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MS17 Policy Recommendations Drafted

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Abstract: This document describes the drafting process of the policy recommendations for licensing in the Europeana Sounds project. How we got here, where we are now and what our next steps are. The objective of these policy recommendations is to create better legal online access for (audio) heritage in Europe.

Dissemination level	
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Review and approval

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Application area

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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This document contains original unpublished work except where clearly indicated otherwise.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.

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, SoundCloud) to ensure the widest possible availability of their content.

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

Copyright notice

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Executive summary: MS17 Policy Recommendations Drafted

This document describes the drafting process of the policy recommendations for licensing in the Europeana Sounds project. It includes; how we got here, where we are now and what our next steps are. The objective of the policy recommendations is to create better legal online access for (audio) heritage in Europe.

1   Introduction

WP3 has been working on developing policy recommendations for Europeana Sounds with regard to copyright policy and legislation within the European Union. The objective of these policy recommendations is to create better legal online access for (audio) heritage in Europe.

2   Background and process

The foundation for this work has been the guidelines for contributing audio content into Europeana (D3.1 *Guidelines for contributing audio content into Europeana[1]*) where we clarified, amongst other things, the rights labelling process for our Data Providers. After this, we identified the barriers to online access to out-of-commerce works, domain-constrained audio works and other barriers (D3.2 *Summary Report on barriers to online access to out-of-commerce works and domain constrained audio works*). Once we had identified these barriers we worked together with rightsholder organisations and subcontracted GESAC (which groups 33 of the largest authors' societies in the European Union, Iceland, Norway and Switzerland) to compile a research report which would help our partners with licensing issues. This report was discussed during a workshop in Brussels (D3.3 *Report on Stakeholder Workshop*).

This entered us into the policy recommendations drafting phase. This process has been twofold. Firstly, we subcontracted the Institute for Information Law (IViR) to provide us with the academic perspective on the barriers to online access. This report is now in its final phase and will be delivered in early 2016. In this report IViR shares policy recommendations on institutional and legislative levels, based on their comparative research between the UK and Germany.

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[1] D3.1 is part of the same document as D1.2 *Rights Labelling Guidelines*. All deliverables and milestones of Europeana Sounds can be found here: http://pro.europeana.eu/project/europeana-sounds.

Figure 1: Photo by Pierre Caessa, Google Cultural Institute: Group photo of second-day participants of WP3 writing sprint October 1st 2015.

The second process in drafting policy recommendations has been within WP3 itself. WP3 is preparing D3.4 (*Final report including policy recommendations*). In this deliverable we - as a consortium - will share how we can create better legal access to audio heritage in Europe, formulated as policy recommendations, based on the work previously done in WP3.

WP3 organised a two day writing sprint in Paris in October 2015, where we created the backbone for this document. It will consider both the barriers encountered, and potential solutions to these barriers that are being tried now, on the member state level or with current European directives such as the Orphan Works Directive. This document is now in draft form, and will be further refined, online and during a WP3 meeting just before the Europeana Sounds plenary 2016 in Lisbon. The final recommendations will be shared as D3.4, together with the research from GESAC and IViR as Appendices.

Figure 2: CC0, photo by Marion Ansel, BNF: (part of) WP3 working in the Google Cultural Institute on Policy Recommendations October 1st 2015.

Please note that WP3 has requested an extension of three months for this deliverable. WP3 felt it was important to share the outcomes of our work with the entire consortium, before finalising it. WP3 will therefore present our work during the next plenary meeting in January 2016, and organise a session where members of the consortium can ask questions and comment on the work, which can then be incorporated and finalised within the new deadline, when agreed.

Another factor in the timing of this work is the Digital Single Market strategy communication by the European Commission. The European Commission has published a roadmap outlining the next steps in their effort to modernise the EU copyright rules. The Commission will communicate more details in December, which is expected to include a strategy on possible adaptations to exceptions and limitations related to cultural heritage institutions. For the Europeana Sounds' policy recommendations to be relevant, WP3 need to be able to relate them to the measures that will be proposed by the commission. WP3 aim to include this in D3.4.

3   Conclusions and next steps

The next steps for WP3 are to finalise the policy recommendation documents mentioned above. We are organising regular Skype calls with the writing group to discuss progress, are organising a final writing session in January before the plenary, and are collecting case studies to include within the documents.

4   References

Ref 1	Link to Public Documents area on Europeana Pro http://pro.europeana.eu/web/europeana-sounds/documents

5   Appendix A: Terminology

A project glossary is provided at: http://pro.europeana.eu/web/guest/glossary.

Additional terms are defined below:

Term	Definition
APEX	Archives Portal Europe network of excellence
EC-GA	Grant Agreement (including Annex I, the Description of Work) signed with the European Commission
GA	General Assembly
PMB	Project Management Board
TEL	The European Library
UAP	User Advisory Panel
WP	Work Package