cb38044560h>

Is part of: <http://data.theeuropeanlibrary.org/Collection/a0142>

Language: fr

Rights: conditions spécifiques d'utilisation - BnF-Partenariats, Collection sonore - Believe

Source: Bibliothèque nationale de France, département Audiovisuel, B-3064

Data provider: National Library of France

Provider: The European Library

Providing country: France

[Auto-generated tags](#)

Example 2: J. S. Bach, Sonata in G Major, Public Domain. [Help](#)[Return to search results](#)[< Previous](#) [Next >](#)





Sonate en sol majeur / J. S. Bach, comp.

Description: Titre uniforme : [Sonates. Flûtes (2), basse continue. BWV 1039. Sol majeur]

Creator: Bach, Johann Sebastian (1685-1750). Compositeur ; Le Roy, René (1898-1985). Flûte ; Musset, André (18.-19.. ; flûtiste). Flûte ; Crussard, Claude (1893-1947). Clavecin

Date: 1937

Type: document sonore ; Sound recording

Subject: musique baroque ; musique instrumentale de chambre

Identifier: <http://gallica.bnf.fr/ark:/12148/bpt6k127372p>

Relation: Notice d'ensemble : <http://catalogue.bnf.fr/ark:/12148/cb377908149> ; Notice du catalogue : <http://catalogue.bnf.fr/ark:/12148/cb377908149>

Is part of: <http://catalogue.bnf.fr/ark:/12148/cb377908149>; <http://data.theeuropeanlibrary.org/Collection/a0142>

Rights: domaine public ; public domain

Source: Bibliothèque nationale de France, département Audiovisuel, C-5655

Data provider: National Library of France

Provider: The European Library

Providing country: France

[Auto-generated tags >](#)

View item at [National Library of France](#)

 Share

 Cite on Wikipedia

 Translate details

Select language

Powered by Microsoft® Translator

The difference is in the related rights. When you consider the metadata of these two objects you will note that example one was fixed on a phonogram in 1958, and example two in 1937.

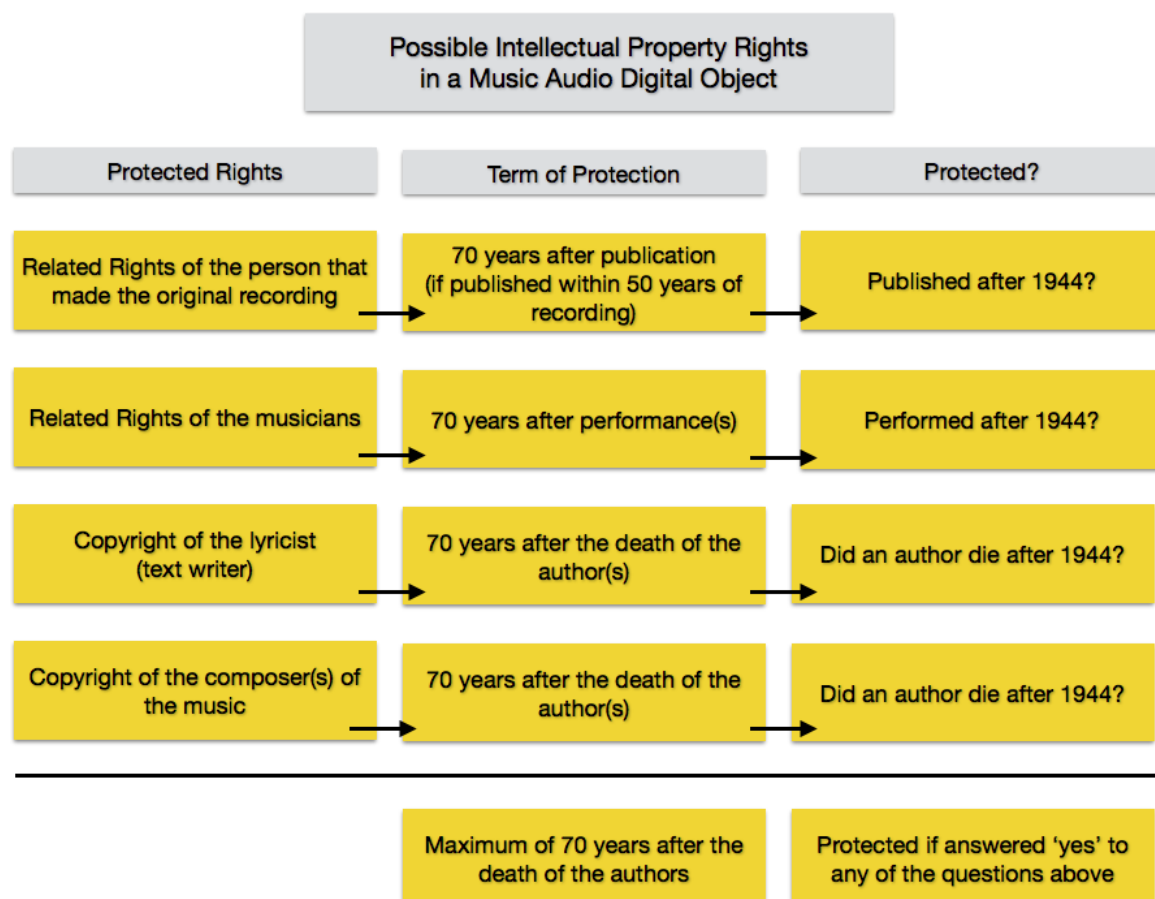
Most related rights are protected for a term of 50 years after an initial performance, broadcast or fixation. With regards to the term of protection for performers and sound recordings, Directive 2011/77/EU has [extended](#) the term of protection to 70 years after the first publication or the first communication to the public¹.

However, at the time of writing this directive had not yet been implemented in several member states. As a result some member states laws still grant 50 years of protection after the initial performance, broadcast or fixation. For the purpose of this project data providers should assume that related rights are protected for 70 years after the initial performance. This 70 year protection still grants protection in example one (which will end in 2028). Protection has expired in example two (fixated in 1937, expired in 1987) since it was fixated before the period where the Directive 2011/77/EU is in force.

¹ Note that the 70 year term of protection applies only to performances that have been fixated in a phonogram but not if it has been fixated in a film.

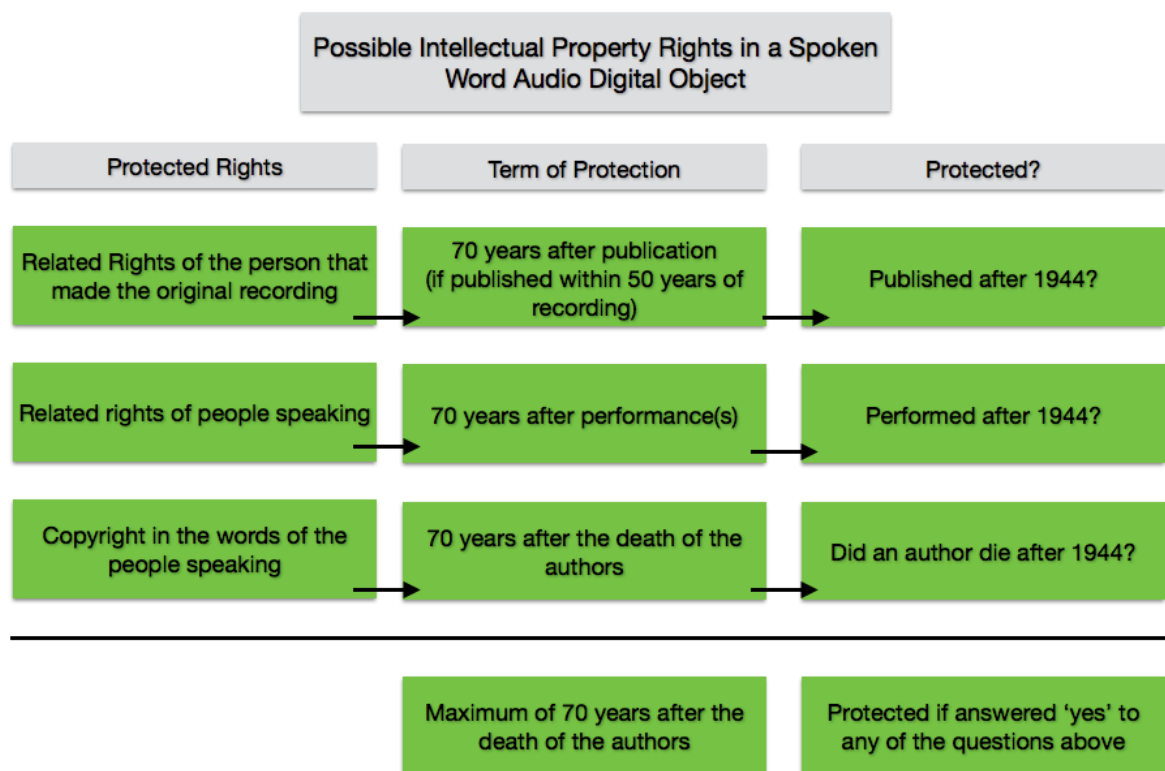
Combining copyright and related rights, below we created schemes as a guideline to determine whether there are Intellectual Property Rights in an Audio Digital Object. Note that these are simplified versions of the [Public Domain Calculator](#) and are intended as illustration of the information above.

There are three different schemes for three types of audio material. First, music. This can be either traditional music or popular music.



Note: dates above are correct as of 2014

Secondly, we have a scheme for a spoken word digital audio object, for example an oral history interview:



Note: dates correct as of 2014

2.3 Database Rights

The last rights we will discuss here are *sui generis* database rights, a primarily European phenomenon. These rights are not given to individual objects, but only to a certain type of collection of objects, so as such they are not relevant when discussing rights statements of digital objects.

A database is defined as "a collection of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means." The protection for database rights is 15 years after creation, although another 15 years can be added after every substantial investment in time, effort and/or money. Database rights are something to keep in mind when you receive digital sound archives from another institution, either by purchasing or being endowed the material, as the way the archive is structured could be protected by database rights. Ensure that you get both the material and the rights when you collect digital sound archives that might be considered to be a database. Unlike copyrights and related rights database rights are not very likely to prevent you from making digitised works available because they do not apply to individual works.

2.4 Digitisation and Publication

When one or more of the rights discussed above applies to a work you have in your collection, take heed before publishing, reproducing or otherwise using the materials. Although your institution may have the physical object in possession, this does not necessarily mean that you also hold the intellectual property rights. There is a need to ensure that your institution has records of the types of rights you obtained upon receiving the objects, either through purchase or endowment, or created by employees of your institution.

If you do not have the rights to use an object as you want, you need to obtain permission from the rights holder(s). In order to get this permission, you should follow a clearly defined rights clearance policy and document the outcomes. Many organisations have rights clearance policies that establish rules for determining and recording the rights status of works in their collections before making such works available online. If your organisation does not have such a policy you may wish to consider establishing such a policy before making collections available via Europeana. Please refer to section 5 of this document for a number of examples of such policies.

Finally, a note about the creation of new rights through digitisation. As a general rule² digitisation of objects (e.g. scanning in pages of books, making reproductions of paintings) does not create new rights. For example, if you want to digitise sheet music of Bach you can do this without permission because it is in the public domain. The scanned, digital object you made is still in the public domain, because it is a reproduction of the same object. For more information on the public domain, please refer to the [Europeana Public Domain Charter](#).

You can use the Public Domain Calculator at www.outofcopyright.eu to examine the public domain status of examined material in the selected jurisdiction. You can re-do the calculator for the different types of IPR-protection.

² This general rule is not applicable to all types of works in all member states. To provide more clarity, Kennisland is currently conducting research together with the Institute for Information Law (University of Amsterdam) on the issue of originality in digitisation. The results of this research will be shared in the *Europeana Sounds Manual for Data Providers*.

3 EUROPEANA LICENSING FRAMEWORK

The [Europeana Licensing Framework](#) provides an important underlying layer facilitating many of Europeana's activities. This framework helps govern the relationships of Europeana, its data providers and its users. Europeana uses standard, interoperable and machine-readable licences to allow the data to talk to other applications and services. The licences frame in a clear way what can and cannot be done by human and machine agents with the metadata and with the content it accesses. Additionally, the Europeana Licensing Framework introduces community norms to support best practice among users and re-users³.

3.1 The Europeana Data Exchange Agreement (DEA)

The [DEA](#) is the central element of the Europeana Licensing Framework. It structures the relationship of Europeana and its data providers. The DEA specifies how metadata and previews provided by data providers can be used by Europeana and third parties. It details the exchange whereby data providers get enriched metadata back as well as access to other metadata of interest. It establishes rules for updating and deleting metadata stored by Europeana and deals with issues such as liability and removal of data at the request of third parties.

3.2 The Creative Commons Zero Universal Public Domain Dedication (CC0 waiver)

The [CC0 waiver](#) is a legal tool that has been developed by Creative Commons for making data available without restrictions on re-use. The DEA establishes that Europeana publishes metadata it receives from its data providers under the terms of CC0. This means that anyone can use the metadata published by Europeana for any purpose.

3.3 The Europeana Data Use Guidelines

A link to the [Europeana Data Use Guidelines](#) will accompany any metadata published by Europeana. These guidelines make best-practice requests to users of the metadata. They are non-binding but reflect the best practice of the Europeana community. The Data Use Guidelines deal with issues like attribution and data integrity.

3.4 The Europeana Terms for User Contributions

These [terms](#) apply to end users who contribute content to Europeana (usually as part of Community Collection projects, such as Europeana 1914-1918). These terms have been developed so that Europeana can use content provided by its users and be able to integrate with other Europeana held content and data.

³ See also The Europeana Licensing Framework:

http://pro.europeana.eu/c/document_library/get_file?uuid=b16bdaf6-4e53-4f58-968a-9d4943a5d297&groupId=858566.

3.5 The edm:rights field of the Europeana Data Model

The [Europeana Data Model](#) specifies how data needs to be formatted so that Europeana can use it. This specification covers many things including rights information relating to digital objects that are made available via Europeana. Europeana uses the content of the edm:rights field to tell users under which terms they can use the previews and digital objects that they find via Europeana. The edm:rights field is populated with one of 13 [Available Rights Statements](#).

For Europeana Sounds, the edm:rights fields will be added by data providers to groups of records or to individual records, using the [MINT tool](#). More information on the MINT tool will be provided during the Metadata Ingestion Training Sessions, the first of which will be held in Athens on 23-24 October 2014.

3.6 Available Rights Statements

The most up-to-date source of information about which rights statement to select is the page on [Available Rights Statements](#) on Europeana Professional. This page contains a limited list of rights statements that can be applied to digital objects that are made available via Europeana. It contains statements for in-copyright works that cannot be re-used, statements for marking public domain material and it also includes the 6 Creative Commons licenses that allow data providers to grant permission to the public to re-use in-copyright works under certain conditions.

When unsure which rights statement is applicable, please refer to the [Statement-chooser](#) on the Europeana Professional website⁴. The forthcoming *Europeana Sounds Manual for Data Providers* will provide further explanation and relevant examples for audio and audio-related material, as interesting examples come to light during the project.

⁴ The statement-chooser is currently being revised.

4 TOWARDS OPEN SHARING OF DIGITAL OBJECTS

Within the Europeana Sounds project, whenever possible, we want to promote re-use of the material we are sharing through Europeana, because we want to create new ways for people to engage with their cultural history, whether it's for work, learning or pleasure. We have a project target of 90,000 digital objects available for re-use, as a minimum. However, most institutions do not have policies in place that allow for open sharing.

4.1 First step: Open Metadata

As a project we have already taken a big first step in becoming open, as we make all the metadata ingested to Europeana available for re-use under the Creative Commons Public Domain Dedication (CC0). This is possible because institutions create their own metadata and can therefore, insofar it is not in the public domain already, waive the rights associated with metadata. Usually this opening up is more difficult with the digital objects that the metadata describe, due to intellectual property rights issues, institutional policy and business models.

Creating an open policy regarding metadata is something institutions consider part of their public mission. In 2012 and 2014 [Kennisland](#) organised master classes for Dutch cultural heritage institutions who were interested in becoming more open. Kennisland did this as part of [Open Culture Data](#) which is run in cooperation by [Netherlands Institute of Sound and Vision](#), [Open State Foundation](#) and Kennisland. Tim de Haan of the [National Archive of the Netherlands](#) made the following statement about starting to become more open:

“In first instance it was harder than I imagined. People did not understand what I was talking about, where I wanted to go nor what I needed. But faster than I expected the concept of Open Data landed within the organisation. It is now a priority on the agenda and we want to do more with it this year.”⁵

As Neelie Kroes, Vice-president for the Digital Agenda stated in 2011:

“I urge cultural institutions to open up control of their data... there is a wonderful opportunity to show how cultural material can contribute to innovation, how it can become a driver of new developments. Museums, archives and libraries should not miss it.”⁶

[The Problem of the Yellow Milkmaid paper](#), written in 2011, discusses the business model consequences of open data and considers both the opportunities and potential problems. The

⁵ Translated from Dutch and re-used from the [Reader for Open Culture Data Master class 2014](#), Kennisland [CC BY](#)

⁶ Kroes, N (2011) “Foreword: Culture and Open Data: How can museums get the best from their digital assets?” in *Uncommon Culture: from Closed Doors to Open Gates*, vol. 2, no. 1/2. Consulted 10/12/2012 <http://www.firstmonday.org/htbin/cgiwrap/bin/ojs/index.php/UC/article/view/3771/3053>

section on opportunities investigates data enrichment, accessibility, expertise and fulfilling the public mission of the cultural heritage institution. Judith van Ghent of the [Amsterdam Museum](#) made the following statement about their reasons of becoming more open:

“In March of 2010 we put our collections online as a Digital Depot. [...] The most important reason for this is that we believe that our public collections need to be publicly accessible for their owners: the public. We can show only 20% of our collections in our institution. Besides that the collection is of international historic and art-historic value, and we think that everyone should be able to find and use these objects.”

There are also possible downsides of becoming more open, such as loss of quality of data as it is placed out of context and loss of control of the data when made open. For more information on the research conducted by Europeana and Kennisland please refer to *The Problem of the Yellow Milkmaid*.

4.2 Next step: Open Digital Objects

When institutions have made their metadata open often they make the next step into making their digital objects as open as they can. Before institutions can apply open rights statements to their objects they need to be sure of the rights status of the objects. For instance, you can only apply a Creative Commons license when you are the rights holder or you have permission from the rights holder. There is information regarding how to determine the rights status of an object in chapter 1 of this document, and on rights clearing policies in chapter 6. Europeana considers digital objects to be freely re-usable when one of the following rights statements is applied: The Public Domain Mark, CC0 Public Domain Dedication, CC-BY or CC-BY-SA⁷.

For an example of an institution applying an open policy we can look at the [Rijksmuseum](#), which made 150,000 digital objects available under the Public Domain Marker in high-resolution for free. Joris Pekel from Europeana wrote a [case study](#) on the process the Rijksmuseum went through in order to open up in such an extent. Taco Dibbits, Director of Collections of the Rijksmuseum, stated:

“With the internet, it’s so difficult to control your copyright or use of images that we decided we’d rather people use a very good high-resolution image of the ‘Milkmaid’ from the Rijksmuseum rather than using a very bad reproduction.”⁸

The Rijksmuseum has the good fortune of having large collections of works that are in the public domain, which made opening up easier. Within Europeana Sounds we are making a lot of audio material available, which is as a rule more difficult to clear rights for as audio objects are often still under multiple layers of copyright.

⁷ Definition of “Freely re-usable content” at <http://pro.europeana.eu/glossary>

⁸ Quote taken from [Democratising the Rijksmuseum - Why did the Rijksmuseum make available their highest quality material without restrictions, and what are the results?](#) Joris Pekel [CC BY-SA](#).

However, there are possibilities for providing open access to digital audio objects. Public domain works will need to be labelled as being in the public domain on Europeana as discussed in chapter 2: Europeana Licensing Framework. Besides that, your institution can make the digital objects that you are the rights holder of available under a Creative Commons license. Your institution can also ask permission from third-party rights holders to make digital objects available under an open license. Furthermore, to avoid future problems with making your collections available online you can seek permission to publish works online under an open license when you receive material for your collections.

4.3 Re-use of Digital Objects

Once the decision to open up has been made, consider the quality of the digital objects you make available. This will be dependent on the institutional policy, financial capacity and technical capabilities of your institution. Europeana is developing a standard that meets re-usability standards set by the creative industries, researchers and other end-users of our shared cultural history. Although not implemented yet, the criteria below will allow Europeana users to filter out digital objects that do not meet the requirements established by the framework. The Content Re-use Framework will establish the following criteria on the basis of rights and quality⁹:

1. The metadata for the cultural heritage object contains at least one direct link to a digital object (as opposed to a page where the object is available).
2. The digital object is provided with a rights statement that allows re-use of the object (as opposed to a rights statement that only allows access).
3. The digital object meets the following minimum technical quality requirements¹⁰:
 - Audio: a minimum sample rate of 44.1 kHz (44,100 samples per second), a bit-depth of 16 bits or more, and in mono or stereo according to the source recording, in one of the following formats:
 - Lossy compressed MP3 files at a minimum bit-rate of 128 kbps
 - Fully uncompressed 'mastering quality' lossless file formats such as WAV, FLAC, or APE. We suggest FLAC for Europeana Sounds because it is the preferred format for Spotify.
 - Video: resolution of 704 × 576 (576p); file types: MP4 or WEBM.
 - Images: image resolution of 2,048 × 1,536 pixels; file types: jpg, png and tiff; no visible watermarks.
 - Texts: full-text searchable; file types: pdf, txt, epub, xml or rtf.

⁹ At the time of writing the exact criteria of the framework are being validated by a Europeana Network task force. As a result the final criteria may differ from what is listed here.

¹⁰ Note that the exact technical specifications are still under discussion in a Europeana Network task force. The specifications provided here are the specifications that have been proposed by WP3 of the Europeana Creative project.

Once the framework is operational it will be possible to limit searches on the portal or via the API to Digital Objects that meet all three criteria of the framework. This will enable users to easily find a digital object that is available for re-use and that has technical characteristics that make it suitable for re-use.

5 RIGHTS AND METADATA INGESTION SURVEY RESULTS

5.1 Methodology

In order to gain information on the rights status of the collections of the data providers, their right clearing practices, feedback on the Europeana Licensing Framework and use of unique identifiers in their collections we surveyed all 18 data providers in the project. Please find the survey as Annex I in this document.

Initially we developed the survey as a WP3 survey, however we discovered overlap in the questions WP1 needed to ask the data providers and therefore we made it a joint survey, called the *Rights and Metadata Ingestion Survey*. The survey gave us valuable information on the thinking of the data providers in rights labelling, issues in making their collections available and the timeframe they were considering in ingesting their collections into Europeana. Below we will lay out the preliminary rights labelling metrics and answer questions raised with regard to the Europeana Licensing Framework.

5.2 Preliminary Rights-Labelling Metrics

The following table compares the Performance Table from the DoW [REF 1] Part B p.91 with updated information from the *Rights and Metadata Ingestion Survey* on the number of digital objects predicted to be made available via Europeana Sounds. This information is preliminary in nature rather than final, as the data providers are in the process of selecting content for Europeana Sounds. In calculating the number of objects available for re-use, we use the definition of Freely Re-useable Content in the Europeana Professional Glossary (<http://pro-europeana.eu/glossary>):

Freely Re-useable Content: Digital Objects that are available for re-use with minimal or no conditions, specifically those objects labelled Public Domain, CC0, CC-BY and CC-BY-SA.

Table 2: Digital Objects in DoW and Survey

	Year 1 DoW	Year 1 Survey	Year 1+2 DoW	Year 1+2 Survey	Year 1+2+3 DoW	Year 1+2+3 Survey
Audio	50,000	76,768	250,000	277,006	500,000	556,184
Audio-related	30,000	66,264	90,000	152,814	225,000	231,672
Total	80,000	143,032	340,000	429,820	725,000	787,856
Subset re-use	10,000	32,659	40,000	130,137	90,000	205,856

Note that the figures for re-use are a subset of the total of digital objects discussed in table 0 of the DoW, not additional digital objects. For example, in the Year 1 figures from the Performance table, a total of 80,000 digital objects will be made accessible (50,000 + 30,000), and of those objects, 10,000 (12.5%) will be labelled Public Domain, CC0, CC-BY or CC-BY-SA.

The charts below show the proportion of digital objects that will be made available for re-use. The first chart the shows figures from the *Performance monitoring table* in the DoW, Part B, p.91 and the second chart shows updated figures from the *Rights & Metadata Ingestion Survey*:

Figure 1:

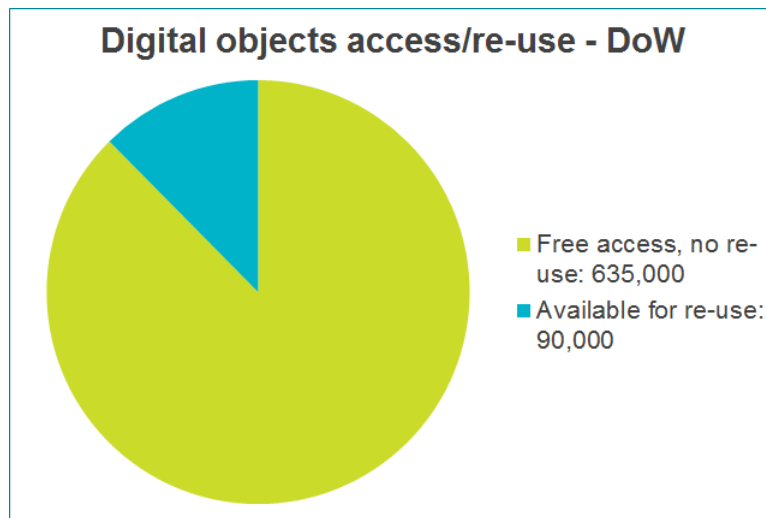
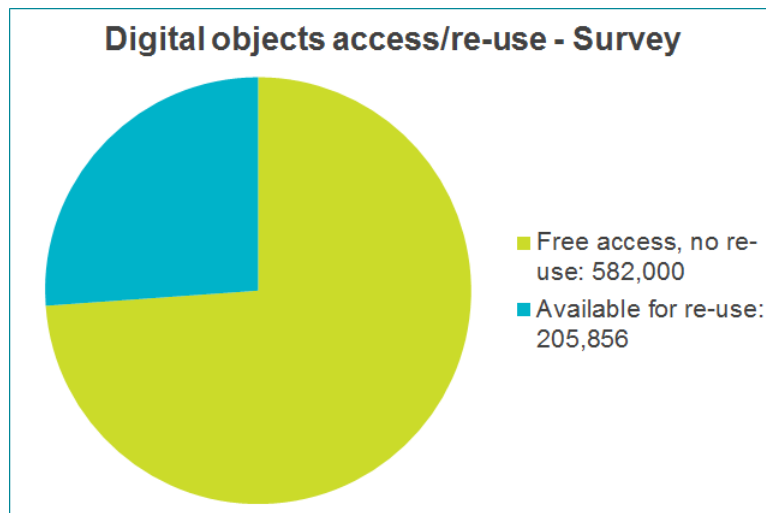


Figure 2:



It is pleasing that the survey results indicate that approximately 26% of digital objects to be made available via Europeana Sounds will be made available for re-use, significantly higher than the 12.5% figure in the DoW performance table (Part B, p.91). The survey figures should be treated with

caution, however, as some data providers are in the process of developing their access and re-use policies and most are in the process of developing their understanding of rights labelling for Europeana. The survey responses indicate that some policies are currently rather cautious, as some material which should be labelled as Public Domain or is possible to be licensed with a Creative Commons license was instead labelled as free access, no re-use.

5.3 Issues raised relating to the Europeana Licensing Framework

There were several questions posed relating to the Europeana Licensing Framework in the *Rights and Metadata Ingestion Survey*. As they are of use to all data providers in the Europeana Sounds consortium, we answer them below:

5.4 How do we deal with the difference between Previews and Content?

Previews of the content shown on Europeana make the objects more attractive to click on. The DEA treats previews and content identically, and as such they do not fall under the CC0 requirement for metadata, but under the rights statement provided for the object. As explained in the [Terms of Use](#): 'The previews that are shown on Europeana.eu can only be used in accordance with the rights information displayed alongside them (the badges underneath the previews).' For example, if the object's rights statement is [Rights Reserved - Free Access](#), an end-user cannot re-use the previews. If the statement is [CC BY](#), they can - with attribution.

5.5 How do we deal with discrepancies between the rights information from our institution and that of the information on Europeana?

The rights information on Europeana is meant to give a clear message to the end-users as to what they can and cannot do with material they find via the platform. The text describing the statements work best if they are in compliance with the information given on the website of the data provider. However, in some cases there needs to be a discrepancy based on national copyright laws. That is why the sentence '[Unless expressly stated otherwise in the licensing conditions](#)' is included in the information. The conditions on the data provider's website is guiding for the use of the digital objects. It is advised to make the rights information on the data provider's website as clear and easy to find as possible to avoid confusion for end-users.

5.6 How do we deal with the moral and ethical rights in our content?

The rights statements in the Europeana Licensing Framework are designed to deal with copyright related issues in the collections of the data providers. If the material in the collections is in the public domain, it must be labelled as such according to the [Public Domain Charter](#). It can be the case that there are considerations beyond copyright law. For example if the material is culturally sensitive or reflects on subjects and events that need careful consideration before publishing, such as use of profanities, expressions of racism, sexism, or religious dogma or hatred, or sensitive matters such as discussion about personal issues. This is why Europeana uses a set of [guidelines](#) alongside of the public domain mark that are designed help users to act responsibly when using sensitive

information. examples from the guidelines: Give credit where credit is due, protect the reputation of creators and providers, show respect for the original work.

5.7 Can we apply Creative Commons licenses while we only allow streaming on our website?

When applied, Creative Commons licenses ask that there be no technological ways the use and re-use of the material is made impossible. You can apply the licenses when the material is only offered as streaming, but you cannot forbid people to download the material by means they find.

5.8 How do we deal with password protected material in our collection?

If the material is not accessible without a login, Europeana will not ingest metadata describing the material. There are several levels at which logins could apply for your content. When a login is required for viewing a digital object, Europeana does not accept its metadata. However, Europeana will accept metadata for objects which require an end-user to login when downloading an object as long as the data provider also provides streaming access to the object which does not require an end-user to log in.

6 INITIAL BARRIERS TO ONLINE ACCESS

The responses to the *Rights and Metadata Ingestion Survey* have provided us with an initial list of barriers to online access of our audio materials. Some have to do with the Europeana Licensing Framework, and some have to do with issues outside the scope of the framework. These are the issues that will be developed further within WP3 in task 3.2, and will serve as the basis for the rights holder consultation later in the project.

6.1 Barriers to online access

6.1.1 Out-of-Commerce works

Out-of-commerce works are works that are still protected by copyright but are no longer commercially available because the authors and publishers have decided neither to publish new editions nor to sell copies through the customary channels of commerce. In the past, works such as books were referred to as being either “in-print” or “out-of-print”. Today, with the advent of electronic channels of commerce, the term “out-of-commerce” is used (with electronic publishing a book will be “in commerce” even if only available in electronic form). As of now there is no Memorandum of Understanding on audio materials that are out-of-commerce, nor any EU-legislation.

Several data providers have stated that they have out-of-commerce works in their collections, digitised or not, that they would like to make available to the public. Several issues that were raised in the survey as well as during the Copenhagen Rights workshop are (i) how we define out-of-commerce works, (ii) how we can make them available to the public while respecting copyright restrictions, (iii) how we could negotiate a worldwide license to make the material available and (iv) how we could create better incentives for institutions to preserve that type of material when there are so many difficulties in making them available?

6.1.2 Orphan Works

Orphan works are works that are still protected by copyright but for which the copyright holders cannot be located in order to obtain copyright permissions. Orphan works are found within the collections of the Europeana Sounds data providers. A work can be called an orphan work after a due diligence search has been performed and registered, after which there are certain permission given for the use of the material. This is dealt with in [Directive 2012/28/EU](#). At the time of writing it had not been implemented in the national legislation of most of the member states. Full implementation is foreseen for October 2014, and as a result data providers should be able to make use of the provisions of the directive during the duration of this project.

There are many orphan works in the collections of our data providers, digitised or not. However, since there can be a multitude of rights holders in audio material, it is difficult, time-consuming and expensive to track rights holders to comply with any due diligence search requirement. Given these challenges, it will be informative to see if data providers will make widespread use of the provisions of the directive as part of the Europeana Sounds project. If data providers would like to include orphan works in their contribution to Europeana they can apply the orphan works rights statement after consulting the [Europeana Ingestion Team](#), who will require confirmation of the registration of the digital objects.

6.1.3 Geo-locked collections

Geo-locked refers to material that can be made available for online access, but only for a specific territory. Since Europeana is intended for worldwide use, it is important that the collections are cleared for publication worldwide. Therefore Europeana does not accept geo-locked material. Possible solutions for this issue include having cross-territorial licenses for the material organised by collective rights management organisations, or re-visiting individual rights holders for permission.

However, based on conversations with our data providers, these cross-territorial licenses can be time-consuming and expensive to negotiate and use. There are uncertainties with our data providers on whom to approach for such a license, and whether the collective rights organisations have the mandate to negotiate on behalf of all the works in their collections.

6.2 Next steps: Working groups for barriers to online access

We have determined based on the *Rights and Metadata Ingestion Survey*, as well as discussions during the Rights Workshop in Copenhagen in June 2014, that there are five main issues that the data providers face in regard to barriers to online access:

1. Not having guidelines on how to deal with out-of-commerce works in the collections they want to make available,
2. Not having an implemented directive on how to handle orphan works in their national legislation,
3. Having difficulty discussing global licenses for their collections with collective management organisations,
4. Lack of best practices and know-how in rights clearing policies for audio material, and
5. Worries about the moral and ethical rights in collections.

Several of these issues are impossible to solve within the scope of the project, as they have to do with the European Copyright Framework and its limitations in regard to the cultural heritage sector. However, we will work with rights holders (T3.3: Rights holder consultation) to develop guidelines on how to work around the limitations in making out-of-commerce works and orphan works available.

In order to do so successfully, we first need to get a better understanding of the way the Europeana Sounds data providers currently deal with out-of-commerce works and orphan works. Therefore we have created two working groups which were formed after consultation with data providers during the Copenhagen Rights Workshop in June 2014. Other partners and members of the Europeana Network are invited to join and share their experiences¹¹.

The results of these working groups will serve as a basis for T3.2: Identification of barriers to online access. The moral and ethical rights issue will be discussed in a working group where the British Library, Europeana Foundation and Kennisland examine and adapt the current Europeana Guidelines for re-use where needed.

Regarding the fifth issue, lack of best practices and know-how in rights clearing policies, we have provided information in the next section of this document, where we discuss RCP and have asked data providers to produce best practice examples and guidelines.

¹¹ Please contact Lisette Kalshoven (Kennisland, WP3 lead) for inquiries: lk@kl.nl

7 RIGHTS CLEARING POLICIES

To ensure that data providers are authorised to publish and share audio works online, a robust rights clearance policy needs to be in place. The Europeana Sounds project has surveyed the practices of the participating partners and has identified elements of best practice of rights clearance policies.

7.1 *What is a rights clearance policy?*

A policy which clearly defines the process for:

- Identifying the rights holder(s) of a work
- Establishing the permission (i) required by the data provider, (ii) granted by the rights holder
- Obtaining the required permissions from the rights holder(s)
- Recording the rights holders and permissions.

7.2 *The benefits of a rights clearance policy*

A rights clearance policy is a means of managing risk within an organisation when publishing and sharing an audio work online. It establishes a coherent and consistent process that can be followed by all staff, removing as much subjective decision making from the process and enabling a consistent approach to be taken across the entire organisation. As laws or industry practices change, the rights clearance policy can be updated as required.

The limitation of a rights clearance policy is that it can only manage the risks known pre-publication. However, by undertaking due diligence to identify, obtain and record rights holders and permissions required and granted, issues that occur post-publication can often be more effectively managed. For example, where a work is published online and the rights holder queries the publication, a Data Provider who has established and followed a robust rights clearance policy will be able to respond to the rights holder with a higher degree of certainty than if no clearance process existed.

7.3 *Attributes of rights clearance policy*

The attributes of a rights clearance policy often differ between organizations, often due to the differing approach to risk management. However, the main attributes of any rights clearance policy will include the following:

- Identification of the origin of the physical work (i.e. how it came to be in the possession of the Data Provider)
- Identification of the author and where a different entity, the rights holder(s),
- Identification of an orphan work
- The rights granted to the Data Provider, including any conditions
- The rights required by the Data Provider
- The process used to obtain the required permission

- The process used to record the rights holder and permission information.

7.4 Best practices - gathered from the Data Providers

Since developing a rights clearing policy is specific to the situation of institutions, we cannot develop a ‘cookie cutter’ best practice for the Europeana Sounds project. However, several of the bigger institutions in our consortium have kindly given us insight on the way that they have developed and execute their Rights Clearing Policies. The following sections have been written by the representatives of the Deutsche Nationalbibliothek, Rundfunk Berlin-Brandenburg, The State and University Library of Denmark, The British Library and the Netherlands Institute for Sound and Vision. Please note that these are snapshots of the policies, and are subject to change and refinement. They are intended as guidance for the project partners who are in the process of developing or refining their policies.

7.4.1 Deutsche Nationalbibliothek (DNB)

DNB’s rights clearance workflow aims at ascertaining a work’s copyright status and has so far focused on items suspected to be within the public domain. It has been continuously developed and expanded to support DNB’s digitisation projects. Projects so far dealt with printed works, the rights clearance policy however is adjustable to fit different forms of content as well.

In order to establish a rights clearance workflow, three major factors had to be taken into consideration: (1) the legal side, obviously, requiring constant consultations between the DNB’s Digital Services, in charge of web content, and the Legal Department, (2) the technical side, with regards to anchoring the findings in the library’s cataloguing database, and (3) the process-related side, creating a feasible and efficient workflow.

- On the legal side, not only Intellectual Property Right but also Copyright and Personal Rights have to be considered. In dealing with creative works, many points need to be addressed such as which sources can be considered valid in researching rights holders or how originality for different parts of a work is to be defined. (E.g. in printed works: Does it feature excerpts of other works, quotations by other authors, sketches or notes by a former owner of the work? Which kind of cover design is to be considered an artwork in itself? This definition can make a difference when it comes to determining the true number of rights holders).
- On the technical side, guaranteeing a permanent fixation of the rights clearance results in the library’s database required the introduction of distinct metadata fields. Indexing rules were developed that allow filtering for different rights clearance information within a rights clearance metadata field, e.g. if the main indexation shows that “not all contributors could be identified” sub-indexing allows for a specification on which part of the work this statement applied to, to allow for potential follow-up actions. The date of fixation of the status for each data record is also inserted so that it is clear which legal basis was in effect at that particular moment (as we all know IPR laws are subject to changes).

- On the process-related side, the aim was to come up with a way to rights-clear works effectively without tying substantial human resources into a possibly fruitless effort – a successful clearance does after all not automatically produce a work that is free for global use. It made sense to fix standards from the beginning. E.g. the likelihood of a successful clearance decreases with the number of contributors; therefore any book with 5+ authors is indexed accordingly but not cleared further. Contributor names in the data records are linked to their national authority file and if necessary a new authority file with the relevant details is created. National authority files are a decisive reference as they form part of the Virtual International Authority File (VIAF). If a work has but one contributor the year after his or her death year is fixated as the starting date of the term of protection in the data record (death year: 1930, starting data fixated in record: 1931). In case of stacked IPR, even though only the most recent death date is relevant for the fixation of the starting date of the protective term, the dates relating to any other contributors are also entered in their respective national authority file.

Documentation of rights clearance results and their long-term readability were of the utmost importance to us, in particular for cases in which the legal situation creates a moving wall (as with public domain). If legal terms of protection change, the fixation of a mere licensing statement does not tell whether a cleared work remains in the public domain or moves into or outside the public domain because of it. Therefore detailed, searchable documentation is essential.

Works that are not (yet) in the public domain or couldn't be successfully cleared are now waiting for rights clearance solutions relating to orphan works and licensing models for non-print out-of-commerce content.

7.4.2 Rundfunk Berlin-Brandenburg (RBB)

Rundfunk Berlin-Brandenburg is a public service broadcaster. It can be expected that we deal with rights issues, with licensing and with legal & ethical implications of the use of recorded items in a professional and commendable way. In case of doubt the legal department will answer rights questions in-house.

A recording will only be in PD if it reached the certain age (50+ after release or after first broadcast) and if the author's right holders passed away at least 70 years ago. The use of all recordings will be documented for the performing rights organizations and subsequently paid for under common license for broadcasters – or not, if they are PD.

As an aggregator of audio for Europeana we recommend the 'Public domain checker': <http://www.dismarc.org/index.php?form=admin.tool&task=PublicDomain>

A general information brevier for archives has been put together during the DISMARC project and is still available from the DISMARC homepage: http://www.dismarc.org/info/pdf/Guide_to_copyright.pdf

7.4.3 Statsbiblioteket Denmark (SB)

Statsbiblioteket (SB) is a public institution under the Danish Ministry of Culture. As a national library with legal deposit obligations SB collects, preserves and makes available a considerable part of the Danish cultural heritage. Particularly, the Library is responsible for Danish newspapers, audio-visual media and web-based material. The audio collections comprise: 1) a complete collection of phonograms published in Denmark since 1901; 2) a collection of unique cylinders with some of the earliest sound recordings in the world, and various other speech collections; 3) Danish radio from the 1950s and onwards, complete from 1984 onwards. All radio programmes from 1989 till today – 1m hours in total – are online and available for research and study purposes.

SB is very focused on collecting, storing and digitizing the audio-visual material. The ambition is to make as much as possible available to the public - but we are very careful not to make any copyright infringements. We try to fulfil our ambition of making as much as possible available in different ways.

SB use extended collective licensing (ECL) in order to make as much of our audio-visual material as possible available within our financial limit. Danish copyright law allows for collecting societies to negotiate ECL agreements on behalf of the copyright holders. Collecting societies are allowed to enter into ECL agreements on behalf of all rights owners of their category – including members as well as non-members. ECL agreements are especially advantageous concerning large collections where it is not possible to negotiate directly with all the different copyright holders. For example, SB uses ECL agreements to make the collection of digitized radio available to students. The Europeana Sounds project cannot benefit from the ECL agreements since the agreements cannot have a cross border effect and the access is restricted to the defined group (students). The restriction to a defined group is due to financial reasons. The possibility of using ECL agreements is a great advantage for SB in order to make the cultural heritage available.

SB also works with rights clearing regarding the collections that are too small for ECL agreements. Regarding these collections of audio material SB makes a thorough examination of each file regarding the copyright status. The main ambition is to find the objects which are public domain. The examination includes an assessment of the right status regarding composer(s) and/or lyricist(s), the performer(s) and producers. The examination also includes an investigation of the way and the date of publishing or making the material available, a review of the rights regarding metadata and other relevant facts. The examination requires a lot of resources but it is necessary in order to fulfil the ambition of making as much of our collection as possible available to the public.

The result of the examination is registered in a table as we focus on standardization of the workflow and of metadata regarding rights. We regard this as a prerequisite in making the audio material available online.

Regarding some of the special collections (where we expect it to be possible to make an agreement) we contact the rights holders for permission to use the material. When we contact rights holders we

try to get permission to make the material as widely accessible as possible. Regarding metadata we try to get permission to use CC0.

7.4.4 The British Library (BL)

In the British Library, all objects in an audio collection are checked to determine which rights subsist, item by item, including any embedded or underlying works in accordance with UK copyright law, and other jurisdictions if appropriate. Much of the material we hold is freely donated, and the rights and access restrictions may be noted in the donation agreements including any IP ownership held by the donors.

Rights in audio can be complex, covering recording rights and underlying rights. In the UK, recording and performance rights last for 70 years from the date of creation. Works rights remain for the life of the creator plus 70 years. Most sound recordings have been created within the past century, while the duration of the various IP rights means that nearly all audio objects in our collections are still in copyright. Less than 5% of the six million recordings we hold are in the public domain, wherein the recording copyright is over 70 years, and creators of artistic works have been dead for over 70 years.

Sound recordings often include a number of different layers of rights:

- Literary, Musical, Dramatic Rights including the lyrics of a song (including the words of individual songs featured within a musical or opera) or the spoken word content of a spoken performance such as an interview, speech or oral history; the melody / harmony of a piece of music; the script of a play, the libretto/book of an opera or musical or the choreography of a ballet. These rights might be owned by an author, lyricist, composer, librettist, or publisher and last for lifetime of the creator plus 70 years.
- Sound Recording Right, usually owned by the record company/recordist. 70 years from date of recording or if published/released, 70 years from the date of publication/release.
- Performance Right, applies to an individual performance being recorded e.g.: singing a song; reading an extract from a literary work / poem; a dramatic performance of a play or an act such as a mime; speaking in an interview, oral history or speech.

There may also be other rights associated with a recording which should be considered in some circumstances, such as: the artistic right in the cover artwork of a CD; the typographical arrangements of lyrics in the sleeve notes; trademark in the record company logo; the staging (e.g. the sets) of a dramatic work.

The following IPR categories are based on the British Library's Access and re-use Policy which takes the position that no copyright is created in the digitisation of a two-dimensional public domain object:

In-copyright content: Use of the material is limited to what is permissible under limitations and exceptions which exclude putting material on the internet in any country without the permission of the rights holder. The Library's senior management team decide for in-copyright material what risk it

can take, under due diligence, by making in-copyright material available across the web without formal permission.

Public Domain content: Digitised content where the underlying two-dimensional content is in the public domain is treated as public domain. Public Domain works are those where intellectual property rights have expired¹² (and cultural and ethical sensitivity issues aside), mean that legally they may be freely reproduced, distributed, built upon, or otherwise exploited by anyone for any purpose, commercial or non-commercial. Note that in regards to objects derived from physical items that are no longer in copyright, in the event that any intellectual property rights are created in the creation of such objects, or in the process of their arrangement and selection, the material holders shall own all intellectual property rights associated.

Sound recordings in the Library are catalogued on a specially tailored database (public access at <http://sami.bl.uk>). It includes two fields for access restrictions and item copyright. However the terms used in those fields have not been applied consistently and if present may only cover one of the rights (e.g. recording rights). So for projects requiring rights clearing, we tailor the process for diligent search, including the permissions forms and specific sources for each project. Normally we focus on materials where we know the rights clearing process will be simple and affordable as the process can be very time consuming. For in-copyright published materials, we contact publishers or their agencies directly.

We may add specific rights expressions to metadata on a project by project basis, for example for PD works:

String to be displayed: <Document/Item title> by <individual names authors of works and / or institution names>. Usage Terms: Public Domain

Http Link: <http://creativecommons.org/publicdomain/mark/1.0>

XML Machine Readable Licence: <p>

This work is free of known copyright restrictions.

Wherever possible we seek to use Open Licences, either Creative Commons Attribution or the Creative Commons Non-Commercial licences. For many sound recordings where such licenses are not permitted by rights owners we seek the most open access possible, but this is normally

¹² UK published material may be marked as Public Domain if: the authors died in 1943 or before; the item was published before 1874; The item falls under the following definition of Crown Copyright; 'was prepared or published by, or under the direction or control of Her/His Majesty or a government department' AND was PUBLISHED on or before 1963. Copyright expires 50 years after publication so by virtue of by Crown Copyright can be marked as Public Domain.

restricted to streaming access which prevents re-use. For certain kinds of personally or culturally sensitive recordings, we additionally publish ethical use statements in the appropriate context along with the collection. Examples are at <http://sounds.bl.uk/Oral-history/Disability-Voices> and <http://sounds.bl.uk/Information/Legal-And-Ethical-Usage>

7.4.5 Netherlands Institute for Sound and Vision (NISV)

For determining if an item is part of the Public Domain - and rights clearance for online publication in general - we currently don't have ongoing research or a standard registration process in place. When a certain project can benefit from Public Domain objects, then an ad-hoc process is organized and recorded within this particular project (using the accompanying resources).

Sound and Vision is currently working on a document that explains what policy we use for rights clearance. The general way we operate for online publication is described underneath:

1. Search for the origin of the object (how did we get this object in the first place)
2. Search for an existing contract
3. Search for the right holder and his/her contact details
4. Get in contact with the right holder and explain the preferences for online use
5. Get his/her permission for online use on paper
6. Register the permission
7. Publish the object the way you explained it

8 APPENDIX

APPENDIX I: COPY OF THE RIGHTS AND METADATA INGESTION SURVEY

In this survey we ask you to give detailed, up-to-date information about the rights and metadata for the separate collections that make up the content in Table 0 (Underlying content) and Table c ('Locked' content) in the Description of Work. This is part of the work of task 1.4 of WP1 and task 3.1 of WP3.

Rights

Having correct rights labels in the Europeana Portal provides end users with clarity on what they can and cannot do with the available digital objects. The rights questions in this survey gather information on the rights status of your collections, your rights clearing practices and your feedback on the Europeana Licensing Framework. This information is paramount for the further work of WP3. After we have collected all survey responses we will analyse the information and produce extended guidelines for the integration of audio content within Europeana. These guidelines will be validated within the consortium during a workshop to be held on 12 June 2014.

Metadata

The metadata questions in this survey gather information about the metadata format and about the use of identifiers. This will assist with developing the ingest schedule for Europeana Sounds, in which the metadata will be divided into three metadata ingest sets to enable reports on progress based on the Performance monitoring table in the DoW. This survey asks you to indicate which metadata ingest set you predict might be appropriate for your collections. Each data provider will need to make some metadata available for the 1st metadata ingest set, which will be used during the 1st training session in October 2014.

The deadline for returning the survey is two weeks from now: Wednesday 16 April 2014

If you have any questions about the survey, please contact:

Rights: Lisette Kalshoven lk@kl.nl

Metadata: Andra Patterson andra.patterson@bl.uk

(1) Please state your name:

(2) State your institution (content provider):

Europeana Licensing Framework

(3) Currently the Europeana Licensing framework offers [13 different rights statements](#) that can be used to communicate the rights status of digital objects that are made available via Europeana.

Do these 13 rights statements allow you to properly label all the works that you are planning to make available via Europeana as part of the Europeana Sounds project?

YES / NO

(3.1) if answer to (3) is 'No' Please describe the rights status(es) of the works that you are planning to make available that that is not covered by the 13 available rights statements

(4) Are there any (other) problems that you have with the Europeana Licensing Framework?

(5) Do you have any other questions related to the framework?

Rights Clearance

(6) Does your institution have a rights clearance policy or procedure?

YES / NO

(6.1) if answer to (6) is 'Yes' please describe your rights clearance policy (please include for which types of uses you normally clear rights e.g. publication on website, use in exposition, etc.)

(6.2) if answer to (6) is 'No' are you planning to develop a rights clearance policy during the Europeana Sounds project?

YES / NO

(6.2.1) if answer to (6.2) is 'yes' please describe what you expect from such a policy:

(7) Do you have criteria for determining when a work/recording is in the public domain?

YES / NO

(7.1) if answer to (7) is 'Yes' please describe the criteria you are using:

(8) How do you record the rights status of works/recordings in your collection? (please include in your answer the type of collection management software you use, e.g. AdLib, DigiTool, etc.)

Use of Identifiers

(9) What types of identifiers do you use for works in your collection? Please specify the type of identifier (e.g. ISAN / ISRC / ISWC / DOI / ISNI) and the type of work they are used with:

(10) What types of identifiers should Europeana support? Please specify the type of identifier and the type of work they should apply to:

Metadata ingestion training sessions

(11) Each of the 18 content partners will send **one** person to 3 metadata ingestion training sessions in October 2014, July 2015 and April 2016. Please specify who this **one** person will be from your organisation:

(11.1) Name:

(11.2) Email address:

Status of your collections

(12) Please complete the following table providing detailed information on the separate collections that make up the content listed in Table 0 (pages 22-27, Part B, DoW). Please add more lines if necessary. The first 2 lines are examples.

Title and/or brief description of collection or group of digital objects	Number and type of digital objects, sound, image, film/video, text, other	Current <u>rights status</u> of digital objects & percentage of this collection	Predicted final <u>rights statement</u> for digital objects & percentage of this collection	Direct links provided to digital objects?	File format & technical quality (e.g. sample rate, resolution)	Predicted metadata ingest set	Metadata format(s)	Comments
AR Gregory Kenyan bird recordings	4,300 sound	rr-f 25% cc-by 75%	cc-by 100%	Yes	MP3; 44,100Hz	Set 3 <i>Set 1 (Oct 2014-Jan 2015)</i> <i>Set 2 (Feb 2015-Jan 2016)</i> <i>Set 3 (Feb 2016-Jul</i>	In-house/XML	
Digitised printed scores	15,000 image	cc-by 100%	cc-by 100%	Yes	JPG; 1135x865	Set 1	MARC/XML	

(13) Please complete the following table providing detailed information on the separate collections that make up the content listed in Table c (page 18, Part B, DoW). These are the collections you might bring into the project, but there could be a (rights related) issues with it. Please add more lines if necessary. The first line is an example.

Title and/or brief description of collection or group of digital objects	Number and type of digital objects, sound, image, film/video, text, other	Current rights status of digital objects & % of this collection	Current constraints (e.g. password protected, geo-locked, etc.)	Direct links provided to objects? Yes / No / Unsure	File format & technical quality (e.g. sample rate, resolution)	Predicted metadata ingest set <i>Set 1 (Oct 2014-Jan 2015)</i> <i>Set 2 (Feb 2015-Jan 2016)</i> <i>Set 3 (Feb 2016-Jul 2016)</i>	Metadata format(s)	Comments
Digitised classical music 78rpm recordings	2,700 sound	rr-f 100%	Geo-locked, EU access only	Yes	MP3; 44,100Hz	Set 3	In-house/XML	

(14) Please comment here if you have anything to add to the survey in terms of information we might need:

(15) If you have any feedback on the survey, it would be very welcome:

The deadline for returning the survey is two weeks from now: Wednesday 16 April 2014

As a reminder, the rights part of this survey will be used to create a document by WP3 that will be validated during a content partner workshop in Copenhagen on June 12th. Please let us know who from your institution will be joining us via this google form: <http://goo.gl/pKvku1>.

If you have any questions about the survey, please contact:

Rights: Lisette Kalshoven lk@kl.nl

Metadata: Andra Patterson andra.patterson@bl.uk

Thank you very much

9 REFERENCES

Ref 1	EC-GA including Annexe I (“Description of Work”) http://pro.europeana.eu/documents/2011409/8d0e9833-4608-494e-af77-681e68f8a8c8
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