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D4.1 Analysis of available resources in the AV sector

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1. EXECUTIVE SUMMARY

The objective of Deliverable 4.1 is to analyse available resources and clearing mechanisms, with an emphasis on incorporating those resources in the FORWARD system. Additionally, D4.1 aims at determining the legal groundwork required for the workflow design necessary to assess the rights status in Task 4.2.

To this end three questionnaires were developed:

1. A legal questionnaire
To identify the commonality and differences in copyright law in the different countries of the partners.
2. A technical questionnaire
To determine the completeness, consistency, usability and accessibility of resources of the partners, and what actions are required to make the resource available and usable.
3. A technical questionnaire for resources of third parties
This questionnaire is a tool to find the availability and usability of resources of third parties, and what actions are required to make the resource available and usable.

1.1 *Legal environment*

Following the research conducted on the available information regarding the legal environment of audiovisual works in the participating FORWARD countries, we reached the following conclusions.

1.1.1 **Protection term**

Following the introduction of the EU Term Directives (as of 1993) the calculation of the protection term of copyright has been revised throughout Europe; this has conducted to a high level of harmonisation. However, a number of national discrepancies still remain in force due to the following legal phenomena.

First, the implementation of the various provisions regarding protection term as set forth in the Term Directive has not been executed entirely consistently (for instance term calculation based on legal entity as rightsholder) throughout the EU Member States.

Second, the calculation of protection is hindered by the introduction of transition laws in accordance with the applicable provisions in the Term Directive. Due to the transition laws previous (by definition: diverse) legislation regarding protection term, calculation may still be considered in case of older (produced before the EU Term Directives) audiovisual works.

Third, notwithstanding the implementation of the EU provisions regarding protection term, national exceptions still remain in force to this date (for instance WorldWar exceptions).

1.1.2 **Rightsholders**

The level of harmonisation regarding the rightsholders of AV works is limited: based on EU Directives the 'author' of a work is the rightsholder, however it is not specified who is considered to be author. By lack of harmonisation, the national legislation regarding the author of an audiovisual work shows substantial deviations (ranging from the employer, State ownership to a – limited list of - creative contributors).

Several national legislations contain a provisions providing an assumption of the exploitation rights to

the film producer, based on Art 14bis of the Berne Convention.

1.1.3 Orphan Works

Previous to the introduction of the Orphan Works Directive, a minority of countries had legislation in force applicable to orphan works (either directly or indirectly).

Such information was provided by the FORWARD participants; in response to the launch of the Orphan Works Directive last year, we identified that in most countries, a proposal of implementation is currently in some stage of the legislative process. In some countries the Orphan Works Directive has been implemented, either completely (Germany) or partially (Finland).

1.2 Resources of partners

The resources of the partners are not easily accessible for outside systems like the FORWARD-system, except for one. Three resources have an API that is rich enough to allow integration of the resource information in the FORWARD-system. One partner owns an API that is not complete enough. All the partners except one have an export facility, mainly in XML format.

A wide variety of systems and available data were found: two DOS based systems, several windows applications, and some web-based collection systems. Several partners have more than one application.

Most partners have fields for the necessary cinematographic information, with the exception of two fields: a field for maintaining a list of individual producers (as opposed to production companies), and a field to indicate if an audiovisual work has never been published.

In almost 50% of the partners' applications the cinematographic fields for creative contributors, production companies, producers and production countries are text fields instead of links to an internal authority file,; this makes clearing groups of audiovisual works by determining relevant data of persons and corporations impossible. The use of text fields for production country can hamper the selection of the decision trees. One partner uses a text field to administer dates, which can present parsing problems.

With respect to information about persons, all the necessary fields are available for the execution of the decision tree; only one partner uses a text field to administer date of death. Information of corporations is less complete however: only three partners have implemented all the necessary fields for FORWARD. Three other partners do have a field for founding date and/or dissolution date, but lack a field for legal successor.

For almost 50% of the applications where the information about persons and/or corporations is not used as an authority file, FORWARD will need to treat this information as a separate resource, or the application will need to be adapted so it makes use of authority files.

A general impression is that the completeness of existing rights data of the clearing centres has to be considered as low and is not of great importance for the FORWARD--project.

1.3 Resources of third parties

The third party questionnaire is an online survey tool; the partners will use it to determine in which manner a resource can be included in the FORWARD-system, whether the owner of the resource agrees with this specific use of the resource, and what actions are required to make the resource available in that manner.

2. INTRODUCTION

In chapter 3 we present why, when and how the information resources and clearing mechanisms are being set forth through both the legal and the technical surveys. Additionally, within the technical umbrella, we developed two separate technical questionnaires: one for FORWARD-partners and one for external parties that will be of relevance in completing the information resources for an effective Diligent Search.

Chapter 4 focuses on our legal analysis of the Term Directive, and the similarities and differences with national law of the participating countries in the FORWARD-project. We distilled three steps from the Term Directive which are decisive for a decision support system: applicability, identifying copyright protection term and identifying rightsholders. We then present a legal analysis by country. To which extent do national law corresponds with the Term Directive, what issues need attention and what are national divergences?

We aim at focusing on completeness, consistency, usability, accessibility and harmonisation possibilities of the existing information resources provided by FORWARD-partners and their external partners. The technical questionnaire for third parties resources is in effect a “light” version of the survey designed for the FORWARD-partners; it will be presented in chapter 6.

The main purpose of both questionnaires is to analyse data consistency and potential use of the resources, based on data structure and content, export possibilities and the presence of API and web services.

In chapter 5 we present the Technical Questionnaire analysis for the potential clearing centres in a structural manner. We will review outcomes, possible challenges and solutions for the forthcoming FORWARD-system. We also project an action plan for each participating country. In chapter 6 we review in detail the structure and the content of the technical questionnaire for third parties distributed among the participating countries. Finally, we outline the following steps such as the development of the decision trees that will determine the forthcoming Decision Support System of FORWARD and the connection between decision trees and the collection of AV-resources that already have been gathered as a milestone and made available in Deliverable 3.1.

3. CHOSEN APPROACH

The aim of task 4.1 is to provide an analysis of clearing mechanisms and available resources that are relevant to the FORWARD project.

The National Film Heritage Institutions own the most important resources; their databases are the richest in relation to cinematographic information. This justifies why we developed three questionnaires: a legal questionnaire, a technical questionnaire for National Film Heritage Institutions and a technical questionnaire for third parties resources.

3.1 General Introduction to the questionnaires

The consortium of the FORWARD-project consists of ten National Film Heritage Institutions (NFHI) that represent the main sources of information concerning AV content that is produced and distributed in their countries. In order to design a system based on the FORWARD-concept, a thorough analysis of the available resources in the AV sector is required, the existing clearing mechanisms in Europe, and the technical feasibility of interoperability between the FORWARD-system and the national resources, within the framework of their legal environment. The resources are not limited to those of the NFHI but also concern other relevant partners in the field. To achieve this analysis we developed the three questionnaires mentioned above: a legal questionnaire to exploit similarities and differences between various clearing mechanisms in Europe, a technical questionnaire for the partners in the consortium and a technical questionnaire for third parties, that can be used by the NFHI to investigate the technical possibilities of interoperability and the willingness of owners of relevant resources to share information with the FORWARD-system.

3.2 Legal questionnaire

To determine the current clearing mechanisms in Europe, FORWARD project partners completed the legal questionnaire. The questionnaire objective was to gain knowledge on the current legislation established in the different countries. This input helped us create a baseline decision tree depicting a baseline clearing mechanism. The differences in legislation and corresponding clearing mechanisms are described as deviations from this baseline.

3.3 Technical questionnaire for potential clearing centres

In the legal questionnaire we established what information was pertinent for identifying the rights status of a film work in the different countries. In the following step, we questioned whether the NFHI partners in FORWARD to find out whether the data required for determining rights status is:

1. Complete
Are there fields in the databases of the clearing centre for all the information pertinent to a diligent search?
2. Consistent
Is the structure of information in the applications of the clearing centre internally consistent?
Does the clearing centre use authority files? Alternatively, are several applications used, with possible data integrity problems?
3. Usable
Is the structure of the information laid-out so that it can be used for determining the rights status of AV works?
4. Accessible
Can the information be accessed by the FORWARD system?

5. Harmonised

Is the structure of the information such that it can be harmonised to a single data structure used by the FORWARD system?

In order to establish a clear picture on data consistency and potential use of the resources available in the participating NFHI, we developed an online questionnaire distributed among FORWARD-partners. The main purpose of the questionnaire was to clarify the form, structure and organisation of the AV resources that contain relevant data, making clear where data structures differ and what actions should be undertaken to make these resources accessible for the FORWARD-system. The questionnaire focuses on three strands:

- Data structure and content
- Export
- API and web services

We developed an *online* survey to ease our partners' input (for example, if the answer to question x was negative, the related question y would be skipped). An additional benefit of an online survey was that the results could be easily processed. We also encompassed the difficulty of making the survey applicable for more than one application. We based our survey development on the assumption that a clearing centre has various applications to record AV works, rights status and diligent search results. (This assumption proved to be correct for 40 % of the respondents). Therefore the questionnaire was designed to accommodate and scale according to the number of applications used independently by partners.

Table 1 – Overview of questionnaire content

| DATA | | EXPORT | API |
|---------------------------------|-----------------------------------|---------------------------|---------------------|
| Specific | General | General | General |
| Film works: metadata and size | Vocabularies | Automatically or manually | Purpose |
| Film makers: metadata and size | Print screens | Purpose | Technologies |
| Corporations: metadata and size | Amount of uncertainty of the data | Standards | Standards |
| Rights status: metadata | | Repositories | Formats |
| Diligent Search: metadata | | Formats | Security Management |

The table shows an overview of the questionnaire content. The data section focuses on the specific content of the resources and the vocabularies that are being used to describe the metadata. The export and API section addresses some general features of the application, such as standards, formats, and security management.

3.4 Technical questionnaire for resources of third parties

The information made available by the NFHI will in many cases not be sufficient to determine the rights status of an audiovisual work. Additionally, the directive indicates the necessity of a diligent search, which entails consulting other relevant resources; national legislations also list resources to be explored, which becomes a legal obligation, independently from the usefulness of the resource itself.

One of the goals of the FORWARD project is to minimize the effort in determining the rights status of audiovisual works. Automating the diligent search in relevant resources as much as possible is one way

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to achieve this goal. The third party questionnaire is designed to enable FORWARD project partners to investigate the possibilities of including their relevant resources in the FORWARD-system.

The third party questionnaire was also designed as an *online* survey to ease 3rd parties input (for example, if the answer to question x was negative, the related question y would be skipped). An additional benefit of the online survey was that the results could be easily processed.

The questionnaire covers the following subjects:

- Identification
Who is the respondent?
- API/web services
Are there any? Can they be reused?
- Export
Are there export options? Can we benefit from these exports?
- Data
How is the data structured? What data is made available?

4. LEGAL ANALYSIS

4.1 European Legal Framework

In the following paragraphs some of the main provisions of the EU legal framework applicable to copyright of audiovisual works will be set forth. These provisions have provided the building blocks for the development of the template legal decision tree.

4.1.1 Protection Term

The most important EU Directive regarding the harmonisation of copyright protection term was the introduction of Council Directive 93/98/EEC of 29 October 1993; this Directive aims at harmonising the term of protection of copyright and certain related rights (it has been repealed and replaced by Directive 2006/116/EC). In view of its importance, a substantial amount of questions in FORWARD legal questionnaire were aimed at establishing the transposition of the extensive provision set forth in the Directive 1993/98/EEC into national law.

The Directive provides a general framework for the calculation of copyright protection. Although copyright protection term is harmonised to a certain extent, there are still substantial differences throughout the EU. Nevertheless, the provisions set forth in this Directive present the general EU-wide framework for copyright protection term calculation.

The most important articles to identify copyright protection term of an audiovisual work are the following (in that specific order, as *lex specialis* is applicable before *lex generalis*) below:

-Article 2 Term Directive: Cinematographic or audiovisual works

2. The term of protection of cinematographic or audiovisual works shall expire 70 years after the death of the last of the following persons to survive, whether or not these persons are designated as co-authors: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the cinematographic or audiovisual work.

Article 1 Term Directive: Duration of authors' rights

3. In the case of anonymous or pseudonymous works, the term of protection shall run for seventy years after the work is lawfully made available to the public. However, when the pseudonym adopted by the author leaves no doubt as to his identity, or if the author discloses his identity during the period referred to in the first sentence, the term of protection applicable shall be that laid down in paragraph 1.

6. In the case of works for which the term of protection is not calculated from the death of the author or authors and which have not been lawfully made available to the public within seventy years from their creation, the protection shall terminate.

Summary. The calculation of the protection term of audiovisual works can be - in broad lines - established by following these steps:

The first required step is to identify the date of death of the principal director, author of the screenplay, author of dialogue, music composer (see art 2)

The second step refers to the date of publication in case of anonymous/pseudonymous works (see art 1-3)

The third step refers to the date of creation in case of unpublished works if the term of protection cannot be calculated based on death of the author (see art 1-6)

4.1.2 Rightsholders

According to Copyright Directive - Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, the rights to a work belong to the 'author of that work' (article 2 reproduction right, Article 3 Right of communication to the public of works and right of making available to the public other subject-matter and Article 4 Distribution right). This means that the rightsholders are the authors of a work. EU Directives do not include provisions for specifying who may be considered as authors of audiovisual works.

4.2 Legal Framework & Decision Tree

FORWARD is defining a Legal Decision Trees in accordance with the national legislation of each of the FORWARD Partners. The Legal Decision Tree will enable archives to establish the legal status of an audiovisual work, and to identify and trace the rightsholders and serve as a basis for the development of the functionalities of the FORWARD system,

In order to efficiently build the Decision Trees, we started with the detail of three legal decisions. After approval of these specific Legal Decision Trees, we tackled a template to facilitate the draft of all other decision trees. The template will enable us to focus on the differences between the template and national laws of the FORWARD Partners. Therefore it will be unnecessary to design each decision tree from scratch. This approach will save us time.

The Dutch, German and Finnish Legal Decision Trees were set forth to reach consensus regarding their outline and structure. FORWARD will define the other Legal Decision Trees while making use of the approved Dutch, German and Finnish decision trees.

We understand and recognise the concern of archives have in the risk of dealing with decision trees that are so complicated they would endanger their very purpose: the use of the decision tree may be too burdensome for archives. We have therefore searched for a balance between legal complexities and the archives requirements in a practical tool. For the purpose of demonstrating the functionalities and structure of the a typical Decision Tree, we will illustrate the Dutch one, despite the fact that Orphan Works' legislation has not been approved yet in the Netherlands, and despite some specificities in the Dutch legislation that makes this tree different from the others. In The Netherlands, EYE opted for the implementation of a few legal shortcuts in the Dutch legal decision tree as presented below.

The decision to introduce such "shortcuts" was made by the institution and does not represent an approach that is necessarily shared by the other partners. It is on the other hand a demonstration that national legislations do and will leave room for interpretation and adopting one interpretation or another is the responsibility of each NFHI.

Last, we must point out that the decision tree aims at finding the legal status of an audiovisual work. In the course of that search, the audiovisual work may turn out to be – in broad lines - public domain or copyright protected; in the latter case, the work is orphan if the rights-holders cannot be located.
Structure

Description of the Dutch Decision Tree (as an example)

The Legal Decision Tree consists of a three-step procedure. Step 1 identifies whether the archive is using the appropriate decision tree regarding the specific search for the legal status of an audiovisual work.

If the applicability of the decision tree has been confirmed, the user is directed to the second step. The second step investigates whether the audiovisual work is still protected under copyright law. If it turns

out that copyright protection has expired, this step is the final step in this specific search.

If it has been established that the audiovisual work is copyright protected, the final step is to search and identify the rightsholders.

Step 1: Applicability

First, several questions are raised to establish whether the Dutch decision tree is applicable for a particular search regarding the legal status of an audiovisual work.

From a legal point of view we have chosen to base this quest on several provisions set forth in the Orphan Works Directive. The starting point is to find out whether the producer of the audiovisual work has its headquarters in The Netherlands. If we are not able to answer that question or if the answer is negative the Legal Decision Tree might still be applicable if the film was produced in The Netherlands or if we have other information implying that the audiovisual work must be of Dutch origin.

If all answers are negative, the Legal Decision Tree is not applicable and we are advised to investigate whether one of the other FORWARD decision trees might be applicable.

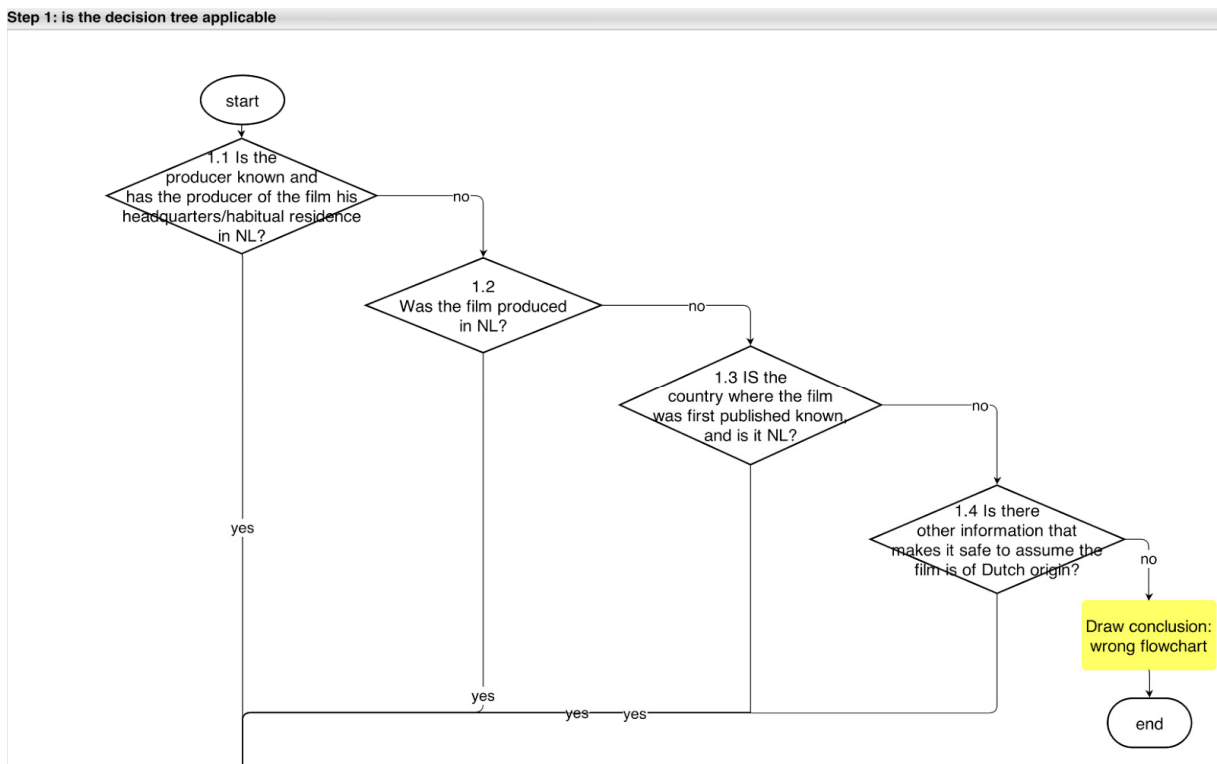


Figure 1 – Step 1 of decision tree

Step 2: Protection Term

The second step aims at establishing whether the audiovisual work is still protected by copyright.

Although copyright protection term has been harmonised to a certain extent, substantial differences still remain in each European jurisdiction.

The search for the protection term starts with the request to establish whether the principal director, the author of the screenplay, the author of the dialogue and film music composer are all deceased for more than 70 years. If so, the audiovisual works belongs to the public domain. If not, the audiovisual work is

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copyright protected. Subsequently, we are given notice to continue to next step to find the rightsholders.

If the question regarding the principal director, the author of the screenplay, the author of the dialogue and film music composer does not provide an answer to the question whether an audiovisual work is protected, the Decision Tree requires to provide information regarding the date of publication and the date the audiovisual work was made.

The second step will result in one of three different outcomes: copyright protected, public domain or assumption of copyright protected / possible orphan work. The Decision Tree then directs to the third and final step only if the outcome of this second step stipulates that the audiovisual works is 'copyright protected'.

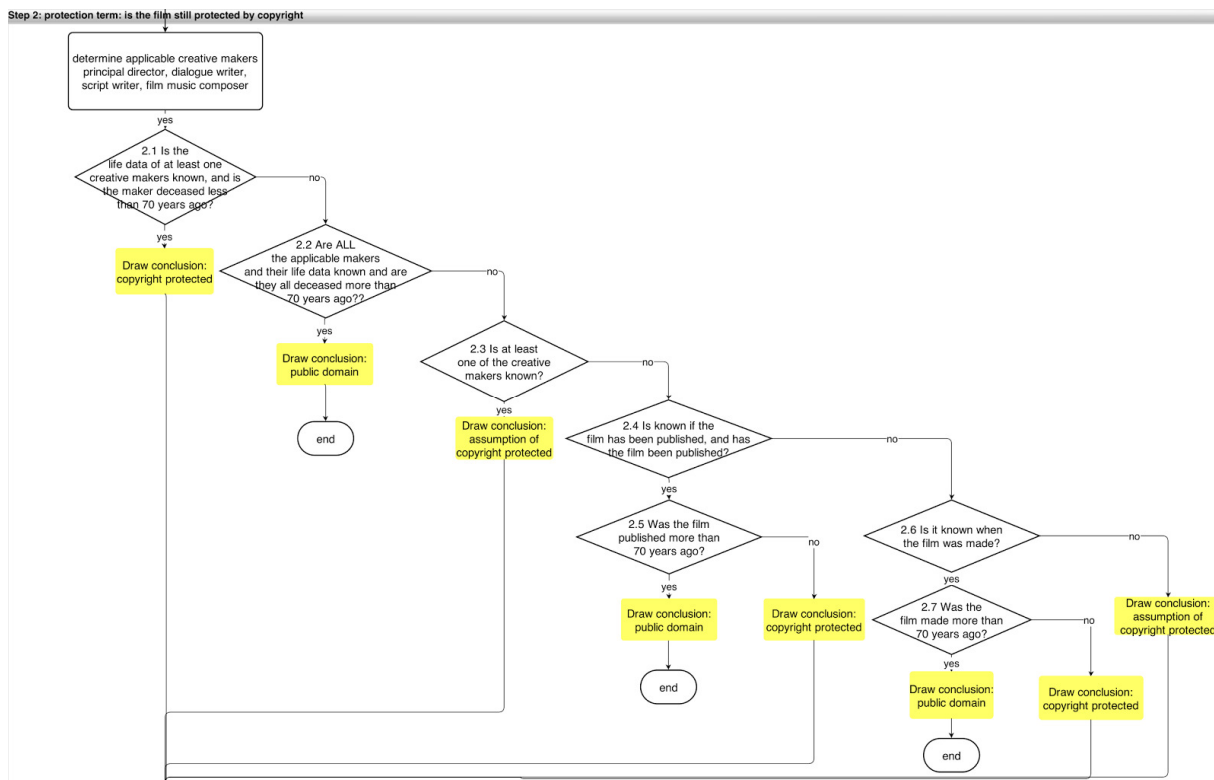


Figure 2 – Step 2 of decision tree

Step 3: Rightsholders

The third step aims at identifying and tracing the rightsholders.

In the Dutch legal decision tree we made a legal shortcut. Based on the law, all creative contributors of audiovisual works made before 1985 are potentially rightsholders. To establish and search all creative contributors would be unreasonably burdensome and therefore we made the choice of limiting the potential rightsholders.

Therefore, in the Dutch Legal Decision Tree the following questions are decisive in the search for rightsholders:

- is the legal assumption of transfer to producer applicable?
- can the production company be identified and traced?
- are the four listed persons (see step 2) identifiable and traceable?

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Additionally, the related rights of the producer are investigated for applicability. Note that there are limited related rights to those of producer as, in practice, the other rightsholder of related rights (actors) will most probably have transferred their rights to a producer.

The extent of EU-wide harmonisation is very limited regarding rightsholders as EU harmonisation is mainly focussed on copyright term and content of exploitation rights. In the most important European Directive the authors are appointed as rightsholders, but it is not specified who may be considered as authors of an audiovisual work. Individual EU Member States are authorised to appoint the authors, resulting in substantial EU-wide differences regarding rightsholders of audiovisual works.

This lack of harmonisation emphasises the urgency of the EU-wide research into national legislation.

It should be noted that the rightsholders may differ from the originally (legally) appointed author/maker as the rights may be transferred or inherited to descendants in the course of the decades following the completion of an audiovisual work.

The third and final step will result in the following outcomes:

- All right holders identified and located
- Right holder(s) not identified , meaning orphan
- All right holders identified but not located, meaning orphan
- Some right holders identified and located, meaning partial orphan
- Some right holders identified but not located, also meaning partial orphan.

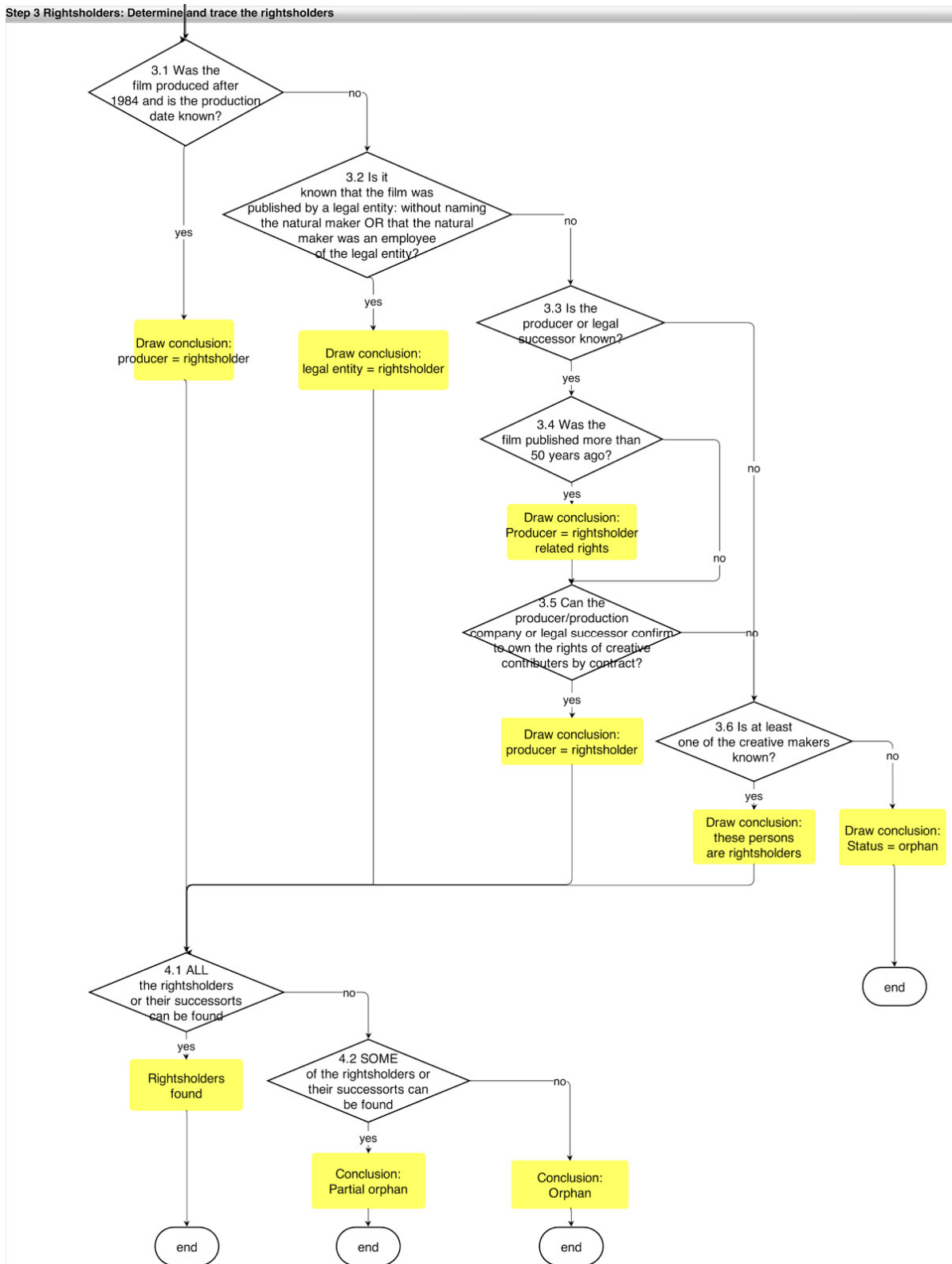


Figure 3 – Step 3 of the decision tree

4.3 Legal Analysis FORWARD partners

The Legal information is collected from the legal questionnaires input completed by the FORWARD partners. The legal questionnaire provides a high level of detail regarding copyright term, rightsholders and orphan work legislation. However, certain legal topics were not included in our research (moral rights, copyright exceptions, applicability regarding non-EU works etc).

In the following section we set forth the main compliances and differences from the FORWARD partners with the Term Directives. In the summaries we provide a very brief overview of some of the main characteristics of national law applicable to audiovisual works. These findings are clarified and illustrated by the corresponding provisions of the national legislations. Lists of these provisions are attached to this document as Appendix 8.1. When we found that the main provisions are in line with the Term Directive, we referred to the list of relevant provisions set forth in the appendix to further articulate the conclusion.

We emphasise that the legal information that was collected in the legal questionnaires is more extensive than that set forth below. This additional legal information includes the following: neighbouring rights, heirs, bankruptcy etc. This legal information is essential to the complete and efficient development of national legal decision trees.

4.3.1 Belgium

Copyright Term:

- The main provisions regarding copyright protection term are in compliance with the Term Directives.
- Attention should be paid to the transition law for calculation of protection term in applicable cases.
- There are no national divergences regarding copyright protection term.

Rightsholders:

- Rightsholder are the creative contributors. A legal entity cannot be the original author.

Orphan Works:

- At this stage the Orphan Works Directive has not been implemented yet into national law.

4.3.2 Czech Republic

Copyright Term:

- The main provisions regarding copyright protection term are in compliance with the Term Directives.
- Attention should be paid to the transition law for calculation of protection term in applicable cases.
- There are no national divergences regarding copyright protection term.

Rightsholders:

- Legal persons are not qualified to be deemed original authors in the Czech Republic. It is worth noting that copyright cannot be transferred.
- NOTE: The Copyright Act sets down a legal fiction, that the only author of the copyrighted audiovisual work is its director. Nevertheless, the rights of the authors of the pre-existent "audio-visually used works" (like screenplay, costumes etc.) are protected separately.

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- NOTE: The National Film Archive shall be deemed to be the producer of any Czech audio-visual recording of a work made public in the period between 1 January 1950 and 31 December 1964. The State Fund of the Czech Republic for the Promotion and Development of Czech Cinematography which, in compliance with special legal provisions, exercises the copyright to audio-visual recordings of audio-visual works made public in the period between 1 January 1965 and 31 December 1991, shall be deemed to be the producer of such works.

Orphan Works:

- The implementation of Orphan Works Directive is in process, the proposal seem to follow the exact text of the Directive.

4.3.3 Denmark

Copyright Term:

- The main provisions regarding copyright protection term are in compliance with the Term Directives.
- Attention should be paid to the transition law for calculation of protection term in applicable cases. There are no national divergences regarding copyright protection term.

Rightsholders:

- There is a limited presumption in favour of the producer. A legal entity cannot be the original author.

Orphan works:

- NOTE: Extended Collective Licensing in Nordic countries: clearing mechanism by means of ECLs may be applicable to Orphan Works.
- The Orphan Works Directive has not been implemented into national law yet, however the Proposal was launched on 29 January 2014.

4.3.4 Finland

Copyright Term:

- The main provisions regarding copyright protection term are in compliance with the Term Directives.
- Attention should be paid to the transition law for calculation of protection term in applicable cases. There are no national divergences regarding copyright protection term.

Rightsholders:

- The rightsolders are the creative contributors.
- A legal entity cannot be the original author.
- Regarding transfer/heirs/bankruptcy, an extensive description was provided by FORWARD Partner.

Orphan Works:

- Orphan Works Directive has been implemented into national law. The diligent search sources will be set forth in a Ministry decree.

4.3.5 France

Copyright Term:

- In broad lines provisions regarding protection term in line with Term Directive.
- Art 1-6 (unpublished works of unknown authors: 70 years from creation) has not been implemented
- Substantial requirement for originality of a work
- Wartime extensions of protection term
- Attention should be paid to transitional law.

Rightsholders:

- Films: joint authorship applicable.
- Co-Authors in films are listed (not exhaustive).
- The producer is the presumed rightsholder pursuant to contracts for creation of such work.
- Extensive information regarding heirs is being provided.

Orphan Works:

- Orphan Works Directive implementation: we have no information from the partner at this stage.
- Note: pre-existing legislation is applicable to orphan works (request for authorisation from Tribunal de Grande Instance).

4.3.6 Germany

Protection Term:

- Main provisions regarding copyright protection term in compliance with Term Directives. Note: there is a 'registry' for pseudonymous/anonymous works.
- Special attention should be paid to transition law for calculation of protection term. Note: there are pre-existing related rights legislation.
- National divergences: Laufbilder: film lacking originality protection term of 50 years.

Rightsholders:

- Rightsholders: depending on year of contract.
- The legal entity cannot be the original author.
- Transfer of copyright is not possible

Orphan Works:

- Orphan Works Directive has been fully implemented into national law.

4.3.7 Italy

Copyright Term:

- Main provisions regarding copyright protection term is in compliance with Term Directives.
- Special attention should be paid to transition law for calculation of protection term.
- National divergences:
 - Art 1-6 Term Directive has not been implemented
 - 4 persons defining copyright protection term for AV works: deviating wording
 - Deviating protection term of 20 years in case State ownership

Rightsholders:

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- Rightsholders: the co-authors are the same persons as those defining the protection term. Presumption of transfer of exploitation rights to producer.
- National divergences:
 - State ownership
 - Ownership to Ministry of Culture if producer fails to repay the full sum of public funds
 - The legal entity cannot be the original author

Orphan Works:

- Orphan Works Directive: there is a proposal for implementation.

4.3.8 The Netherlands

Protection Term:

- The main provisions regarding copyright protection term are in compliance with the Term Directives.
- Attention should be paid to the transition law for calculation of protection term in applicable cases.
- National divergences regarding protection term:
 - Legal entity designated as author (publication without notice of natural maker): 70 years after publication
 - Legal entity employer: 70 years after publication

Rightsholders:

- The rightsholders are all the creative contributors.
- There are presumption of transfer of exploitation rights to the producer regarding works produced from 1995.
- Note: the legal entity CAN be the original author

Orphan Works:

- Orphan Works Directive: the proposal for implementation was launched in March 2014 as 'Wetsvoorstel implementatie richtlijn 2012/28/EU verweesde werken (33892)'. Currently, the Proposal was submitted to the Second Chamber of the Dutch Parliament in order to be discussed in writing. The list with sources regarding the diligent search will be set forth in a separate General Administrative Order ('Algemene Maatregel van Bestuur').

4.3.9 Poland

Copyright Term:

- In broad lines, the provisions regarding protection term is in line with the Term Directive.
- Particularities: implementation 1-6 Term Directive, Domaine Public Payant.
- Special attention should be paid to transitional law.

Rightsholders:

- The producer is the presumed rightsholder pursuant to contracts for creation of such work. In such case the co-authors, all persons who made a creative contribution, are entitled to remuneration.
- Extensive information regarding heirs are provided.

Orphan Works:

- Orphan Works legislation: there was no proposal yet (March 14)

4.3.10 Spain

Copyright Term:

- The main provisions regarding copyright protection term are in compliance with the Term Directives.
- Implementation: the film is a joint authorship, the term protection runs for 70 years post mortem auctoris (hereinafter: pma) of the last surviving co-author. The definition of co-authors differs to some extent from literal text of Term Directive provision.
- Special attention should be paid to transitional law.
- National exception: 80 years pma (see above)

Rightsholders:

- The rightsholders are the 'makers of a film and the producers'.
- There is an assumption of transfer to producer.

Orphan Works:

- Orphan Works Directive Implementation: there is a proposal (list of sources will be set forth separately in a Royal Decree)

4.3.11 United Kingdom

Copyright Term:

- The main provisions regarding copyright protection term are in compliance with the Term Directives.
- Attention should be paid to transition law for calculation of protection term in applicable cases.

Rightsholders:

- National divergences regarding copyright protection term:
 - producer as author.
 - The rightsholders are the joint authorship producer and the principal director.
 - The legal entity can be original author.
 - Employer is the first owner of a film (subject to any agreement to the contrary).
- Transfer/heirs/bankruptcy: extensive description provided by FORWARD Partner.

Orphan Works:

- The Orphan Works Directive has not been implemented into national law. Substantial pre-existing legislation regarding orphan works was adopted in 2013.

4.3.12 Legal Analysis Overview

The research conducted on the available information regarding the legal environment of audiovisual works in the participating FORWARD countries allowed us to come to the following conclusions.

4.3.13 Protection term

As a consequence of the introduction of the EU Term Directives (as of 1993), the calculation of the protection term of copyright has been revised throughout Europe; this led to a high level of harmonisation. However, a number of national discrepancies still remain due to the following legal

phenomena.

First, the implementation of the various provisions regarding protection term as set forth in the Term Directive has not been executed consistently throughout the EU Member States (i.e. term calculation based on legal entity as rightsholder).

Second, the harmonization of the calculation of protection term is hindered by the introduction of transition laws in accordance with the applicable provisions in the Term Directive. Due to transition laws, previously applicable legislation regarding protection term calculation must be taken into account in case of the legal assessment of audiovisual works produced before the EU Term Directives.

Third, notwithstanding the implementation of the EU provisions regarding protection term, national exceptions still remain in force to date (for instance World War exceptions).

4.3.14 Rightsholders

The level of harmonisation regarding the rightsholders of AV works is limited: based on EU Directives, the 'author' of a work is the rightsholder. However consideration for the author are not specified. By lack of harmonisation, the national legislation regarding the author of an audiovisual work shows substantial deviations (ranging from the employer, State ownership to a – limited list of - creative contributors).

Several national legislations contain provisions in some form; those provide the legal assumption for the exploitation rights to the film producer. This is based on Art 14bis of the Berne Convention.

4.3.15 Orphan Works

Previous to the introduction of the Orphan Works Directive, a minority of countries had already legislation in force that is (directly or indirectly) applicable to orphan works. In the UK, the Enterprise and Regulatory Reform (ERR) Act came into force in 2013; it introduced extensive legislation regarding orphan works.

In Denmark, orphan works may be covered by an Extended Collective Licensing.

In France, it is possible to request authorisation to use orphan works from the Tribunal de Grande Instance.

We have found that, following the launch of the Orphan Works Directive last year, a proposal of implementation is currently in some stage of the legislative process in most countries. In certain countries the Orphan Works Directive has been implemented, either completely (Germany) or partially (Finland). By 'Partial implementation' we refer to the situation where the provisions of the Orphan Works Directive have been implemented into national law while the list of sources will be set out in ministry decree.

We reached the following preliminary conclusions regarding national implementations :

- The majority of the (national legislators of the) FORWARD countries tend to draft the proposal in close compliance with the literal text of the Orphan Works Directive.
- Interestingly, we noted that national legislators have chosen to keep the list of national sources enabling a diligent search extremely limited. The list of sources set forth in national proposals appears to be a literal translation of the list of sources in the Orphan Works Directive with a few additions regarding national sources. Although the Directive itself encourages Member States to complete the list with the relevant national resources, Member States refrained from executing this task in an extensive manner.

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- Finally, we have found that in certain Member States the list of sources is separated from the legal act that implements the provisions of the Orphan Works Directive.

5. ANALYSIS OF RESOURCES OF PARTNERS

5.1 Introduction

The baseline clearing mechanism consists of three steps:

1. Applicability
Which clearing mechanism should be used: i.e. which decision trees are applicable to the audio visual work?
2. Protection term
Determines whether the audio visual work is still protected by copyright
3. Rightsholders
Determines and traces the rightsholders

The main input of the clearing mechanism resides in the information the clearing centre already has on the audiovisual work.

The FORWARD-system requires the information to be harvested into a generalised data structure containing all the fields necessary to execute the legal decision trees of the different countries.

There can be different issues with respect to harvesting information, and corresponding actions are required to resolve the issue.

5.1.1 Complete

If a field is missing (i.e. the resource is not complete with respect to the fields necessary to execute the decision tree) there are two possible actions :

- Add the field to the system of the clearing centre
- Make sure the fields in the FORWARD-system are being maintained

The choice between these actions must be scoped on a field by field basis; some fields are only relevant to the FORWARD-system, whereas other fields are also relevant within the context of the applications of the clearing centres.

5.1.2 Consistent

Another possible issue is that the information within the clearing centre is inconsistent. This can have several causes, for example because the information resides in different database, and therefore data integrity cannot be maintained. Alternatively, there is no authority file for persons or corporations, and only the name of a person or corporation is provided in the cinematographic record, which means persons or corporations are not uniquely identifiable.

Possible actions to address these issues are (from least effort to largest effort):

- Treat the different database as different resources, and let FORWARD match information from those resources
- Introduce authority files
- Integrate the different databases

5.1.3 Usable

The data of the resource needs to be usable for execution of the decision tree. Possible issues are that the information is not strong typed (i.e. a numeric value is stored in a numeric field, a date is stored in a date field), or a date is not a date but a period.

Possible actions to address these issues are:

- Try converting to the appropriate type
- Filter results that do not conform with a pre-defined standard
- Change the field type in the resource

5.1.4 Harmonisable

Another possible issue may lay in the lack of harmonisation: the different clearance centres use different definitions for the same field. i.e.: the values of a controlled list do not match, the name of a person is stored in several fields as opposed to one name field, titles are part of an authority file versus titles are entered in a text field.

Possible actions include:

- Determining the common denominator
For example: choose to identify a person with complete name within the FORWARD-system
- Mapping
Define the translation of the values of the controlled list to the controlled list used in FORWARD;
map the title in the authority file to a text field.

5.2 Overview and quality of data

By general overview of the data, we imply:

- Type of information the partners administrate with their applications and
- Sizes of their databases in number of records.

The quality of the data is reported per country. Fields are combined in logical groups for analysis purposes. The quality scale is as follows:

Table 2 – Table of symbols

| Symbol | Label | Completeness | Consistency | Usability |
|--------|-----------|---|---|--|
| ++ | Excellent | Data is available and has high coverage | Data is well structured through use of authority files and consistent correct field types | Usable as is |
| +- | Good | Data is available and has reasonable coverage | Data is reasonably well structured but contains inconsistent field types | Data needs restructuring or datatype needs to be made consistent |
| -+ | Poor | Data is only partially available and lacks coverage | Data is not so well structured (for example no authority files) | Data needs matching |
| -- | Unusable | Data is unavailable | Data is unavailable | Data is unavailable |

The quality indication also depends on the importance of missing or unstructured fields. In the FORWARD context, it is not critical if titles are stored in text fields instead of an authority file. FORWARD-system only uses the textual title for searching information in other resources.

5.2.1 Types of information and applications of the partners

The partners use one or more database to administrate information of audiovisual works, persons and corporations. Table 3 gives an overview:

Table 3 – Applications of the partners and types of information administered

| Country | Application | Question | Answer |
|----------------|----------------------------|---|--|
| Belgium | Collection | What kind of data does this application contain? Information about film works | Y |
| Belgium | Collection | What kind of data does this application contain? Information about right status of film works | Y |
| Belgium | Periodicals | What kind of data does this application contain? | Information about film festivals and subjects headings |
| Belgium | Periodicals | What kind of data does this application contain? Information about film works | Y |
| Belgium | Periodicals | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Czech Republic | Archive Information System | What kind of data does this application contain? Information about film works | Y |
| Czech Republic | Starbase | What kind of data does this application contain? Information about film works | Y |
| Czech Republic | Starbase | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Czech Republic | Starbase | What kind of data does this application contain? Information about corporations | Y |
| Denmark | ORACLE / FILMDATABASEN | What kind of data does this application contain? Information about film works | Y |
| Denmark | ORACLE / FILMDATABASEN | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Denmark | ORACLE / FILMDATABASEN | What kind of data does this application contain? Information about corporations | Y |

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| Country | Application | Question | Answer |
|---------|---|---|---------------------|
| Denmark | ORACLE / FILMDATABASEN | What kind of data does this application contain? Information about right status of film works | Y |
| Finland | Tenho | What kind of data does this application contain? | collection holdings |
| Finland | Tenho | What kind of data does this application contain? Information about film works | Y |
| Finland | Tenho | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Finland | Tenho | What kind of data does this application contain? Information about corporations | Y |
| Finland | Tenho | What kind of data does this application contain? Information about right status of film works | Y |
| France | Lise | What kind of data does this application contain? Information about film works | Y |
| France | Lise | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| France | Lise | What kind of data does this application contain? Information about corporations | Y |
| France | Lise | What kind of data does this application contain? Information about right status of film works | Y |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | What kind of data does this application contain? | infos about items |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | What kind of data does this application contain? Information about film works | Y |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | What kind of data does this application contain? Information about corporations | Y |

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| Country | Application | Question | Answer |
|-------------|---|---|-------------------------|
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | What kind of data does this application contain? Information about right status of film works | Y |
| Germany | filmportal-zdb | What kind of data does this application contain? Information about film works | Y |
| Germany | filmportal-zdb | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Germany | filmportal-zdb | What kind of data does this application contain? Information about corporations | Y |
| Italy | | What kind of data does this application contain? Information about film works | Y |
| Italy | | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Italy | | What kind of data does this application contain? Information about corporations | Y |
| Italy | | What kind of data does this application contain? Information about right status of film works | Y |
| Netherlands | Collection Eye | What kind of data does this application contain? | Prints, Photos, Posters |
| Netherlands | Collection Eye | What kind of data does this application contain? Information about film works | Y |
| Netherlands | Collection Eye | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Netherlands | Collection Eye | What kind of data does this application contain? Information about corporations | Y |
| Netherlands | Collection Eye | What kind of data does this application contain? Information about right status of film works | Y |
| Netherlands | Rights Management System | What kind of data does this application contain? Information about film works | Y |

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| Country | Application | Question | Answer |
|-------------|--|---|--------|
| Netherlands | Rights Management System | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Netherlands | Rights Management System | What kind of data does this application contain? Information about corporations | Y |
| Netherlands | Rights Management System | What kind of data does this application contain? Information about right status of film works | Y |
| Netherlands | Rights Management System | What kind of data does this application contain? Information about the diligent search | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | What kind of data does this application contain? Information about film works | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | What kind of data does this application contain? Information about corporations | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | What kind of data does this application contain? Information about film works | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | What kind of data does this application contain? Information about corporations | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | What kind of data does this application contain? Information about right status of film works | Y |
| Spain | Absysnet | What kind of data does this application contain? Information about film works | Y |
| Spain | Absysnet | What kind of data does this application contain? Information about persons (directors, producers, etc.) | Y |
| Spain | Absysnet | What kind of data does this application contain? Information about corporations | Y |

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| Country | Application | Question | Answer |
|----------------|-------------|---|-------------------|
| United Kingdom | | What kind of data does this application contain? | members databases |
| United Kingdom | | What kind of data does this application contain? Information about corporations | Y |

The information provided by the United Kingdom lacked information of relevance; a member database was reported with little information support. Consequently, this database was excluded from most of the analysis about cinematographic aspects.

The Netherlands have three applications. Collection Eye feeds the other two applications with information about audiovisual works. The Rights Management System has additional persons and corporations information in its database. The Servicebus application contains a partial copy of the information of Collection Eye.

The overlap between the two applications of the Czech Republic is low. While AIS database covers films in the collection, and from the whole history of Czech cinema, Starbase has data since 1993 and on all Czech cinema.

In Germany the filmportal identifier is available in the archive database for German films, so it is feasible to match the two systems for film works that are relevant to the FORWARD-system.

The overlap between the two applications of Belgium is reported as low.

5.2.2 Number of records in the databases of the partners

Table 4 – Number of records in the databases of the partners

| Country | Application | Question | Answer |
|----------------|----------------------------|--|--------|
| Belgium | Collection | How many titles does your database have? | 72000 |
| Belgium | Periodicals | How many titles does your database have? | 190000 |
| Belgium | Periodicals | How many persons does your database have? | 55000 |
| Czech Republic | Archive Information System | How many titles does your database have? | 40000 |
| Czech Republic | Starbase | How many titles does your database have? | 19373 |
| Czech Republic | Starbase | How many persons does your database have? | 43755 |
| Czech Republic | Starbase | How many corporations does your database have? | 7078 |
| Denmark | ORACLE / FILMDATABASEN | How many titles does your database have? | 20775 |
| Denmark | ORACLE / FILMDATABASEN | How many persons does your database have? | 101090 |

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| Country | Application | Question | Answer |
|-------------|---|--|--------|
| Denmark | ORACLE / FILMDATABASEN | How many corporations does your database have? | 5941 |
| Finland | Tenho | How many titles does your database have? | 233361 |
| Finland | Tenho | How many persons does your database have? | 186217 |
| Finland | Tenho | How many corporations does your database have? | 37204 |
| France | Lise | How many titles does your database have? | 165000 |
| France | Lise | How many persons does your database have? | 155000 |
| France | Lise | How many corporations does your database have? | 25000 |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | How many titles does your database have? | 10000 |
| Germany | filmportal-zdb | How many titles does your database have? | 82000 |
| Germany | filmportal-zdb | How many persons does your database have? | 184000 |
| Germany | filmportal-zdb | How many corporations does your database have? | 22000 |
| Italy | | How many titles does your database have? | 45000 |
| Italy | | How many persons does your database have? | 26300 |
| Italy | | How many corporations does your database have? | 9000 |
| Netherlands | Collection Eye | How many titles does your database have? | 106000 |
| Netherlands | Collection Eye | How many persons does your database have? | 142000 |
| Netherlands | Collection Eye | How many corporations does your database have? | 24000 |
| Netherlands | Rights Management System | How many titles does your database have? | 13567 |
| Netherlands | Rights Management System | How many persons does your database have? | 4357 |
| Netherlands | Rights Management System | How many corporations does your database have? | 330 |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | How many titles does your database have? | 106000 |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | How many persons does your database have? | 142000 |

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| Country | Application | Question | Answer |
|----------------|--|--|--------|
| Netherlands | Servicebus (contains partial copy of Collection EYE) | How many corporations does your database have? | 24000 |
| Spain | Absysnet | How many titles does your database have? | 35357 |
| United Kingdom | | How many corporations does your database have? | 150 |

5.2.3 Belgium

Table 5 – Overview metadata quality Belgium

| Metadata Issue | Completeness | Consistency | Usability |
|-----------------------------|--------------|-------------|-----------|
| Title Information | ++ | -+ | ++ |
| Dates of Production | +- | +- | ++ |
| Production | -+ | -+ | -+ |
| Creative Contributors | -+ | -+ | -+ |
| Data of persons | -+ | -+ | -+ |
| Data of corporations | -- | -- | -- |
| Rights | -+ | -+ | +- |
| Pseudonyms / embedded works | -- | -- | -- |
| Diligent Search | -- | -- | -- |

5.2.4 Czech Republic

Table 6 – Overview metadata quality Czech Republic

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| Metadata\ Issue | Completeness | Consistency | Usability |
|--------------------------------|--------------|-------------|-----------|
| Title Information | ++ | +- | ++ |
| Dates of Production | ++ | +- | ++ |
| Production | ++ | +- | +- |
| Creative Contributors | ++ | +- | +- |
| Data of persons | +- | ++ | +- |
| Data of corporations | +- | +- | +- |
| Rights | +- | -+ | -+ |
| Pseudonyms / embedded works | -+ | -+ | -+ |
| Diligent Search | -- | -- | -- |

5.2.5 Denmark

Table 7 – Overview metadata quality Denmark

| Metadata\ Issue | Completeness | Consistency | Usability |
|-----------------------|--------------|-------------|-----------|
| Title Information | ++ | ++ | ++ |
| Dates of Production | +- | ++ | +- |
| Production | +- | ++ | +- |
| Creative Contributors | ++ | ++ | ++ |

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| | | | |
|--------------------------------|----|----|----|
| Data of persons | ++ | ++ | ++ |
| Data of corporations | -+ | ++ | +- |
| Rights | +- | -+ | -+ |
| Pseudonyms / embedded works | -- | -- | -- |
| Diligent Search | -- | -- | -- |

5.2.6 Germany

Table 8 – Overview metadata quality Germany

| Metadata\ Issue | Completeness | Consistency | Usability |
|--------------------------------|--------------|-------------|-----------|
| Title Information | ++ | +- | ++ |
| Dates of Production | ++ | +- | ++ |
| Production | +- | +- | +- |
| Creative Contributors | +- | +- | +- |
| Data of persons | +- | ++ | +- |
| Data of corporations | +- | ++ | +- |
| Rights | -+ | -+ | -+ |
| Pseudonyms / embedded works | -- | -- | -- |

| | | | |
|-----------------|----|----|----|
| Diligent Search | -- | -- | -- |
|-----------------|----|----|----|

5.2.7 Finland

Table 9 – Overview metadata quality Finland

| Metadata\ Issue | Completeness | Consistency | Usability |
|-----------------------------|--------------|-------------|-----------|
| Title Information | ++ | +- | ++ |
| Dates of Production | ++ | -+ | -+ |
| Production | ++ | +- | +- |
| Creative Contributors | ++ | ++ | ++ |
| Data of persons | +- | -+ | +- |
| Data of corporations | ++ | -+ | -+ |
| Rights | -+ | ++ | ++ |
| Pseudonyms / embedded works | -+ | ++ | +- |
| Diligent Search | -- | -- | -- |

5.2.8 France

Table 10 – Overview metadata quality France

| Metadata\ Issue | Completeness | Consistency | Usability |
|-------------------|--------------|-------------|-----------|
| Title Information | ++ | +- | ++ |

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| | | | |
|--------------------------------|----|----|----|
| Dates of Production | +- | ++ | +- |
| Production | +- | -+ | -+ |
| Creative Contributors | -+ | -+ | -+ |
| Data of persons | +- | ++ | +- |
| Data of corporations | -+ | +- | -+ |
| Rights | -+ | -+ | -+ |
| Pseudonyms / embedded works | +- | -+ | -+ |
| Diligent Search | -- | -- | -- |

5.2.9 Italy

Table 11 – Overview metadata quality Italy

| Metadata Issue | Completeness | Consistency | Usability |
|-----------------------|--------------|-------------|-----------|
| Title Information | ++ | +- | ++ |
| Dates of Production | ++ | ++ | ++ |
| Production | +- | ++ | ++ |
| Creative Contributors | +- | ++ | ++ |
| Data of persons | +- | ++ | ++ |

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| | | | |
|--|----|----|----|
| Data of corporations | -+ | ++ | ++ |
| Rights | -+ | -+ | -+ |
| Pseudonyms / embedded works | -+ | ++ | ++ |
| Diligent Search | -- | -- | -- |

5.2.10 Netherlands

Table 12 – Overview metadata quality The Netherlands

| Metadata Issue | Completeness | Consistency | Usability |
|--|---------------------|--------------------|------------------|
| Title Information | ++ | ++ | ++ |
| Dates of Production | ++ | ++ | ++ |
| Production | +- | ++ | ++ |
| Creative Contributors | +- | ++ | ++ |
| Data of persons | ++ | ++ | ++ |
| Data of corporations | ++ | ++ | ++ |
| Rights | +- | -+ | +- |
| Pseudonyms / embedded works | +- | +- | +- |
| Diligent Search | -+ | -+ | -+ |

5.2.11 Poland

Table 13 – Overview metadata quality Poland

| Metadata Issue | Completeness | Consistency | Usability |
|-----------------------------|--------------|-------------|-----------|
| Title Information | ++ | +- | ++ |
| Dates of Production | ++ | +- | ++ |
| Production | ++ | -+ | -+ |
| Creative Contributors | +- | -+ | -+ |
| Data of persons | ++ | ++ | ++ |
| Data of corporations | -+ | ++ | -+ |
| Rights | -+ | -+ | -+ |
| Pseudonyms / embedded works | -+ | -+ | -+ |
| Diligent Search | -- | -- | -- |

5.2.12 Spain

Table 14 – Overview metadata quality Spain

| Metadata Issue | Completeness | Consistency | Usability |
|---------------------|--------------|-------------|-----------|
| Title Information | ++ | +- | ++ |
| Dates of Production | +- | +- | +- |
| Production | ++ | -+ | -+ |

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| | | | |
|--|----|----|----|
| Creative Contributors | ++ | -+ | -+ |
| Data of persons | +- | ++ | +- |
| Data of corporations | -+ | ++ | +- |
| Rights | -- | -- | -- |
| Pseudonyms / embedded works | -+ | -+ | -+ |
| Diligent Search | -- | -- | -- |

5.3 Analysis of the metadata structures

This chapter describes the results of the questionnaire per set of fields for all NFHI.

5.3.1 Titles

All clearing centres have fields for the original and alternative titles with a high coverage for original title in all cases and a high coverage for alternative title in most cases; completeness is therefore in this respect not an issue.

Titles themselves do not influence the outcome of the legal decision tree, but are very relevant for the diligent search and the identification of an audiovisual work. 73% of the respondents declare that they store their title information in a text field. 18% make use of an authority file.

Table 15 shows an overview of the available field types per application in the different countries of the consortium.

Table 15 – Overview available field types per application

| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|----------------------------|-------------------|----------------------|---------|---------------|
| Belgium | Collection | Original title | High | | Text field |
| Belgium | Collection | Alternative title | High | | Text field |
| Belgium | Periodicals | Original title | High | | Text field |
| Belgium | Periodicals | Alternative title | Medium | | Text filed |
| Czech Republic | Archive Information System | Original title | High | | Text |
| Czech Republic | Archive Information System | Alternative title | High | | Text |
| Czech Republic | Starbase | Original title | high | | text |
| Czech Republic | Starbase | Alternative title | high | | text |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|---|-------------------|----------------------|--|--|
| Denmark | ORACLE / FILMDATABASEN | Original title | High | | Link to record in internal authority file for example person or corporation record |
| Denmark | ORACLE / FILMDATABASEN | Alternative title | High | | Link to record in internal authority file for example person or corporation record |
| Finland | Tenho | Original title | high | | text |
| Finland | Tenho | Alternative title | high | | text |
| France | Lise | Original title | high | | text field |
| France | Lise | Alternative title | medium | | text field |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Original title | high | | text |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Alternative title | medium | | text |
| Germany | filmportal-zdb | Original title | high | | text |
| Germany | filmportal-zdb | Alternative title | medium | | text |
| Italy | | Original title | High | | Text field |
| Italy | | Alternative title | High | High if it's the Italian title of a foreign film | Text field |
| Netherlands | Collection Eye | Original title | High | | Link to record in internal authority file |
| Netherlands | Collection Eye | Alternative title | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | Original title | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | Alternative title | | | |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Original title | High | | Link to record in internal authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Alternative title | High | | Link to record in internal authority file |
| Poland | Centralny Katalog Filmoteki Narodowej | Original title | high | | text field |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|---------|---------------------------------------|-------------------|----------------------|---------|---------------|
| Poland | Centralny Katalog Filmoteki Narodowej | Alternative title | high | | text field |
| Spain | Absysnet | Original title | High | | Text field |
| Spain | Absysnet | Alternative title | High | | Text field |

5.3.2 Dates of production and publication

The rights status can depend on the production and/or publication date of the audiovisual work, and whether the work has been published at all. If we look at the dates of production and publication we notice that the year of production has a high coverage in 63% and the year of first publication in 36% of the cases.

None of the respondents have indicated that they keep records whether an AV-work was previously published or not. If we look at data consistency we notice that dates of production and publication show a wide range of field types, from text fields to authority files. Table 16 shows a general overview of the field types that are being used to store dates of production and publication in the main applications of the different countries. Due to this variety we foresee a significant number of challenges with regard to harmonisation, consistency and usability with dates of production and publication.

Table 16 – Overview field types for production and publication data

| Field Type \ Record | Year of Production | Year of First Publication |
|---------------------|--------------------|---------------------------|
| Numeric | 5 | 1 |
| Date | 2 | 4 |
| Tekst | 1 | 2 |
| Authority file | 1 | 1 |
| Time range | 1 | 0 |
| None | 0 | 2 |
| TOTAL | 10 | 10 |

Table 17 shows an overview of how the partners register this information.

Table 17 – Overview registration of production and publication data

| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|---------|-------------|-----------------------------|----------------------|---------|---------------|
| Belgium | Collection | Year of production | High | | Time range |
| Belgium | Collection | Year of first publication | | | None |
| Belgium | Collection | No previous publication (3) | | | |
| Belgium | Periodicals | Year of production | High | | Time range |
| Belgium | Periodicals | Year of first publication | Medium | | Numeric |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|---|-----------------------------|----------------------|---------------------------|----------------------------|
| Belgium | Periodicals | No previous publication (3) | | | None |
| Czech Republic | Archive Information System | Year of production | High | | Numeric |
| Czech Republic | Archive Information System | Year of first publication | Medium | High only for Czech films | Date |
| Czech Republic | Archive Information System | No previous publication (3) | | | - |
| Czech Republic | Starbase | Year of production | high | | numeric (year), time range |
| Czech Republic | Starbase | Year of first publication | high | | numeric (year) |
| Czech Republic | Starbase | No previous publication (3) | | | none |
| Denmark | ORACLE / FILMDATABASEN | Year of production | Low | We focus on release year | YYYY |
| Denmark | ORACLE / FILMDATABASEN | Year of first publication | High | | YYYY |
| Denmark | ORACLE / FILMDATABASEN | No previous publication (3) | | | -- |
| Finland | Tenho | Year of production | high | | text |
| Finland | Tenho | Year of first publication | high | premier date field | text |
| Finland | Tenho | No previous publication (3) | | | |
| France | Lise | Year of production | medium | | date |
| France | Lise | Year of first publication | medium | | date |
| France | Lise | No previous publication (3) | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Year of production | high | | numeric |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Year of first publication | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | No previous publication (3) | | | |
| Germany | filmportal-zdb | Year of production | high | | numeric |
| Germany | filmportal-zdb | Year of first publication | high | | date |
| Germany | filmportal-zdb | No previous publication (3) | | | |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|--|-----------------------------|----------------------|---|---|
| Italy | | Year of production | High | | Time rate / Numeric |
| Italy | | Year of first publication | LOW | Year of first publication in Italy | Time rate / Numeric |
| Italy | | No previous publication (3) | | | Link to internal authority |
| Netherlands | Collection Eye | Year of production | Medium | Can also be period, but should not be entered | Link to record in internal authority file |
| Netherlands | Collection Eye | Year of first publication | High | Not always separated from production; Can also be period, but should not be entered | Link to record in internal authority file |
| Netherlands | Collection Eye | No previous publication (3) | | | None |
| Netherlands | Rights Management System | Year of production | High | | Numeric |
| Netherlands | Rights Management System | Year of first publication | High | | Numeric |
| Netherlands | Rights Management System | No previous publication (3) | | | |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Year of production | Medium | | Date |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Year of first publication | | | None |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | No previous publication * | | | None |
| Poland | Centralny Katalog Filmoteki Narodowej | Year of production | high | | time range |
| Poland | Centralny Katalog Filmoteki Narodowej | Year of first publication | high | | date |
| Poland | Centralny Katalog Filmoteki Narodowej | No previous publication (3) | | | none |
| Spain | Absysnet | Year of production | High | | Numeric |
| Spain | Absysnet | Year of first publication | Low | | Text field |
| Spain | Absysnet | No previous publication (3) | | | |

5.3.3 Production

The producer and/or production company is a possible rights owner of an AV-work, so this data is important in the execution of a decision tree. The production country, and country of the producer determine which legal decision tree is applicable.

If we look at coverage, we see that country of production and production company is largely completed in most applications. Whether or not individual producers are mentioned is of a different nature. 50% of the respondents describe the coverage of producers in their main applications as high, 30% as medium and 20% as low or non-existent.

Most contributors do not keep records for the country of the production companies headquarters (80%); this could potentially cause a problem for the determination of applicability in the decision tree. Table 18 shows an overview.

All applications make use of text fields or authority files to describe country of production or production company. The text fields cause consistency and usability problems because of non-standardised input, and because there is no place for information like the dissolution date or legal successors. This would mean that FORWARD needs to match corporation names per audiovisual work instead of per corporation; this match would need to be approved.

Table 18 – Field types for production related information

| Field \ Field Type | Authority files | Text fields | None |
|-----------------------|-----------------|-------------|------|
| Country of production | 5 | 5 | 0 |
| Production company | 4 | 6 | 0 |
| Producers | 4 | 5 | 1 |
| Headquarters | 1 | 0 | 9 |
| TOTAL | 14 | 16 | 10 |

Table 19 shows an overview of registration of producers and production companies

Table 19 – Overview registration of producers and production companies

| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|---------|-------------|---|----------------------|---------|---|
| Belgium | Collection | Country / countries of production | High | | Link to record in internal authority file |
| Belgium | Collection | Production company / companies | High | | Text field |
| Belgium | Collection | Producer(s) | Low | | Text field |
| Belgium | Collection | Country of headquarters or residence of the producer(s) | | | None |
| Belgium | Periodicals | Country / countries of production | High | | Link to record in internal authority file |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|----------------------------|---|----------------------|---------|--|
| Belgium | Periodicals | Production company / companies | | | |
| Belgium | Periodicals | Producer(s) | | | None |
| Belgium | Periodicals | Country of headquarters or residence of the producer(s) | | | None |
| Czech Republic | Archive Information System | Country / countries of production | High | | Internal authority link |
| Czech Republic | Archive Information System | Production company / companies | High | | Text |
| Czech Republic | Archive Information System | Producer(s) | High | | Text |
| Czech Republic | Archive Information System | Country of headquarters or residence of the producer(s) | | | - |
| Czech Republic | Starbase | Country / countries of production | high | | text |
| Czech Republic | Starbase | Production company / companies | high | | link to record in internal authority file |
| Czech Republic | Starbase | Producer(s) | high | | link to record in internal authority file |
| Czech Republic | Starbase | Country of headquarters or residence of the producer(s) | high | | text |
| Denmark | ORACLE / FILMDATABASEN | Country / countries of production | High | | Link to record in internal authority file for example person or corporation record |
| Denmark | ORACLE / FILMDATABASEN | Production company / companies | High | | Link to record in internal authority file for example person or corporation record |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|---------|---|---|----------------------|---------|--|
| Denmark | ORACLE / FILMDATABASEN | Producer(s) | High | | Link to record in internal authority file for example person or corporation record |
| Denmark | ORACLE / FILMDATABASEN | Country of headquarters or residence of the producer(s) | | | -- |
| Finland | Tenho | Country / countries of production | high | | text |
| Finland | Tenho | Production company / companies | high | | internal link |
| Finland | Tenho | Producer(s) | high | | internal link |
| Finland | Tenho | Country of headquarters or residence of the producer(s) | | | |
| France | Lise | Country / countries of production | medium | | text field |
| France | Lise | Production company / companies | medium | | text field |
| France | Lise | Producer(s) | medium | | text field |
| France | Lise | Country of headquarters or residence of the producer(s) | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Country / countries of production | high | | text |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Production company / companies | medium | | text |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Producer(s) | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Country of headquarters or residence of the producer(s) | | | |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|--------------------------|---|----------------------|---|---|
| Germany | filmportal-zdb | Country / countries of production | high | ISO 3166 alpha-2 (with custom additions for occupied territories during and allied occupation zones after WWII) | text |
| Germany | filmportal-zdb | Production company / companies | high | | text / internal authority file corporations |
| Germany | filmportal-zdb | Producer(s) | medium | | text / internal authority file persons |
| Germany | filmportal-zdb | Country of headquarters or residence of the producer(s) | | | |
| Italy | | Country / countries of production | High | | Link to internal authority |
| Italy | | Production company / companies | Medium | | Link to internal authority |
| Italy | | Producer(s) | Medium | | Link to internal authority |
| Italy | | Country of headquarters or residence of the producer(s) | | | |
| Netherlands | Collection Eye | Country / countries of production | High | | Link to record in internal authority file |
| Netherlands | Collection Eye | Production company / companies | Medium | | Link to record in internal authority file |
| Netherlands | Collection Eye | Producer(s) | Medium | | Link to record in internal authority file |
| Netherlands | Collection Eye | Country of headquarters or residence of the producer(s) | Medium | | Link to record in internal authority file |
| Netherlands | Rights Management System | Country / countries of production | High | | Link to record in internal authority file |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|--|---|----------------------|---------|---|
| Netherlands | Rights Management System | Production company / companies | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | Producer(s) | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | Country of headquarters or residence of the producer(s) | | | |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Country / countries of production | High | | Link to record in internal authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Production company / companies | Medium | | Link to record in internal authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Producer(s) | Medium | | Link to record in internal authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Country of headquarters or residence of the producer(s) | Low | | Link to record in internal authority file |
| Poland | Centralny Katalog Filmoteki Narodowej | Country / countries of production | high | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Production company / companies | high | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Producer(s) | high | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Country of headquarters or residence of the producer(s) | | | none |
| Spain | Absysnet | Country / countries of production | High | | Text field |
| Spain | Absysnet | Production company / companies | High | | Text field |
| Spain | Absysnet | Producer(s) | High | | Text field |
| Spain | Absysnet | Country of headquarters or residence of the producer(s) | High | | Text field |

5.3.4 Creative contributors

In most cases the creative contributors are the rightsholders; which creative contributors are potential rightsholders differs per country.

Table 20 shows an overview of how the partners register the creative contributors.

Table 20 – Overview registration of creative contributors

| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|----------------------------|--|----------------------|---------------------------|---|
| Belgium | Collection | Main director(s) | High | | Text field |
| Belgium | Collection | Author(s) of the screen play | Low | | Text field |
| Belgium | Collection | Author(s) of the dialogues | Low | | Text field |
| Belgium | Collection | Music composer(s) specifically created for use in the work | Low | | Text field |
| Belgium | Collection | Other creative contributor(s) | | | |
| Belgium | Periodicals | Main director(s) | High | | Text field |
| Belgium | Periodicals | Author(s) of the screen play | | | None |
| Belgium | Periodicals | Author(s) of the dialogues | | | None |
| Belgium | Periodicals | Music composer(s) specifically created for use in the work | | | None |
| Belgium | Periodicals | Other creative contributor(s) | | | |
| Czech Republic | Archive Information System | Main director(s) | High | | Text |
| Czech Republic | Archive Information System | Author(s) of the screen play | High | | Text |
| Czech Republic | Archive Information System | Author(s) of the dialogues | High | | Text |
| Czech Republic | Archive Information System | Music composer(s) specifically created for use in the work | Medium | High only for Czech films | Text |
| Czech Republic | Archive Information System | Other creative contributor(s) | High | High only for Czech films | Text |
| Czech Republic | Starbase | Main director(s) | high | | link to record in internal authority file |
| Czech Republic | Starbase | Author(s) of the screen play | high | | link to record in internal authority file |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|------------------------|--|----------------------|-----------------------------|--|
| Czech Republic | Starbase | Author(s) of the dialogues | high | | link to record in internal authority file |
| Czech Republic | Starbase | Music composer(s) specifically created for use in the work | high | | link to record in internal authority file |
| Czech Republic | Starbase | Other creative contributor(s) | high | | link to record in internal authority file |
| Denmark | ORACLE / FILMDATABASEN | Main director(s) | High | | Link to record in internal authority file for example person or corporation record |
| Denmark | ORACLE / FILMDATABASEN | Author(s) of the screen play | High | | Link to record in internal authority file for example person or corporation record |
| Denmark | ORACLE / FILMDATABASEN | Author(s) of the dialogues | High | | Link to record in internal authority file for example person or corporation record |
| Denmark | ORACLE / FILMDATABASEN | Music composer(s) specifically created for use in the work | | | Link to record in internal authority file for example person or corporation record |
| Denmark | ORACLE / FILMDATABASEN | Other creative contributor(s) | | We list these under credits | Link to record in internal authority file for example person or corporation record |
| Finland | Tenho | Main director(s) | high | | internal link |
| Finland | Tenho | Author(s) of the screen play | high | | internal link |
| Finland | Tenho | Author(s) of the dialogues | high | | internal link |
| Finland | Tenho | Music composer(s) specifically created for use in the work | high | | internal link |
| Finland | Tenho | Other creative contributor(s) | high | | internal link |
| France | Lise | Main director(s) | medium | | text field |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|---------|---|--|----------------------|---------|--|
| France | Lise | Author(s) of the screen play | low | | text field |
| France | Lise | Author(s) of the dialogues | low | | text field |
| France | Lise | Music composer(s) specifically created for use in the work | low | | text field |
| France | Lise | Other creative contributor(s) | low | | text field |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Main director(s) | high | | text |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Author(s) of the screen play | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Author(s) of the dialogues | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Music composer(s) specifically created for use in the work | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Other creative contributor(s) | | | |
| Germany | filmportal-zdb | Main director(s) | high | | text / internal authority file persons |
| Germany | filmportal-zdb | Author(s) of the screen play | medium | | text / internal authority file persons |
| Germany | filmportal-zdb | Author(s) of the dialogues | medium | | text / internal authority file persons |
| Germany | filmportal-zdb | Music composer(s) specifically created for use in the work | low | | text / internal authority file persons |
| Germany | filmportal-zdb | Other creative contributor(s) | | | text / internal authority file persons |
| Italy | | Main director(s) | High | | Link to internal authority |
| Italy | | Author(s) of the screen play | Medium | | Link to internal authority |
| Italy | | Author(s) of the dialogues | Medium | | Link to internal authority |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|--|--|----------------------|---------|---|
| Italy | | Music composer(s) specifically created for use in the work | Medium | | Link to internal authority |
| Italy | | Other creative contributor(s) | Medium | | Link to internal authority |
| Netherlands | Collection Eye | Main director(s) | High | | Link to record in internal authority file |
| Netherlands | Collection Eye | Author(s) of the screen play | Medium | | Link to record in internal authority file |
| Netherlands | Collection Eye | Author(s) of the dialogues | Low | | Link to record in internal authority file |
| Netherlands | Collection Eye | Music composer(s) specifically created for use in the work | Medium | | Link to record in internal authority file |
| Netherlands | Collection Eye | Other creative contributor(s) | Medium | | Link to record in internal authority file |
| Netherlands | Rights Management System | Main director(s) | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | Author(s) of the screen play | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | Author(s) of the dialogues | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | Music composer(s) specifically created for use in the work | Low | | Link to record in internal authority file |
| Netherlands | Rights Management System | Other creative contributor(s) | High | | Link to record in internal authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Main director(s) | High | | Link to record in internal authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Author(s) of the screen play | Medium | | Link to record in internal authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Author(s) of the dialogues | Low | | Link to record in internal authority file |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|--|--|----------------------|---------|---|
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Music composer(s) specifically created for use in the work | Medium | | Link to record in internal authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Other creative contributor(s) | Medium | | Link to record in internal authority file |
| Poland | Centralny Katalog Filmoteki Narodowej | Main director(s) | high | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Author(s) of the screen play | high | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Author(s) of the dialogues | | | none |
| Poland | Centralny Katalog Filmoteki Narodowej | Music composer(s) specifically created for use in the work | medium | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Other creative contributor(s) | | | none |
| Spain | Absysnet | Main director(s) | High | | Text field |
| Spain | Absysnet | Author(s) of the screen play | High | | Text field |
| Spain | Absysnet | Author(s) of the dialogues | High | | Text field |
| Spain | Absysnet | Music composer(s) specifically created for use in the work | High | | Text field |
| Spain | Absysnet | Other creative contributor(s) | | | |

We can distinguish two groups: those who use internal authority files and those who use text fields.

Table 21 – Overview field types of registration of creative contributors

| Country | Type of field |
|-----------------|-------------------------|
| Czech Republic | internal authority file |
| The Netherlands | internal authority file |
| Germany | internal authority file |
| Finland | internal authority file |
| Denmark | internal authority file |
| Spain | text fields |
| Belgium | text fields |
| Poland | text fields |
| France | text fields |
| Italy | text fields |

The group that uses text fields presents FORWARD with consistency and usability problems.

This becomes evident in the following diligent search: a person's date of death has been established

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but it is not possible to forward this outcome to all the audiovisual works that specific person was qualified for as creative contributor. This would mean that FORWARD needs to match person names per audiovisual work instead of per person, and that this match needs to be approved.

The Main director is a field that has a high coverage, except in France, where the coverage is medium. Coverage of the other fields differs from low to high between the different countries.

Fields for Other creative contributor(s) are missing in Belgium and Poland.

5.3.5 Persons

All the partners have an authority file for “persons”. However this authority file is not used by all the partners in describing the audiovisual work: they use text fields instead of links to the authority file, which is a consistency problem. In these cases FORWARD can only use the “person” authority file as a separate resource of information, and will have to provide a matching routine to find the correct information about “persons”, or else the applications need to be changed so the authority file is used.

The name of a person and the date of birth is in itself not important for execution of the decision tree, but they are very relevant for the diligent search. For execution of the legal decision tree the date of death is very important.

Table 22 shows an overview of how partners register information about persons.

Table 22 – Overview registration of information about persons

| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|----------------------------|--|----------------------|-------------------|---------------|
| Belgium | Collection | Date of birth | | | |
| Belgium | Collection | Date of death | | | |
| Belgium | Collection | First name (for example: Heinrich) | | | |
| Belgium | Collection | Middle name (for example: von) | | | |
| Belgium | Collection | Last name (for example: Kleist) | | | |
| Belgium | Collection | Name in one field (for example: Heinrich von Kleist) | | | |
| Belgium | Collection | | | | |
| Belgium | Periodicals | Date of birth | medium | only year | Numeric date |
| Belgium | Periodicals | Date of death | high | dd/mm/yyyy | date |
| Belgium | Periodicals | First name (for example: Heinrich) | high | | text field |
| Belgium | Periodicals | Middle name (for example: von) | | | none |
| Belgium | Periodicals | Last name (for example: Kleist) | high | f.a. : von kleist | text field |
| Belgium | Periodicals | Name in one field (for example: Heinrich von Kleist) | | | |
| Czech Republic | Archive Information System | Date of birth | | | |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|----------------------------|--|----------------------|---------|--|
| Czech Republic | Archive Information System | Date of death | | | |
| Czech Republic | Archive Information System | First name (for example: Heinrich) | | | |
| Czech Republic | Archive Information System | Middle name (for example: von) | | | |
| Czech Republic | Archive Information System | Last name (for example: Kleist) | | | |
| Czech Republic | Archive Information System | Name in one field (for example: Heinrich von Kleist) | | | |
| Czech Republic | Starbase | Date of birth | medium | | date |
| Czech Republic | Starbase | Date of death | medium | | date |
| Czech Republic | Starbase | First name (for example: Heinrich) | high | | text |
| Czech Republic | Starbase | Middle name (for example: von) | high | | text |
| Czech Republic | Starbase | Last name (for example: Kleist) | high | | text |
| Czech Republic | Starbase | Name in one field (for example: Heinrich von Kleist) | high | | text |
| Czech Republic | Starbase | | | | |
| Denmark | ORACLE / FILMDATABASEN | Date of birth | Medium | | DD/MM/YYYY |
| Denmark | ORACLE / FILMDATABASEN | Date of death | Medium | | DD/MM/YYYY |
| Denmark | ORACLE / FILMDATABASEN | First name (for example: Heinrich) | High | | Link to record in internal authority file for example person or corporation record |
| Denmark | ORACLE / FILMDATABASEN | Middle name (for example: von) | | | |
| Denmark | ORACLE / FILMDATABASEN | Last name (for example: Kleist) | High | | Link to record in internal authority file for example person or corporation record |
| Denmark | ORACLE / FILMDATABASEN | Name in one field (for example: Heinrich von Kleist) | | | |
| Finland | Tenho | Date of birth | medium | | text |
| Finland | Tenho | Date of death | medium | | text |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|---------|---|--|----------------------|--|---------------|
| Finland | Tenho | First name (for example: Heinrich) | high | the "first names" field contains all names preceding the last name | text |
| Finland | Tenho | Middle name (for example: von) | | "von" is not a middle name! | |
| Finland | Tenho | Last name (for example: Kleist) | high | | text |
| Finland | Tenho | Name in one field (for example: Heinrich von Kleist) | | | |
| France | Lise | Date of birth | low | | date |
| France | Lise | Date of death | low | | date |
| France | Lise | First name (for example: Heinrich) | high | | text field |
| France | Lise | Middle name (for example: von) | high | | text field |
| France | Lise | Last name (for example: Kleist) | high | | text field |
| France | Lise | Name in one field (for example: Heinrich von Kleist) | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Date of birth | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Date of death | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | First name (for example: Heinrich) | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Middle name (for example: von) | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Last name (for example: Kleist) | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Name in one field (for example: Heinrich von Kleist) | high | | text |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | | | | |
| Germany | filmportal-zdb | Date of birth | medium | | date |
| Germany | filmportal-zdb | Date of death | medium | | date |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|--------------------------|--|----------------------|---|---|
| Germany | filmportal-zdb | First name (for example: Heinrich) | high | | text |
| Germany | filmportal-zdb | Middle name (for example: von) | | | text |
| Germany | filmportal-zdb | Last name (for example: Kleist) | high | | text |
| Germany | filmportal-zdb | Name in one field (for example: Heinrich von Kleist) | | | |
| Italy | | Date of birth | Low | | Time rate / Numeric |
| Italy | | Date of death | Low | | Time rate / Numeric |
| Italy | | First name (for example: Heinrich) | | | |
| Italy | | Middle name (for example: von) | | | |
| Italy | | Last name (for example: Kleist) | | | |
| Italy | | Name in one field (for example: Heinrich von Kleist) | High | | Link to internal authority |
| Netherlands | Collection Eye | Date of birth | Medium | Can also be period, but should not be entered | Link to record in internal authority file |
| Netherlands | Collection Eye | Date of death | Medium | Can also be period, but should not be entered | Link to record in internal authority file |
| Netherlands | Collection Eye | First name (for example: Heinrich) | High | | Text field |
| Netherlands | Collection Eye | Middle name (for example: von) | High | for some names middle name is part of the last name | Text field |
| Netherlands | Collection Eye | Last name (for example: Kleist) | High | | Text field |
| Netherlands | Collection Eye | Name in one field (for example: Heinrich von Kleist) | High | | Text field |
| Netherlands | Rights Management System | Date of birth | High | | Numeric |
| Netherlands | Rights Management System | Date of death | High | | Numeric |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|--|--|----------------------|---------|---|
| Netherlands | Rights Management System | First name (for example: Heinrich) | | | |
| Netherlands | Rights Management System | Middle name (for example: von) | | | |
| Netherlands | Rights Management System | Last name (for example: Kleist) | | | |
| Netherlands | Rights Management System | Name in one field (for example: Heinrich von Kleist) | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | | | | |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Date of birth | Medium | | Date |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Date of death | Medium | | Date |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | First name (for example: Heinrich) | High | | Text field |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Middle name (for example: von) | High | | Text field |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Last name (for example: Kleist) | High | | Text field |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Name in one field (for example: Heinrich von Kleist) | | | None |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | | | | |
| Poland | Centralny Katalog Filmoteki Narodowej | Date of birth | medium | | date |
| Poland | Centralny Katalog Filmoteki Narodowej | Date of death | medium | | date |
| Poland | Centralny Katalog Filmoteki Narodowej | First name (for example: Heinrich) | high | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Middle name (for example: von) | high | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Last name (for example: Kleist) | high | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Name in one field (for example: Heinrich von Kleist) | | | none |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|---------|-------------|--|----------------------|---------|---------------|
| Spain | Absysnet | Date of birth | Low | | Time range |
| Spain | Absysnet | Date of death | Low | | Time range |
| Spain | Absysnet | First name (for example: Heinrich) | | | |
| Spain | Absysnet | Middle name (for example: von) | | | |
| Spain | Absysnet | Last name (for example: Kleist) | | | |
| Spain | Absysnet | Name in one field (for example: Heinrich von Kleist) | High | | Text field |

Both the Czech Republic (for one of their applications) and the Netherlands have complete information for “persons”. This means that two name variants are known for a person: the complete name, and the composition of the first name, middle name and last name.

Poland and France do not have the separate field to note the complete name of a person.

Middle name and name in one field is not available in Germany, Finland, Denmark and Belgium.

Spain and Italy only administer the complete name of a person.

Table 23 – Completeness registration of information about persons

| Country | Level of completeness | Remark |
|-----------------|--|--|
| Czech Republic | Complete | |
| The Netherlands | Complete | In one of the applications the complete name is not stored |
| Poland | Name in one field is missing | |
| France | Name in one field is missing | |
| Germany | Name in one field and middle name is missing | |
| Finland | Name in one field and middle name is missing | Dates are in text fields |
| Denmark | Name in one field and middle name is missing | |
| Belgium | Name in one field and middle name is missing | Date of birth is numeric (year only) |
| Spain | No separate name fields | |
| Italy | No separate name fields | Numeric field for date |

Coverage for person fields is generally high, except for date of birth and date of death, which trends to medium.

5.3.6 Corporations

All the partners except Belgium have an authority file for corporations. However, this authority file is not used by all the partners in describing the audiovisual work: they use text fields instead of links to the

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authority file, which is a consistency problem. In these cases FORWARD can only use the “corporation” authority file as a separate resource of information, and will have to provide a matching routine to find the correct information about “corporations”, or else the applications need to be changed so the authority file is used.

The name, founding date and place of residence of a corporation is in itself not important for execution of the decision tree, but they are very relevant for the diligent search. For execution of the legal decision tree, the date of dissolution, in combination with legal successors is important. For determining applicability (which decision tree should be used) place of residence of a corporation can be important when the production country cannot be determined.

Table 24 shows an overview of how partners register information about corporations.

Table 24 –Overview registration of information about corporations

| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|----------------------------|---------------------|----------------------|---------|--|
| Belgium | Collection | Name of corporation | | | |
| Belgium | Collection | Founding date | | | |
| Belgium | Collection | Date of dissolution | | | |
| Belgium | Collection | Legal successor(s) | | | |
| Belgium | Collection | Place of residence | | | |
| Belgium | Periodicals | Name of corporation | | | |
| Belgium | Periodicals | Founding date | | | |
| Belgium | Periodicals | Date of dissolution | | | |
| Belgium | Periodicals | Legal successor(s) | | | |
| Belgium | Periodicals | Place of residence | | | |
| Czech Republic | Archive Information System | Name of corporation | | | |
| Czech Republic | Archive Information System | Founding date | | | |
| Czech Republic | Archive Information System | Date of dissolution | | | |
| Czech Republic | Archive Information System | Legal successor(s) | | | |
| Czech Republic | Archive Information System | Place of residence | | | |
| Czech Republic | Starbase | Name of corporation | high | | text |
| Czech Republic | Starbase | Founding date | medium | | date |
| Czech Republic | Starbase | Date of dissolution | medium | | date |
| Czech Republic | Starbase | Legal successor(s) | high | | link to record in internal authority file |
| Czech Republic | Starbase | Place of residence | high | | text |
| Denmark | ORACLE / FILMDATABASEN | Name of corporation | High | | Link to record in internal authority file for example person or corporation record |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|---------|---|---------------------|----------------------|--|----------------------------|
| Denmark | ORACLE / FILMDATABASEN | Founding date | -- | DFI would like to implement this field | -- |
| Denmark | ORACLE / FILMDATABASEN | Date of dissolution | -- | DFI would like to implement this field | -- |
| Denmark | ORACLE / FILMDATABASEN | Legal successor(s) | -- | | -- |
| Denmark | ORACLE / FILMDATABASEN | Place of residence | -- | | -- |
| Finland | Tenho | Name of corporation | high | | text |
| Finland | Tenho | Founding date | high | | text |
| Finland | Tenho | Date of dissolution | high | | text |
| Finland | Tenho | Legal successor(s) | high | in general purpose field | text |
| Finland | Tenho | Place of residence | high | address (text fields), country (ISO codes) | text |
| France | Lise | Name of corporation | high | | text field |
| France | Lise | Founding date | low | | date |
| France | Lise | Date of dissolution | low | | date |
| France | Lise | Legal successor(s) | | | |
| France | Lise | Place of residence | low | | text field |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Name of corporation | high | | text |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Founding date | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Date of dissolution | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Legal successor(s) | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Place of residence | medium | | text |
| Germany | filmportal-zdb | Name of corporation | high | | text |
| Germany | filmportal-zdb | Founding date | low | | date |
| Germany | filmportal-zdb | Date of dissolution | low | | date |
| Germany | filmportal-zdb | Legal successor(s) | | | |
| Germany | filmportal-zdb | Place of residence | high | | text |
| Italy | | Name of corporation | Medium | | Link to internal authority |
| Italy | | Founding date | Low | | Time rate / Numeric |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|--|---------------------|----------------------|---|---|
| Italy | | Date of dissolution | Low | | Time rate / Numeric |
| Italy | | Legal successor(s) | | | |
| Italy | | Place of residence | | | |
| Netherlands | Collection Eye | Name of corporation | High | | Text field |
| Netherlands | Collection Eye | Founding date | Medium | Can also be period, but should not be entered | Link to record in internal authority file |
| Netherlands | Collection Eye | Date of dissolution | Medium | Can also be period, but should not be entered | Link to record in internal authority file |
| Netherlands | Collection Eye | Legal successor(s) | Medium | | Link to record in internal authority file |
| Netherlands | Collection Eye | Place of residence | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | Name of corporation | High | | Link to record in internal authority file |
| Netherlands | Rights Management System | Founding date | Low | | Numeric |
| Netherlands | Rights Management System | Date of dissolution | Low | | Numeric |
| Netherlands | Rights Management System | Legal successor(s) | Low | | Text |
| Netherlands | Rights Management System | Place of residence | High | | Text |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Name of corporation | High | | Text field |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Founding date | Medium | | Date |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Date of dissolution | Medium | | Date |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Legal successor(s) | Low | | Link to record in internal authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Place of residence | Low | | Link to record in internal authority file |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|---------------------------------------|---------------------|----------------------|---------|---------------|
| Poland | Centralny Katalog Filmoteki Narodowej | Name of corporation | high | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Founding date | | | none |
| Poland | Centralny Katalog Filmoteki Narodowej | Date of dissolution | | | none |
| Poland | Centralny Katalog Filmoteki Narodowej | Legal successor(s) | | | none |
| Poland | Centralny Katalog Filmoteki Narodowej | Place of residence | | | none |
| Spain | Absysnet | Name of corporation | High | | Text field |
| Spain | Absysnet | Founding date | | | |
| Spain | Absysnet | Date of dissolution | | | |
| Spain | Absysnet | Legal successor(s) | | | |
| Spain | Absysnet | Place of residence | | | |
| United Kingdom | | Name of corporation | medium | | 1 |
| United Kingdom | | Founding date | | | |
| United Kingdom | | Date of dissolution | | | |
| United Kingdom | | Legal successor(s) | | | |
| United Kingdom | | Place of residence | | | |

The Czech Republic (for one of their applications), the Netherlands and Finland have complete information for corporations.

In the Netherlands founding and dissolution date can also be time ranges, in case of uncertainties. In Finland all the fields are text fields, which can present problems when performing date calculations. Additionally, in Finland Legal successors is noted in a general purpose text field, which makes it difficult to identify that specific piece of information.

Legal successor is a missing field for all partners except for the Czech Republic (for one of their applications), the Netherlands and Finland.

Of all other partners only Germany, Italy and France have fields for the founding date and dissolution date. Italy uses a Time rate / numeric field for noting the date, which can present conversion problems.

All other partners only have the name of the corporation in an authority file, except Belgium that does not use a specific authority file.

Table 25 – Completeness registration of information about corporations

| Country | Level of completeness | Remark |
|-----------------|---|--------------------------|
| Czech Republic | Complete | |
| The Netherlands | Complete | Dates can be time ranges |
| Finland | Complete | Stored in text fields |
| Germany | Legal successor field is missing | |
| France | Legal successor field is missing | |
| Italy | Legal successor and place of residence field is missing | Numeric field for date |

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| Country | Level of completeness | Remark |
|---------|-----------------------------|--------|
| Denmark | Only name | |
| Poland | Only name | |
| Spain | Only name | |
| Belgium | Does not use authority file | |

5.3.7 Rights

It is critical to investigate if rightsholders are already known or whether a transfer of rights through a contract has already taken place. Only the Czech Republic mentions a high coverage of rightsholders for the collection of AV-works for one of its applications (Starbase) .

The Netherlands have developed a Rights Management System for this purpose; additionally the coverage of rightsholders is indicated as medium in this application. In general, the estimation of coverage concerning rightsholders is medium to low (80%). Spain has no rightsholders information. Contracts of transfer of copyrights is only mentioned by Denmark and the Netherlands.

A general impression is that the completeness of existing rights data of the clearing centres has to be considered as low and is not of great importance for the FORWARD-system. Legal information about individual AV-works is not a starting point but an end product of the forthcoming FORWARD-system.

Table 26 shows an overview of how partners register rights information.

Table 26 – Overview registration rights information

| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|----------------|----------------------------|--|----------------------|------------------------------------|---|
| Belgium | Collection | Rightsholders (4) | Medium | | Text field |
| Belgium | Collection | Contracts of transfer of copyright (if applicable) | | | None |
| Belgium | Periodicals | Rightsholders (4) | | | None |
| Belgium | Periodicals | Contracts of transfer of copyright (if applicable) | | | None |
| Czech Republic | Archive Information System | Rightsholders (4) | Low | Czech feature films | Text |
| Czech Republic | Archive Information System | Contracts of transfer of copyright (if applicable) | | | - |
| Czech Republic | Starbase | Rightsholders (4) | high | | link to record in internal authority file |
| Czech Republic | Starbase | Contracts of transfer of copyright (if applicable) | | | none |
| Denmark | ORACLE / FILMDATABASEN | Rightsholders (4) | Low | | Text field |
| Denmark | ORACLE / FILMDATABASEN | Contracts of transfer of copyright (if applicable) | Low | Database field prepared - not used | |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|-------------|---|--|----------------------|---|---|
| Finland | Tenho | Rightsholders (4) | medium-high | best guess only | internal link to companies |
| Finland | Tenho | Contracts of transfer of copyright (if applicable) | | | |
| France | Lise | Rightsholders (4) | medium | the information is not always accurate. It has to be updated regularly. | text field |
| France | Lise | Contracts of transfer of copyright (if applicable) | | | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Rightsholders (4) | low | | text |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Contracts of transfer of copyright (if applicable) | | | |
| Germany | filmportal-zdb | Rightsholders (4) | | | |
| Germany | filmportal-zdb | Contracts of transfer of copyright (if applicable) | | | |
| Italy | | Rightsholders (4) | Medium | Only companies | Text field |
| Italy | | Contracts of transfer of copyright (if applicable) | | | |
| Netherlands | Collection Eye | Rightsholders (4) | | Is a field of the print (among others) | None |
| Netherlands | Collection Eye | Contracts of transfer of copyright (if applicable) | | | None |
| Netherlands | Rights Management System | Rightsholders (4) | Medium | | Text field |
| Netherlands | Rights Management System | Contracts of transfer of copyright (if applicable) | | | Link to record in external authority file |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Rightsholders ** | | | None |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Contracts of transfer of copyright (if applicable) | | | None |

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| Country | Application | Entry | Estimate of coverage | Remarks | Type of field |
|---------|---------------------------------------|--|----------------------|---------|---------------|
| Poland | Centralny Katalog Filmoteki Narodowej | Rightsholders (4) | low | | text field |
| Poland | Centralny Katalog Filmoteki Narodowej | Contracts of transfer of copyright (if applicable) | | | none |
| Spain | Absysnet | Rightsholders (4) | | | |
| Spain | Absysnet | Contracts of transfer of copyright (if applicable) | | | |

The following partners record the rights status of film work: Belgium, Denmark, The Netherlands . Table 27 describes the structure and values they use for recording rights status.

Table 27 – Overview rights statuses

| Country | Application | Question | Answer |
|-------------|---|--|---|
| Belgium | Collection | Do you use a controlled list to record the rights status of a film work? | Y |
| Belgium | Collection | Which values do you use for the rights status? | "Clearing in process" "Needs clearing" "No known copyright" "Orphan Work" "Public Domain" "Rights cleared" "Rights not granted" |
| Denmark | ORACLE / FILMDATABASEN | Do you use a controlled list to record the rights status of a film work? | Y |
| Denmark | ORACLE / FILMDATABASEN | Which values do you use for the rights status? | Copyright - Public domain / Expired - Orphan work - Unknown |
| Finland | Tenho | Do you use a controlled list to record the rights status of a film work? | N |
| France | Lise | Do you use a controlled list to record the rights status of a film work? | N |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Do you use a controlled list to record the rights status of a film work? | N |
| Italy | | Do you use a controlled list to record the rights status of a film work? | N |
| Netherlands | Collection Eye | Do you use a controlled list to record the rights status of a film work? | N |

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| Country | Application | Question | Answer |
|-------------|---------------------------------------|--|--|
| Netherlands | Rights Management System | Do you use a controlled list to record the rights status of a film work? | Y |
| Netherlands | Rights Management System | Which values do you use for the rights status? | Publiek domein, Verweesd, Beschermd, In onderzoek, Ter beoordeling, Contractpartij EYE |
| Poland | Centralny Katalog Filmoteki Narodowej | Do you use a controlled list to record the rights status of a film work? | N |

5.3.8 Additional values

Finally, some additional metadata are needed to complete the diligent search, such as publication under pseudonym or anonym, and embedded incorporated works. Most of the contributors indicated that they have facilities in their databases to store pseudonyms, although the coverage of this data is low to medium (60%). Field types that are being used range from text fields (50%) to authority files (30%). Only the Netherlands collects information about embedded works which is stored in the curators comment box of their main application (Collection EYE).

5.3.9 Diligent search

Only the Netherlands keeps records of their diligent searches. We recommend that the structure used to record these results are investigated as part of task 4.2.

5.4 Analysis of the general characteristics of the data

5.4.1 Uncertainty

Since the partners work with older material, they need to be able to indicate uncertainty, so they can enter information like 'we think the movie was published in 1926'. Most institutes use a notation like 1926 [?], or director: Serge Huliko [?].

Uncertainty has two consequences for FORWARD:

1. If the uncertainty is entered in the same field as the value, the value is contaminated with the uncertainty, which affects matching and parsing routines for names and dates
2. Uncertainty in dates affects the execution of the decision tree: what to do with an uncertain date of death?

Most partners have a provision for uncertainty in their database, see table 28.

Table 28 – Overview registration of uncertainty

| Country | Application | Question | Answer |
|---------|-------------|---|--------|
| Belgium | Collection | Can you indicate uncertainty for values that you enter in a field of your database? | Y |

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| Country | Application | Question | Answer |
|----------------|---|---|--------|
| Belgium | Collection | Do you use a different field to indicate the uncertainty you just mentioned? | N |
| Belgium | Periodicals | Can you indicate uncertainty for values that you enter in a field of your database? | N |
| Czech Republic | Archive Information System | Can you indicate uncertainty for values that you enter in a field of your database? | Y |
| Czech Republic | Archive Information System | Do you use a different field to indicate the uncertainty you just mentioned? | Y |
| Czech Republic | Starbase | Can you indicate uncertainty for values that you enter in a field of your database? | N |
| France | Lise | Can you indicate uncertainty for values that you enter in a field of your database? | Y |
| France | Lise | Do you use a different field to indicate the uncertainty you just mentioned? | N |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Can you indicate uncertainty for values that you enter in a field of your database? | Y |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Do you use a different field to indicate the uncertainty you just mentioned? | N |
| Germany | filmportal-zdb | Can you indicate uncertainty for values that you enter in a field of your database? | N |
| Italy | | Can you indicate uncertainty for values that you enter in a field of your database? | Y |
| Italy | | Do you use a different field to indicate the uncertainty you just mentioned? | N |
| Netherlands | Collection Eye | Can you indicate uncertainty for values that you enter in a field of your database? | Y |
| Netherlands | Collection Eye | Do you use a different field to indicate the uncertainty you just mentioned? | Y |
| Netherlands | Rights Management System | Can you indicate uncertainty for values that you enter in a field of your database? | N |

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| Country | Application | Question | Answer |
|-------------|--|---|--------|
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Can you indicate uncertainty for values that you enter in a field of your database? | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Do you use a different field to indicate the uncertainty you just mentioned? | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Can you indicate uncertainty for values that you enter in a field of your database? | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Do you use a different field to indicate the uncertainty you just mentioned? | N |
| Spain | Absysnet | Can you indicate uncertainty for values that you enter in a field of your database? | Y |
| Spain | Absysnet | Do you use a different field to indicate the uncertainty you just mentioned? | N |

Only the Czech Republic (for one of their applications) and the Netherlands store the uncertainty in a different field. For the other partners uncertainty contaminates the value of the field itself.

5.4.2 Standards

Most of the partners use controlled vocabularies, but mainly they don't use standards.

Table 29 – Overview usage of standards

| Country | Application | Question | Answer |
|----------------|----------------------------|--|-----------------------|
| Belgium | Collection | Which controlled vocabularies, thesauri, or taxonomies do you use? Inhouse | Y |
| Belgium | Periodicals | Which controlled vocabularies, thesauri, or taxonomies do you use? | FIAF Subject headings |
| Czech Republic | Archive Information System | Which controlled vocabularies, thesauri, or taxonomies do you use? Inhouse | Y |
| Czech Republic | Starbase | Which controlled vocabularies, thesauri, or taxonomies do you use? Inhouse | Y |
| Denmark | ORACLE / FILMDATABASEN | Which controlled vocabularies, thesauri, or taxonomies do you use? Inhouse | Y |
| Finland | Tenho | Which controlled vocabularies, thesauri, or taxonomies do you use? | YSA/YSO, ONKI |

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| Country | Application | Question | Answer |
|----------------|--|---|--|
| France | Lise | Which controlled vocabularies, thesauri, or taxonomies do you use? Inhouse | Y |
| Netherlands | Collection Eye | Which controlled vocabularies, thesauri, or taxonomies do you use? GTAA (Gemeenschappelijke Thesauris Audiovisuele Archieven) | Y |
| Netherlands | Collection Eye | Which controlled vocabularies, thesauri, or taxonomies do you use? Inhouse | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Which controlled vocabularies, thesauri, or taxonomies do you use? GTAA (Gemeenschappelijke Thesauris Audiovisuele Archieven) | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Which controlled vocabularies, thesauri, or taxonomies do you use? Inhouse | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Which controlled vocabularies, thesauri, or taxonomies do you use? | ?????? |
| Spain | Absysnet | Which controlled vocabularies, thesauri, or taxonomies do you use? | Spanish National Library authorities Catalog |
| Spain | Absysnet | Which controlled vocabularies, thesauri, or taxonomies do you use? Inhouse | Y |
| United Kingdom | | Which controlled vocabularies, thesauri, or taxonomies do you use? | none |

5.5 Accessibility

In order for the FORWARD-system to work, it must access information in the resources of the partners. Access to partners' information can be achieved through an API/web services or through a periodic export/import process; access through an API/web services is preferable.

5.5.1 Access through an API/web services

The first question is whether the application has an API. Table 30 shows the availability of an API per partner's application.

Table 30 – Overview availability of API

| Country | Application | Question | Answer |
|---------|-------------|--|--------|
| Belgium | Collection | Is it possible to access the information through an API? | N |

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| Country | Application | Question | Answer |
|----------------|---|---|---|
| Belgium | Periodicals | Is it possible to access the information through an API? | N |
| Czech Republic | Archive Information System | Is it possible to access the information through an API? | N |
| Czech Republic | Starbase | Is it possible to access the information through an API? | N |
| Denmark | ORACLE / FILMDATABASEN | Is it possible to access the information through an API? | Y |
| Denmark | ORACLE / FILMDATABASEN | Is the API used to access information by other applications? | Y |
| Denmark | ORACLE / FILMDATABASEN | Can you list those applications? | DANSKE FILM (APP) http://www.dfi.dk/Service/English/Films-and-industry/Factsheet.aspx http://www.dfi.dk/opendata.aspx |
| Denmark | ORACLE / FILMDATABASEN | Is the API used by these applications designed to: Keep website(s) up to date | Y |
| Denmark | ORACLE / FILMDATABASEN | Is the API used by these applications designed to: Publish | Y |
| Denmark | ORACLE / FILMDATABASEN | Is the API used by these applications designed to: Transport information to another application | Y |
| Denmark | ORACLE / FILMDATABASEN | Is the API used by these applications designed to: Collaborate with other organisations | Y |
| Denmark | ORACLE / FILMDATABASEN | Does the API conform to a standard of information exchange? OAI Harvesting Scheme for filmportal.de | Y |
| Finland | Tenho | Is it possible to access the information through an API? | N |
| France | Lise | Is it possible to access the information through an API? | N |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Is it possible to access the information through an API? | N |
| Germany | filmportal-zdb | Is it possible to access the information through an API? | Y |

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| Country | Application | Question | Answer |
|-------------|--------------------------|---|--|
| Germany | filmportal-zdb | Is the API used to access information by other applications? | Y |
| Germany | filmportal-zdb | Can you list those applications? | Currently: - Membership directory of the Deutsche Filmakademie - Portal vierundzwanzig.de by Deutsche Filmakademie |
| Germany | filmportal-zdb | Is the API used by these applications designed to: Keep website(s) up to date | Y |
| Germany | filmportal-zdb | Is the API used by these applications designed to: Publish | Y |
| Germany | filmportal-zdb | Is the API used by these applications designed to: Collaborate with other organisations | Y |
| Germany | filmportal-zdb | What technology was used to implement the API? | http (GET and POST) |
| Germany | filmportal-zdb | Does the API conform to a standard of information exchange? | EAC-CPF (API currently only available for persons) |
| Germany | filmportal-zdb | Does the API provide complete information? | N |
| Netherlands | Collection Eye | Is it possible to access the information through an API? | Y |
| Netherlands | Collection Eye | Is the API used to access information by other applications? | Y |
| Netherlands | Collection Eye | Can you list those applications? | Imageimporter Batchimporter Batchmutator batchupdate |
| Netherlands | Collection Eye | Is the API used by these applications designed to: | |
| Netherlands | Collection Eye | What technology was used to implement the API? | Search is implemented by SOLR API |
| Netherlands | Collection Eye | What technology was used to implement the API? REST | Y |
| Netherlands | Collection Eye | Does the API conform to a standard of information exchange? | None |
| Netherlands | Collection Eye | Does the API provide complete information? | Y |
| Netherlands | Rights Management System | Is it possible to access the information through an API? | N |

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| Country | Application | Question | Answer |
|-------------|--|---|--|
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Is it possible to access the information through an API? | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Is the API used to access information by other applications? | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Can you list those applications? | Fiona Filmlab InBlik |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Is the API used by these applications designed to: Transport information to another application | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | What technology was used to implement the API? SOAP | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Does the API conform to a standard of information exchange? | None |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Does the API provide complete information? | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Is it possible to access the information through an API? | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Is the API used to access information by other applications? | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Can you list those applications? | www.repozytorium.fn.org.pl |
| Poland | Centralny Katalog Filmoteki Narodowej | Is the API used by these applications designed to: Keep website(s) up to date | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Is the API used by these applications designed to: Publish | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Is the API used by these applications designed to: Transport information to another application | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Is the API used by these applications designed to: Collaborate with other organisations | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | What technology was used to implement the API? | xxxxxxxxxxxx |
| Poland | Centralny Katalog Filmoteki Narodowej | What technology was used to implement the API? REST | Y |

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| Country | Application | Question | Answer |
|-------------|--|---|---|
| Poland | Centralny Katalog Filmoteki Narodowej | Does the API conform to a standard of information exchange? | xxxxxxxxxxxxxxxxxxxxxx |
| Poland | Centralny Katalog Filmoteki Narodowej | Does the API provide complete information? | Y |
| Spain | Absysnet | Is it possible to access the information through an API? | N |
| Denmark | ORACLE / FILMDATABASEN | Is the API accessible from the internet? | Y |
| Denmark | ORACLE / FILMDATABASEN | How is security managed? | http://www.dfi.dk/opendata.aspx |
| Germany | filmportal-zdb | Is the API accessible from the internet? | Y |
| Germany | filmportal-zdb | How is security managed? Private/public key | Y |
| Netherlands | Collection Eye | Is the API accessible from the internet? | N |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Is the API accessible from the internet? | N |
| Poland | Centralny Katalog Filmoteki Narodowej | Is the API accessible from the internet? | N |

The second question is whether FORWARD can access the API. Table 31 shows accessibility per partner’s application, including the security considerations.

Table 31 – Overview accessibility of API

| Country | Application | Question | Answer |
|-------------|--|---|---|
| Denmark | ORACLE / FILMDATABASEN | Is the API accessible from the internet? | Y |
| Denmark | ORACLE / FILMDATABASEN | How is security managed? | http://www.dfi.dk/opendata.aspx |
| Germany | filmportal-zdb | Is the API accessible from the internet? | Y |
| Germany | filmportal-zdb | How is security managed? Private/public key | Y |
| Netherlands | Collection Eye | Is the API accessible from the internet? | N |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Is the API accessible from the internet? | N |
| Poland | Centralny Katalog Filmoteki Narodowej | Is the API accessible from the internet? | N |

Not all partners have answered the questions regarding the API and/or access to the API. For those who have not answered, we assume they don’t have an API. There seem to be only three partners that

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have an API that is complete enough: Denmark, Poland and the Netherlands. Of these APIs only the one from Denmark is accessible from the outside, without security.

Germany does have an accessible API for one of their applications, with private/public key security, but only contains information about persons. The Netherlands do have two systems with an API; one of them is structured and has all the necessary fields, but lacks some content, and the other is complete but not stable. Both API's are not accessible from the outside.

5.5.2 Integration through exports

If an API or access through web services is not feasible, an alternative may require a periodic export/import process. Since it is not advisable to export/import the complete database of a partner, a logical restriction would be to only export/import the records the partner has selected.

At this point a decision about the methods to be used for the Integration process has not been taken yet, as it will be one of the key issues in the Deliverables D3.2/D4.3. Pros and cons of API vs. exports or other methods will have to be carefully weighted. It is also possible that a mixed solution is found, depending on the type of applications available. API pose all sort of issues beyond its technical feasibility (legal, liability) that might be impossible to overcome with resources external to the partnership.

So, although API is just a possibility (and not even the most likely one) FORWARD analysed its feasibility across the partnership

Table 32 shows the export functionality of the different application of partners.

Table 32 – Overview export functionality

| Country | Application | Question | Answer |
|---------|-------------|---|--------|
| Belgium | Collection | Is it possible to export information from the application server? | Y |
| Belgium | Collection | Is there a structural exchange of information with other organisations or applications using exports? | Y |
| Belgium | Collection | Is it done automatically i.e. without manual intervention? | N |
| Belgium | Collection | To what purposes are the exports used? Transport information to another application | Y |
| Belgium | Collection | Are the exports according to a standard? | N |
| Belgium | Collection | Does the export consist of multiple files? | Y |
| Belgium | Collection | Can the export be tailored by selecting what fields and what data is exported? | Y |
| Belgium | Collection | Do you publish data of this application as open data? | N |
| Belgium | Periodicals | Is it possible to export information from the application server? | Y |

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| Country | Application | Question | Answer |
|----------------|----------------------------|---|--------|
| Belgium | Periodicals | Is there a structural exchange of information with other organisations or applications using exports? | N |
| Belgium | Periodicals | To what purposes are the exports used? Populate website | Y |
| Belgium | Periodicals | To what purposes are the exports used? Transport information to another application | Y |
| Belgium | Periodicals | Are the exports according to a standard? | N |
| Belgium | Periodicals | Does the export consist of multiple files? | Y |
| Belgium | Periodicals | Can the export be tailored by selecting what fields and what data is exported? | Y |
| Belgium | Periodicals | Do you publish data of this application as open data? | Y |
| Czech Republic | Archive Information System | Is it possible to export information from the application server? | Y |
| Czech Republic | Archive Information System | Is there a structural exchange of information with other organisations or applications using exports? | N |
| Czech Republic | Archive Information System | To what purposes are the exports used? Publishing | Y |
| Czech Republic | Archive Information System | To what purposes are the exports used? Collaboration with other organisations | Y |
| Czech Republic | Archive Information System | Are the exports according to a standard? | Y |
| Czech Republic | Archive Information System | Which standards do you use for the export? European Film Gateway | Y |
| Czech Republic | Archive Information System | Does the export consist of multiple files? | Y |
| Czech Republic | Archive Information System | Can the export be tailored by selecting what fields and what data is exported? | N |
| Czech Republic | Archive Information System | Do you publish data of this application as open data? | N |
| Czech Republic | Starbase | Is it possible to export information from the application server? | Y |
| Czech Republic | Starbase | Is there a structural exchange of information with other organisations or applications using exports? | N |

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| Country | Application | Question | Answer |
|----------------|------------------------|---|--------|
| Czech Republic | Starbase | To what purposes are the exports used? Publishing | Y |
| Czech Republic | Starbase | Are the exports according to a standard? | N |
| Czech Republic | Starbase | Does the export consist of multiple files? | Y |
| Czech Republic | Starbase | Can the export be tailored by selecting what fields and what data is exported? | Y |
| Czech Republic | Starbase | Do you publish data of this application as open data? | N |
| Denmark | ORACLE / FILMDATABASEN | Is it possible to export information from the application server? | Y |
| Denmark | ORACLE / FILMDATABASEN | Is there a structural exchange of information with other organisations or applications using exports? | Y |
| Denmark | ORACLE / FILMDATABASEN | Is it done automatically i.e. without manual intervention? | Y |
| Denmark | ORACLE / FILMDATABASEN | To what purposes are the exports used? Populate website | Y |
| Denmark | ORACLE / FILMDATABASEN | To what purposes are the exports used? Publishing | Y |
| Denmark | ORACLE / FILMDATABASEN | To what purposes are the exports used? Transport information to another application | Y |
| Denmark | ORACLE / FILMDATABASEN | To what purposes are the exports used? Collaboration with other organisations | Y |
| Denmark | ORACLE / FILMDATABASEN | Are the exports according to a standard? | Y |
| Denmark | ORACLE / FILMDATABASEN | Which standards do you use for the export? OAI Harvesting Scheme for filmportal.de | Y |
| Denmark | ORACLE / FILMDATABASEN | Do you publish data of this application as open data? | Y |
| Finland | Tenho | Is it possible to export information from the application server? | Y |
| Finland | Tenho | Is there a structural exchange of information with other organisations or applications using exports? | N |
| Finland | Tenho | To what purposes are the exports used? Populate website | Y |
| Finland | Tenho | Are the exports according to a standard? | N |

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| Country | Application | Question | Answer |
|---------|---|---|---|
| Finland | Tenho | Do you publish data of this application as open data? | N |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Is it possible to export information from the application server? | N |
| Germany | filmportal-zdb | Is it possible to export information from the application server? | Y |
| Germany | filmportal-zdb | Is there a structural exchange of information with other organisations or applications using exports? | Y |
| Germany | filmportal-zdb | Is it done automatically i.e. without manual intervention? | Y |
| Germany | filmportal-zdb | To what purposes are the exports used? Transport information to another application | Y |
| Germany | filmportal-zdb | To what purposes are the exports used? Collaboration with other organisations | Y |
| Germany | filmportal-zdb | Are the exports according to a standard? | Y |
| Germany | filmportal-zdb | Which standards do you use for the export? | filmportal-zdb filmwerk XML (for works); EAC/XML and GND-JSON for persons |
| Germany | filmportal-zdb | Does the export consist of multiple files? | N |
| Germany | filmportal-zdb | Can the export be tailored by selecting what fields and what data is exported? | N |
| Italy | | Is it possible to export information from the application server? | Y |
| Italy | | To what purposes are the exports used? Populate website | Y |
| Italy | | To what purposes are the exports used? Publishing | Y |
| Italy | | To what purposes are the exports used? Transport information to another application | Y |
| Italy | | To what purposes are the exports used? Collaboration with other organisations | Y |
| Italy | | Does the export consist of multiple files? | Y |
| Italy | | Can the export be tailored by selecting what fields and what data is exported? | Y |

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| Country | Application | Question | Answer |
|-------------|--|---|--------|
| Netherlands | Collection Eye | Is it possible to export information from the application server? | Y |
| Netherlands | Collection Eye | Is there a structural exchange of information with other organisations or applications using exports? | Y |
| Netherlands | Collection Eye | Is it done automatically i.e. without manual intervention? | N |
| Netherlands | Collection Eye | To what purposes are the exports used? Populate website | Y |
| Netherlands | Collection Eye | To what purposes are the exports used? Collaboration with other organisations | Y |
| Netherlands | Collection Eye | Are the exports according to a standard? | N |
| Netherlands | Collection Eye | Does the export consist of multiple files? | N |
| Netherlands | Collection Eye | Can the export be tailored by selecting what fields and what data is exported? | Y |
| Netherlands | Collection Eye | Do you publish data of this application as open data? | N |
| Netherlands | Rights Management System | Is it possible to export information from the application server? | Y |
| Netherlands | Rights Management System | Is there a structural exchange of information with other organisations or applications using exports? | N |
| Netherlands | Rights Management System | To what purposes are the exports used? Collaboration with other organisations | Y |
| Netherlands | Rights Management System | To what purposes are the exports used? Further analysis of information that is not possible in the application itself | Y |
| Netherlands | Rights Management System | Are the exports according to a standard? | N |
| Netherlands | Rights Management System | Does the export consist of multiple files? | N |
| Netherlands | Rights Management System | Can the export be tailored by selecting what fields and what data is exported? | Y |
| Netherlands | Rights Management System | Do you publish data of this application as open data? | N |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Is it possible to export information from the application server? | N |

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| Country | Application | Question | Answer |
|---------|---------------------------------------|---|--------------|
| Poland | Centralny Katalog Filmoteki Narodowej | Is it possible to export information from the application server? | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Is there a structural exchange of information with other organisations or applications using exports? | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Is it done automatically i.e. without manual intervention? | N |
| Poland | Centralny Katalog Filmoteki Narodowej | To what purposes are the exports used? Publishing | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | To what purposes are the exports used? Transport information to another application | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | To what purposes are the exports used? Collaboration with other organisations | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | To what purposes are the exports used? Further analysis of information that is not possible in the application itself | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Are the exports according to a standard? | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Which standards do you use for the export? | xxxxxxxxxxxx |
| Poland | Centralny Katalog Filmoteki Narodowej | Does the export consist of multiple files? | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | Can the export be tailored by selecting what fields and what data is exported? | N |
| Poland | Centralny Katalog Filmoteki Narodowej | Do you publish data of this application as open data? | Y |
| Spain | Absysnet | Is it possible to export information from the application server? | Y |
| Spain | Absysnet | Is there a structural exchange of information with other organisations or applications using exports? | N |
| Spain | Absysnet | To what purposes are the exports used? Collaboration with other organisations | Y |
| Spain | Absysnet | Are the exports according to a standard? | Y |
| Spain | Absysnet | Which standards do you use for the export? European Film Gateway | Y |
| Spain | Absysnet | Which standards do you use for the export? MARC | Y |

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| Country | Application | Question | Answer |
|---------|-------------|--|--------|
| Spain | Absysnet | Does the export consist of multiple files? | N |
| Spain | Absysnet | Can the export be tailored by selecting what fields and what data is exported? | Y |
| Spain | Absysnet | Do you publish data of this application as open data? | N |

Table 33 shows the formats that are available for those exports.

Table 33 – Overview export formats

| Country | Application | Question | Answer |
|----------------|----------------------------|---|-----------------------|
| Belgium | Collection | In what format are the exports? Excel | Y |
| Belgium | Periodicals | In what format are the exports? | access, visual foxpro |
| Belgium | Periodicals | In what format are the exports? XML | Y |
| Czech Republic | Archive Information System | In what format are the exports? XML | Y |
| Czech Republic | Starbase | In what format are the exports? XML | Y |
| Czech Republic | Starbase | In what format are the exports? Json | Y |
| Denmark | ORACLE / FILMDATABASEN | In what format is the information provided by the API? XML | Y |
| Denmark | ORACLE / FILMDATABASEN | In what format are the exports? XML | Y |
| Finland | Tenho | In what format are the exports? XML | Y |
| Germany | filmportal-zdb | In what format is the information provided by the API? XML | Y |
| Germany | filmportal-zdb | In what format are the exports? XML | Y |
| Germany | filmportal-zdb | In what format are the exports? Json | Y |
| Germany | filmportal-zdb | In what format are the exports? RDF | Y |
| Italy | | In what format are the exports? XML | Y |
| Netherlands | Collection Eye | In what format is the information provided by the API? XML | Y |
| Netherlands | Collection Eye | In what format is the information provided by the API? JSON | Y |

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| Country | Application | Question | Answer |
|-------------|--|--|--------|
| Netherlands | Collection Eye | In what format are the exports? XML | Y |
| Netherlands | Rights Management System | In what format are the exports? Excel | Y |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | In what format is the information provided by the API? XML | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | In what format is the information provided by the API? XML | Y |
| Poland | Centralny Katalog Filmoteki Narodowej | In what format are the exports? XML | Y |
| Spain | Absysnet | In what format are the exports? XML | Y |
| Spain | Absysnet | In what format are the exports? Textfile | Y |

All the partners except France have export facilities. All partners use the XML format. Only three partners have exports according to a standard: Germany with the standard they defined themselves, Denmark with OAI Harvesting Scheme for filmportal.de, and Spain with MARC and EFG standards. The other partners export according to formats they defined internally.

Germany and Poland have fixed exports of which the content cannot be tailored. Belgium, Denmark and Poland publish some of their data as open data.

Denmark and Germany have automated their exports, for the other partners and this seems to be a manual process.

Germany and Poland export information to viaf (Germany indirectly).

5.6 Actions required to make resources accessible in case the API solution is chosen

In case Deliverable D3.2 and D4.3 will come to decision that developing API is the best way to proceed, the following analysis shows the steps that each partners should take in order to meet this goal.

As it is to be seen the actions are numerous and onerous, way beyond the project's budget, suggesting that a more flexible approach might have to be preferred.

The possible actions are standardised in table 34:

Table 34 – Overview possible actions

| Action | Remark | Priority |
|--|---|----------|
| Adapt their database so an authority file is used for corporations | Including the fields legal successor, founding date and dissolution date. Alternatively regard corporations information as separate resource. | High |
| Adapt their database so an authority file is used for person | Including the fields date of birth and date of death. Alternatively regard persons information as separate resource. | High |
| Introduce a field to indicate an audiovisual work has not been | | |

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published originally

| | | |
|---|---|------|
| The fields Country / countries of production should be standardized | And validated to contain only valid values, preferably through use of an authority file. An ISO standard is also acceptable | High |
| The fields Country of headquarters or residence of the producer(s) should be standardized | And validated to contain only valid values, preferably through use of an authority file. An ISO standard is also acceptable | High |
| Introduce corporations field founding date in the application | if this is information necessary to maintain in the databases of the partners | |
| Introduce corporations field dissolution date in the application | if this is information necessary to maintain in the databases of the partners | |
| Introduce corporations field legal successors in the application | if this is information necessary to maintain in the databases of the partners | |
| Convert corporations founding date to date fields from text fields | if this is information necessary to maintain in the databases of the partners | |
| Convert corporations dissolution date to date fields from text fields | if this is information necessary to maintain in the databases of the partners | |
| Convert legal successors to a link to the authority file | if this is information necessary to maintain in the databases of the partners | |
| Convert year of production to date fields from text fields | | High |
| Convert year of first publication to date fields from text fields | | High |

| Action | Remark | Priority |
|---|---|----------|
| Adapt their database so an authority file is used for corporations | Including the fields legal successor, founding date and dissolution date. Alternatively regard corporations information as separate resource. | High |
| Adapt their database so an authority file is used for person | Including the fields date of birth and date of death. Alternatively regard persons information as separate resource. | High |
| Introduce a field to indicate an audiovisual work has not been published originally | | |
| The fields Country / countries of production should be standardized | And validated to contain only valid values, preferably through use of an authority file. An ISO standard is also acceptable | High |
| The fields Country of headquarters or residence of the producer(s) should be standardized | And validated to contain only valid values, preferably through use of an authority file. An ISO standard is also acceptable | High |
| Introduce corporations field founding date in the application | if this is information necessary to maintain in the databases of the | |

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| | partners | |
|---|---|------|
| Introduce corporations field dissolution date in the application | if this is information necessary to maintain in the databases of the partners | |
| Introduce corporations field legal successors in the application | if this is information necessary to maintain in the databases of the partners | |
| Convert corporations founding date to date fields from text fields | if this is information necessary to maintain in the databases of the partners | |
| Convert corporations dissolution date to date fields from text fields | if this is information necessary to maintain in the databases of the partners | |
| Convert legal successors to a link to the authority file | if this is information necessary to maintain in the databases of the partners | |
| Convert year of production to date fields from text fields | | High |
| Convert year of first publication to date fields from text fields | | High |

Introducing authority files in the applications of the partners can be impossible or too expensive; therefore the FORWARD-system should be able to accommodate both the textual representation and the authority file representation. The consequences of not using an authority files are:

- FORWARD needs a data structure that accommodates storing the fields date of birth, date of death, founding date, dissolution date and legal successors.
- FORWARD needs to match person and/or corporation names per audiovisual work - instead of per person. This match also needs to be approved.
- FORWARD needs to treat the information about persons and corporations that are not used as authority file as separate resources.

Introducing new fields in the applications of the partners can be impossible or too expensive; in that case the FORWARD-system should be able to store these fields.

In case a partner has more than one application there can be overlap in the data of the applications. FORWARD should treat the different applications as different resources, and match information from those resources. When a resource contains references to records in the other application, the use case is easy. In other cases, matching requires manual checking, either upfront, or while using the FORWARD-system.

These actions were inventoried per country.

5.6.1 Belgium

Table 35 – Overview actions for Belgium

| Country | Application | Action | Remarks |
|---------|-------------|--------------------------|---------|
| Belgium | Collection | Implementation of an API | |

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| Country | Application | Action | Remarks |
|---------|-------------|---|---|
| Belgium | Collection | Adapt their database so an authority file is used for corporations | |
| Belgium | Collection | Adapt their database so an authority file is used for person | |
| Belgium | Collection | Introduce a field to indicate an audiovisual work has not been published originally | |
| Belgium | Periodicals | Implementation of an API | old DOS application, so this can be a challenge |
| Belgium | Periodicals | Adapt their database so an authority file is used for person | |
| Belgium | Periodicals | Introduce a field to indicate an audiovisual work has not been published originally | |

5.6.2 Czech Republic

Table 36 – Overview actions for Czech Republic

| Country | Application | Action | Remarks |
|----------------|----------------------------|---|---|
| Czech Republic | Archive Information System | Implementation of an API | It is an old system written in COBOL, so this can be a challenge. |
| Czech Republic | Archive Information System | Adapt their database so an authority file is used for corporations | |
| Czech Republic | Archive Information System | Adapt their database so an authority file is used for person | |
| Czech Republic | Archive Information System | Introduce a field to indicate an audiovisual work has not been published originally | |
| Czech Republic | Starbase | Implementation of an API | |
| Czech Republic | Starbase | Introduce a field to indicate an audiovisual work has not been published originally | |
| Czech Republic | Starbase | The fields Country / countries of production should be standardized | |
| Czech Republic | Starbase | The fields Country of headquarters or residence of the producer(s) should be standardized | |

5.6.3 Denmark

Table 37 – Overview actions for Denmark

| Country | Application | Action | Remarks |
|---------|-------------|--------|---------|
|---------|-------------|--------|---------|

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| Country | Application | Action | Remarks |
|---------|------------------------|---|---------|
| Denmark | ORACLE / FILMDATABASEN | Introduce a field to indicate an audiovisual work has not been published originally | |
| Denmark | ORACLE / FILMDATABASEN | Introduce corporations field founding date in the application | |
| Denmark | ORACLE / FILMDATABASEN | Introduce corporations field dissolution date in the application | |
| Denmark | ORACLE / FILMDATABASEN | Introduce corporations field legal successors in the application | |

5.6.4 Germany

Table 38 – Overview actions for Germany

| Country | Application | Action | Remarks |
|---------|---|---|--|
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Implementation of an API | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Adapt their database so an authority file is used for corporations | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Adapt their database so an authority file is used for person | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | Introduce a field to indicate an audiovisual work has not been published originally | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | The fields Country / countries of production should be standardized | |
| Germany | Filmarchiv-Datenbank (soon to be replaced by Adlib/BFI application) | The fields Country of headquarters or residence of the producer(s) should be standardized | |
| Germany | filmportal-zdb | Complete fields/information in the API | API needs to be extended to include the information necessary for FORWARD i.e. Film works and Corporations |
| Germany | filmportal-zdb | Introduce a field to indicate an audiovisual work has not been published originally | |
| Germany | filmportal-zdb | Introduce corporations field legal successors in the application | |

Note: in Germany only some of the data from filmportal-zdb may be published under an open license.

5.6.5 Finland

Table 39 – Overview actions for Finland

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| Country | Application | Action | Remarks |
|---------|-------------|---|---------|
| Finland | Tenho | Implementation of an API | |
| Finland | Tenho | Introduce a field to indicate an audiovisual work has not been published originally | |
| Finland | Tenho | The fields Country / countries of production should be standardized | |
| Finland | Tenho | Convert corporations founding date to date fields from text fields | |
| Finland | Tenho | Convert corporations dissolution date to date fields from text fields | |
| Finland | Tenho | Convert legal successors to a link to the authority file | |
| Finland | Tenho | Convert year of production to date fields from text fields | |
| Finland | Tenho | Convert year of first publication to date fields from text fields | |

5.6.6 France

Table 40 – Overview actions for France

| Country | Application | Action | Remarks |
|---------|-------------|---|---------|
| France | Lise | Implementation of an API | |
| France | Lise | Adapt their database so an authority file is used for corporations | |
| France | Lise | Adapt their database so an authority file is used for person | |
| France | Lise | Introduce a field to indicate an audiovisual work has not been published originally | |
| France | Lise | The fields Country / countries of production should be standardized | |
| France | Lise | Introduce corporations field legal successors in the application | |

5.6.7 Italy

Table 41 – Overview actions for Italy

| Country | Application | Action | Remarks |
|---------|-------------|---|---------|
| Italy | | Implementation of an API | |
| Italy | | Introduce a field to indicate an audiovisual work has not been published originally | |
| Italy | | Introduce corporations field legal successors in the application | |

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5.6.8 Netherlands

Table 42 – Overview actions for The Netherlands

| Country | Application | Action | Remarks |
|-------------|--|---|--|
| Netherlands | Collection Eye | Implementation of an API | The servicebus application has an API for the same information |
| Netherlands | Collection Eye | Introduce a field to indicate an audiovisual work has not been published originally | |
| Netherlands | Collection Eye | The API should be made accessible from the outside | |
| Netherlands | Rights Management System | Implementation of an API | |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | The API should be made accessible from the outside | |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Complete fields/information in the API | There are fields for legal successors, embedded works, place of residence, but they are not copied from Collection Eye |
| Netherlands | Servicebus (contains partial copy of Collection EYE) | Introduce a field to indicate an audiovisual work has not been published originally | |

5.6.9 Poland

Table 43 – Overview actions for Poland

| Country | Application | Action | Remarks |
|---------|---------------------------------------|---|---------|
| Poland | Centralny Katalog Filmoteki Narodowej | The API should be made accessible from the outside | |
| Poland | Centralny Katalog Filmoteki Narodowej | Introduce a field to indicate an audiovisual work has not been published originally | |
| Poland | Centralny Katalog Filmoteki Narodowej | The fields Country / countries of production should be standardized | |
| Poland | Centralny Katalog Filmoteki Narodowej | Introduce corporations field founding date in the application | |
| Poland | Centralny Katalog Filmoteki Narodowej | Introduce corporations field dissolution date in the application | |
| Poland | Centralny Katalog Filmoteki Narodowej | Introduce corporations field legal successors in the application | |

5.6.10 Spain

Table 44 – Overview actions for Spain

| Country | Application | Action | Remarks |
|---------|-------------|--------------------------|---------|
| Spain | Absysnet | Implementation of an API | |

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| | | | |
|-------|----------|---|--|
| Spain | Absysnet | Adapt their database so an authority file is used for corporations | |
| Spain | Absysnet | Adapt their database so an authority file is used for person | |
| Spain | Absysnet | Introduce a field to indicate an audiovisual work has not been published originally | |
| Spain | Absysnet | The fields Country / countries of production should be standardized | |
| Spain | Absysnet | The fields Country of headquarters or residence of the producer(s) should be standardized | |

6. ANALYSIS OF THIRD PARTIES RESOURCES

6.1 Introduction

The directive states that a diligent search must be performed before an audiovisual work can be qualified as orphan. Diligent searches are not limited to the resources of the NFHI themselves but include resources of third parties. In some of FORWARD partners countries, the law determines (or will determine) which resources are mandatory for consultation.

This means that these resources are also relevant in the context of the FORWARD project and, therefore must be scoped in the evaluation performed by partners in the different member states. FORWARD partners have been provided with a tool to evaluate these resources. The tool is available in the form of an online questionnaire called the *Third party questionnaire*.

One of the FORWARD project outcome - made available in D3.1 - is a first list of some of the potentially most relevant resources required for a diligent search in each country. This list was also made available to the FORWARD partners, so that they could identify the most relevant resources applicable for their NFHI.

6.2 Objectives of the Third party questionnaire

Resources information can be integrated in the FORWARD-system in three different ways:

1. Automatically through an API/web services
The resource can be accessed on the fly by the FORWARD-system
2. Scheduled through an export/import mechanism
The resource delivers an export periodically, and this is imported in the FORWARD-system
3. Manually
The resource is accessed manually, i.e. through an internet browser, e-mail, phone call, etc.
The manual interaction with the resource has already been tackled through Task 3.1.

The objective of the questionnaire is to determine in which of those three ways a resource can be included in the FORWARD-system, whether the owner of the resource agrees with this specific use of the resource, and what actions are required to make the resource available in that manner.

6.3 Identification

The first part of the questionnaire establishes:

- who completed the questionnaire (one of more NFHI staff member(s))?
- which resource uses the respondent?
- how 'open' is the resource technically?
- what kind of information does the resource contain?

6.4 API and webservice

This section of the questionnaire addresses the API/web services identified by the survey respondent; it mainly queries whether the owner(s) of the resource allow FORWARD-system to access their API. The questionnaire features several technical characteristics of the API, such as:

- technology
- format

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- used standards
- accessibility

The responses analyses determines which actions need to be taken to disclose the resource in FORWARD-system.

6.5 Exports

This section addresses the export; it mainly queries whether the resource owner allows FORWARD-system to use their export. The questionnaire investigates several technical characteristics of the export and its contents; they in return will allow to determine what actions are required to include the resource in FORWARD-system.

6.6 Data

The type of information in the resource is determined during the identification phase of the questionnaire; it addresses questions that will identify the structure and the availability of the resource information. These questions are of course restricted to the FORWARD requirements.

7. NEXT STEPS

7.1 Building Legal Decision Trees

Deliverable 4.2 focuses on the analysis and design of expected workflows assessing rights status(es) in the countries.

7.1.1 Workflow and legal decision tree template

The first step requires the creation of a legal decision tree template for the EU, based upon the legal information collected. The decision tree describes the workflow for assessing the rights status.

In general, decision trees are used where information to 'execute' the tree workflow is easily available; it is then feasible to collect all the information. The following step executes the decision tree workflow. In reality, this is not feasible because of the fragmented and not harmonised nature of the film domain data.

The FORWARD-system is more like a diagnostic system, where an audiovisual work is interrogated to identify the rights status and rightsholders. The legal decision tree guides the diagnosis process, and part of performing the diagnoses is conducted research called the *diligent search*.

Human interaction is expected to be necessary during the diagnosis, because audiovisual works do not have a unique identifier. Therefore determining whether identified cinematographic information is relevant to the audiovisual work is a human effort. This also applies to web identity searches (searches for people and corporations).

Last but not least: it is highly probable that not all resources required for a diligent search will be linked to the FORWARD-system through an API (i.e. automatically); some resources will require manual consultation (i.e. using a website, or sending an e-mail and awaiting response). Manual consultation is of course a human interaction.

7.1.2 Execution optimisation

Execution of the decision tree requires time and effort. It is therefore important to optimise the execution of the decision tree. Optimisation means rewriting the decision tree so that the least number of resources require consultation; this implies making sure that a conclusion is reached with the minimum number of decisions.

To illustrate this optimisation, here are some examples.

- Not optimised:
Query whether the main director died more than 70 years ago. If the answer is no, the work is copyright protected. If the answer is yes, query whether the screenwriter died more than 70 years ago. If the answer is no the work is copyright protected. If the answer is yes, query whether the dialogue writer died more than 70 years ago. If the answer is no the work is copyright protected. If the answer is yes, query whether the music composer died more than 70 years ago. If the answer is no the work is copyright protected. If the answer is yes the work is public domain.
- Optimised:
Query whether one of the of creative contributors (main director, screenwriter, dialogue writer, music composer) died less than 71 years ago. If the answer is yes then the work is copyright protected, otherwise the work is public domain.

In the not optimised use case, a diligent search for the director is conducted, even if it is already known that the screenwriter died less than 71 years ago.

7.1.3 Rights metadata structure

Task 2.5 Standardisation Actions will focus on Standardisation of metadata schema for AV rights information, together with the issue of ensuring that, whenever technically possible, existing standards are extended to include rights' metadata.

In the project will be assessed if the existing standards for rights metadata .can be used to describe right also in the AV sector. An appropriate metadata schema for recording and managing AV rights information will be defined in task 4.2 The structure of the information processed and created by the legal decision tree corresponds to this metadata schema.

7.1.4 Adaptation of the template legal decision tree

Once the decision tree template has been established, it requires to be adapted for each country, so that it represents the copyright law of that country.

7.1.5 Implementation

Implementation of the legal decision trees is part of work package 6.

7.2 *Connecting AV-resources to Legal Decision Trees*

The AV-resources collected and compiled in D 3.1. frame the Decision Tree of each legal entity. Each step in the Decision Tree requires a certain set of AV-resources that will hold the necessary information required for the Decision Support System; the Decision Support System further executes the decision tree, whether this information can be automatically harvested or not.

As mentioned in section 4.2 a Decision Tree consist of three steps: applicability, protection term and the identification of rightsholders. We also mentioned in section 6.4. of D3.1. that the content of AV-resources can be divided in three categories: cinematographic information (data about movies and movie makers), web identity search (search engines, genealogical communities, etc.) and information about the movie industry (production companies, distribution etc). The choice of relevant resource and consequently step selection in the Decision Support System is a highly dynamic process. To illustrate this process, we analysed the cohesion between a Decision Tree and AV-resources in The Netherlands. The outcome of this analysis is available in appendix 8.1.

The appendix shows that the accuracy of the resources that will be displayed in each step in the Decision Tree is not only a matter of content, but also defines temporal (contemporary or not) and localisation information.

Additionally, the reversed pyramid mentioned in D3.1. - Section 6.2. can be incorporated in the Decision Tree.

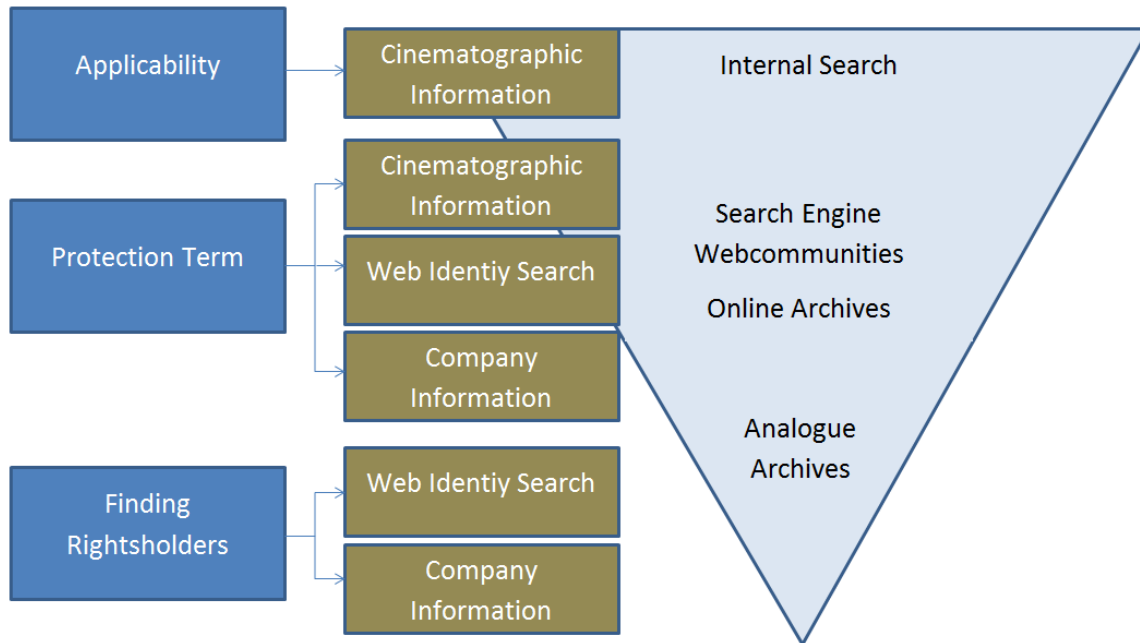


Figure 4 – The incorporation of AV-resources into the Decision Tree with the methodology of the Diligent Search

As illustrated in the above graph, we can generally limit our resources to internal cinematographic resources for Applicability purposes; we will need external resources like online archives for Protection Term definition. On the other hand analogue archives are the ones that will support Finding Rightsholders identification.

7.3 Compilation of Third party questionnaire outcomes

Third party questionnaire will be evaluated in Task 4.3. The analysis of these results and the relevance of the resource as indicated by FORWARD partners are integrated in the design of the Rights Information Infrastructure.

For every resource the following considerations will apply:

- How can the resource be disclosed? Will the owner allow access?
- What is the effort vs.revenues for disclosing the resource?
 The effort is a technical effort; the revenue is determined by the importance of the resource with respect to the diligent search. The importance depends on quantitative (relevance impact of the resource information) and qualitative (how complete is the information in the resource) aspects.

8. APPENDICES

8.1 Results of the Legal Questionnaire

Legal Framework AV Works: BELGIUM

Described below are the features of Belgian copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

Copyright Act: see WIPO.

Transitional provisions were introduced. Previously expired rights were being resuscitated for 20 years (protection was extended from 50 to 70 years). The Copyright Act specifies whose rights were being revived (art. 88).

B. Specific rules vis-à-vis films

The term of protection of audio-visual works expires 70 years after the death of the last of the following persons to survive (art. 2, § 2, sub. 2 of the Copyright Act):

- the principal director;
- the author of the screenplay;
- the author of the texts; and
- the author of the music with or without lyrics specifically created for use in the work.
 - Works of joint authorship: similar wording, same content, Copyright Act, art. 2, § 2, sub. 1.
 - Collective works: the Copyright Act does not provide provisions on collective works.
 - Anonymous and pseudonymous works: similar wording, same content, Copyright Act, art. 2, § 3.
 - Works published in parts, instalments, issues or episode: similar wording, same content, Copyright Act, art. 2, § 4.
 - Unpublished works: art. 2, § 6, exactly same wording as Term Directive.

C. Protection Term & Legal Entities

- Copyright shall belong as of origin to the natural person who has created the work. (art 6 BCA). Therefore, a legal entity cannot be the original author.

D. Other: National Divergences

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

Unless proven otherwise, the following shall be presumed the authors of a jointly created audiovisual works:

- author of the screenplay
- author of the adaptation
- author of the texts
- author of the animation works or animation sequences of audiovisual works that represent a significant portion of this work

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- the author of the music with or without lyrics specifically created for use in the work

Related rights in the Copyright Act (terms of protection are calculated from the first day of January of the year following the relevant event): art. 39, § 1, sub. 5-7 for the producers of phonograms and of the first fixation of a film:

The rights of producers of first fixations of films expire 70 years after the fixation. However, if the first fixation of the film is subject of a lawful publication or a lawful communication to the public during this period, the rights expire 70 years after the date of the first occurrence.

B. Transfer / Inheritance / Bankruptcy

No information provided by FORWARD Partner.

PART III: ORPHAN WORKS

A. Pre-existing Law

No information provided by FORWARD Partner

B. Implementation of Orphan Works Directive

No information provided by FORWARD Partner

Legal Framework AV Works: CZECH REPUBLIC

Described below are the features of Czech copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

The copyright law in the Czech Republic is complexly codified with the Copyright Act (act no. 121/2000 Coll.; hereinafter referred to as "the Copyright Act"). Since 2000 until today, the Copyright Act was amended 14 times; the most part of the amendments were reactions to the EU law (implementations of the EU directives or answers to the major rulings of the European Court of Justice); the latest amendment was necessary because of the passing of the new Civil Code (act no. 89/2012 Coll.). Since 1. 1. 2014, the legal regulations of copyright licence agreements are newly part of the new Civil Code, as mentioned.

The whole Article 1 of the Term Directive - i.e. including the legal regulations of the copyright protection of the joint authorship, collective works, anonymous and pseudonymous works and works published in parts, instalments issues and episodes - was implemented to the Czech legislation.

The term of protection of copyright (the duration of the economic rights of an author, to be precise) in the Czech Republic is governed by Art. 27 of the Copyright Act, which states the following:

1. Unless stipulated otherwise, economic rights shall run for the life of the author and 70 years after his death.
2. If a work has been created as the work of joint authors, the period of duration of economic rights shall be calculated from the death of the last surviving author.
3. Economic rights to an anonymous and pseudonymous work shall run for 70 years from the time when the work was lawfully made public. Where the real name of the author of the anonymous or pseudonymous work is commonly known, or if the author declares his identity in public [Article 7 (2)] during the course of the term pursuant to the first sentence, the duration of economic rights to such work shall be governed by Paragraph (1), and in the case of joint authors also by Paragraph (2). Provisions of this Paragraph shall also apply to a collective work

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(Article 59), except in cases where the authors who created such a work are indicated as authors with the work or on the work when it is made accessible to the public; in such cases the duration of the economic rights in respect of a collective work is governed by the provisions of Paragraph (1) or (2) above.

4. In the case of a work where the death of the author is not decisive for the calculation of the period of duration of economic rights, and where the work has not been made public within 70 years from its creation, the economic rights shall expire at the end of this period.
5. The period of duration of economic rights to an audiovisual work shall be calculated from the death of the last surviving of the following persons: the director, author of screenplay, author of the dialogues and composer of the music specifically created for use in the audiovisual work.
6. If the publication of a work is decisive for the start of the period of duration of economic rights, and the work is being published over a certain period of time in volumes, parts, instalments, issues or episodes, the period of duration of the economic rights shall run for each such item of the work separately.
7. The period of duration of economic rights shall be calculated always from the first day of the year following the year in which the event decisive for its calculation occurred."

Has Article 4 of the Term Directive on the protection of previously unpublished works been implemented in your national legislation? Yes, it has been implemented to Art. 28 of the Copyright Act.

The transitional provision dealing with the protection period was contained in Art. 106 par. 3 of the Copyright act, as follows: "The period of duration of economic rights shall be governed by this Act also where the term has started before the entry into effect of this Act. Where the term of duration of those rights has expired before the date of entry into effect hereof, and would have continued hereunder, the term shall be renewed as from the date on which this Act comes into effect for the remaining period. Reproductions of items of protection for which the term of duration of economic rights is being renewed, which were lawfully acquired before the date of entry into effect hereof, may however continue to be freely disseminated for another two years after the entry into effect hereof."

B. Specific rules vis-à-vis films

Indeed, it is. The calculation of the protection period of films (in the meaning of copyrighted audiovisual works) is governed by Art. 27 par. 5 of the Copyright Act, that the state the following:

"The period of duration of economic rights to an audiovisual work shall be calculated from the death of the last surviving of the following persons: the director, author of screenplay, author of the dialogues and composer of the music specifically created for use in the audiovisual work."

The protection period of film (in the meaning of copyrighted audiovisual work), therefore, ends 70 years after the death of the last surviving of the persons stated above.

The producer of the film (audiovisual recording as such = not necessarily containing a copyrighted audiovisual work), however, is protected by the special neighbouring right set down in Art. 79 - 82 of the Copyright Act.

The duration of the protection period of the producer's right to his recording is set down in Art. 81 of the Copyright Act, as follows:

"The right of the producer of an audiovisual recording shall run for 50 years from its first fixation. However, where the audiovisual recording has been lawfully made public during this period, the right of the producer of the audiovisual recording shall not expire until after 50 years after the date when the audiovisual recording was so made public."

The rights of the authors of the film and the rights of the producer of the film have to be, therefore,

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calculated separately and constitute two sets of individual rights.

C. Protection Term & Legal Entities

No, legal persons are not qualified to be deemed original authors in the Czech Republic. For instance: If an employee creates a work in fulfilling his duties arising from the employment (so-called "employee work"), the economic rights to such work are exercised by the employer in his own name and on his own account. However, the employee is still deemed to be the original author and he is also capable - under certain circumstances - of exercising the rights even to his own employee work (for instance, if so is stated in the employment contract; see also below).

The rules regarding an employee work are set down in Art. 58 of the Copyright Act, that states the following:

Unless otherwise agreed, the author's economic rights to a work created by the author in fulfilling his duties arising from the employment or civil service contract with the employer or from an employment relationship between a cooperative and its member (hereinafter referred to as employee work) shall be exercised by the employer in his own name and on his own account. The employer may only assign the exercise of the right pursuant to this paragraph to a third party with the author's consent, unless this occurs when an undertaking or any part thereof is being sold.

D. Other: National Divergences

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

The director of the film (copyrighted audiovisual work) is deemed to be its sole author. The producer of the film (audiovisual recording) is the original owner to the special producer's rights to the recording.

The Copyright Act sets down a legal fiction, that the only author of the copyrighted audiovisual work is its director (Art. 63 par. 1 of the Copyright Act). Nevertheless, the rights of the authors of the preexistent "audio-visually used works" (like screenplay, costumes etc.) are protected separately.

The producer of the film is not considered to be an author, so the producer's rights to his audiovisual recording are protected by a special neighbouring right (Art. 79 par. 1 of the Copyright Act, see above).

The Copyright Act states the following in Art. 106 par. 4: "The National Film Archive shall be deemed to be the producer of any Czech audio-visual recording of a work made public in the period between 1 January 1950 and 31 December 1964. The State Fund of the Czech Republic for the Promotion and Development of Czech Cinematography which, in compliance with special legal provisions, exercises the copyright to audio-visual recordings of audio-visual works made public in the period between 1 January 1965 and 31 December 1991, shall be deemed to be the producer of such works."

B. Transfer / Inheritance / Bankruptcy

Transfer not possible. Author (when alive) can allow third persons to use his work only through licences.

See in particular Art. 26 par. 1 of the Copyright Act: "Economic rights may not be waived by the author; such rights are not transferable and are not subject to the execution of a decision; this provision shall not apply to claims arising from such economic rights."

See Art. 26 par. 2 of the Copyright Act: "Economic rights are inheritable. Where the economic rights to the work are inherited by more than one heir, their mutual relations to the work shall be governed, mutatis mutandis, by Article 8 (3) and (4). If such economic rights are inherited by the State or the economic rights escheat to the State, then such rights shall be exercised by the State Fund of Culture of the Czech Republic in its own name, and, in the case of audiovisual works, by the State Cinematography Fund. The incomes of the State from the exercise of the economic rights, as exercised

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by the mentioned state funds, shall be treated as the revenue of those state funds."

See Art. 26 par. 3 of the Copyright Act:

"In the event of termination of the legal existence of a legal person that inherited the economic rights to a work, and there is no successor in title, such rights shall escheat to the State. Provisions of Paragraph 2, second and third sentence, shall apply mutatis mutandis." If the legal entity only exercises the copyright based on some sort of contract (license agreement, in particular), these rights are dealt with in the standard company liquidation/insolvency process - as any other economic (proprietary) rights. (The same as said above applies also to the rights to a film.)

PART III: ORPHAN WORKS

A. Pre-existing Law

There is no special provision concerning the orphan works in the Copyright Act, at the moment. Therefore, if there is a film with unknown authors, it has to be considered a "usual" anonymous work. Such work is protected for 70 years from the time when the work was lawfully made public (Art. 27 par. 3 of the Copyright Act, see also above).

B. Implementation of Orphan Works Directive

The implementation is still in process. At the moment, the bill of the amendment of the Copyright Act that should implement the Orphan Works Directive into the Czech law (together with the directive 2006/116/EC, on the term of protection of copyright and certain related rights) is dealt with at the Parliament of the Czech Republic. The proposal on the implementation of the directive in question is available on the website of the Parliament. (The text of the proposal can be found here: <http://www.psp.cz/sqw/text/tiskt.sqw?O=7&CT=70&CT1=0>; there if only Czech version available, however.) The proposal on implementation of the directive (at this moment at least) is pretty much a true copy of the text of the directive itself: The same is true as far as audio-visual works are concerned.

Legal Framework AV Works: DENMARK

Described below are the features of Danish copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.)

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

The relevant legislation in Denmark is the Copyright Act which in its present form is found as Consolidated Act No. 202 of February 27th 2010. The current Copyright Act dates back to 1995 where the Copyright legislation in Denmark underwent a general revision. Since 1995 several amendments have been made to the Act, although the provisions on term of protection are still the same. The Copyright Act applies to literary and artistic works including cinematographic works (films). The Copyright Act grants exclusive rights to authors of works and other related rightsholders.

B. Specific rules vis-à-vis films

The general term of protection for works is 70 years post mortem auctoris, i.e. 70 years after the end of the year in which the author has died. The term of protection has been harmonised within the European Community in the form of the Term of Protection Directive from 1993 (Directive 93/98 of 29 October 1993, now substituted by the codified version in Directive 2006/116/EC of 12 December 2006). This directive was implemented into Danish law with effect from 1 July 1995. The provision on the term of protection in the Copyright Act has the following wording:

Duration of Copyright:

Section 63 (1) The copyright in a work shall last for 70 years after the year of the author's death or with

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regard to the works mentioned in section 6 after the year of death of the last surviving author. With regard to cinematographic works the copyright, however, shall last for 70 years after the year of death of the last of the following persons to survive:

1. the principal director;
2. the author of the script;
3. the author of the dialogue; and
4. the composer of music specifically created for use in the cinematographic work.

(2) Where a work is made public without indication of the author's name, generally known pseudonym or signature, the copyright shall last for 70 years after the year in which the work was made public. Where a work consists of parts, volumes, instalments, issues or episodes a separate term of protection shall run for each item.

(3) If within the period mentioned the author is indicated in accordance with section 7 or if it is established that he had died before the work was made public, the duration of copyright shall be calculated in accordance with subsection (1).

(4) Copyright in a work of unknown authorship that has not been made public shall last 70 years after the end of the year in which the work was created.

With regard to films the term of protection is calculated on the basis of four key persons who have contributed to the making of the film: (i) the principal director, (ii) the author of the script, (iii) the author of the dialogue and (iv) the composer of music specifically created for use in the film. The protection expires 70 years after the year of the death of the last of these persons.

Sect. 64 of the Copyright Act:

"Where a work has not been published previously, the person who lawfully makes the work public or publishes it for the first time after the expiry of copyright protection, shall have rights in the work equivalent to the economic rights attributed by the Act to the person creating a literary or artistic work. This protection shall last for 25 years after the end of the year in which the work was made public or published."

The Copyright Act also protects related rights such as the rights of performers, phonogram producers, broadcasters, producers of photographs etc. The duration of these rights is 50 years from the end of the year in which the performance, recording etc. took place/was made or communicated to the public.

A number of previously expired rights were resuscitated – some of them for additional 20 years.

The Copyright Act did not specify whose rights were being revived.

Issues relating to resuscitation have to be dealt with by Sect. 90 of the Act:

(1) This Act shall apply also to works and performances and productions, etc., made before the coming into force of this Act.

(2) This Act shall not apply to acts of exploitation concluded or rights acquired before the coming into force of this Act. Copies of works or of performances or productions etc. can still be distributed to the public and be exhibited in public if they have been lawfully made at a time when such distribution or exhibition was permitted. The provisions of section 19(2) and (3) [the rights of rental and lending of various works are not exhausted] shall, however, always apply to rental and lending carried out after the coming into force of this Act.

(3) If by application of the new provisions the term of protection for a work or a performance or a production etc. shall become shorter than according to the previous provisions those provisions shall apply. ... "

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C. Protection Term & Legal Entities

A legal entity cannot be the original author. This has no bearing with regard to calculation of the protection period. The general rules as described apply.

D. Other: National Divergences

No national divergences.

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

Sec 58 of the Copyright Act contains a legal presumption of legitimation modelled after Article 14 bis of the Berne Convention. According to this provision there is a presumption in favour of the film producer which gives the film producer a legitimation with regard to the use of the film. The presumption is limited and does not apply to existing works, scripts, dialogues and musical works created specifically for the film, and the principal director of the film. It is only a rule of legitimation and therefore the provision does not entail an assignment of rights. This rule of presumption of legitimation applies to agreements made before 1 July 1995.

B. Transfer / Inheritance / Bankruptcy

The normal rules on inheritance apply. Accordingly the heirs are usually the author's spouse and/or his issue (children, grandchildren etc.). The rights can also be transferred by will.

PART III: ORPHAN WORKS

A. Pre-existing Law

There exist no specific rules concerning orphan works. A clearing mechanism is provided for in the form of the extended collective agreement license which is a special legal construction applied in the Nordic countries. In 2008 an amendment to the Copyright Act was adopted pertaining to the so-called extended collective license agreement. This system entails that under certain circumstances an extension effect is given to clauses in a collective agreement in specific areas of copyright. This extension applies to rightsholders who are not members of the contracting organization. The new amendment introduces a general access to enter into agreements which extend to non-represented rightsholders. It is possible that this new provision can be used to the clearing of rights to orphan works.

B. Implementation of Orphan Works Directive

The law as currently proposed:

<https://www.retsinformation.dk/forms/R0710.aspx?id=161399>

Legal Framework AV Works: FINLAND

Described below are the features of Finnish copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.)

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

- The Finnish Copyright Act (fi. "tekijänoikeuslaki" 404/1961). URL to the Finnish Act: <http://finlex.fi/fi/laki/ajantasa/1961/19610404>. URL to the English translation of the Act: <http://www.finlex.fi/fi/laki/kaannokset/1961/en19610404.pdf> (amendments up to 307/2010 included).
- The Copyright Decree (fi. "tekijänoikeusasetus") URL: <http://www.finlex.fi/fi/laki/ajantasa/1995/19950574>

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Section 43 – General protection term for copyright protected works:

(1) Copyright shall subsist until seventy years have elapsed from the year of the author's death or, in the case of a work referred to in section 6, from the year of death of the last surviving author. Copyright in a cinematographic work shall subsist until seventy years have elapsed from the year of the death of the last of the following to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the cinematographic work.

(2) The copyright to a musical work for which lyrics and music were specifically created, shall subsist until seventy years have elapsed from the year of the death of the last lyricist or composer to survive regardless of whether they have been named as authors of the musical work. (8.11.2013/763)

Section 44 – Anonymous works:

(1) The copyright in a work made public without mention of the author's name or generally known pseudonym or pen name shall subsist until the end of the seventieth year after the year in which it was made public. If the work is published in parts, the duration of copyright shall be calculated separately for each part.

(2) If the identity of the author is disclosed during the period referred to in subsection 1, the provisions of section 43 shall apply.

(3) The copyright in a work not made public, whose author is unknown, shall subsist until seventy years have elapsed from the year in which the work was created.

Section 44a – Unpublished works:

Anyone who for the first time publishes or makes public a previously unpublished work or a work not made public, which has been protected under Finnish law and the protection of which has expired, shall obtain a right in the work as provided in section 2 of this Act. The right shall subsist until twenty-five years have elapsed from the year in which the work was published or made public.

Section 5 of the Copyright Act:

A person who, by combining works or parts of works, creates a literary or artistic work of compilation shall have copyright therein, but his right shall be without prejudice to the rights in the individual works.

Section 6 of the Copyright Act:

If a work has two or more authors whose contributions do not constitute independent works, the copyright shall belong to the authors jointly. However, each of them is entitled to bring an action for infringement.

Section 46a – Producer of a video recording:

(1) A film or any other device on which moving images have been recorded shall not, without the producer's consent, until 50 years have elapsed from the year during which the recording took place:

1. be transferred on to a device by means of which it can be reproduced;
2. be distributed to the public;
3. be communicated to the public by wire or by wireless means in a manner which enables members of the public to access the work from a place and at a time individually chosen by them.

(2) If the recording is published or made public before 50 years have elapsed from the year of recording, the protection conferred by subsection 1 shall subsist until 50 years have elapsed from the year during which the recording was published or made public for the first time.

According to the transitional provisions of the Act 1654/1995, coming into force 1 January 1996:

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The Act applies also to works that have been created before the coming into force of this Act.

Provisions in force at the time of the coming into force of this Act shall be applied to any rights acquired and any contracts concluded before the coming into force of this Act.

Copies of a work which have been produced before the coming into force of this Act under provisions in force on the entry into force of this Act, may further be distributed to the public and publicly exhibited. The provisions of section 19(2–4) and Chapter 2b of this Act shall, however, be applied also to copies produced before the coming into force of this Act.

B. Specific rules vis-à-vis films

Cinematographic works are protected as original works under Section 1 of the Copyright Act. The duration of copyright protection of cinematographic works is the same as for other types of original works. The protection period is seventy years from the year of the death of the last of the following to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the cinematographic work.

The producer of the video recording has a neighbouring right to the video recording under Section 46a of the Copyright Act. The protection period of the producer is 50 years from the year the recording was made.

Section 43 of the Copyright Act, implementing Article 2.2 of the Term Directive, stipulates that “Copyright in a cinematographic work shall subsist until seventy years have elapsed from the year of the death of the last of the following to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the cinematographic work.”

Under Section 44 of the Copyright Act:

(1) The copyright in a work made public without mention of the author's name or generally known pseudonym or pen name shall subsist until the end of the seventieth year after the year in which it was made public. If the work is published in parts, the duration of copyright shall be calculated separately for each part.

(2) If the identity of the author is disclosed during the period referred to in subsection 1, the provisions of section 43 shall apply.

(3) The copyright in a work not made public, whose author is unknown, shall subsist until seventy years have elapsed from the year in which the work was created.

Section 44a:

Anyone who for the first time publishes or makes public a previously unpublished work or a work not made public, which has been protected under Finnish law and the protection of which has expired, shall obtain a right in the work as provided in section 2 of this Act. The right shall subsist until twenty-five years have elapsed from the year in which the work was published or made public.

C. Protection Term & Legal Entities

For original works, no.

For certain neighbouring rights, yes: a legal person can be the original rightsholder of e. g. the database and catalogue right, video recording producer's right and the sound recording producer's right.

There is no “work made for hire” doctrine as such.

D. Other: National Divergences

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No.

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

The original rightsholders are the author(s) of a cinematographic work and the producer(s) of a film (holder of the neighbouring right).

There is no specific provision regarding which persons are to be considered authors of a cinematographic work. All persons who have participated in the making of the work with a creative and original input should be considered authors of the work.

Section 43 of the Copyright Act, implementing Article 2.2 of the Term Directive, stipulates that "Copyright in a cinematographic work shall subsist until seventy years have elapsed from the year of the death of the last of the following to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the cinematographic work."

The assessment of whom to consider as the author of the cinematographic work is nevertheless made on a case by case basis, depending on who has participated in the making of the film with a creative and original input.

In addition to the permission of the copyright holder of the cinematographic work, the permission of the producer of a video recording and the artists performing a literary or artistic work or folklore (i.e. actors) must be obtained.

The producer of a video recording has under Section 46a of the Copyright Act a neighbouring right to the film or any other device on which moving images have been recorded

B. Transfer / Inheritance / Bankruptcy

The Finnish Code of Inheritance contains rules on statutory order of succession. The order of succession is as follows:

1. Direct descendants
2. Surviving spouse
3. Father or mother of the deceased and their direct descendants
4. Grandparents of the deceased person and their direct descendants

PART III: ORPHAN WORKS

A. Pre-existing Law

The Act on the Use of Orphan Works (764/2013)

B. Implementation of Orphan Works Directive

Section 5 of the Orphan Works Act stipulates as follows:

According to Section 5 of the Act on the Use of Orphan Works stipulates that the search must include sources that are relevant and appropriate for each category of works or phonograms.

A search related to cinematographic works must be carried out in the EEA state in which the producer has his headquarters or habitual residence.

The sources to be used in the search shall be set out in a ministry decree. No such decrees have been issued as of yet.

Legal Framework AV Works: FRANCE

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Completed Legal Questionnaire has not (yet) been provided by FORWARD Partner. The following information is based on the reference document provided to FORWARD Partner containing legal information collected in the course of the EFG and IVIR projects.

Described below are the features of French copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.)

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

Article L 111-1 of the French Intellectual Property Code defines copyright as follows: “The author of a work of the mind shall enjoy in that work, by the mere fact of its creation, an intangible property right, which shall be enforceable against all persons.

The principle:

Article L 123-1 of the Intellectual Property Code provides the basic principle regarding protection periods: “The author shall enjoy, during his lifetime, the exclusive right to exploit his work in any form whatsoever and to derive a financial benefit therefrom. On the death of the author, this right survives for the benefit of his successors in interest during the calendar year in progress and for a period of 70 years thereafter.”

At the end of this period, the work falls into the public domain. This means that the work can be exploited without restriction and free of charge, provided the author’s moral rights are respected. Moral rights are perpetual, inalienable and are never barred by statutes of limitations. Furthermore, moral rights can be bequeathed.

Exceptions to the foregoing principle:

a) It is not always possible to calculate the protection period as of the date of the author’s death.

Certain adjustments required by the specificities of certain types of works (anonymous or pseudonymous works, works of joint authorship, etc.) are discussed below.

1. In the case of works of joint authorship (a work created as a result of the contributions of more than one individual), Article L 123-2 of the Intellectual Property Code provides that the protection period covers the lives of all joint authors and the 70-year period following the year in which the last of the joint authors dies.
2. In the case of pseudonymous, anonymous and collective works: Article L 123-3, para. 1, of the Intellectual Property Code provides that the duration of the exclusive rights is 70 years as from 1 January of the calendar year following the year in which the work was published. (Collective works are created at the initiative of an individual or legal entity who edits, publishes and makes the work public under his direction or in his name.)
3. In the case of posthumous works, i.e., works that are not made public during the author’s lifetime, Article L 123-4 of the Intellectual Property Code states that the protection period that applies to such works is the protection period applicable to all of the author’s works. For example, if a posthumous work is published 50 years after the author’s death, it will be protected for a period of 20 years after the author’s death.
4. If the author’s works have fallen into the public domain at the time the work is made public, the protection period for posthumous works is 25 years as from 1 January of the calendar year following the year in which the work was published.

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5. French law does not consider a film that is not original to be a work (for example, holiday or family films, location snapshots, etc.). Copyright protection is afforded only to films that are original and that are a creative expression of their author or authors.

General rule on protection term:

Article L123-1

(Act No. 97-283 of 27 Mars 1997 art. 5 Official Journal of 28 Mars 1997 in force on 1 July 1995) The author shall enjoy, during his lifetime, the exclusive right to exploit his work in any form whatsoever and to derive monetary profit therefrom. On the death of the author, that right shall subsist for his successors in title during the current calendar year and the 70 years thereafter.

Pseudonymous /anonymous/unpublished works:

Article L123-3

(Act No. 97-283 of 27 Mars 1997 art. 7 Official Journal of 28 Mars 1997 in force on 1 July 1995) In the case of pseudonymous, anonymous or collective works, the term of the exclusive right shall be 70 years from January 1 of the calendar year following that in which the work was published. The publication date shall be determined by any form of proof recognized by the general rules of law, particularly by statutory deposit. Where a pseudonymous, anonymous or collective work is published in installments, the term shall run as from January 1 of the calendar year following the date on which each installment was published. Where the author or authors of anonymous or pseudonymous works reveal their identity, the term of the exclusive right shall be that provided for in Article L123-1 or Article L123-2. The provisions of the first and second paragraphs shall apply only to pseudonymous, anonymous or collective works published during the 70 years following the year of their creation. Nevertheless, where a pseudonymous, anonymous or collective work is disclosed on the expiry of the term mentioned in the foregoing paragraph, its owner by succession or on another ground who publishes it or causes it to be published shall enjoy exclusive rights for 25 years from January 1 of the calendar year following that of publication.

Transitional rules:

Uncodified Article 16 of the Act of 27 March 1997 provided that the protection of a work that had fallen into the public domain in France as of July 1995, but that was still protected in at least one other Member State, should be revived subject to certain conditions.

Statutory provisions were adopted to take into account the two world wars and to compensate the premature death of authors who gave their lives for France. (These measures are discussed later in this questionnaire).

B. Specific rules vis-à-vis films

Article L123-2

(Act No. 97-283 of 27 Mars 1997 art. 6 Official Journal of 28 Mars 1997 in force on 1 July 1995) In the case of works of collaboration, the calendar year taken into account shall be that of the death of the last surviving joint author. In the case of audiovisual works, the calendar year taken into account shall be that of the death of the last survivor of the following joint authors: the author of the scenario, the author of the dialogue, the author of the musical compositions, with or without words, specially composed for the work and the main director.

C. Protection Term & Legal Entities

Under French law, the author of a film must be an individual. Article L 113-7 of the Intellectual Property Code provides: "Authorship of an audiovisual work shall belong to the natural person or persons who have carried out the intellectual creation of the work. (...)"

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However, Article L 132-23 of the Intellectual Property Code specifies: “The producer of an audiovisual work is the individual or legal entity who takes the initiative and responsibility for making the work.”

In practice, the producer enters into agreements whereby the authors of the film assign their rights to it (see the list of persons presumed to be the authors of a film in Article L 113-7 of the Intellectual Property Code).

An author who is an employee acts on behalf of a third party, i.e., his employer. Although he is remunerated for his creation, an author who is an employee does not lose authorship due to the fact that he is an employee.

An author can never lose authorship, which is a public policy principle in French law.

However, if the author is a civil servant, French law considers that public service considerations require that the government or State be granted the copyright in all works whose creation is the object of the public service itself. By accepting their positions, civil servants and government employees are deemed to agree to place their creations and their rights therein at the disposal of the government department for which they work. One exception: university professors retain their rights in their courses.

D. Other: National Divergences

The wartime extensions:

In the case of wartime extensions, the objective of the French law is to extend the protection period for works whose exploitation was disrupted or prevented due to the wars by a period more or less equal to the length of the wars.

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

Authorship:

Article L113-7

Authorship of an audiovisual work shall belong to the natural person or persons who have carried out the intellectual creation of the work. Unless proved otherwise, the following are presumed to be the joint authors of an audiovisual work made in collaboration: 1°.the author of the script; 2°.the author of the adaptation; 3°.the author of the dialogue; 4°.the author of the musical compositions, with or without words, specially composed for the work; 5°.the director.If an audiovisual work is adapted from a preexisting work or script which is still protected, the authors of the original work shall be assimilated to the authors of the new work.

Transfer of exploitation rights to producer:

Article L132-24

Contracts binding the producer and the authors of an audiovisual work, other than the author of a musical composition with or without words, shall imply, unless otherwise stipulated and notwithstanding the rights afforded to the author by Articles L111-3, L121-4, L121-5, L122-1 to L122-7, L123-7, L131-2 to L131-7, L132-4 and L132-7, assignment to the producer of the exclusive exploitation rights in the audiovisual work.Audiovisual production contracts shall not imply assignment to the producer of the graphic rights and theatrical rights in the work.

Manner in which the presumption of an assignment of rights to the producer applies.First, a written audiovisual production contract is required. Second, it is a mere presumption. A contrary provision in the contract is permissible. Such provisions may be included to enable one or more authors to retain the exclusive right to exploit the work in a particular manner. Third, Article L 132-24, para. 2, of the Intellectual Property Code provides that “Audiovisual production contracts shall not imply assignment to

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the producer of the graphic rights and theatrical rights in the work.” Therefore, the producer acquires only the audiovisual exploitation rights.

B. Transfer / Inheritance / Bankruptcy

Article L 131-3 of the Intellectual Property Code provides that a transfer of copyright requires that each of the rights assigned be separately mentioned in the instrument of assignment. The parties to the agreement must clearly specify which rights are being assigned.

PART III: ORPHAN WORKS

A. Pre-existing Law

If the author or authors of a work remain unknown after a diligent search, the work is said to be an “orphan work”. A diligent search means that all measures consistent with an in-depth search have been taken: consultation of royalty collection societies to see if they have any particular information, consultation of court registries for clues concerning the original production company, consultation of the cinematographic register to check if any contracts were registered for this film, etc.

Copyright nevertheless applies. The work cannot be exploited without the authorisation of the author or his successors in interest.

The result is a blocked situation because the work cannot be exploited, except if the proceedings referred to in Article L 122-9 of the Intellectual Property Code are initiated.

In the absence of these rules reliance can be placed on the EC guidelines governing the use of Orphan Works.

Only the legal proceedings known as an “action in the case of a work for which there are no heirs” can resolve the situation. The Tribunal de Grande Instance (court of first instance) can designate as court-appointed agent a person who has so petitioned the court and who has a legitimate interest in bringing such action.

Article L. 122-9 of the Intellectual Property Code provides the sole mechanism for exploiting an orphan work: “In the event of manifest abuse in the exercise or non-exercise of the rights of exploitation by any of the deceased author’s representatives referred to in Article L 121-2, the Tribunal de Grande Instance (court of first instance) may order any appropriate measure. The foregoing shall also apply in the event of a dispute between such representatives or if there are no known successors in interest or heirs entitled to inherit.”

Therefore, it is possible to file a petition with the Tribunal de Grande Instance requesting authorisation to exploit a film.

Under Article L. 211-2 of the Intellectual Property Code, to obtain such authorisation, the petitioner must prove that he has a legitimate interest in bringing the action: “In addition to any person who proves a legitimate interest in acting, the Minister responsible for culture shall be entitled to take legal action, particularly where there is no known successor in interest or where there are no heirs entitled to inherit.” Furthermore, the petitioner must present proof (a body of evidence) in support of the conclusion that there are no longer any successors in interest in a position to exploit the work: certificates attesting that the production company has been expunged from the Trade and Companies Register, letters from archives documenting searches carried out, etc.

Based on the evidence presented, the Presiding Judge of the Tribunal de Grande Instance will take a decision. If the judge designates the petitioner to act as “court-appointed agent” for the purposes of exploiting the film, the agent will be able to enter into copyright licence agreements with heirs or royalty collection societies, which can also be designated as court-appointed agents.

B. Implementation of Orphan Works Directive

Not provided by FORWARD PARTNER

Legal Framework AV Works: GERMANY

Described below are the features of German copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.)

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

The German copyright is governed by the Copyright and Neighbouring Rights Act (Copyright Act – UrhG) of 9 September 1965. Since then the Copyright Act (CA) has been modified and adjusted to new developments a few times.

The former Copyright Acts in Germany, the LUG from 1870 and 1901 as well as the KUG from 1876 and 1907, both provided for a protection period that covered the author's lifetime and 30 years after his death.

In 1934, Sec. 29 of the LUG and Sec. 25 of the KUG were modified: the protection period was extended to 50 years after the author's death.

In 1965, the Copyright Act came into force and the protection period was once again extended to 70 years after the author's death. According to the transitory provision in Sec. 129 para. 1 CA, the new Copyright Act also applies to works that were created before the Copyright Act came into force. However, only works that were still protected on 17 September 1965, i.e. Works whose 50-year protection period had not expired on that date, were granted the longer protection period of 70 years (Sec. 143 para. 1 CA).

According to the Unification Treaty, the Copyright Act is also applicable in the former territories of the German Democratic Republic (GDR) since 3 October 1990. The Copyright Act of the former GDR that provided for a general protection period of 50 years following the author's death for copyrights and a protection period of 10 years for neighbouring rights, consequently expired. As a result, copyright protection was revived for works whose authors had died less than 70 years ago but which were already in the public domain in the GDR.

Due to the amendment of the Copyright Act in 1995, Sec. 64 para. 2 CA was abolished. Until then, Sec. 64 CA provided special rules for so-called "nachgelassene Werke" (posthumous works), i.e. works that were not published in the author's lifetime. Henceforward, these works are also governed by the general provision of Sec. 64 CA, particularly with regard to the transitory provision of Sec. 137f para. 1 cl. 1 that was only relevant until 31 December 2005.

There was no protection for so-called „Laufbilder“, i.e. audiovisual works that lack the authorial creativity and thus, are not protected as films, before the Copyright Act came into force. Since then, the protection period of 50 years has not been changed.

Yes, Sec. 137f CA introduced transitional provisions:

Sec. 137f para. 1 states that the term of protection of a right that already existed before 1 July 1995 will not be shortened by the implementation of the Term Directive. Instead, the term of protection shall expire with the expiry of the term of protection according to the provisions applicable until 30 June 1995. For the rest, the provisions of the German Copyright Act concerning the term of protection as amended on 1 July 1995 shall also apply to works and neighbouring rights whose protection had not yet expired on 1 July 1995.

According to Sec. 137 para. 2 CA, the terms of protection provided for in the German Copyright Act as amended on 1 July 1995 shall apply to all works whose protection according to the CA expired prior to 1 July 1995 but which continue to be protected in at least one EU member state or EEA member state

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at that point of time. This also applies *mutatis mutandis* to the related rights of the editor of posthumous works (Sec. 71 CA), of the performer (Sec. 73 CA), the producers of audio recordings (Sec. 85 CA), of broadcasting organisations (Sec. 87 CA) and producers of films (Sec. 94 and 95 CA).

Article 4 of the Term Directive was implemented into Sec. 71 of the German Copyright Act.

According to Sec. 66 para. 1 of the Copyright Act, the protection period of works whose author is unknown terminates 70 years after the publication of the work. If the work is not published within 70 years of its creation, the copyright expires after that period of time.

However, if within 70 years of the publication the author reveals himself or his pseudonym does not cast any doubt on his identity, the general provisions of Sect. 64, 65 CA are applicable, Sect. 66 para. 2 cl. 1 CA

The same applies if within this period of time the true name of the author is registered with the registry of anonymous and pseudonymous works pursuant to Sec. 138 CA. According to Sec. 66 para. 3 CA, these acts can be carried out by the author himself and – after the author’s death – by his legal successor or the executor of his will.

B. Specific rules vis-à-vis films

The Copyright Act distinguishes between films (Sec. 2 para. 1 CA) and audiovisual works that lack the authorial creativity and thus, are not protected as films, the so-called “Laufbilder” (Sec. 95 CA).

A work is considered a film within the meaning of the Copyright Act if it is an intellectual creation by its author, i.e. if the audiovisual sequence/progression has received an intrinsic/specific/unique/personal imprint, e.g. by means of camera work, editing, the selection of the material according to its main/essential aspects, or simply through the creative arrangement of the commentaries (track). However, if it is only a mere rendition of the activities taking place, depicted/reproduced/recorded with the common techniques of camera work, then it is only deemed to be an audiovisual work.

Correspondingly, as a general rule all motion pictures, documentaries, broadcasts of theatre performances, film excerpts of newsreels etc. are films protected by copyright. In contrast, mere live coverage or reporting, sex and porn movies, the taping of a fashion show or other current affairs are deemed to be mere audiovisual works that are not protected by copyright. However, these so-called “Laufbilder” are protected by ancillary copyrights.

According to Sec. 65 para. 2 CA, the copyright on films and works that are created in a similar way expires 70 years after the death of the last survivor of the following contributors: main director, screenplay writer, scriptwriter and composer of the film music. Since this enumeration is exhaustive, other filmmakers or right holders who are co-authors of the film (e.g. cinematographer, film editor) do not matter in terms of establishing the protection period.

According to Sec. 95, 94 CA, audiovisual works that lack the authorial creativity, the so-called „Laufbilder”, are only protected for a period of 50 years, starting from the publication of the picture carrier or its first lawful communication to the public, if the latter occurred earlier. If within the 50-year protection period neither picture carrier is released nor a lawful communication to the public occurs, the protection period starts 50 years after the creation of the picture carrier. Only the film producer is protected by the ancillary copyright granted in Sec. 95 CA.

The special provision for films, Sec. 65 para. 2 CA, has been in force since 1 July 1995 and is based on Art. 2 para. 2 of the EU Council Directive harmonizing the term of protection of copyright and certain related rights (Directive 93/98/EEC - Copyright Term Directive) that aimed at harmonising the protection periods in all EU member states. Until then, the general provision of Sec. 65 of the Copyright Act was also applied to films. As a general rule, Sec. 65 para. 2 CA also applies to films that were made prior to 1 July 2005.

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However, there is an exception to this rule: In particular cases the non-consideration of the co-authorship of other filmmakers than the ones mentioned in Sec. 65 para. 2 CA could abbreviate the protection period as stipulated in the general provisions. For example, this would be the case if someone else than the filmmakers mentioned in Sec. 65 para. 2 CA would be deemed to be a co-author and this person would outlive them all. In such cases, the transitory provision of Sec. 137f para. 1 cl. 1 CA applies in order to prevent such abbreviation: According to Sec. 137f para. 1 cl. 1 CA, the protection term is based on the previous rules, i.e. the former Sec. 65 CA that corresponds to the current Sec. 65 para. 1 CA. As an exception, the protection term in these cases is determined by the death of the last survivor of all co-authors.

The special provision for audiovisual works that lack the authorial creativity, the so-called „Laufbilder“, Sec. 94 para. 3 CA, has been in force since 1 July 1995. Until then, the term of protection for „Laufbilder“ was only 25 years, starting from the publication of the picture carrier.

C. Protection Term & Legal Entities

No. Under German Copyright law, a legal person cannot be the original author of a work of copyright. However, a legal entity may be the owner of ancillary copyrights, e.g. the exclusive ancillary copyrights as a film producer pursuant to Sec. 94 CA.

German Copyright law does not acknowledge the work made for hire-doctrine. Instead, the person who actually creates a work is considered as the legally-recognized author of that work, Sec. 7 CA. Therefore the protection terms are determined according to the general regulations as stipulated in Sec. 64 et seqq. of the Copyright Act. Pursuant to Sec. 43 CA the regulations on granting licenses, Sec. 31 et seqq. CA, apply if the author has created the work in the course of his employment unless the nature or character of the employment provides otherwise.

According to Sec. 7 CA, only natural persons are deemed to be the creator of a work, and thus its author. The same applies when the work is a commissioned work. Since the special regulations in Sec. 43 CA do not apply to commissioned works, the commissioning party's ability to use the work is dependent on the contractual acquisition of exploitation rights. The burden of proof lies with the commission party claiming to have acquired these rights.

D. Other: National Divergences

'No'

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

The copyright owners to a film are the people who create the audiovisual work according to Sec. 7, 8 of the Copyright Act. As a general rule, the authors include the director, the cinematographer, the editor and other participants who have been creatively active.

According to Sec. 88 CA, by way of a statutory presumption the author of a pre-existing work who permitted the filmmaker to use that work in the course of producing the film is presumed to have transferred all exploitation rights (for both known and unknown kinds of use) in the film. However, according to Sec. 88 para. 2 CA these rights do not include the right to produce a remake of the film. These provisions only apply to contracts that were concluded from 1 January 2008 on, because German copyright did not allow the transfer of rights for unknown kinds of use beforehand.

For films that were produced based on contracts dated between 1 July 2002 and 31 December 2007, the film producer is presumed to have acquired all exploitation rights from the author of a preexisting work in the film for all uses that were known at the time of the contract. These rights would for example include the cinematic rights (theatrical, non-theatrical and public video), television rights (free TV rights and pay-TV rights), videogram rights, online making-available rights (e.g. video on demand),

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soundtrack record rights, advertising rights, duplication rights, dubbing rights, further editing rights, rights to name and likeness, rights of partial use, merchandising rights, live performance rights and publishing rights. However, the scale of rights was dependent on what was deemed common for the specific type of film. The former regulations still apply for contracts that were concluded between 1966 until 30 June 2002: therefore, in case of doubt, the film maker only acquired the right to use the film in its designated manner, namely the right to publicly present the cinematographic work (former Sec. 88 para. 1 no. 3 CA) or to broadcast the TV film (former Sec. 88 para. 1 no. 4 CA). No further exploitation rights for other manners/types of use (e.g. videogram rights) were transferred in case of doubt, i.e. when no further manners of use were contractually specified.. Although the provisions of the former Sec. 88 CA do not apply to contracts that were concluded before 1966, the same principles apply nevertheless because they are consistent with what was considered customary prior to 1966 due to the so-called purpose-of-grant rule (“Zweckübertragungslehre”).

Sec. 89 of the Copyright Act provides that any person who undertakes to participate in the production of a film is deemed, in case of doubt, to have granted to the film producer the exclusive right to utilise the film in any known manner and, concerning contracts that were concluded from 1 January 2008 on, in any unknown manner.

However, attention should be paid to the transitory provisions in Sec. 137I of the Copyright Act: If the author, between 1966 and the end of 2007, granted such rights to a film producer, the current owner of rights is deemed to have acquired all rights with respect to the contractual work for all kinds of use which have become known until 2008 and also for all kinds of future use unless the author objects to the use (Sec. 137I para. 1 CA). For all types of exploitation known on 1 January 2008, the objection must be raised within one year. According to Sec. 137I para. 4 CA, the author may not exercise the right of objection in bad faith if several works have been combined to one entity. Films should usually be covered by this exception. Although Sec. 89 CA does not directly apply to contracts that were concluded before 1966 (Sec. 132 para. 1 CA), its principles can be applied accordingly as far as they concern all known types of use.

B. Transfer / Inheritance / Bankruptcy

No, according to Sec. 29 para. 1 CA the copyright itself cannot be transferred. However, the copyright may be bequeathed pursuant to Sec. 28 para. 1 CA and thus, it can be transferred by a testamentary disposition. Every natural person and legal entity can be the heir. Until the end of the term of protection, the copyright may be bequeathed from the heir to another heir.

Sec. 29 para. 2 CA further provides that the author may contractually grant exploitation rights to his work according to Sec. 31 CA.

PART III: ORPHAN WORKS

A. Pre-existing Law

There were no rules regarding orphan works under German law until implementation of the Orphan Works Directive in form of the following changes to the German Copyright Act and the German Copyright Administration Act: Sec. 61 – 61c Germany Copyright Act regarding orphan works (“Verwaiste Werke”)

Sec. 13d, 13e German Copyright Administration Act (“Urheberrechtswahrnehmungsgesetz” – UrhWahrnG) regarding out-of-commerce works („Vergriffene Werke”)

B. Implementation of Orphan Works Directive

The new law on the use of orphan and out-of-commerce works, implementing the Orphan Works Directive, was passed on 1 October 2013 and entered into force on 1 January 2014 and 1 April 2014, respectively.

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The content of the Orphan Works Directive was implemented by the “Gesetz zur Nutzung verwaister und vergriffener Werke und einer weiteren Änderung des Urheberrechtsgesetzes (UrhGuaÄndG)” which introduced Sections 61 – 61c to the German Copyright Act regarding orphan works and Sections 13d-e to the German Copyright Administration Act regarding out-of-commerce works.

List of sources:

For cinematographic works, as well as for video recording mediums and audio and video recording mediums on which cinematographic works have been recorded, and for audio recording mediums:

- a) The depositories of officially deposited obligatory copies, in particular the catalogue of the German National Library;
- b) Information provided by producers’ associations;
- c) Information provided by the film boards of the Federation and Länder;
- d) The databases of institutions and national libraries active in the field of cinematographic and audio heritage, in particular the Association of Film Archives, the Federal Archive, the Foundation of German Film Archives, the German Film Institute (www.filmportal.de database and catalogue), the DEFA Foundation and the Friedrich Wilhelm Murnau Foundation, and the catalogues of the State Libraries in Berlin and Munich;
- e) Databases with relevant standards and identifiers such as the ISAN (International Standard Audiovisual Number) for audio-visual material, the ISWC (International Standard Music Work Code) for musical works and the ISRC (International Standard Recording Code) for audio recordings;
- f) The databases of the relevant collecting societies, in particular for authors, performers and producers of audio recordings and cinematographic works;
- g) The performance of co-authors and other information on the work’s packaging or in its opening or closing credits;
- h) The databases of other relevant associations representing certain categories of rightsholders, such as associations of film directors, screenwriters, film music composers, composers, theatre publishing houses, theatre and opera associations;

Legal Framework AV Works: ITALY

Described below are the main features of Italian copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.)

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

In Italy the main sources of copyright legislation are: the Civil Code providing for general rules on copyright (articles from 2575 to 2583) and the Law no. 633 of April 22, 1941 (“Protection of Copyright and Other Rights connected to its use”).

[Hereinafter, the abbreviation C.C. means the Civil Code; the abbreviation C.L. (Copyright Law) means the Law no. 633 of April 22, 1941]

With regard to the amendment of Art. 25 C.L., Art. 17 of Law no. 52 of February 6, 1996 provided that “the terms of the protection period regulated in subsection 1 (i.e. the period of 70 years) also apply to the works and rights that are no longer protected under the terms previously in force, in so far as a result of the application of such terms, these works and rights fall in protection within June 29th, 1995”.

This Art. 17 could be interpreted as follows:

- a) the revival of copyright only applied to works that, according to the original terms of protection, had

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not yet become of public domain within June 29th, 1995;

or

b) the revival of copyright could be applied to works that, according to the new terms of protection, have not yet become of public domain within June 29th, 1995.

The second interpretation was preferred by the doctrine and applied by the judges.

All the rights which, according to the new terms of protection, hadn't yet expired within June 29, 1995, were resuscitated

Art 4 Term Directive: Article 85-ter C.L. (introduced by Art. 14 Leg. Decree no. 154, May 25, 1997) has implemented the provision of Article 4 of the Term Directive.

As regards copyright on anonymous or pseudonymous works its protection period is seventy years starting from the first publication (in any form), according to Art. 27 C.L.. If, however, the author revealed himself before the end of such term, the term indicated in Art. 25 applies, so the author's rights are protected until the end of the seventieth calendar year after his death.

B. Specific rules vis-à-vis films

As regards cinematographic works:

Art. 32 C.L. states that:

"Without prejudice to the provisions of Article 44, the rights of exploitation of the cinematographic or assimilated work last until the end of the seventieth year after the death of the last survivor among the following persons: the artistic director, the authors of the screenplay, including the author of the dialogue, and the author of music specifically created for the cinematographic or assimilated work.

Art. 78-ter C.L. states that:

1. The producer of cinematographic or audiovisual works or sequences of moving images is the owner of an exclusive right:

a) to authorize the direct or indirect reproduction of originals and copies thereof;

b) to authorize the distribution by any means, including the sale, the original and the copies thereof; the distribution right does not end at a local community except in the case of first sale made or permitted by the manufacturer in a state of the European Union;

c) to authorize the rental and lending of the original and the copies thereof; the sale or distribution in any form, do not expire the rental right and lending right.

2. Rights referred to in paragraph 1 shall expire after fifty years from its establishment. If the cinematographic or audiovisual work or moving images sequence is published or communicated to the public during this period, the rights shall expire after fifty years from its first publication or, if earlier, the first communication to the public of a cinematographic or audiovisual work or sequence of moving images".

C. Protection Term & Legal Entities

A legal person can only acquire the rights of economic exploitation of a work. However, according to Art. 45 C.L. the rights of economic exploitation to a cinematographic work belongs to those who organize its production; it's a legal presumption which doesn't mean authorship.

D. Other: National Divergences

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

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Law no. 663 of April 22, 1941 considers the cinematographic work as indivisible and unique. Thus, according to current Italian legislation on copyright, the following subjects hold the right of authorship on the cinematographic work (Art. 32 C.L.): the director, the screenwriter (including the writer of dialogues) and the composer of the music (created specifically for the work in question). These individuals, defined as co-authors of the work, are holders of the moral and economic rights of the film produced.

Art. 45 C.L. provides for a legal presumption of economic exploitation rights belonging to the film producer.

Moreover, according to Art. 11 C.L., public administrations, provinces and municipalities (and private no-profit entities) have the copyright on the works created and published under their name and on their behalf and expenses.

According to Legislative Decree no. 28 of January 22, 2004 (and Art. 4 of implementing Decree February 8, 2013), the Ministry for Cultural Heritage and Activities (Cinema Department) owns, on behalf of the State, all the rights to economically exploit and use a cinematographic work, if the film was produced even thanks to public funds and the producer couldn't return the full sum within five years from the grant of the fund. The Ministry owns those rights only for 3 years from the end of the 5-years-period.

B. Transfer / Inheritance / Bankruptcy

PART III: ORPHAN WORKS

A. Pre-existing Law

Italian legislation does not specifically provide for this kind of work. The term "orphan work" does not appear in the text of the copyright law currently in force, nor do similar expressions. In any case, anonymous works may fit into the definition given above: in this case, as confirmed by Article 9 of the C.L., whoever has represented, executed or published an anonymous or pseudonymous work (other than the definition of pseudonym given in the previous Article 8, Paragraph 2) is authorized to exercise copyright, until the author reveals him/herself. The author of an anonymous or pseudonymous work always has the right to reveal him/herself (Article 21 C.L.). When this happens, despite any agreement to the contrary, the author's successors are required to indicate his/her name in the publications and in all of the means of distribution and communication of the work in question.

Copyright protection in the case of publication of an anonymous or pseudonymous work lasts for 70 years starting from the first publication (Article 21 C.L.). If in this period of time the author reveals him/herself, the right is protected until the end of the seventieth calendar year after the death of the same. The author may reveal him/herself or he/she may be revealed by persons authorized by the same, or by persons designated by Article 23, that is, the heirs to the moral right: the author's spouse and children; should there be none, his/her parents and other ascendants and descendants; his/her siblings and their ascendants and descendants.

B. Implementation of Orphan Works Directive

The Italian parliament has specifically delegated to the government the implementation of the Orphan Works Directive with delegation Law no. 96 of August 6, 2013.

Legal Framework AV Works: THE NETHERLANDS

Described below are the main features of Dutch copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions:

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Copyright: Auteurswet 1912 (Wet van 23 september 1912 Stb 308).

Related rights: the Wet of de naburige rechten (Wet van 18 maart 1993 Stb 178)

Article 38

1. The copyright in a work of which the author has not been indicated or has not been indicated in such a way that his identity is beyond doubt shall expire 70 years after 1 January of the year following that in which the work was first lawfully communicated to the public.
2. The same shall apply to works of which a public institution, association, foundation or company is deemed the author, unless the natural person who created the work is indicated as the author on or in copies of the work which have been communicated to the public.
3. If the author discloses his identity prior to the end of the term referred to in paragraph 1, the duration of the copyright in the work concerned shall be calculated in accordance with the provisions of article 37.

Implementation article 4 Term Directive (published after expiry copyright protection):

Article 45o

1. Any person who, after the expiry of the term of copyright protection, for the first time lawfully communicates to the public a previously unpublished work shall enjoy the exclusive right referred to in article 1

Implementation article 1-6 Term Directive (unknown authors, not published)

Article 39

Copyright in works for which the duration of copyright is not calculated in accordance with article 37 and which have not been lawfully communicated to the public within 70 years from their creation shall expire.

Implementation of 1-3 Term Directive (anonymous or pseudonymous works, published)

Article 38

1. The copyright in a work of which the author has not been indicated or has not been indicated in such a way that his identity is beyond doubt shall expire 70 years after 1 January of the year following that in which the work was first lawfully communicated to the public.

Transition law:

Article 51

1. The terms of protection provided for in this Act shall apply, from the date on which this article enters into force, to works which were protected by national legislation on copyright on 1 July 1995 in at least one Member State of the European Union or one State party to the Agreement on the European Economic Area of 2 May 1992.
2. This Act cannot reduce a term of protection already in existence on the day before the date of entry into force of this article.
3. This Act does not affect lawful acts of exploitation carried out or rights acquired before the date of entry into force of this article.
4. Anyone who, prior to 24 November 1993, carried out lawful acts of exploitation in relation to a work, the term of protection for which had expired before the entry into force of this article and to which this Act again applies with the entry into force of this article, shall be entitled to continue such acts of exploitation with effect from the date of entry into force of this article.

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5. Until they expire, rights which are revived or extended with the entry into force of this article shall be held by the person who would have been the last rightsholder if the said rights had not been revived or extended, unless otherwise agreed.

B. Specific rules vis-à-vis films

Article 40

The copyright in a cinematographic work shall expire 70 years after 1 January of the year following the year of death of the last of the following persons to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of the music created for use in the work.

C. Protection Term & Legal Entities

Legal entity as maker: protection term 70 years after publication, see further below under 'Rightsholder'

D. Other: National Divergences

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

Rightsholders: the authors (Article 1 Copyright Act). For AV work the following provision states that all creative contributors are considered to be authors.

Article 45a

1. Cinematographic work means a work consisting of a sequence of images, with or without sound, irrespective of the manner of fixation, if it is fixed.

2. Without prejudice to the provisions of articles 7 and 8, the natural persons who have made a contribution of a creative nature to the making of a cinematographic work shall be considered the authors of said work.

However: an assumption of legal transfer to producer is applicable for works produced as of 1985:

Article 45d

Unless otherwise agreed in writing by the authors and the producer, the authors shall be deemed to have assigned to the producer as from the time referred to in article 45c the right to communicate the work to the public, to reproduce it as meant in article 14, to add subtitles to it and to dub the dialogue.

NOTE: a legal entity is considered author in two cases:

Firstly, the employer is considered the original owner (this provisions supersedes art 45a set forth above):

Article 7

Where labour carried out by an employee consists in the making of certain literary, scientific or artistic works, the employer shall be deemed the author thereof, unless otherwise agreed between the parties.

Secondly, the entity that has published a work without mentioning the natural maker is considered author (until proven otherwise):

Article 8

A public institution, association, foundation or company which communicates a work to the public as its own, without naming any natural person as the author thereof, shall be regarded as the author of that work, unless it is proved that the communication to the public in such manner was unlawful.

B. Transfer / Inheritance / Bankruptcy

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Article 2

1. Copyright passes by succession and is assignable wholly or in part.

PART III: ORPHAN WORKS

A. Pre-existing Law

Currently, no legislation is in effect regarding orphan works. At this moment the implementation has the status of Proposal. In the absence of legislation the 'Diligent Search Guidelines for Orphan Works' developed by the EC High Level Expert Group (THE EUROPEAN DIGITAL LIBRARIES INITIATIVE, SECTOR-SPECIFIC GUIDELINES ON DUE DILIGENCE CRITERIA FOR ORPHAN WORKS2008) have provided guidance in the development of procedures for a diligent search at EYE Film Institute.

B. Implementation of Orphan Works Directive

Unofficial distribution of the Algemene Maatregel van Bestuur holding the list of sources reveals that the legislator has chosen a restrictive approach (in line with the German implementation of the Orphan Works Directive) regarding the list both in quantity as in quality. In practice, that means that list is almost a literal translation of the list mentioned in the Orphan Works Directive with minimal revisions in order to adapt to national sources.

Legal Framework AV Works: POLAND

Described below are the features of Polish copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.)

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

With regard to the national law, the copyright protection is regulated by the „Act on Copyright and Related Rights of February 4, 1994 (Dz.U 2006, Nr 90, pos.631, with amendments). Under the Act, the object of copyright is any manifestation of creative activity of individual character, established in any form, regardless of the value, purpose and manner of expression (track In particular, the copyright shall apply to , inter alia, audiovisual (including visual and auditory).

The economic rights are limited in time, and continue: throughout the life of the author and 70 years after his death; and if the author is unknown - 70 years from the date of first dissemination of the work. If under the law copyrights are entitled to a person other than the creator: 70 years counted from the date of dissemination of the work;

"Art.36 Subject to exceptions provided for in this Act, the author's economic rights shall expire after the lapse of seventy years:

1) from the death of the author, and in case of joint works -from the death of the coauthor who has survived the others,2) if the author of a work is unknown -from the date of the first dissemination of the work, unless the pseudonym adopted by the author leaves no doubt as to his identity or the author has disclosed his identity,3) if, under this Act, a person other than the author owns the author's economic rights -from the date of the dissemination of the work; and if the work has not been disseminated -from the date of the establishment thereof,

According to the Act on copyright from March 29, 1926 the term od copyright was fifty years.In the Act of July 10, 1952 on copyright: formerly the protection term was 20 years and from January 1,1976, it was prolonged to 25 years, the protection term of cinematographic work was 10 years from the first public performance

The Act of February 4, 1994 implemented 50 years' protection term of copyrights. On July 22, 2000 it was amended and the protection term was prolonged to 70 years lapse from the author's death.The

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expired rights were resuscitated: 1) after the implementation of the Act on copyright and related rights of February 4, 1994, according to the art. 124(1) p.3 the rights were resuscitated to the works, to which these rights had expired under the Act of the year 1952 and which, according to the Act of 1994 still enjoy protection, excluding the lapse between the expiration of rights under the so far law and the coming into force of the hitherto law.

2) after coming into force of the Act of June 9, 2000, which prolonged the term of copyright from fifty to seventy years after the author's death, there were resuscitated rights which had expired after fifty years from author's death

The Law on Copyright and Related Rights contains specific provisions :

- unpublished works art 99(1)
- for joint authorship works - art.9
- for combined or compilation works - art.10,
- for collective works - art.11

B. Specific rules vis-à-vis films

Art.36 Subject to exceptions provided for in this Act, the author's economic rights shall expire after the lapse of seventy years: 4) in the case of an audiovisual work -from the death of the latter of the persons mentioned below: the main director, the screenwriter, the author of dialogues, and the composer of music for that audiovisual work.

The Act on Copyright and Related Rights contains Chapter 6 referring to Special Provisions on Audiovisual Works.

In the binding Act on copyright and related rights the persons regarded as authors are enumerated, as examples, not exhaustively in Art.69:

Coauthors of an audiovisual work shall be the persons who have made a creative contribution to its establishment, including, in particular: the director, the director of photography , the author of the adaptation of a literary work, the author of musical or textual and musical works created for the audiovisual work and the author of the screenplay

C. Protection Term & Legal Entities

The author of the work protected by copyright may be a natural person exclusively. The legal entity may be the acquirer of the rights under the binding law (as it is with commissioned works) or on the basis of the written agreement between the author and the acquirer of the property rights, inheritance.

According to art.12 of the Copyright and Related Rights Act of 1994:1. If this Act or a contract of employment does not state otherwise, the employer, whose employee has created a work within the scope of his duties resulting from the employment relationship, shall, upon acceptance of the work, acquire the author's economic rights within the limits resulting from the purpose of the employment contract and the unanimous intention of the parties.

D. Other: National Divergences

It provides for *Domaine Public Payant*, which is included in art. 40 of the Act of 1994.

From October 28, 2002 there exist no divergence between the Act of Copyright and Related Rights of February 4, 1994 and the Directive standards .

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

Producer - according ACT of 4 February 1994 ON COPYRIGHT AND RELATED RIGHTS [1] Article 70.

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1. It shall be presumed that the producer of an audiovisual work acquires, under a contract for the creation of the work or for the use of the existing work, exclusive economic rights to exploit those works within the framework of the audiovisual work as a whole.

According to the binding law, the art.70 cited above, the producer is not the primary acquirer of the copyright to a film, as it is in the case of the author - the natural person. The producer acquires the rights indirectly, on the basis of supposition that might be abolished and requires the confirmation by the agreements signed by the producer and the coauthors of creative contributions.

Article 69: Co-authors of audiovisual work shall be persons who made a creative contribution to its completion, and in particular: the director, picture operator, the author of the adaptation of a literary work, the author of musical works or musical and lyrical works created for the audiovisual work and the author of the screenplay.

The exploitation of audiovisual works must be permitted by the producer of the first recording, i.e. of the videogram. However, often the producer of the audiovisual work is also the producer of the videogram.

(the Act of 1994 r. Division 2. contains Rights to Phonograms and Videograms Article 94).

B. Transfer / Inheritance / Bankruptcy

According Article 41.1. Unless the Act states otherwise:1) author's economic rights may devolve upon other persons by way of inheritance or by contract,2) the person who acquires author's economic rights may transfer them to other persons, unless the contract provides otherwise.

Heir Dom by law - heirdom under the rules of inheritance law, taking place when the testator did not leave the will or the will is invalid, or when the persons called for heirdom are not allowed or do not wish to become heirs. Heirdom by law may refer to the whole inheritance or to its part. The rules of heirdom by law are based on the relation of kindship, marriage or adoption. The Civil Code, in the art. 931 - 935 enumerates the following as lawful heirs: descendants, spouse, parents, siblings and descendants of the siblings of the testator, grandparents, commune and The State Treasury. The first to inherit are the children of the testator and the spouse. They inherit in the equal parts. However, the minimum part inherited by the spouse cannot be smaller than 1/4. If the testator did not leave any descendants (natural or adopted children), it is the spouse or his parents who inherit. The part of each parent who inherits together with the spouse is 1/4.

Legal Framework AV Works: SPAIN

Described below are the features of Spanish copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.)

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

Our fundamental national legislation is the first URL (Real Decreto Legislativo 1/1996, de 12 de abril) and all others URL are corrections or changes after that date. You may find a useful compilation at <https://www.boe.es/buscar/pdf/1996/BOE-A-1996-8930-consolidado.pdf> and at http://www.mcu.es/propiedadInt/docs/TRLPropiedad_Intelectual.pdf Please, be aware that 1) There is a lot of prior legislation dating from 1879 derogated by the 1996 legislation 2) A new Copyright Law is being prepared; we can't know when it will come into force.

The term of protection of copyright includes all the life of the author and 70 years after his or her death (1996 Law. Art. 26 to 30) but authors who died before 7 december 1987 will have rights 80 years after her/his death (1996 Law. Disposición transitoria cuarta).

Previously:

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- Law 1879 Art. 6: 80 years after the death of the author
- Law 1987 Art. 26: 60 years after the death of the author
- Law 1996 Art. 26 :70 years after the death of the author
- Transitional rules 1 to 19 Law 1996

The current copyright law establishes a term of protection for works of 70 years after author's date of death. However the law of 1879 established a longer protection (80 years post mortem) and therefore when the law was modified in 1987 there was a special provision for authors who died before the 7th of December 1987 (4th Transitional Provision). All the modifications made in the law since then have included this provision. It applies to any EU authors or EU residents.

Reussication of rights:

Yes. Works created before 7-Dec-1987 that were in public domain after 20 years of their creation and were not officially registered as requested in 1879 law art. 38 and 39. (Transitional Rule 5. Law 1996)

Art 4 Term Directive: implemented.

The term of protection is 25 years after the work is lawfully made available to the public.

Article 27. Duration and Calculation in the Case of Posthumous, Pseudonymous and Anonymous Works.

1. The exploitation rights in anonymous or pseudonymous works referred to in Article 6 shall run for seventy years after the work is lawfully made available to the public.

When, before the said period expires, the author becomes known because either the pseudonym adopted by him leaves no doubt as to his identity or because he himself discloses his identity, the provisions of the foregoing Article shall apply.

2. The exploitation rights in works that have not been lawfully made available to the public shall run seventy years following the creation thereof in cases where the term of protection is not calculated as from the actual or declared death of the author or authors.

B. Specific rules vis-à-vis films

Yes. There is a specific rule that establishes that authors' rights expire 70 years after the death of the last surviving author. Art. 28 Law 1996.

Article 28. Duration and Calculation in the Case of Works of Joint Authorship and Collective Works.

1. The exploitation rights in works of joint authorship as defined in Article 7, including cinematographic and audiovisual works, shall run for the lifetime of the co-authors and seventy years following the natural or declared death of the last surviving co-author.

C. Protection Term & Legal Entities

No. Legal persons are not considered original authors "however, the protection that this law grants the author will benefit legal persons in cases expressly provided for" (Art. 5.2; Law 1996)

Article 5. Authors and Other Beneficiaries.

1. The individual who creates any literary, artistic or scientific work shall be deemed the author thereof.

2. The aforesaid notwithstanding, the protection conferred under this Act on the author may be enjoyed by legal persons in the cases specifically provided for herein.

D. Other: National Divergences

The main difference is Authors who have died before 7 december 1987 will have rights 80 years after her/his death (Disposición transitoria cuarta).

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PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

The makers of a film and the producers

Spanish Law provides for a presumption of assignment of rights (reproduction, distribution, public communication, dubbing and subtitle) from the makers of a film to the producer. However, for cinematographic works the authors' express licence shall always be necessary for their exploitation by means of the furnishing to the public of copies in whatever mode or format for use at home, or by means of communication to the public by broadcasting.

Prior permission from the producer is required for reproduction, communication to the public and distribution. (The term of the exploitation rights conferred on the producers of the first fixation of an audiovisual recording shall be fifty years after publication).

B. Transfer / Inheritance / Bankruptcy

Yes, it is possible. Relevant rules are "Mortis causa" (Death of the copyright holder) and "Inter Vivos" (by agreement between the right holder and others).

PART III: ORPHAN WORKS

A. Pre-existing Law

No

B. Implementation of Orphan Works Directive

Orphan Works directive is not yet implemented in our national law. A new Copyright Law implementing the Orphan Works directive is to be discussed soon in the Parliament of Spain.

Draft implements Orphan works directive BUT does not specify what sources are to be used to perform a Diligent Search neither establish a national authority (to be established by Royal Decree).

PART III: ORPHAN WORKS

A. Pre-existing Law

No pre-existing law

B. Implementation of Orphan Works Directive

No proposal yet (as of March 2014)

Legal Framework AV Works: UK

Described below are the features of UK copyright applicable to AV works, in particular relating to copyright protection, rightsholders and orphan works.)

PART I: TERM OF COPYRIGHT PROTECTION

A. National Copyright Law & Transitional Provisions

Copyright, Designs and Patents Act 1988 as amended by (i) the substantial number of Statutory Instruments ("SI") implementing the EU Directives, and (ii) a substantial number of statutes and SIs:

Copyright in a literary, dramatic, musical, or artistic work expires at the end of the period of 70 years from the end of the calendar year in which the author dies.

If the work is of unknown authorship, copyright expires at the end of the period of 70 years from the end of the calendar year in which the work was made, or if during that period the work is made available to the public, at the end of the period of 70 years from the end of the calendar year in which it is made

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available.

“Made available” means performance in public or communication to the public of a literary, dramatic, or musical work; exhibition of an artistic work in public; and showing a film which includes the work in public or communicating it to the public. Unauthorized acts are not taken into account.

The duration of copyright in literary, dramatic, musical and artistic works in the United Kingdom was increased from the life of the author plus 50 years to the life of the author plus 70 years on 1 January 1996. The duration of copyright in films was also increased to life plus 70 years, the life in question being the longest of the principal director, the author of the screenplay, the author of the dialogue or the composer of commissioned music (and in this connection the sound track was to be treated as part of a film, not as a separate sound recording).

Other changes are too numerous to list. We can provide details of specific changes and the relevant transitional provisions on request.

“Resuscitation” of copyrights which had expired was qualified, by the transitional provisions which extended and revived copyright protection to 70 years p.m.a. Copyright in works in which copyright subsisted on 31st December 1995 was extended as from 1st January 1996. However, works whose UK copyright had expired before 1st July 1995, but which were still protected in another EEA Member State, received revived protection as from 1st January 1996 – however, this protection gave a user a right analogous to a compulsory non-exclusive licence, and the royalty payable for it is subject to the jurisdiction of the Copyright Tribunal. Rules are provided to determine the ownership of extended and revived rights, and who can exercise moral rights. Transitional provisions extended and revived rights in performances, and granted a right to exploit revived rights in performances analogous to revived copyright. There is a saving for longer periods of copyright and rights in performances which were already previously applicable. The Regulations apply to works made both before and after 1st January 1996.

Previously unpublished works (art 4 Term Directive): implemented

25 years from the end of the year of first publication within the EEA. (SI 1996/2967.)

B. Specific rules vis-à-vis films

Copyright in a film expires at the end of the period of 70 years from the end of the calendar year in which the death occurs of the last to die of the principal director, the author of the screenplay, the author of the dialogue, or the composer of music specially created for and used in the film.

If the identity of any of the above individuals is known, and the identity of others is not, the death of the last of them to die means the death of the last whose identity is known. If the identity of none of the above individuals is known, copyright in a film expires at the end of the period of 70 years from the end of the calendar year in which the film was made, or if the film is made available to the public during that period, at the end of the period of 70 years from the end of the calendar year in which it is first made available.

Making a film available to the public includes showing in public or communicating to the public (unauthorized acts not being taken into account).

Films made before June 1, 1957, are not protected as such. However, photographs forming part of the film (i.e., each frame of the film considered as an individual photograph) and any original dramatic work contained in the film (e.g., the script) were capable of protection under applicable law (i.e., the Copyright Act 1911).

The rules applying to films made between June 1, 1957 and August 1, 1989 are set out in Paragraph 12(5) of Schedule 1 to CDPA. The rules are complex - a simplified summary follows, but each film must be considered individually to establish the applicable term of protection:

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- Many films made after June 1, 1957 and before August 1, 1989 1 January 1996 were registrable under the Cinematograph Films Act 1938 and protected for 50 years after registration. The copyright in the first of these films registered after the provisions of the Copyright Act 1956 came into force in 1957 would have expired at the end of 2007, under the 1956 Act's original provisions. These films were (in accordance with the provisions of the 1938 Act) either full-length feature films or "produced" short films. Therefore, these films are "cinematographic works" under Article 2 of the Term Directive and since 1 January 1996 their term of protection in the UK has been calculated according to the provisions of SI 1995 No. 3297 (longest of the applicable lives + 70 years), as referred to in Section 3(a) of clause 68.

- Films made between the above dates which were not registrable were protected until published, and thereafter for 50 years from the end of the year of publication. Publication was sale or letting for hire of copies to the public – i.e. exhaustion of rights by sale of copies, not present-day communicating to the public. Films not so published remain in copyright until the end of 2039.

Copyright in a film made between August 1, 1989 and January 1, 1996 were originally protected until the end of the period of 50 years from the end of the calendar year in which it was made, or if it was released (not "published" as above) before the end of that period, 50 years from the end of the calendar year in which it was released. This period is subject to the provisions of Directive 93/98 EEC as implemented (see above).

C. Protection Term & Legal Entities

A legal person can be the original author.

This affects the term of protection only if the legal person is the Crown or Parliament. Special provisions apply to Crown and Parliamentary copyright in literary, dramatic, musical, or artistic works.

The term of Crown copyright for a literary, dramatic, musical, or artistic work is 125 years from the end of the year in which it was made—but if it is published commercially within 75 years of being made, protection continues only for 50 years from the end of the year of publication.

Acts of the UK and Scottish Parliaments, Northern Ireland Assembly, and measures of the General Synod of the Church of England are protected by Crown copyright; but the term of protection is 50 years from the end of the year in which the act or measure received Royal Assent.

Works made at the direction of either House of Parliament are protected by Parliamentary copyright, and the term of protection for literary, dramatic, musical, or artistic works continues for 50 years from the end of the year in which it was made; and there are special provisions for bills (until they receive Royal assent or are withdrawn) including bills of the Scottish Parliament and the Northern Ireland Assembly.

Where a literary, dramatic, musical, or artistic work, or a film, is made by an employee in the course of employment, the employer is the first owner of copyright in the work (subject to any agreement to the contrary). These first ownership provisions do not apply to Crown copyright, Parliamentary copyright, or to copyright of certain international organizations.

D. Other: National Divergences

Term of the producer's right: Note that the duration of the Producer's right (which is copyright, not a related right, under CDPA) is 70 years p.m.a.

PART II: IDENTIFYING RIGHTSHOLDERS

A. Rightsholders

The authors are the rightsholders

A film is treated as a work of joint authorship unless the producer and the principal director are the same person.

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(Principal Director and the film producer are joint authors , see <http://www.ipo.gov.uk/types/copy/c-ownership/c-creator.htm> - GV)

Presumption of transfer of rental right and film production contracts (reflecting the provisions of Directive 92/100/EEC):

In a contract relating to film production between the producer and an author of a literary, dramatic, musical, or artistic work, the author is presumed to have transferred her rental right to the film producer, unless the agreement provides to the contrary. However, this presumption does not apply to the film of the screenplay, the dialogue, or music specifically created for and used in the film.

An author of a literary, dramatic, musical, or artistic work, or the principal director of a film, who has transferred her rental right to the producer of a film or a sound recording, or an author who is presumed to have transferred her rental right to a film producer (as described above), has a right to receive equitable remuneration for rental of the sound recording or film. This right can be transmitted by will, but may only be assigned to a collecting society. The equitable remuneration is payable by the person who holds the rental right.

Equivalent provisions apply to actual and presumed transfer of the rental right by performers and to their entitlement to equitable remuneration.

Equitable remuneration may be a single payment made at the time when the right is transferred—which means that a lump sum purchase price usually includes an amount representing equitable remuneration for transfer of the rental right. The remuneration should not be presumed inequitable merely because it was a single payment or because it was paid at the same time as the right was transferred.

The "producer of the first fixation of the film" does not have a separate "related right" - the producer is an author of the film.

B. Transfer / Inheritance / Bankruptcy

Copyright may be transferred by assignment, by will or by operation of law.

Extensive input: see completed Questionnaire.

PART III: ORPHAN WORKS

A. Pre-existing Law

"Framework" legislation has been enacted in the Enterprise and Regulatory Reform Act 2013, which will enable SI(s) to set out the applicable rules. A consultation is under way, and no SI has come into force yet.

GV: EU Orphan Works Directive (<http://www.ipo.gov.uk/orphanworks-licensing.pdf>):

The Enterprise and Regulatory Reform (ERR) Act 2013 provides the Secretary of State with a power to introduce two separate measures: an orphan works licensing scheme for the licensing of individual orphan works and to consider applications from collecting societies for voluntary extended collective licensing (ECL) in the UK. Both ECL and the orphan works scheme will be subject to certain safeguards set out in the ERR Act and in the regulations which are being developed

The EU has also adopted a Directive on certain uses of orphan works which has to be implemented in the UK by October 2014. The UK orphan work scheme is wider in its scope and application and has been designed by the Government to be complementary to the Directive.

- The Directive is narrower in its use and scope
- It provides for an exception to copyright law rather than a licensing scheme as under the domestic process.

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- It focuses on the digitisation and making available online of orphan works by publicly accessible cultural and heritage bodies only for non-commercial use – unlike the UK scheme which provides for broader commercial and non-commercial use.
- It excludes stand-alone artistic works such as photographs which constitute a large part of orphaned works in archives (however, embedded works, such as a photograph within a book, are included)
- It allows for the reproduction and making available of a work for example to digitise a work and put it on a cultural institutions' website. This will allow EU citizens to view orphan works online without physically visiting the library, archive or museum. However it does not provide for publication in a book or communication to the public by means of a TV programme - even by museums and archives.
- The EU Orphan Works Directive allows use across the EU, but the UK scheme only allows use within the UK.

B. Implementation of Orphan Works Directive

The UK's Orphan Works provisions will have to take account of the Orphan Works Directive; but as far as is currently known the UK's Orphan Works provisions will additionally allow for commercial exploitation of Orphan Works.

<http://www.ipo.gov.uk/types/hargreaves.htm>

8.2 Technical Questionnaire

Introduction

Technical Questionnaire of FORWARD-project

As a follow up to our AV-Resources Questionnaire, we hereby further examine your resources in the context of FORWARD project (task 4.1.). We will assess data consistency and determine what are the actions required to optimise their usage in the FORWARD system (task 4.1.).

This questionnaire contains the following topics:

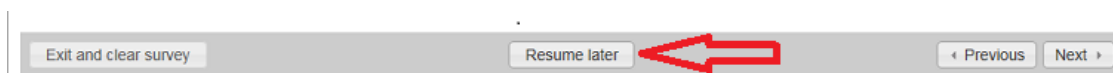
- Data structure and content
- Export
- API and web services

Questions with a red asterisk* are mandatory.

You will notice that some questions are highly specialised. We recommend you distribute the questions among the experts within your organisation. Feel free to share the URL of this questionnaire and the password among your co-workers.

For the progress of the FORWARD-project it is essential to receive your responses in time. Please, fill in this questionnaire **before** the 16th of June.

You don't have to complete the survey in one session. It is possible to save your answers and complete the survey whenever you like. Just click on the button "Resume later" at the bottom of your screen:



Next you will see the following form:

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Save your unfinished survey

Enter a name and password for this survey and click save below.

Your survey will be saved using that name and password, and can be completed later by logging in with the same name and password.

If you give an email address, an email containing the details will be sent to you.

After having clicked the save button you can either close this browser window or continue filling out the survey.

Name:

Password:

Repeat password:

Your email address:

Security question:

[Return to survey](#)

After filling in the form and clicking the "Save now" button you will receive an email confirmation with your login data and the URL which will reload your unfinished questionnaire.

At the top of your screen the progress bar will give you an overview of your progress. Similarly the index in the right sidebar of your screen provides the same information. Topics that are in red are not fully completed. Topics that are in grey are fully completed.

Thank you in advance for your cooperation. It will help us complement the technical and organisational environment of the resources provided to the FORWARD system.

Walter Swagemakers,
Senior Project Manager Eye Film Collections

A. Total number of applications

1.a. How many applications do you maintain to record your AV works, information about persons, corporations, rights status and diligent search results (max. 3)? *

* Please focus on the most important applications with regard to FORWARD. So, concentrate on those applications which you want to be incorporated in the FORWARD-system. If you use more than 3 applications, fill in 3.

B. First Application: data

You answered earlier that you are using one or multiple applications. The following questions covers your first application.

Data questions

This part of the questionnaire covers the data and its structure used in the first application that registers audio visual works and related information (e.g. creators, rights, genealogical information).

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2.a. What is the name of the application?

Please write your answer here:

3.a. What kind of data does this application contain? *

Please choose **all** that apply:

- Information about film works (Q00001)
- Information about persons (directors, producers, etc.) (Q00002)
- Information about corporations (Q00003)
- Information about right status of film works (Q00004)
- Information about the diligent search (Q00005)
- Other: (Q00006)

4.a. Could you provide us with print screens of forms containing information about film works, persons, corporations, right status, diligent search?

Please upload at most 5 files

Kindly attach the aforementioned documents along with the survey

If the language in the forms is not English, can you provide us with a translation (for example in a word document) of the most important terms used in the application?

We ask this question to achieve better understanding of your data model.

If at all possible can you clarify terms according to a metadata standard and indicate which standard you used?

4.b. How many titles does your database have?

Only answer this question if the following conditions are met:

Answer was 'Information about film works' at question '3 [Q00001]' (What kind of data does this application contain?)

4.c. How many persons does your database have?

Only answer this question if the following conditions are met:

Answer was at question '3 [Q00002]' (What kind of data does this application contain?)

4.d. How many corporations does your database have?

Only answer this question if the following conditions are met:

Answer was at question '3 [Q00003]' (What kind of data does this application contain?)

4.e. Which of the following metadata elements do you record?

Only answer this question if the following conditions are met:

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Answer was at question '3 [Q00001]' (What kind of data does this application contain?)

| | Type of field (1) | Estimate of coverage (2) | Remarks |
|--|----------------------|-----------------------------|---------|
| Original title | | | |
| Alternative title | | | |
| Year of production | | | |
| Year of first publication | | | |
| Publication under pseudonym or anonym | | | |
| No previous publication (3) | | | |
| Country / countries of production | | | |
| Production company / companies | | | |
| Producer(s) | | | |
| Country of headquarters or residence of the producer(s) | | | |
| Main director(s) | | | |
| Author(s) of the screen play | | | |
| Author(s) of the dialogues | | | |
| Music composer(s) specifically created for use in the work | | | |
| Rightsholders (4) | | | |
| Contracts of transfer of copyright (if applicable) | | | |
| Embedded incorporated work (5) | | | |
| Other creative contributor(s) | | | |

(1) For field type please enter one of the following values:

- Text field
- Date
- Time range
for example 1921-1924
- Numeric
- Link to record in internal authority file
for example person or corporation record
- Link to record in external authority file

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- None

(2) Coverage: we only need a general estimate. Please enter one of the following values:

- High
- Medium
- Low

(3) AV work has never been made public

(4) Which may include but is not limited to authors, producers, legal entities, state ownership, descendants or legal successors.

(5) An audiovisual work containing (copyright) protected subject-matter, for instance a film clip, can be qualified as an audiovisual work with an embedded / incorporated work.

4.f. Which of the following metadata elements about persons do you record?

Only answer this question if the following conditions are met:

Answer was at question '3 [Q00002]' (What kind of data does this application contain?)

| | Type of field (1) | Estimate of coverage (2) | Remarks |
|--|-------------------|--------------------------|---------|
| Date of birth | | | |
| Date of death | | | |
| First name (for example: Heinrich) | | | |
| Middle name (for example: von) | | | |
| Last name (for example: Kleist) | | | |
| Name in one field (for example: Heinrich von Kleist) | | | |

1. For field type please enter one of the following values:

- Text field
- Date
- Time range
for example 1921-1924
- Numeric
- Link to record in internal authority file
for example person or corporation record
- Link to record in external authority file
- None

2. Coverage: we only need a general estimate. Please enter one of the following values:

- High
- Medium

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- Low

4.g. Which of the following metadata elements do you record for corporations?

Only answer this question if the following conditions are met:

Answer was at question '3 [Q00003]' (What kind of data does this application contain?)

| | Type of field (1) | Estimate of coverage (2) | Remarks |
|---------------------|-------------------|--------------------------|---------|
| Name of corporation | | | |
| Founding date | | | |
| Date of dissolution | | | |
| Legal successor(s) | | | |
| Place of residence | | | |

1. For field type please enter one of the following values:

- Text field
- Date
- Time range
for example 1921-1924
- Numeric
- Link to record in internal authority file
for example person or corporation record
- Link to record in external authority file
- None

2. Coverage: we only need a general estimate. Please enter one of the following values:

- High
- Medium
- Low

5.a. Can you indicate uncertainty for values that you enter in a field of your database?

Please choose **only one** of the following:

- Yes
- No

For example: 1926 [?] to indicate the uncertainty of the date of birth.

5.b. Do you use a different field to indicate the uncertainty you just mentioned?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '5.a.' (Can you indicate uncertainty for values that you enter in a field of

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your database?)

Please choose **only one** of the following:

- Yes
 No

For example: 1926 as value with [?] in a separate field.

6. a. Do you use a controlled list to record the rights status of a film work?

Please choose **only one** of the following:

- Yes
 No

6.b. Which values do you use for the rights status?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '6.a. ' (Do you use a controlled list to record the rights status of a film work?)

For example: copyright protected, public domain, orphan, partial orphan.

7. Do you keep records of your diligent searches?

Please choose **only one** of the following:

- Yes
 No

8. Which controlled vocabularies, thesauri, or taxonomies do you use?

Please choose **all** that apply:

- AAT (Art & Architecture Thesaurus)
 IPTC (International Press Telecommunications Council)
 LCSH (Library of Congress Subject Headings)
 LCNAF (Library of Congress Name Authority File)
 MeSH (Medical Subject Headings)
 Sears Subject Headings
 TGM (Library of Congress Thesaurus for Graphic Materials)
 ULAN (Getty Union List of Artist Names)
 TGN (Getty Thesaurus of Geographic Names)
 GTAA (Gemeenschappelijke Thesauris Audiovisuele Archieven)
 Inhouse
 Other:

C. First Application: export

FORWARD

You answered earlier that you are using one or multiple applications. The following questions cover your first application.

Information exchange: export

This part of the questionnaire addresses exchange of information in the application through exports.

9.a. Is it possible to export information from the application server?

Please choose **only one** of the following:

- Yes
- No

9.b. Is there a structural exchange of information with other organisations or applications using exports?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9.a.' (Is it possible to export information from the application server?)

Please choose **only one** of the following:

- Yes
- No

9.c. Is it done automatically i.e. without manual intervention?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9.a.' (Is there a structural exchange of information with other organisations or applications using exports?)

Please choose **only one** of the following:

- Yes
- No

9.d. To what purposes are the exports used?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9.a.' (Is it possible to export information from the application server?)

Please choose **all** that apply:

- Populate website
- Publishing
- Transport information to another application
- Collaboration with other organisations
- Further analysis of information that is not possible in the application itself
- Other:

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9.e. Are the exports according to a standard?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9.a.' (Is it possible to export information from the application server?)

Please choose **only one** of the following:

- Yes
- No

9.e.1. Which standards do you use for the export?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9.e.' (Are the exports according to a standard?)

Please choose **all** that apply:

- Dublin Core
- EDM
- MIDAS Metadata Scheme
- European Film Gateway
- OAI Harvesting Scheme for filmportal.de
- EBU Core
- PBCore
- METS
- PREMIS
- EN 15907
- Movielabs
- EIDR
- VideoMD
- AudioMD
- EAD
- MPEG7
- MPEG21
- MARC
- MODS
- Schema.org
- Other:

9.f. In what format are the exports?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9.a.' (Is it possible to export information from the application server?)

Please choose **all** that apply:

- XML
- Excel
- Textfile

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- Json
- CSV
- RDF
- Other:

9.g. Does the export consist of multiple files?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '19 [Q00017]' (Is it possible to export information from the application server?)

Please choose **only one** of the following:

- Yes
- No

9.h. Can the export be tailored by selecting what fields and what data is exported?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9.a. ' (Is it possible to export information from the application server?)

Please choose **only one** of the following:

- Yes
- No

9.i. To which of the following central repositories do you export information from this application?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9.a. ' (Is it possible to export information from the application server?)

Please choose **all** that apply:

- viaf
- wikipedia
- freebase
- none
- Other:

9.j. Do you publish data of this application as open data?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9.a. ' (Is it possible to export information from the application server?)

Please choose **only one** of the following:

- Yes
- No

C. First Application: API

This part of the questionnaire addresses the information in the application your organisation shares through an API or a web services (API = A Program Interface, used to access an application from other applications).

Where possible, The FORWARD-system will use API or web services to retrieve information from the application.

10.a. Is it possible to access the information through an API?

Please choose **only one** of the following:

- Yes
- No

10.b. Is the API used to access information by other applications?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '10.a. ' (Is it possible to access the information through an API?)

Please choose **only one** of the following:

- Yes
- No

10.b.1. Can you list those applications?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '10.b. ' (Is the API used to access information by other applications?)

Please write your answer here:

Is the API used by these applications designed to:

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '10.b. ' (Is the API used to access information by other applications?)

Please choose **all** that apply:

- Keep website(s) up to date
- Publish
- Transport information to another application
- Collaborate with other organisations
- Provide further analysis of the information that is not possible in the application itself
- Other:

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10.b.2. What technology was used to implement the API?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '10.a.' (Is it possible to access the information through an API?)

Please choose **all** that apply:

- SOAP
- REST
- RPC
- Other:

11.a. In what format is the information provided by the API?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '10.a.' (Is it possible to access the information through an API?)

Please choose **all** that apply:

- Determined by the technology used to implement the API
- XML
- JSON
- Text
- Other:

12.a. Does the API conform to a standard of information exchange?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '10.a.' (Is it possible to access the information through an API?)

Please choose **all** that apply:

- Dublin Core
- EDM
- MIDAS Metadata Scheme
- European Film Gateway
- OAI Harvesting Scheme for filmportal.de
- EBU Core
- PBCore
- METS
- PREMIS
- MARC
- MODS
- EN 15907
- Movielabs
- EIDR
- VideoMD
- AudioMD
- SMPTE RP210

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- EAD
- MPEG7
- MPEG21
- Other:

13.a. Is the API accessible from the internet?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '10.a.' (Is it possible to access the information through an API?)

Please choose **only one** of the following:

- Yes
- No

13.a.1 How is security managed?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13.a.' (Is the API accessible from the internet?)

Please choose **all** that apply:

- VPN
- Username/password
- Private/public key
- Whitelisting ip
- OAuth
- Other:

14.a. Does the API provide complete information?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '10.a.' (Is it possible to access the information through an API?)

Please choose **only one** of the following:

- Yes
- No

Answer Yes if all fields and data *can* be accessed using the API

15.a. Could you provide us with the API documentation. Preferably URL:...

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '10.a.' (Is it possible to access the information through an API?)

C. First application: evaluation

Do you foresee any problems concerning the integration of this application in the FORWARD-system

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[Repeat loop for every application]

E. Evaluation

Do you have any remarks, suggestions, etc.?

Thank you very much for completing this survey. It will help us complement the technical and organisational environment of the resources provided to the FORWARD system

Submit your survey.

8.3 Technical Questionnaire third parties

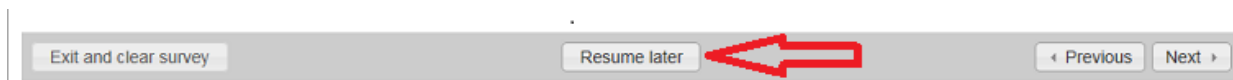
Third Parties Questionnaire

The FORWARD project aims at creating a software infrastructure that enables National Heritage Institutes to determine the rights status of Film works, so they can be used and shown. The goal is to make 230.000 titles available in the EU, and establish an EU-wide Registry of Orphan Works. An Orphan Work is a work of which the rightholders are unknown or untraceable.

Your National Heritage Institute indicates that your organisation possesses data that can be used to assess the rights status of audio visual works. FORWARD aims at interacting with relevant resources such as yours as part of the software infrastructure we are building. With this survey we want to investigate the possibility of your organisation becoming part of the FORWARD infrastructure and the technical possibilities of data interoperability. It will take between 10 minutes to an hour to complete the survey.

Questions with a red asterisk * are mandatory.

You don't have to complete the survey in one session. It is possible to save your answers and complete the survey whenever you like. Just click on the button "Resume later" at the bottom of your screen:



Next you will see the following form:

Save your unfinished survey

Enter a name and password for this survey and click save below.
Your survey will be saved using that name and password, and can be completed later by logging in with the same name and password.

If you give an email address, an email containing the details will be sent to you.

After having clicked the save button you can either close this browser window or continue filling out the survey.

Name:

Password:

Repeat password:

Your email address:

Security question:

[Return to survey](#)

After filling in the form and clicking the "Save now" button you will receive an email confirmation with your login data and the URL which will reload your unfinished questionnaire.

At the top of your screen the progress bar will give you an overview of your progress. Similarly the

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index in the right sidebar of your screen provides the same information. Topics that are in red are not fully completed. Topics that are in grey are fully completed.

Thank you in advance for your cooperation. It will help us complement the technical and organisational environment of the resources provided to the FORWARD system. We appreciate if you could send your response before <date>.

Walter Swagemakers,
Senior Project Manager Eye Film Collections

There are 39 questions in this survey

A. Identification

1.a. Respondent: *

Please write your answer(s) here:

- What is the name of your organisation?
- What is your name?
- Could you describe your function in your organisation?

2.a. From which organisation did you receive the invitation to this survey? *

Please choose **only one** of the following:

- Centre National du Cinéma et de l'Image Animée (Frankrijk)
- Cinémathèque Royale de Belgique (Belgium)
- Det Danske Filminstitut (Denmark)
- Deutsches Filminstitut (Germany)
- Eye Film Instituut (Netherlands)
- Filmothea Narodowa (Poland)
- Focal International LTD (United Kingdom)
- Fondazione Cineteca di Bologna (Italy)
- Kansallinen audiovisuaalinen arkisto (Finland)
- Narodni Filmovy Archiv (Czech Republic)
- Other

3.a. Which of the following functionalities does your application offer with respect to information exchange? *

Please choose **only one** of the following:

- API and web services
- Export possibilities
- API, web services and export possibilities

None of the above

4.a. Which of the following statements describe your application best?

Please choose **only one** of the following:

- We provide filmographic information about film works, movie makers, production companies, etc. (Q0001)
- We provide information in general about people such as contact information, family background, biographical data, etc. (Q0002)
- We provide information about companies such as contact information, business purposes, etc. (Q0003)

B. API and web services

This part of the questionnaire addresses the information in the application your organisation shares through an API or a web services (API = A Program Interface, used to access an application from other applications).

Where possible, The FORWARD-system will use API or web services to retrieve information from the application.

5. May the FORWARD-system use your API to access information? *

Please choose **only one** of the following:

- Yes
- No

6. What technology was used to implement the API?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '5' (May the FORWARD-system use your API to access information?)

Please choose **all** that apply:

- SOAP
- REST
- RPC
- Other:

7. In what format is the information provided by the API?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '5' (May the FORWARD-system use your API to access information?)

Please choose **all** that apply:

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- Determined by the technology used to implement the API
- XML
- JSON
- Text
- Other:

8. Does the API conform to a standard of information exchange?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '5' (May the FORWARD-system use your API to access information?)

Please choose **all** that apply:

- Dublin Core
- EDM (Europeana Data Model)
- MIDAS Metadata Scheme
- European Film Gateway
- OAI Harvesting Scheme for filmportal.de
- EBU Core (The EBUCore metadata set for audiovisual content, extension of Dublin Core)
- PBCore (Metadata & Cataloging Resource for Public Broadcasters & Associated Communities)
- METS (Metadata Encoding and Transmission Standard)
- PREMIS (Preservation Metadata: Implementation Strategies)
- MARC
- MODS
- EN 15907
- Movielabs
- EIDR
- VideoMD
- AudioMD
- SMPTE RP210
- EAD
- MPEG7
- MPEG21
- Other:

9. Is the API accessible from the internet?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '5' (May the FORWARD-system use your API to access information?)

Please choose **only one** of the following:

- Yes
- No

10. How is security managed?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '9' (Is the API accessible from the internet?)

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Please choose **all** that apply:

- VPN
- Username/password
- Private/public key
- Whitelisting ip
- Oauth
- Other:

11. Does the API provide complete information?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '5' (May the FORWARD-system use your API to access information?)

Please choose **only one** of the following:

- Yes
- No

Answer Yes if all fields and data *can* be accessed using the API

12. Could you provide us with the API documentation. Preferably URL:...

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '5' (May the FORWARD-system use your API to access information?)

Please write your answer here:

C. Export

This part of the questionnaire addresses exchange of information in the application through exports.

13. May we use the exports for the FORWARD-system? *

Please choose **only one** of the following:

- Yes
- No

14. Which of the following fields contains the export?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13' (May we use the exports for the FORWARD-system?) and Answer was 'We provide filmographic information about film works, movie makers, production companies, etc.' at question '4 [Q0001]' (Which of the following statements describe your application best?)

Please choose **all** that apply:

- Original title

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- Alternative title
- Year of production
- Year of first publication
- Publication under pseudonym or anonym
- No previous publication
- Country / countries of production
- Production company / companies
- Producer(s)
- Country of headquarters or residence of the producer(s)
- Main director(s)
- Author(s) of the screen play
- Author(s) of the dialogues
- Music composer(s) specifically created for use in the work
- Rightsholders
- Other creative contributor(s)

15. Which of the following fields contains the export?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13' (May we use the exports for the FORWARD-system?) and Answer was 'We provide information in general about people such as contact information, family background, biographical data, etc.' at question '4 [Q0002]' (Which of the following statements describe your application best?)

Please choose **all** that apply:

- Date of death
- Descendants

16. Which of the following fields contains the export?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13' (May we use the exports for the FORWARD-system?) and Answer was 'We provide information about companies such as contact information, business purposes, etc.' at question '4 [Q0003]' (Which of the following statements describe your application best?)

Please choose **all** that apply:

- Name of the corporation
- Founding date
- Date of dissolution
- Legal successor(s)
- Place of residence

17. Is there a structural exchange of information with other organisations or applications using exports?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13' (May we use the exports for the FORWARD-system?)

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Please choose **only one** of the following:

- Yes
- No

18. Is it done automatically i.e. without manual intervention?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '17' (Is there a structural exchange of information with other organisations or applications using exports?)

Please choose **only one** of the following:

- Yes
- No

19. Are the exports according to a specific standard?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13' (May we use the exports for the FORWARD-system?)

Please choose **only one** of the following:

- Yes
- No

20. Which standards do you use for the export?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '19' (Are the exports according to a specific standard?)

Please choose **all** that apply:

- Dublin Core
- EDM (Europeana Data Model)
- MIDAS Metadata Scheme
- European Film Gateway
- OAI Harvesting Scheme for filmportal.de
- EBU Core
- PBCore
- METS (Metadata Encoding and Transmission Standard)
- PREMIS (Preservation Metadata: Implementation Strategies)
- EN 15907
- Movielabs
- EIDR
- VideoMD
- AudioMD
- EAD
- MPEG7

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- MPEG21
- MARC
- MODS
- Schema.org
- Other:

21. In what format are the exports?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13' (May we use the exports for the FORWARD-system?)

Please choose **all** that apply:

- XML
- Excel
- Textfile
- Json
- CSV
- RDF
- Other:

22. Does the export consist of multiple files?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13 [Q00020]' (May we use the exports for the FORWARD-system?)

Please choose **only one** of the following:

- Yes
- No

23. To which of the following central repositories do you export information from this application?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13 [Q00020]' (May we use the exports for the FORWARD-system?)

Please choose **all** that apply:

- viaf
- wikipedia
- freebase
- none
- Other:

24. Do you publish data of this application as open data?

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Only answer this question if the following conditions are met:

Answer was 'Yes' at question '13 [Q00020]' (May we use the exports for the FORWARD-system?)

Please choose **only one** of the following:

- Yes
- No

D. Data

This part of the questionnaire addresses the data and its structure used in the application.

25. What is the name of the application?

Please write your answer here:

26. Could you provide us with the URL of your application?

Please write your answer here:

27. Does your application contains information about film works that are produced before 1940?

Only answer this question if the following conditions are met:

Answer was 'We provide filmographic information about film works, movie makers, production companies, etc.' at question '4 [Q00001]' (Which of the following statements describe your application best?)

Please choose **only one** of the following:

- Yes
- No

28. Does your application include genealogical information?

Only answer this question if the following conditions are met:

Answer was 'We provide information in general about people such as contact information, family background, biographical data, etc.' at question '4 [Q00002]' (Which of the following statements describe your application best?)

Please choose **only one** of the following:

- Yes
- No

29. Does your application include information about corporations before 1940?

Only answer this question if the following conditions are met:

Answer was 'We provide information about companies such as contact information, business purposes,

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etc.' at question '4 [Q00003]' (Which of the following statements describe your application best?)

Please choose **only one** of the following:

- Yes
- No

30. Which of the following metadata elements do you record?

Only answer this question if the following conditions are met:

Answer was 'We provide filmographic information about film works, movie makers, production companies, etc.' at question '4 [Q00004]' (Which of the following statements describe your application best?)

| | Type of field (1) | Remarks |
|--|-------------------|---------|
| Original title | | |
| Alternative title | | |
| Year of production | | |
| Year of first publication | | |
| Publication under pseudonym or anonym | | |
| No previous publication (2) | | |
| Country / countries of production | | |
| Production company / companies | | |
| Producer(s) | | |
| Country of headquarters or residence of the producer(s) | | |
| Main director(s) | | |
| Author(s) of the screen play | | |
| Author(s) of the dialogues | | |
| Music composer(s) specifically created for use in the work | | |
| Rightsholders (3) | | |
| Contracts of transfer of copyright (if applicable) | | |
| Embedded incorporated work (4) | | |
| Other creative contributor(s) | | |

(1). For field type please enter one of the following values:

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- Text field
- Date
- Time range
for example 1921-1924
- Numeric
- Link to record in internal authority file
for example person or corporation record
- Link to record in external authority file
- None

(2). AV work has never been made public

(3). Which may include but is not limited to authors, producers, legal entities, state ownership, descendants or legal successors.

(4). An audiovisual work containing (copyright) protected subject-matter, for instance a film clip, can be qualified as an audiovisual work with an embedded / incorporated work.

31. Which of the following metadata elements about persons do you record?

Only answer this question if the following conditions are met:

Answer was 'We provide information in general about people such as contact information, family background, biographical data, etc.' at question '4 [Q00002]' (Which of the following statements describe your application best?)

| | Type of field (1) | Remarks |
|---------------|-------------------|---------|
| Name | | |
| Date of birth | | |
| Date of death | | |
| Descendants | | |

(1). For field type please enter one of the following values:

- Text field
- Date
- Time range
for example 1921-1924
- Numeric
- Link to record in internal authority file
for example person or corporation record
- Link to record in external authority file
- None

32. Which of the following metadata elements do you record for corporations?

Only answer this question if the following conditions are met:

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Answer was 'We provide information about companies such as contact information, business purposes, etc.' at question '4 [Q00003]' (Which of the following statements describe your application best?)

| | Type of field (1) | Remarks |
|----------------------------|-------------------|---------|
| Name of corporation | | |
| Founding date | | |
| Date of dissolution | | |
| Legal successor(s) | | |
| Place of residence | | |

(1). For field type please enter one of the following values:

- Text field
- Date
- Time range
for example 1921-1924
- Numeric
- Link to record in internal authority file
for example person or corporation record
- Link to record in external authority file
- None

33. Do you use a controlled list to record the rights status of a film work?

Only answer this question if the following conditions are met:

Answer was 'We provide filmographic information about film works, movie makers, production companies, etc.' at question '4 [Q00001]' (Which of the following statements describe your application best?)

Please choose **only one** of the following:

- Yes
- No

34. Which values do you use for the rights status?

Only answer this question if the following conditions are met:

Answer was 'Yes' at question '33' (Do you use a controlled list to record the rights status of a film work?)

Please write your answer here:

For example: copyright protected, public domain, orphan, partial orphan.

35. Which controlled vocabularies, thesauri, or taxonomies do you use?

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Only answer this question if the following conditions are met:

Answer was 'We provide filmographic information about film works, movie makers, production companies, etc.' at question '4 [Q00001]' (Which of the following statements describe your application best?)

Please choose **all** that apply:

- AAT (Art & Architecture Thesaurus)
- IPTC (International Press Telecommunications Council)
- LCSH (Library of Congress Subject Headings)
- LCNAF (Library of Congress Name Authority File)
- MeSH (Medical Subject Headings)
- Sears Subject Headings
- TGM (Library of Congress Thesaurus for Graphic Materials)
- ULAN (Getty Union List of Artist Names)
- TGN (Getty Thesaurus of Geographic Names)
- GTAA (Gemeenschappelijke Thesauris Audiovisuele Archieven)
- Inhouse
- Other:

36. How do you record names?

Only answer this question if the following conditions are met:

Answer was 'We provide filmographic information about film works, movie makers, production companies, etc.' or 'We provide information in general about people such as contact information, family background, biographical data, etc.' at question '4 [Q0001]' (Which of the following statements describe your application best?)

Please choose **only one** of the following:

- Separate fields for first name, middle name and last name
- Name in one field

E. Evaluation of your application

37. Do you foresee any problems concerning the integration of this application in the FORWARD-system

Please write your answer here:

F.Evaluation

Do you have any general remarks, suggestions, concerning the project or this questionnaire?

Please write your answer here:

G. Submit page

After clicking the submit button, you cannot change any of your responses anymore. If you don't want to close the questionnaire just yet, click the button 'Resume later', and you will

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receive an e-mail with a link that enables you to revisit the questionnaire.

If you already resumed the questionnaire, the 'Resume later' button is not visible anymore. Just click on the link in the e-mail you already received.

Thank you very much for completing this survey. It will help us complement the technical and organisational environment of the resources provided to the FORWARD system.

Submit your survey.

Thank you for completing this survey.

9. REFERENCES

Boletín Oficial del Estado, “Legislación consolidada”

<https://www.boe.es/buscar/pdf/1996/BOE-A-1996-8930-consolidado.pdf>

Chamber of Deputies, Parliament of the Czech Republic, “Sněmovní tisk 70/0, část č. 1/ Novela z. - autorský zákon - EU - RJ”, 20-12-2013

<http://www.psp.cz/sqw/text/tiskt.sqw?O=7&CT=70&CT1=0>

Copyright Registry Net, “Wet van 30 juni 1994 betreffende het auteursrecht en de naburige rechten”

<http://home.scarlet.be/registryoffice/site/aw.htm>

European Union, “Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works.”

http://ec.europa.eu/internal_market/copyright/orphan_works/index_en.htm

Finlex, “Tekijänoikeusasetus”, 21-04-1995

<http://www.finlex.fi/fi/laki/ajantasa/1995/19950574>

Finlex, “Tekijänoikeuslaki”, 07-07-1961

<http://finlex.fi/fi/laki/ajantasa/1961/19610404>

(Unofficial translation at: <http://www.finlex.fi/fi/laki/kaannokset/1961/en19610404.pdf>)

Intellectual Property Office, “Copyright”

<http://www.ipo.gov.uk/types/copy/c-ownership/c-creator.htm>

Legifrance, “Code de la propriété intellectuelle”

<http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069414>

Legislation.gov.uk, “Copyright, Designs and Patents Act 1988”

<http://www.legislation.gov.uk/ukpga/1988/48/contents>

Overheid.nl, “Wet van 23 september 1912, houdende nieuwe regeling van het auteursrecht.”

http://wetten.overheid.nl/BWBR0001886/geldigheidsdatum_07-01-2014

Retsinformation DK, “Forslag til Lov om ændring af lov om ophavsret”, 30-01-2014

<https://www.retsinformation.dk/Forms/R0710.aspx?id=145048>

Wikisource, “Polish Copyright Law”

http://en.wikisource.org/wiki/Polish_Copyright_Law_from_4_February_1994