



Europeana Space – Spaces of possibility for the creative reuse of Europeana’s content

CIP Best practice network - project number 621037

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This deliverable contains original unpublished work except where clearly indicated otherwise.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

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## 1 EXECUTIVE SUMMARY

This deliverable was set out as a tool to help create awareness about the use and application of the Europeana rights labels. In order to maximize the impact of such awareness raising, ESspace WP3 set out to work together with the Europeana Foundation. By determining a joint field of action, with the rights labels as core focus, ESspace actions would foster not only the project consortium, but also the wider Europeana community.

By the end of Europeana's rights labelling campaign, nearly 100% of Europeana's content had a rights label and previously lesser suited labels were replaced with correct ones. But Europeana is moving forward: a future goal is to have 60% of Europeana objects bearing a rights statement that allows for re-use.

Due to the completion of the Rights Labelling campaign, the deliverable description in the DoW, co-ordinated blog posts by both projects on rights labelling, were not published. Therefore the deliverable contains details of desk research on Europeana rights labelling, as well as details of correspondence and discussions between the project and the Europeana team.

In order to share the expertise and information on the topic, ESspace was invited to the Europeana Copyright and Re-use Coordination Group of Europeana. WP3 contributed to some points that were on the table during the first meeting of this group in June 2014. Although collaborating at a headline level, the way to achieving practical cooperation in the field of IPR, was still to be fully established.

As the objectives of D3.5 had already been met through the rights labelling campaign, ESspace WP3 asked to explore other avenues for joint working. Although Europeana had some initial thoughts, work commitments meant that a full discussion could not take place until January. A chapter of the document outlines the situation, followed by a timeline of communication between ESspace and Europeana, and the actions that were undertaken in order to align both project's IPR actions.

As a discussion only took place with Europeana in January, it was decided that a scaled down version of the original D3.5 should be submitted, describing the Europeana's rights labelling campaign.

Close to this deliverable's due date, common ground for future cooperation was established. Europeana suggested a number of policy actions on which ESspace could be involved as an active partner. The deliverable provides an overview of the joint actions to which ESspace could envisage a contribution, in order to reach a synergy between ESspace WP3 and Europeana for the future lifespan of the project.

## 2 INTRODUCTION

### 2.1 BACKGROUND

One of the aims of the Europeana Space WP3, Content Space, is to facilitate the ease of content re-use by raising awareness on the rights labelling of content in Europeana. Europeana currently holds a large repository of data; over 39 million<sup>1</sup> objects are showcased on the portal website. Object metadata is available on the portal; digitised content remains on the Data Providers' websites. The majority of this content is still not available for re-use, but the amount of re-usable content is growing. The Europeana Space (ESpace) project sets out to investigate how the re-use of this material can be made possible, and thus Europeana is a key stakeholder in this story.

In order to know whether material may be re-used by ESpace partners, (especially the six thematic pilots) and beyond, clear licensing conditions on the material need to be in place. This is where the Europeana rights labels come in. They provide a single information card on what you can or cannot do with e.g., the digital reproduction. In addition, ESpace is looking at contributing additional content to Europeana – content that also needs to be properly licensed, by using the available Europeana rights labels. This will be overseen by PACKED, as Task 3.5 Leader, with advice and guidance provided to partners, as required

*In the Description of Work of ESpace, we have therefore planned this deliverable D3.5 to be “a report that would take the form of integration and reporting of various blog posts about right labelling, e.g. on Europeana-related channels, on cultural heritage institutions’ websites, etc. Information about the importance of correct rights metadata-ing will be brought into the content-providing institutions’ ‘own stream’ (cf. Europeana’s reference to ‘personal stream/space’ of users). Reference will always be made to the online address where the necessary information to label correctly is available.”*

Due to a change in circumstances since the project’s DoW was agreed in 2013 and the completion of Europeana’s Rights Labelling campaign, the nature of the deliverable needed to be revised. We therefore propose this altered document, D3.5, as a starting point, with potential next steps described in chapter 4. The ESpace Project Manager had e-mailed the EC Project Officer in late October 2014 to explain that this deliverable may have to change following the completion of Europeana’s Rights Labelling campaign.

Its successor D3.6, due M24, is also likely, upon approval of the EC Project Officer, to be shaped differently to that defined in the ESpace DoW (currently part two of D3.5) in order to meet the needs of the ESpace project objectives and also serve the wider Europeana community and network.

### 2.2 ROLE OF THIS DELIVERABLE IN THE PROJECT

This deliverable was set out as a tool to help create awareness about the use and application of the Europeana rights labels. This would benefit project pilot actions, when they source Europeana for re-usable content. This would also serve the data providing institutions in understanding how they can make their own content better, more easily found and make re-use conditions clearly visible in the Europeana environment.

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<sup>1</sup> As retrieved on January 20, 2015 through query [http://europeana.eu/portal/search.html?query=%3A\\*&rows=24](http://europeana.eu/portal/search.html?query=%3A*&rows=24)

In order to maximize the impact of such awareness raising, ESspace set out to cooperate with Europeana. By determining a joint field of action, with the rights labels as core focus, ESspace actions would foster not only the project consortium but also the wider Europeana community.

Although both sides were keen to determine a joint programme of actions (with ESspace WP3 maintaining a constant dialogue), due to work commitments, it has not been possible for ESspace and the Europeana Foundation to establish this yet. As a result, ESspace took the decision to submit a scaled down version of the proposed deliverable, by its M12 due date. Following Skype meetings with Europeana in mid and late January, we are now better placed to evaluate a number of interesting opportunities to collaborate on mutually beneficial tasks; these are described in chapter 4.

## **2.3 APPROACH**

In order to give an update on the status quo of the rights labelling campaign, desk research has been undertaken, further enhanced with the results of a several relevant meetings with the Europeana Foundation. The WP3 team (UNEXE and PACKED):

- met with Julia Fallon (IPR and Policy Advisor at Europeana) and Paul Keller (co-director of Kennisland, involved in Europeana Creative) (May 2014)
- took part in the Europeana Copyright and Re-use Coordination Group meeting<sup>2</sup> (June 2014)
- talked with Joris Pekel, Community Coordinator Cultural Heritage at Europeana (August 2014)
- communicated via e-mail, Skype and in short conversations at ESspace and European events
- held Skype conferences on January 16 & 22 2015 with the Europeana team.

A full outline of interaction between ESspace WP3 and Europeana, on the topic of this deliverable, can be found in section 4.2 of this document.

## **2.4 STRUCTURE OF THE DOCUMENT**

The first chapter starts out with a look at Europeana's rights labelling campaign. It introduces the campaign's aims and structure, illustrates the achieved results so far and concludes with a short overview of the steps forward in the form of Europeana's policy plan for 2020. The following part is devoted to the Europeana Copyright and Re-use Coordination Group (see chapter 3.2). Its mission is explained, followed by the contributions made to this group by ESspace WP3.

The fourth chapter focuses on the relationship between Europeana and ESspace on the very topic of this deliverable. It starts with describing how the rights labelling campaign affects both projects and gives an outline of the communication between the two concerned parties. The chapter is concluded with a suggestion to agreed action plan for the future cooperation on this topic, as discussed by Europeana and ESspace in January 2015.

The fifth chapter relates to rights labelling campaign within the context of the ESspace project.

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<sup>2</sup> See chapter 3.2 for more information about this group.

## 3 EUROPEANA & RIGHTS LABELLING

### 3.1 STATUS OF EUROPEANA'S RIGHTS LABELLING CAMPAIGN

#### 3.1.1 The campaign

In 2013 Europeana started a rights labelling campaign with the goal to have no more digital objects in the database without a rights statement. The metadata that Data Providers submit to Europeana is de facto released under the terms of CC0. The rights on the digital objects were documented much less. Valid and accurate rights labels were important in order to form plans that stimulate re-use of content through Europeana as a portal of access.

Just before summer 2014, Europeana reached their final stage of the campaign. Europeana's Community Coordinator Cultural Heritage, Joris Pekel, explained in a blog post on the Europeana Pro website why the campaign was important: *"At Europeana we are constantly working with the data providers, aggregators and institutions to improve the database in order to provide the best experience to the user. In order to achieve that goal, we have to give clear legal information about the digital object so the user knows what can and cannot be done with the material from the cultural heritage institutions."*<sup>3</sup>

In its strategic plan that sets out the goals for 2020<sup>4</sup>, the Europeana Foundation is aiming to move from a portal to a platform, a place not only to visit, but also to build on, play in and create with. To enable this, Europeana needs to build a bigger set of high quality material and a shared infrastructure that enables re-use and creates value for all stakeholders. But what is the use of having high quality material available, or at least clear access to this material via the provided link, when it is unclear what you may or may not do with it? The Europeana rights labels are the tools for Europeana (and their data providers) to make any re-use conditions visible to whoever is interested making something with a piece of digital/digitized cultural heritage (the end-user).

Rights statements are encoded as URLs referring to webpages that contain information about the applicable rights. These webpages inform the user about the terms under which the digital object and the corresponding preview – the image that is depicted in e.g., the overview of search results on the Europeana portal – can be used.<sup>5</sup>

Europeana currently provides thirteen different statements that can be applied to a particular object.<sup>6</sup>

1. The Public Domain Mark (PDM)
2. Out of copyright - non commercial re-use (OOC-NC)
3. The Creative Commons CC0 1.0 Universal Public Domain Dedication (CC0)
4. Creative Commons - Attribution (BY)
5. Creative Commons - Attribution, ShareAlike (BY-SA)
6. Creative Commons - Attribution, No Derivatives (BY-ND)
7. Creative Commons - Attribution, Non-Commercial (BY-NC)
8. Creative Commons - Attribution, Non-Commercial, ShareAlike (BY-NC-SA)
9. Creative Commons - Attribution, Non-Commercial, No Derivatives (BY-NC-ND)
10. Free access - no re-use

<sup>3</sup> Source: [http://pro.europeana.eu/pro-blog/-/blogs/2179540/maximized?p\\_p\\_auth=fyDoMHb8](http://pro.europeana.eu/pro-blog/-/blogs/2179540/maximized?p_p_auth=fyDoMHb8)

<sup>4</sup> See Europeana's 2020 strategic plan, available online at <http://strategy2020.europeana.eu/>

<sup>5</sup> Source: <http://pro.europeana.eu/web/guest/available-rights-statements>

<sup>6</sup> Some of the current statements are subject to change, see paragraph 3.2 on the discussion of two Europeana rights statements within the Copyright and Re-use Coordination Group.

11. Paid access - no re-use
12. Orphan work
13. Unknown

There are three distinct categories in this list of available statements; the Public Domain oriented statements (n° 1&3), the Creative Commons statements (n° 4-9)<sup>7</sup> and the Europeana-specific statements (n° 10-13).

### The Public Domain (PD)

Europeana has been a longstanding advocate for the Public Domain<sup>8</sup>. At the time when the Data Exchange Agreement was introduced, it required two things:

A) metadata must be released under CC0, meaning that anyone can use the metadata for any purpose. The CC0 license concerned all contributed metadata and is a requisite in order to become a Europeana Data Provider.

B) Data Providers must label works that are in the Public Domain as such, by applying the Public Domain Mark. The Public Domain Mark symbol implies that the current work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights. As a user, you can copy, modify, distribute and perform the work, even for commercial purposes, all without asking permission.



Figure 1: The Public Domain Mark

In addition Europeana has even released Usage Guidelines for Public Domain works.<sup>9</sup> These guidelines are non-binding, but are a form of courtesy, asked from a user of Public Domain works. The guidelines for instance ask that you give credit whenever you can, respect the original work by e.g., not making any undesired mashups, but also keep the Public Domain alive. When a Public Domain Mark is removed from an object, its re-use status becomes unclear again.

A distinct case is the Out of copyright - non commercial re-use (OOC-NC) statement. It was introduced at the request of large data providers who have entered into digitisation partnerships with public partners and who could not make the resulting digital objects available via Europeana under one of the existing rights statements. Europeana describes it as *“intended for use with digital representations of public domain objects that have been digitized in a public-private partnership wherein the partners have agreed to contractual limitations to take reasonable steps to limit or discourage commercial reuses.”*<sup>10</sup> Moreover, the statement

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<sup>7</sup> It should be noted that statements 1&3 can also be placed under the Creative Commons umbrella. CC0 is one of the licenses offered by Creative Commons, and the Public Domain Mark was developed by Europeana in cooperation with the Creative Commons community.

<sup>8</sup> See Europeana’s documentation on the topic, available on <http://pro.europeana.eu/public-domain-content>

<sup>9</sup> Available on <http://www.europeana.eu/portal/rights/pd-usage-guide.html>

<sup>10</sup> See <http://pro.europeana.eu/available-rights-statements>

should also provide a year of expiration, i.e. making visible to a user as per when the digital object may be used without restricting commercial use.

### Creative Commons

Creative Commons is a nonprofit organization that enables the sharing and use of creativity and knowledge through free legal tools.<sup>11</sup> In order to be as compatible and interchangeable as possible, Europeana looked towards the already existing Creative Commons licenses to facilitate labelling of ‘open’ content. Creative Commons offers standardized, worldwide license combination bricks. By joining elements together you arrive to basic or more elaborate terms of (re-)use of your material. One of the most basic licenses – one ‘brick’ only – requires that you attribute the source of the material (CC-BY). Putting more bricks together, you could arrive at a license that requires attribution, does not permit any commercial use of the work and requires you to share any built-upon work under the same license terms (CC-BY-NC-SA). If Data Providers are the rights holders of works that they make available via Europeana, they are strongly encouraged to make them available under one of the Creative Commons licenses. The creative commons attribution share alike license is the default licenses for all user contributed content that is collected by Europeana. The fact that Creative Commons provides a framework that is compatible with several jurisdictions worldwide facilitates re-use for a wide spectrum of users while providing a necessary solid legal base.

### Europeana rights statements

For some data providers, their content might be subject to a very particular situation. They may not be aware of the actual rights on the digital object, or have certain restrictions in place. In order to have a tool in place to also cover these particular rights situations, Europeana created additional rights statements of their own. These are:

1. Free access – no re-use
2. Paid access – no re-use
3. Orphan work
4. Unknown

Although the first statements seem to forbid any re-use, they do not mirror exactly that. Use of these statements means the Data Provider is reserving the rights in the digital object and that the object may not be used without additional permissions.<sup>12</sup> So instead of – as a reuser - explicitly being granted (some) permission - as is the case in Creative Commons licenses, you would have to get in contact with the Europeana Data Provider in order to know in what context or under which conditions you could be allowed to re-use the object<sup>13</sup>.

The third statement may be applied in case you wish to make available an orphan work; a work that is still copyright protected but whose authors or other rights holders are not known or cannot be located or contacted to obtain copyright permissions. An object may only be labelled as orphan work in Europeana context if the implementation in national law of the European Orphan Works Directive<sup>14</sup> has been followed.

The last statement, ‘Unknown’, is a statement that Europeana prefers not to see. It may be used on objects for which the Data Provider does not have conclusive information pertaining

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<sup>11</sup> See the organisation’s website: <https://creativecommons.org/about>

<sup>12</sup> See <http://pro.europeana.eu/available-rights-statements>

<sup>13</sup> It could be noted here that reuse is also allowed if it falls within the scope of an applicable exception to or limitation of copyright.

<sup>14</sup> See [http://ec.europa.eu/internal\\_market/copyright/orphan\\_works/index\\_en.htm](http://ec.europa.eu/internal_market/copyright/orphan_works/index_en.htm)

to the rights status of the digital object. This is intended for objects where a diligent search has not taken place (and which as a result cannot be labelled as orphan works) but which have nevertheless been submitted to Europeana. This statement should not be used without prior consultation with the Europeana ingestion team.<sup>15</sup> During the rights labelling campaign, the use of this statement was also discouraged in favour of either undertaking the diligent search and switching to an orphan works label, or making progress in rights clearance and choosing one of the other available options.

There is a reason why the choice of available statements has been limited: if all Europeana providers would opt to go with their own rights statements<sup>16</sup>, a re-user would end up with a multitude of labels for which he would need to look up the terms and conditions, perhaps crossing the different Europeana partner languages, and jurisdictions. Channelled re-use such as availability of content through the Europeana API would become extremely difficult. As Joris Pekel (Community Coordinator Cultural Heritage) put it in a Europeana pro blog post towards the end of the labelling campaign: *“Having good quality rights information about the objects that are available through Europeana is essential to be able to communicate to end-users if and how they can re-use the material that is being aggregated and published. Teachers need to know if they can use material they find via Europeana in the classroom or in readers. Publishers need this information if they wish to re-publish material they find via Europeana, and app developers and third-party services need rights information to ensure that services they build using the Europeana API do not infringe copyright. At the same time, good quality rights metadata improves the overall quality of the metadata and makes it a more valuable resource for all data providers and aggregators.”*<sup>17</sup>

### 3.1.2 The results

By December of 2014, Europeana’s rights labelling campaign ended. Data Providers were approached via the projects they had aggregated through, or directly by the Europeana ingestion team. In May 2014, this resulted in 14% of available content that was still unlabelled – at that time accounting for 4,5 million objects.

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<sup>15</sup> Source: <http://pro.europeana.eu/available-rights-statements>

<sup>16</sup> Europeana data providers are encouraged to publish additional information about the copyright status of digital objects in the dc:rights field, as long as this is not contradicting the statement in edm:rights. This means that the chosen rights statement is not the only string of rights information that can be communicated.

<sup>17</sup> Source: [http://pro.europeana.eu/pro-blog/-/blogs/2179540/maximized?p\\_p\\_auth=fyDoMHb8](http://pro.europeana.eu/pro-blog/-/blogs/2179540/maximized?p_p_auth=fyDoMHb8)

**5. Content in Europeana by Copyright Status**

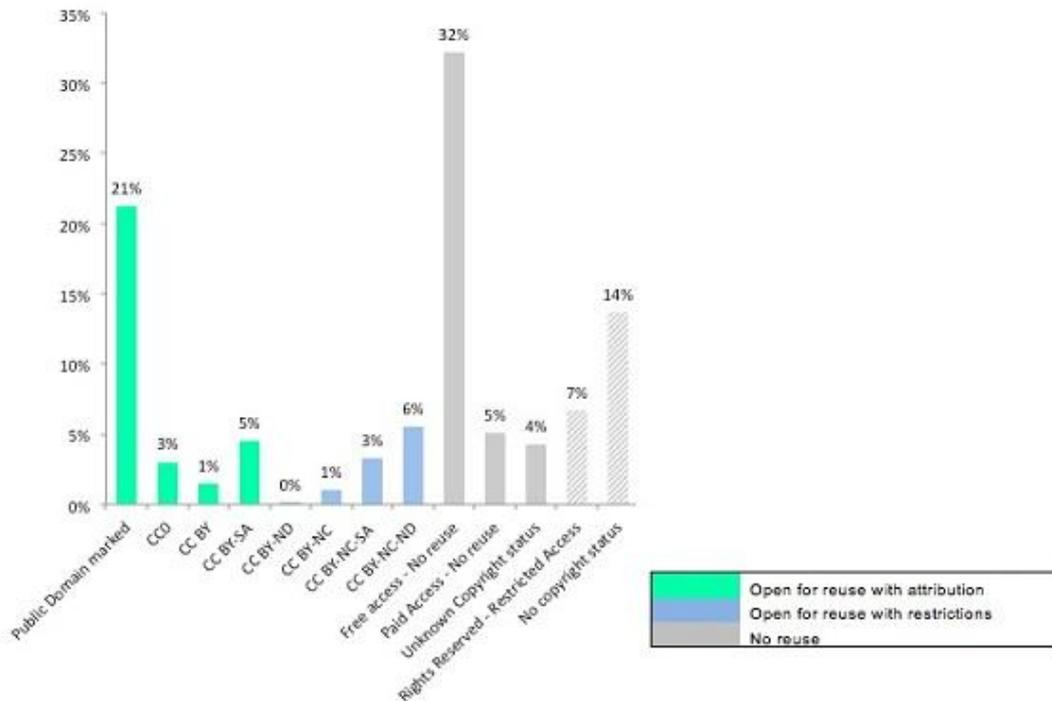


Figure 2: Graph illustrating the amount of labelled content in Europeana May 2014, licensed under CC-BY-SA.<sup>18</sup>

Some months later, the efforts made by Europeana and Kennisland, aggregators and Data Providers resulted in an almost 100% coverage of rights statements.<sup>19</sup> This became clear when the results of the rights labelling campaign were communicated during the Europeana Network Annual General Meeting (October 30-31 2014, Madrid).

Applying a rights statement is one thing, applying the correct statement is another one. The interpretation of (some of) the statements is also subject of discussion. One of the heated topics is the question of labelling digital reproductions of works that are in the Public Domain. Some memory institutions believe that they can generate new rights in the digital reproduction of the object, whereas this conflicts with the point of view of Europeana. The Public Domain Charter<sup>20</sup> states that “Digitisation of Public Domain content does not create new rights over it: works that are in the Public Domain in analogue form continue to be in the Public Domain once they have been digitised.” In the coming months, some of these different interpretations of how the rights statements could serve, are still to be solved.

**3.1.3 Steps forward: strategy to 2020**

As Europeana wishes to engage with users having them to maximize the potential of cultural resources offered through Europeana, the aim is to increase the amount of re-usable content. Up to October 2014 the goal was that 90% of all Europeana content should become available under a license that allows for re-use; either CC-BY-NC/CC-BY-ND or what Europeana refers to as ‘Open’ objects: Public Domain marked, CC0, CC-BY or CC-BY-SA. This was revised to 60% in

<sup>18</sup> Available from the abovementioned blog post.

<sup>19</sup> This total coverage also includes content that is labeled using the ‘Unknown’-label. Therefore the 100% attribution of content with a label does not mean the rights status of the digital object is also a 100% sorted out.

<sup>20</sup> Available on <http://www.europeana.eu/portal/rights/public-domain-charter.html>

October 2014 as shown in the figure below. If we see that currently around 30% of content is available for re-use, there is still a big step to take in order to end up at 60% re-usable content.

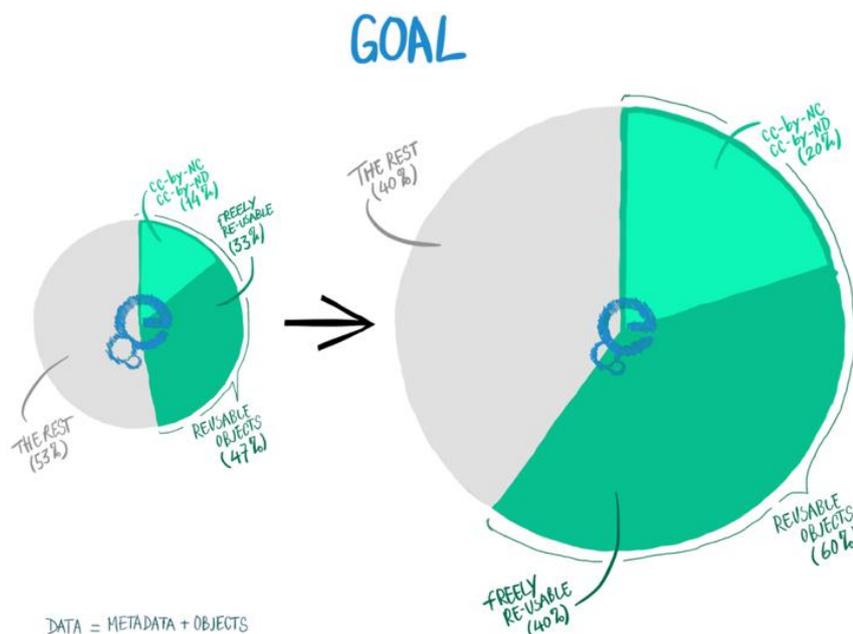


Figure 3: Pie chart illustrating where Europeana is heading in terms of amount of re-usable objects by 2020. Slide from (internal) Europeana strategy presentation (Nov 2014).

In January 2015, Europeana mentioned on their pro blog<sup>21</sup> that around 8 million cultural objects licensed under a Creative Commons license can be found. This next to another 9 million records that are marked using the Creative Commons Public Domain mark.

But there is still room for more open licenses, and one way of increasing the awareness on the topic is to prioritise openly labelled content at ingestion. This became clear from the publication “Europeana Publication Policy v1.0. A guide for aggregators and data providers on metadata and content requirements”, November 2014.<sup>22</sup> It says that “Datasets are prioritised for publication if the edm:rights in the majority of the metadata of the dataset is PDM, CC0, OOC-NC, CC BY, CC BY-SA, CC BY-ND, CC BY-NC, CC BY-NC-SA, CC BY-NC-ND.”<sup>23</sup>

## 3.2 THE EUROPEANA COPYRIGHT AND RE-USE COORDINATION GROUP

### 3.2.1 Introduction

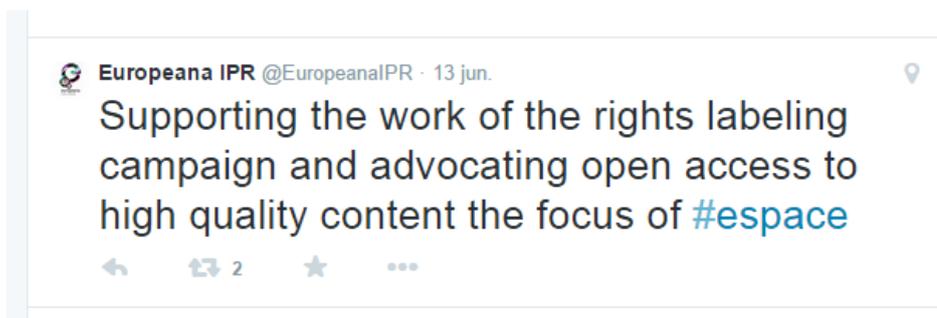
In the many projects that are part of the Europeana ecosystem, research is being done on topics related to IPR, usually zooming in on the IPR specificities specific domain the respective project focuses on. Rights in relation to online publishing of content, possibilities that allow for re-use, dealing with orphan works – all are shared among most of the different projects. In order to share experiences on these topics, achieve more cohesive outcomes (deliverables) and support Europeana in its IPR-policy, the Europeana Copyright and Re-use Coordination Group was created. The group can be seen as an advisory board for Europeana’s IPR policy. It

<sup>21</sup> See <http://pro.europeana.eu/pro-blog/-/blogs/creative-commons-licenses-are-great-but-how-to-use-them>

<sup>22</sup> Document available from Europeana Pro website: <http://pro.europeana.eu/documents/858566/5ba30212-61bc-4ac0-bd32-8f2f4d3dbe12>

<sup>23</sup> See p. 6 of abovementioned publication.

is chaired by Julia Fallon, Europeana IPR Policy Advisor. ESpace takes part in this group and attended its first meeting in Copenhagen (June 2014).



*Figure 4: Tweet by Europeana IPR – Julia Fallon, during the presentation round of the projects present at the first Copyright and Re-use Coordination Group meeting.*

This meeting was attended by representatives from the OpenUp! project, Europeana Sounds, EuropeanaPhotography, EUScreen and ESpace. A dedicated collaboration and communication site was created to share information and work on some action points.

During this first meeting, the following points of action were discussed:

- Developing a procedure for new rights statements: a need was felt with Europeana to have a clear and transparent procedure for proposing new rights statements in place. A proposal for the suggestion of new labels based on criteria such as distinctiveness, legal basis, ... was made.
- Renaming the 'free access - no reuse' and 'paid access - no reuse' rights statements: the addition of 'no reuse' at the end of the rights statement names is perceived as misleading by Europeana Data Providers - they actually allow certain forms of reuse of digital objects that they make available under these rights statements. A discussion thread was opened on the online collaboration platform, but so far no consensus was reached between the participating group members.
- Sharing of relevant information: the group members will share relevant IPR event information and will consider mutual reviewing of IPR-related deliverables.
- There was a short discussion on how Europeana might deal with works identified as orphan works under the EU directive, and ideas for a next meeting were proposed.

### **3.2.2 The contribution from ESpace**

WP3 members Charlotte Waelde, UNEXE and Barbara Dierickx, PACEKED, contributed to the points summarised from the meeting, starting with the possibility to investigate a meeting alongside the planned ESpace IPR Workshop. This workshop is one of the milestones in the ESpace project. It will look into watermarking and image security technologies, as well as rights clearance and hybrid licensing models for the creative industries.<sup>24</sup> As this workshop was delayed to coincide with a plenary meeting of the ESpace project, it will happen on the 2nd of March 2015. An additional meeting of the Europeana Copyright and Re-use Coordination Group alongside the Europeana Network Annual General Meeting (30-31 October 2014) could due to conflicting agendas not be organised.

ESpace also opened the discussion on possible conditional rights statements. This is something ESpace partners would like to see - for example, a low resolution image might be available via Europeana for all, but then a high resolution image only for educational use. During the

<sup>24</sup> Full programme available at <http://www.europeana-space.eu/activities/thematic-workshops/2-march-2015-europeana-space-ipr-workshop/>

meeting, it was not resolved on whether or not this is feasible/desirable for Europeana, and there has been no further discussion on this yet.

ESpace WP3 also contributed to the reflection on an alternative for action nr. 2 of the minutes, renaming the 'free access - no reuse' and 'paid access - no reuse' rights statements. By reading the shortened statement, users could get the impression that re-use of this object is in any case out of the question while it is not. As pointed out before<sup>25</sup>, the governing institution determines the policy in granted re-use rights. It might very well be that for the specific nature of re-use requested, the institution has no objections or only very little limitations to be implied. Therefore the statements could better abolish the 'no re-use' part, in favour of something else. During the meeting it was agreed that the change in name had been a mistake. WP3 contributed by suggesting using one of the following alternatives:<sup>26</sup>

- Free/Paid access: express permission required for reuse
- Free/Paid access: rights holder permission required for reuse
- Free/Paid access: requires express permission for reuse
- Free/Paid access: requires permission from rights holder for reuse

Using 'In Copyright' as a component would give the impression that the other statements do not entail copyright, and 'Conditional re-use' would not work in relation to e.g. CC-BY-SA, which is also a form of conditional re-use.

Unfortunately, no agreement was reached within the group. The discussion was to be deferred to the occasion of the Europeana Network Annual General Meeting in October 2014 in Madrid, but no conclusions have come out so far.

As a result of the meeting, the ESpace team also offered to Europeana to work together on point 1, finding a procedure for new rights statements. This could take for example the form of joint survey work. Europeana has not yet taken on this opportunity.

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<sup>25</sup> See chapter 3.1.1 on Europeana rights statements.

<sup>26</sup> Contribution from Barbara Dierickx, PACKED vzw on July 14 2014 to Basecamp thread on the topic.

## 4 COLLABORATION BETWEEN EUROPEANA & ES SPACE

### 4.1 BRIEF OUTLINE

The Description of Work of ESspace mentions: *“The task [on rights labelling, see ESspace DoW T3.3] will be carried out in strict coordination with the Europeana Foundation, with particular regard to the plans for the new section in the Europeana Pro portal focusing on IPR and for extra central meetings dedicated to the IPR issues that the Foundation is currently discussing with current projects.”*

It has been the aim of WP3, since the beginning of the project, to be able to work together with Europeana on the tasks related to the rights labelling. Although many positive conversations have taken place, a true alignment or creation of joint plan of action was not achieved for this deliverable D3.5.

This has, amongst other things, led to the redirection of this current deliverable. The ESspace WP3 Leaders and project management did not see the relevance of issuing blog posts about rights labelling, without being able to liaise with Europeana to reflect their interests and plans in this field. From their perspective, Europeana saw little value in ESspace doing this, in the weeks after they had completed their own campaign. Therefore, this deliverable now only reflects the results of Europeana’s labelling campaign, and considers the next steps that can be undertaken together. This path towards cooperation started early on in the project, but took a significant step forward as a result of the Skype meetings held in January 2015.

### 4.2 TIMELINE OF COMMUNICATION

After the ESspace kick-off meeting in February 2014 (with Europeana’s Deputy Director, Harry Verwayen, speaking), ESspace WP3 reached out to Paul Keller and Julia Fallon of Europeana, in order to schedule a face-to-face meeting and align the IPR work that was happening in both projects. This meeting took place in early May in Brussels. ESspace was (re)presented by the WP3 leaders Charlotte Waelde and Barbara Dierickx. While ESspace presented the WP3 actions as listed in the DoW, Paul Keller presented Europeana’s legal framework and the work being undertaken within Europeana Creative on the Content Re-use Framework. The meeting was a chance to understand where both projects were heading to, and resulted in an invitation to join the Copyright and Re-use Coordination Group – which met early June 2014 in Copenhagen.

After the summer holidays, ESspace followed up on the topic of synchronising IPR actions. Mid-August a call between ESspace and Joris Pekel of Europeana took place, mainly regarding the Open Space (in order to initiate the work of OKF in WP3), and the possibilities of work that could be done together. The proposal of ESspace was to jointly write and distribute communication about a possible 'labelling campaign round 2', and then distribute it among the network channels (Europeana family project websites, the pro blog, project blogs, ESspace and other relevant channels). At the beginning of September 2014, Europeana replied to the proposal suggesting that ESspace could support its partners by developing project specific guidelines on rights labelling – reference was made to Europeana Fashion’s documentation and work done in Europeana Sounds. Furthermore they also pointed towards the creation of case studies, but no solid ground or topic for cooperation was defined.

In the final months of the year ESspace representatives spoke on various occasions with Europeana team members, including Project Manger, Tim Hammerton with Harry Verwayen at the September Europeana Projects’ Congress in the Hague and again at the ESspace October conference in Venice, as well as the direct WP3 communication with the Europeana IPR team.

This ultimately led to a WP3 Skype call planned in December 2014. Unfortunately, after a delay, the call finally took place in January 2015, followed by a second call a week later. This led to an interesting set of IPR-related actions that were planned by Europeana and proposed as a basis for cooperation with ESspace. This proposal is discussed in more detail in the next section.

As the discussion with Europeana on the joining forces to fulfil the D3.5, in the way it was proposed in the DoW, only resulted in a tangible action plan very near to the deliverable due date (M12), it was decided that D3.5 should be submitted in its current format.

#### 4.3 PROPOSED ACTION PLAN FOR THE FUTURE OF THE PROJECT(S)

As described previously, Europeana and ESspace have started the discussion on a joint plan of actions to be undertaken in the following project months. However, as this was close to the due date of this D3.5 deliverable, the joint action points listed below are currently still subject to consideration and formal agreement by both parties and might become part of the ESspace D3.6.<sup>27</sup>

ESspace expresses the willingness to consider working together to contribute to the ideas raised by the Europeana Foundation:

- ESspace can provide a **case study showing the benefits of Open Data**. Such case may be derived from the ESspace Pilots & hackathon work, in relation to the findings on WP5 regarding business modelling. Further liaising with subcontractor OKF on this topic would then also be required. Europeana have expressed that this could link into the work of WP3 of Europeana Creative, and business models for Europeana Labs.
- ESspace can work on a **training pack on rights labelling** to be used in Europeana train-the-trainer aggregator workshops. This action would tie in closely with the ESspace T3.3 on rights labelling as it is currently stated in the project DoW. ESspace would have to investigate the actual scope of the training pack, and whether it is something that could be co-created with Europeana or another party.
- ESspace will investigate whether the **Europeana Copyright and Re-use Coordination Group can be coordinated jointly** with Europeana. The possibility of doing so depends on the resources to be invested in hosting meetings and related costs.
- ESspace will offer WP3 partner iMinds' **expertise to Europeana regarding Digital Rights Management (DRM)**. Europeana is looking for DRM-components to be used/re-used as service in EuropeanaCloud. Contributing here could form a valorisation of iMinds' work on e.g. watermarking techniques in the ESspace project.
- A topic that is of interest to both ESspace and Europeana is the further **deployment of the Content Exchange Platform**. This issue will first be discussed within the ESspace platform as part of the plenary meeting in Coventry (March 3-4, 2015). Once the alignment has been carried out, further contact on this topic with Europeana will be undertaken.

Internal project discussions will take place during the next few weeks ahead of further discussions with Europeana to agree joint activity.

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<sup>27</sup> This is the reason why ESspace opted to change the type of deliverable and no longer release it as a public document. As final decisions have not been reached yet, it is now a ground for further alignment and therefore only available to ESspace consortium partners, the Commission Services and Europeana.

## 5 RIGHTS LABELLING WITHIN THE ESPACE PROJECT

As described, rights labelling has real importance within the context of re-use of content for each of the six ESspace thematic pilots, the hackathons and educational demonstrators. This document will be one of the ways in which awareness is raised amongst partners of the importance of rights labelling and how each of the licensing categories works. This is further explored within D3.1/3 – *Europeana Space IPR: First report on Legal Aspects and the Content Space* - also submitted in M12, which elaborates upon the development of a 'protected space' and a way for the project to undertake the creative re-use of content and still respect the rights of content owners.

PACKED is also Task 3.5 Leader –*Engagement of re-usable content in Europeana* – and will work with partners contributing content to Europeana to ensure that the necessary steps are undertaken, metadata is clean and that content is correctly labelled. As described within section 8.1.1 of D4.3 - *Pilots prototypes* – again submitted in M12, the Museums Pilot have identified a range of content to be ingested into Europeana, which builds upon detail described by all pilots in previous deliverables. Partners will receive advice to ensure that metadata is accurate and rights labelling fulfils Europeana's guidelines.

Further project awareness of rights labelling will be provided to partners, and the general public, at the project IPR Rights Management Workshop held on 2 March 2015 in Coventry, UK, with topics including:

- Identifying Rights Clearance and Hybrid Licensing Models for the Creative Industries
- Watermarking: state of the art and applications
- JPEG technologies for security and interoperability

## 6 CONCLUSION

The ESspace project set out to raise awareness about Europeana’s rights labelling campaign – its goals, its context, the application of the right labels so that content may be more easily re-used, working together with the Europeana Foundation.

Europeana had already closed its rights labelling campaign, the results of which have been described in this report. The action helped to facilitate creative re-use, and will thus also benefit the various actions in the ESspace projects where digital cultural heritage content is re-used – the pilot actions, the hackathons or the educational demonstrators. But ESspace still aimed to move forward in respect of dealing with rights in this field, in relation to the Europeana platform and beyond.

As it was not possible to undertake a coordinated awareness-campaign and agree a joint approach before the due date of this deliverable, a version has been created that summarises the completed campaign. This is complemented with an outline of potential joint actions based upon ESspace and Europeana having exchanged views. The plan, incorporated into this report, will be considered and discussed further (including redefining D3.6) with a view to establishing collaborative work that can be mutually beneficial to the ESspace project, Europeana and those involved in the creative re-use of content.