

# Europeana Space

## This Contested Space

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# This Contested Space

## The Copyright Space

Authors; Owners; Users; Policy makers  
International; European; Domestic



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# Authors

Copyright system built around the author:  
term of protection 50/70 years pma

Want: broader, longer, stronger rights

Few(er) exceptions and limitations for users

But authors are also users



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# Owners

Authors rights often end up in the hands of third party owners (corporations)

Want: broader, longer, stronger rights.

Few(er) exceptions and limitations for users

Represented by vocal lobby groups



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# Users

The individual, small collective and creative industries

Want: more space and freedom to innovate

But users also become owners



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# Policy-makers

Policy-makers seek to meet conflicting demands

Creative industries seen as a means for economic regeneration

Want: broader, longer, stronger rights for creative industries

Want: more exceptions and limitations for users

Constantly lobbied by vocal lobby groups

# This contested space

Tensions play out at International, European and domestic levels.



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# International

Copyright as the right of the author: Berne Convention 1886

Copyright as a commodity to be used in trade: TRIPs 1994

Copyright as a human right: UDHR; ICESCR  
Marrakesh Treaty 2013 as an example of the challenges around International Treaty making



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# European

11 measures in the copyright 'acquis' including Management of Copyright and Related Rights; Copyright in the Information Society; Orphan works; Enforcement

Public Consultation on the Review of the EU Copyright Rules: July 2014 Over 9500 replies and 11000 messages

Licences for Europe: seeking industry led initiatives

CoJ; 'Europeanisation' of copyright



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"Relying on the market to improve the availability of content online, on Member States to take full advantage of the policy space available under the current legal framework and on the courts to clarify provisions of the Directives relevant to the development of new uses and services."

"Commission guidance to Member States as well as to market players, in line with the current legal framework, coupled with support for market initiatives and/or market monitoring."

"Legislative intervention aimed at achieving a much deeper level of harmonisation than is currently the case, clarifying the framework for some new uses and services and achieving a more systematic cross-border effect."

"[A] European Copyright Code would be developed. The Code would establish a unitary title (covering the whole territory of the EU) replacing national ones."



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# Domestic

Copyright is territorial: domestic matters

Provides significant challenges for cross border acquisition of content and exploitation

Makes provision of advice for pan-European projects challenging



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Progress report on implementation of Commission Recommendation on the digitisation and online accessibility of cultural material highlights challenges:

## Funding

Lack of open platforms with quality, interoperability and resolution features

Public domain materials watermarked etc. and with conditions on re-use

Implementation of the orphan works directive may help



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Policy inconsistencies:

Copyright matters for the (re)generation of our creative industries

Copyright matters in the hands of the authors/creators  
Institutions need to find sources of funding

Closed strategies vs open strategies



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# Monetising the projects

Europeana TV

Photography

Dance

Games

Open and Hybrid Publishing

Museums

Hackathons

Developing content and tools

Content in and content out



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# This Contested Space

Innovating within rights thickets

Finding content that has enough rights to use

Finding rights holders if more rights are wanted (the orphan works problem)



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# This Innovation/Protected Space

Content made available under CC-BY (etc.) licences

Public domain content

Open licensing

Content provided for the purpose of the pilot/hackathon

A (protected) space within which innovation can take place

Negotiation for commercial exploitation – will it work?

Content neutral – should not be a problem. May illustrate possibilities to content owners



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