European Commission: Recommendation on the Digitisation and Online Accessibility of Cultural Material and Digital Preservation

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On 28 October 2011 the European Commission adopted a Recommendation on the digitisation and online accessibility of cultural material and digital preservation. The Recommendation follows up on a similar Recommendation from 2006, updating for new developments such as the launch in 2008 of Europeana, the publication of the "New Renaissance" Report by the Comité des Sages and the adoption of the Commission's proposal for a Directive on orphan works in May 2011. The Recommendation acknowledges the importance of digitisation for making Europe's cultural productions more widely available and thereby boosting the growth of Europe's creative industries. It accordingly challenges member states to step up their digitisation efforts.

On an organisational level, the Recommendation invites member states to set clear and quantitative targets for the digitisation of cultural material. To help manage the high costs of digitisation, public/private partnerships should be encouraged. The EU Structural Funds may also be used for this purpose.

In response to the recent trend among European cultural institutions to assert new rights over digitised versions of public domain works, not always with a solid legal basis, thus impeding their re-use, the Commission declares that material in the public domain should remain in the public domain after digitisation. Intrusive watermarks and other visual protection measures that reduce usability of digitised public domain material are also discouraged.

With regard to material that is still copyright-protected, the Commission concentrates on orphan and out-of-commerce works. It encourages the rapid and correct implementation of the Directive on orphan works as soon as that is adopted. It also promotes the creation of a legal framework conducive to licensing mechanisms that enable the large scale digitisation and cross-border accessibility of out-of-commerce works. Finally, it supports the development of European-level databases of rights information, such as ARROW, which contribute towards uncovering the information necessary to remedy the orphan status of a work or establish the expiry of copyrights.

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Finally, the Recommendation addresses the question of digital preservation. As the Recitals point out, digital material has to be maintained otherwise files may become unreadable over time. Currently, no clear and comprehensive policies are in place on the preservation of digital content. Member states are therefore invited to reinforce national schemes for the long-term preservation of digital material and to exchange information with each other on strategies and action plans. Legal deposit and web-harvesting are suggested as ways of minimising the burden of collection for mandated institutions. Coordinating efforts between member states should be encouraged so as to avoid confusing national variations in the relevant rules.

The resultant digitised material, whether in-copyright or in the public domain, should be made available through Europeana, the European digital library. Although already home to over 19 million digitised objects, as the Recommendation points out, the ultimate success of Europeana will depend on its systematic enrichment with new digital content. The Recommendation sets a target of 30 million digitised objects to be added to Europeana by 2015, including all European public domain masterpieces. The free availability of metadata (i.e., descriptions of works) produced by cultural institutions should also be ensured.

Recommendation on the digitisation and online accessibility of cultural material and digital preservation, C2011 7579 final

http://ec.europa.eu/information_society/activities/digital_libraries/index_en.htm

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