



Fotoreproductie van (vermoedelijk) een prent voorstellend een roeiende vrouw in een storm, Rijksmuseum, Netherlands, Public Domain

THE 2025 EUROPEANA PUBLIC DOMAIN CHARTER



The Europeana Initiative and the common European data space for cultural heritage serve the public mission of broadening access to (digital) cultural heritage for all to enjoy and benefit from, upholding the public interest. The public domain is the material from which society derives knowledge and fashions new cultural works. Having a healthy and thriving public domain is essential to the social and economic well-being of society.

Defining the public domain

The public domain comprises all the knowledge, information and works – including books, pictures, audiovisual and digital materials – which can be used without the need for permission. The public domain provides a historically developed balance between preserving the economic and moral rights of authors and encouraging learning and the spread of knowledge for the benefit of society. The public domain is essential to the cultural memory and knowledge base of our societies.

The public domain can be defined in different ways. In a broad sense, it can be understood as encompassing:

1. **Works on which copyright protection has expired.** Copyright in most types of works in the European Union lasts for 70 years after the death of its longest living creator. After that, the work enters the public domain and everyone is free to use it, subject in some jurisdictions to the author's moral rights. Almost everything published, painted, photographed or released anywhere in the world before the 20th century is out of copyright and in the public domain in the European Union.
2. **Works that do not qualify for copyright protection.** European Union copyright law only protects works that are considered 'original', meaning that they are the 'author's own intellectual creation'. In other words, the work must involve a sufficient level of creativity to reflect the author's personality. If it doesn't, the work is not 'original' and will not qualify for copyright protection, thus being in the public domain.
3. **Ideas, facts and information.** Copyright does not protect an idea, only the original expression of that idea. Similarly, it does not protect facts and information. Ideas, facts and information are in the public domain and free to be used by all.
4. **Excluded subject matter.** Most European Union copyright laws expressly state that laws, decrees, administrative decisions, court judgments and other official documents are not protected by copyright. This essential commons is regarded as too important for the functioning of our societies to be burdened with copyright restrictions of any nature even for a limited period.
5. **Works dedicated to the public domain by their rightsholder.** Rightsholders may decide to relinquish their copyright over their works and to transfer their works into the public domain before the expiry of the term of protection. They may do this by using the Creative Commons Public Domain Dedication (CC0). Works thus enter the public domain upon their release under CC0.

Certain uses of copyright protected works are permitted by law and do not require permission. These are known as copyright exceptions and limitations, and cover uses



considered to be socially, culturally, politically or economically beneficial. They include teaching and scientific research, the preservation of our cultural heritage, uses by people with a disability, criticism and review, quotation, parody and pastiche, among many others.

Principles for a healthy public domain

Museums, libraries and archives of all kinds are stewards of our cultural and scientific heritage. These memory organisations are the guardians of society's shared knowledge. They play an essential part in maintaining the public domain on behalf of citizens and must uphold and promote a number of general principles in order to do so. By doing so, they can ensure that the public domain continues to function in the technological environment of the networked information society and in the age of artificial intelligence.

The following principles and guiding precepts are essential for a healthy and vibrant public domain in the digital environment.

1. **Copyright protection is temporary.** Copyright gives rights holders time-limited and exclusive control over the use of their works. Once this period has expired, these works automatically enter the public domain. The mass of knowledge over recorded time is in the public domain; copyright offers an appropriate and time-limited exception to this status.
2. **The public domain is permanent.** What is in the public domain needs to remain in the public domain. Exclusive control over public domain materials cannot be re-established by claiming exclusive rights in technical reproductions of works, or by using technical and/or contractual measures to limit access to technical reproductions of such works. Works that are in the public domain in analogue form continue to be in the public domain once they have been digitised. Digitisation of public domain content does not create new rights over it.
3. **The public domain is crucial to the enjoyment of fundamental rights.** The lawful user of a public domain work should be free to (re-) use, copy and modify the work. This must not be limited through false copyright claims or technical or contractual measures. When a work has entered the public domain there should be no additional legal restrictions on the use of that work.
4. **Cultural heritage institutions are the stewards of the public domain.** Cultural heritage institutions play an important role in preserving and making available public domain materials. Their public interest mission results in them being one of the only actors who can ensure that society has access to public domain materials, given their efforts to preserve materials that would otherwise get lost or disappear by the time they enter the public domain. They are in a unique position to bring value to society by making these materials available to the public.

The lack of sufficient funding for digitisation creates a burden on some cultural heritage institutions, who need to identify revenue streams to recover costs. The principles outlined above should not be interpreted as preventing organisations from using the public domain materials for commercial purposes in a non-exclusive way, or from being referenced as the source of a work.



Actions for preserving the function of the Public Domain

While technological developments and policy changes can have a positive impact on the enjoyment of cultural heritage, in some cases they can also threaten the availability and reuse possibilities of public domain materials. Over the last few decades, Europe has witnessed an expansion of the scope of copyright both in terms of time and protected subject matter. Likewise, new technological developments pose new challenges to the access and use of public domain materials.

The Europeana Initiative, as steward of the common European data space for cultural heritage, is committed to fostering collective and coordinated sectoral efforts to help cultural heritage institutions to address these challenges. This includes efforts to:

1. **Advocate against any expansions of the scope or duration of copyright protection.** Such an expansion is detrimental to the public domain and the ability of citizens and cultural heritage organisations to interact with important parts of our shared culture and knowledge.
2. **Advocate against attempts to reconstitute or obtain exclusive and/or undue control over public domain materials.** Reproductions of materials in the public domain should not be subject to any additional restrictions, including any requirement to obtain permission and/or payment of a fee. This includes property right-based licences, terms of use or other types of contractual restrictions, but also the rights obtained when publishing previously unpublished public domain materials or perpetual moral rights exercised by State authorities.
3. **Ensure that all forms of digital reproductions of public domain materials are not subject to additional legal restrictions.** The public domain is permanent and must not attract a secondary layer of copyright or neighbouring rights. This also includes 3D reproductions and photographic reproductions of public domain material, unless they are original and an author's own intellectual creation. Cultural heritage institutions should advocate against technologies that allow an organisation to opt-out of text and data mining and that cannot distinguish between public domain material and copyright-protected works.
4. **Avoid entering into contracts that limit the reuse of public domain material.** Funding for digitisation should not result in an obligation on cultural heritage institutions to inhibit access and reuse public domain materials. Good stewardship of the public domain includes preventing additional legal restrictions to ensure that society can freely use public domain materials.
5. **Mark public domain materials systematically, rigorously and accurately.** As stewards of the public domain, heritage institutions need to actively mark the public domain to ensure that it can be identified and communicated as such and reused without undue restrictions. When possible, they should provide additional information that enables the public to make public domain calculations, such as the author's name, the publication date, or the creation date.
6. **Balance the public domain against other legitimate interests.** Access and use of cultural heritage in the public domain might be subject to limitations dictated by other laws, interests, ethics, values and cultural sensitivities, which must be respected in order to avoid causing harm to vulnerable groups and individuals, among others.



7. **Safeguard the availability of public domain materials.** The availability of cultural heritage is at risk due to various societal and environmental developments. Areas of conflict and severe climate change threaten the preservation of cultural heritage materials, in particular by the time they enter the public domain. Born-digital materials are also at risk of loss given the private nature of cultural sharing platforms and access restrictions. Efforts to ensure the preservation and sustainable access to public domain cultural heritage are all the more urgent in the face of these threats, while acknowledging the need to mitigate the carbon footprint of preservation activities.
8. **Provide high quality and reusable reproductions and metadata.** For public domain access to truly and fully lead to valuable reuse possibilities, high-resolution reproductions are necessary, along with complete, machine-readable metadata and paradata that is free from restrictions.

About the charter

This is the second iteration of the Europeana Public Domain Charter. The previous version, published in 2010, has been updated in view of current challenges to the public domain and opportunities to safeguard it. The Charter was updated through a collaborative effort led by the Europeana Initiative's Copyright Community, with input from the Initiative and consultations across the sector.

The aim of this Charter is to give a clear signal to cultural heritage institutions, policy makers and the public that the Europeana Initiative believes in and aims to strengthen the concept of the public domain in the digital world. It also reflects the Europeana Initiative's strong commitment to this goal, which lies at the heart of its mission. In order to do so we need a robust and up-to-date understanding of the nature of this essential resource.

This Charter is a policy statement, not a contract. It does not bind content providers of Europeana and common European data space for cultural heritage. The Europeana Initiative is issuing the Charter in order to help shape the debate among Europe's memory organisations, policy makers and funders about the terms under which public domain material is made available.

The Public Domain Charter will help to promote greater consistency for the benefit of users of public domain materials. While public domain materials have been shared more widely in the last decade through digital reproductions, there are still complicated barriers for citizens wishing legitimate access and use of public domain heritage.

About Europeana and the common European data space for cultural heritage

The Europeana Initiative - together with its partners - deploys and stewards the common European data space for cultural heritage, a flagship initiative of the European Union to accelerate the digital transformation of Europe's cultural sector. Through its work, the Europeana Initiative empowers the cultural heritage sector in its digital transformation, developing expertise, tools and policies to embrace digital change and encourage partnerships that foster innovation. The Europeana Initiative works to make it easier for people to use cultural heritage for education, research, creation and



recreation, and contributes to an open, knowledgeable and creative society. It is funded by the European Union.

The work of the Europeanana Initiative is made possible by the collaboration of three interlinked expert organisations: **the Europeanana Foundation**, an independent, non-profit organisation that works to put cultural heritage to good use in the world and leads the deployment of the data space; the **Europeanana Network Association**, a strong and democratic community of experts working in the field of digital cultural heritage, the Europeanana Network Association is open for all to join; and **the Europeanana Aggregators' Forum**, the network of national, domain and thematic aggregators who support cultural institutions providing data and content to Europeanana. These institutions make their data available through Europeanana.eu and the Europeanana APIs. Together, they steward the common European data space for cultural heritage and advance digital change in the cultural heritage sector.

The public domain is a shared resource that underpins contemporary society. As knowledge and information are digitised, legal contracts are often being used that hinder free access to the digitised Public Domain. This runs counter to the values of the Europeanana Initiative, and the aim to make Europe's cultural heritage available and accessible for reuse.

If you would like to respond to the Europeanana Public Domain Charter, please contact info@europeanana.eu.



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