



europæana
think culture

Europeana Public Domain Calculator

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Presentation plan

- Europeana Licensing Framework
 - Why and how it all started in 2009
- Feeding the Calculator
 - Lessons learned
- Authority file environment
 - Future developments

Motivations 2009

- Most of the digitised content linked from Europeana was in the Public Domain
- Europeana needs clear policy
 - Europeana Public Domain Charter
 - Europeana Public Domain usage Guidelines
 - Public Domain Mark
- Part of the Europeana Licensing Framework
 - <http://pro.europeana.eu/web/guest/licensing>



The Europeana Public Domain Charter

Europeana, Europe's digital library, museum and archive, belongs to the public and must represent 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.

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.



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ENGLISH



EUROPEANA USAGE GUIDE for public domain works



Give credit where credit is due. When you use a public domain work please credit the author or creator. Please also credit the institution (such as the archive, museum or library) that provided the work, as the more you credit the institution the greater the encouragement to put more public domain works online.

Protect the reputation of creators and providers. When you use or modify a public domain work you should not attribute the changes to the creator or the provider of the work. The name or logo of the creator or provider should not be used to endorse the modified work or any use of it without their consent.

Show respect for the original work. Please do not use the work in any way that is unlawful and misleading. When you modify and redistribute a public domain work, any changes made to the original should be clearly indicated. You should label the work to show you have changed it, so that other users know who made the changes.

Show respect for the creator. If the creator, or provider on behalf of the creator, has asked that a public domain work should not be changed or that it should be used in certain contexts only, then please respect their wishes.

Share knowledge. If you use a public domain work to generate new work or if you have additional information about it (such where it came from, its author, content or other possible rights holders), please share your knowledge. That may include tagging, annotating or commenting on a public domain work that is published online and sending back this information to the institution that holds the original object.

Be culturally aware: If the work includes culturally sensitive elements you should not change or use these in ways that might be derogatory to other cultures or communities.

Support efforts to enrich the public domain. Users of public domain works are asked to support the efforts of cultural and scientific heritage organisations to care for, preserve, digitise and make public domain works available. This support should include monetary contributions or work in kind, particularly when the work is being used for commercial or other for-profit purposes and the provider is a public or non-profit institution.

Preserve public domain marks and notices. Users of a public domain work should not remove any public domain mark or notice that has been applied, or provide misleading information about its copyright status.

This usage guide is based on goodwill. It is not a legal contract. We ask that you respect it.



Public Domain Mark 1.0

No Copyright



This work has been **identified** as being free of known restrictions under copyright law, including all related and neighboring rights.

You can copy, modify, distribute and perform the work, even for commercial purposes, all without asking permission. See **Other Information** below.



Non-binding use guidelines apply to this work.

Work Details

Work: Das dritte Brandenburgische Reformations-Jubiläum - oder ausführliche Beschreibung aller bei Gelegenheit der 300jährigen Jubelfeier am 1., 2. und 3. November 1839 in Spandow, Berlin und mehreren anderen Städten der Mark stattgefundenen Festlichkeiten ...

You can cite this work with this HTML:

```
<div xmlns:cc="http://creativecommons.org/ns#" xmlns:dct="http://
```

Goals of the Calculator Project

- Add a dynamic rights field to the Europeana Data Model
 - Copyright expiry date
- Services
 - End users: Find a public domain edition
 - Europeana partners: Quality control for public domain rights statement
 - Digitisation: Establish Public Domain status of collections

Process

- To calculate expiry dates
 - Different national laws
 - Analyse Term Directive (2006/116/EC)
 - Analyse law of 30 countries (EU-27 plus CH, IS, NO)
 - Artistic/literary works, phonograms, films, official doc., etc .
 - Create 30 question/answer decision trees
 - Implement in open source code
 - Methodology
 - <http://www.outofcopyright.eu/methodology.html>

Results

- Public Domain Calculator Documentation
 - <http://www.outofcopyright.eu/research/Public%20Domain%20Calculator%20-%20Report%20and%20Documentation.pdf>
- 30 national decision trees
 - <http://www.outofcopyright.eu/media.html>
- Calculator Website
 - <http://www.outofcopyright.eu>

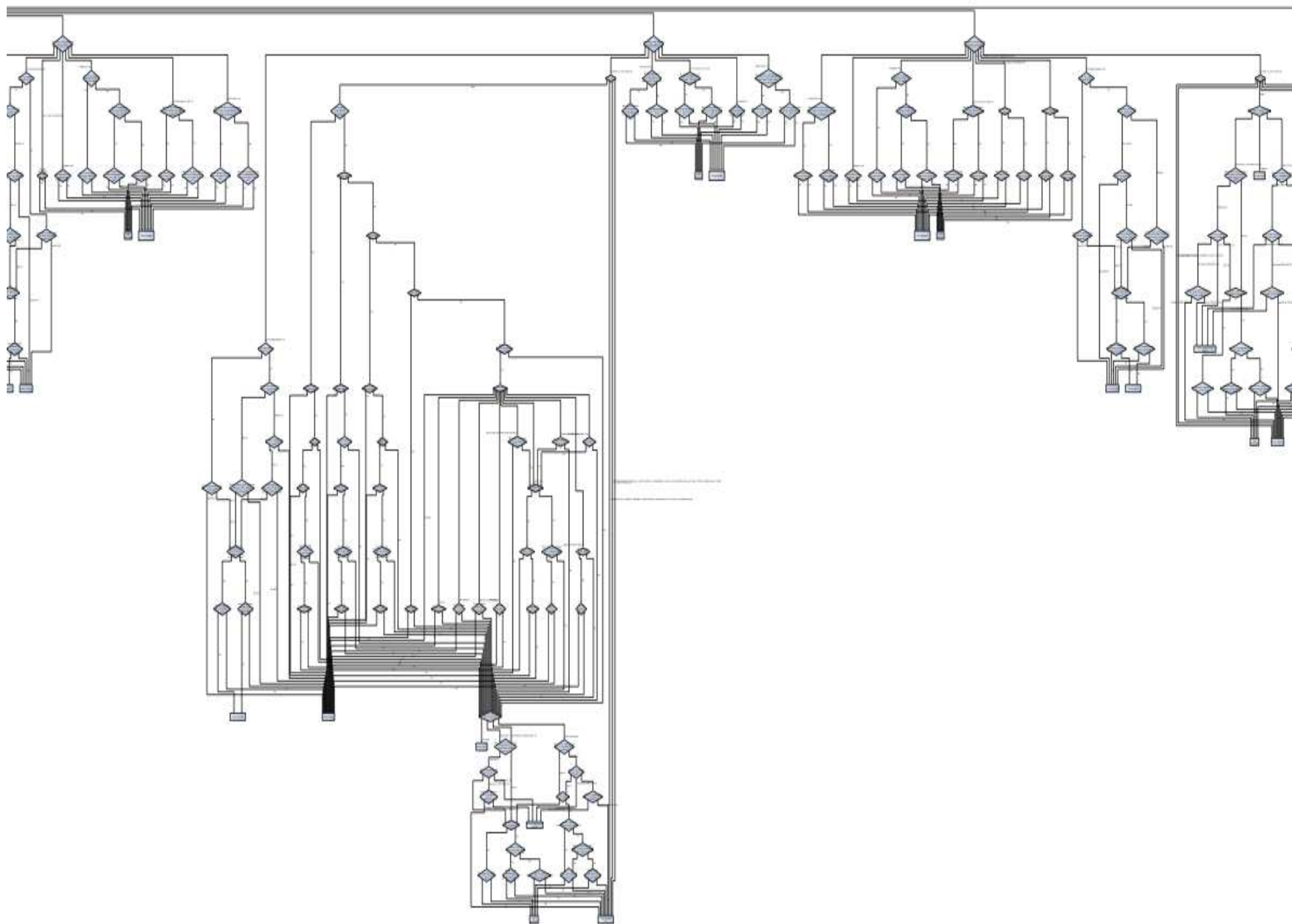
Useful?

Public Domain Calculator Disclaimer

- The Public Domain Calculator is not intended to replace the case-by-case assessment by a legal expert of the public domain status of a copyrighted work or other protected subject matter. For legal certainty as to whether the term of protection of copyright or related rights has expired please contact a legal professional.
- The Public Domain Calculator is intended to provide the public domain status of examined material exclusively in the selected jurisdiction. Where an EU Member State has overseas or other special-status territories, the national Calculators are applicable only to the extent that the territory is subject to the Member State's copyright legislation. Please note that the public domain status of subject matter may differ between jurisdictions.
- In relation to neighboring or related rights (i.e. rights over performances, phonograms, the first fixation of a film and broadcast), the Public Domain Calculator only applies when at least one of the right-holders is a national of an EEA state, with the exception of Switzerland, where the Public Domain Calculator only applies when at least one of the right-holders is a Swiss national. The same is true for films where protection is sought in the UK, Cyprus and Ireland.
- The Public Domain Calculator does not cover questions of authors' or performers' moral rights.

Usefulness of the Calculator

- The Calculator asks difficult questions
 - Straight from the law...
 - Answers can be even harder
- The poster visualises complexity nicely
- Severe lack of harmonisation of legal framework
- Protection terms are increasing still
 - Directive 2011/77/EU Phonograms
 - If you want to fund an update to the Calculator...



Planned pilot project

- Context
 - Plan to mass digitise all Luxembourg works
- Problem
 - Which and how many works require rights clearance?
- Calculator should
 - Establish % Public Domain works for Luxembourg monographs held by the National library

Problems

- Sloppy data
 - Not good enough to feed the calculator
 - Translators, illustrators not easily extracted
 - ARROW no options as no historical CMO


Plan B (ongoing)

- Quality control via VIAF (Virtual International Authority file)
- Once data is good, calculate again
- Key point: Retain ownership of enriched authority data, stay compatible with Europeana Licensing Framework (CC0)

Plan C

- Add as many person identifiers to authority records as possible?
 - VIAF, ISNI, LCCN (LCNAF), GND (DNB), IMDb, ...
 - Use Beacon as bridge technology (“same as”)
 - Keep an eye on Wikidata
 - Added birth and death dates on 29 May 2013
 - <https://www.wikidata.org/wiki/Q23>


https://www.wikidata.org/wiki/Q23



WIKIDATA

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Item **Discussion**

Read **View history**

Search 

George Washington

[\[edit\]](#)

1st president of the United States (in office 1789 to 1797) [\[edit\]](#)

Also known as:

Father of his country

[\[edit\]](#)

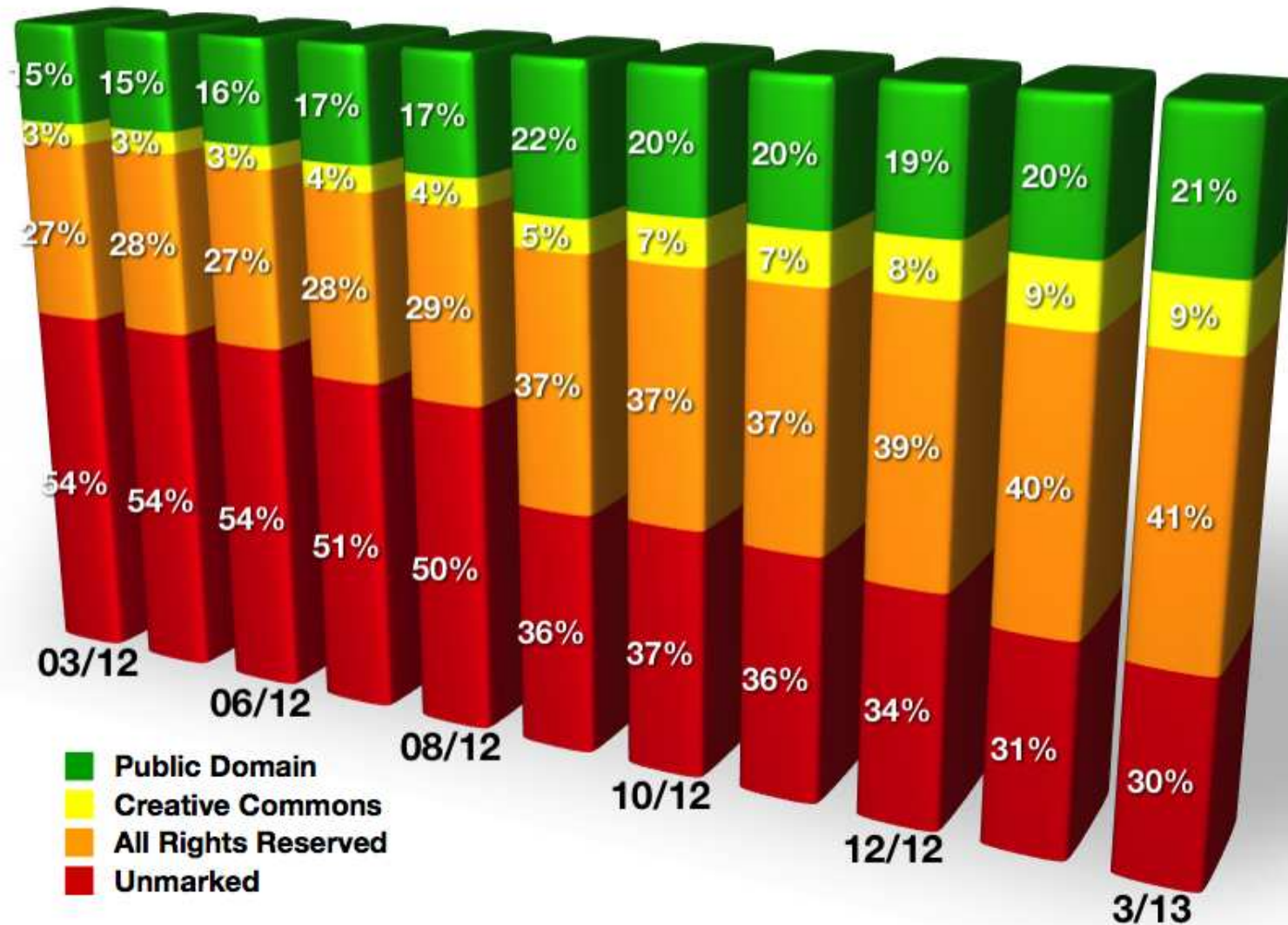
Statements

place of birth	Westmoreland County	[edit]
	▶ 1 source	
		[add]
place of death	Mount Vernon	[edit]
	▶ 1 source	
		[add]
spouse	Martha Washington	[edit]

Back To Europeana

- 26.8 million metadata records, all CC0
- 30% of linked content is re-usable
- A SMALL, controlled list of rights statements for content has proven itself
- Review of rights framework
- There may be a dynamic rights field!
- 70% of records contain a checked rights statement

Rights QC in Europeana



Please support Europeana

- Funding 2015 is uncertain!
- Use this hashtag #AllezCulture



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Thank you!

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@patrickpeiffer



Links

- Europeanana Licensing Framework
 - <http://pro.europeana.eu/web/guest/licensing>
- Europeanana Public Domain Charter
 - <http://pro.europeana.eu/web/guest/public-domain-content>