

Towards the 2008 review of the Directive on PSI re-use



Report





Law and Regulation: Thematic Meeting 2

'e-Exploitation of Cultural Heritage Information – a need for a European hand?'



Paphos, Cyprus
10-11 September 2007



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1 Theme of the meeting

The EU PSI Directive excluded cultural and educational institutions as well as public broadcast archives from the scope of the Directive. The ePSIplus meeting set out to address the arguments for and against intervention at European level to improve the availability of PSI from Cultural Heritage (CH) institutions for re-use by the private sector.

The preparatory paper for this meeting, prepared by Marc de Vries, ePSIplus Analyst is available at http://www.epsiplus.net/reports/epsiplus_thematic_briefing_papers/briefing_legal_v2

2 Topics discussed

Alonzo C. Addison, special advisor to the Director of the UNESCO World Heritage Center described work of his programme, including the danger that valuable cultural data may be lost through loss of World Heritage list status. He also described his role in ensuring that documents from the programme have been made publicly available.

He stressed the importance of cultural information for the tourism industry and the impact of initiatives in other sectors (e.g. US weather information) to waive copyright and forego licensing in increasing the public user base in research and education and in supporting the development of robust, private, added-value industry. UNESCO, for example, gives some of its data for free to Expedia in order to create more awareness of cultural heritage by linking it to tourism and travel.

He pointed to a number of problem areas including:

- data quality assurance (Wikipedia re-used UNESCO data but did not always display it correctly);
- demand for exclusive deals from re-users (Google Earth had asked UNESCO unsuccessfully for an exclusive license) which would put other firms at a severe competitive disadvantage;
- the continued 'locking up' of cultural information by public authorities;
- the lack of an effective legal clarification of ownership of data within 3D and VR models for research or re-use purposes.

He stated support for initiatives such as Copyleft and Creative Commons initiatives as ways of enhancing the value of data assets through sharing. There was a major argument for liberalising the licensing of cultural information or making it available for free. Evidence from the USA suggested that free access to museums led to greater revenues through sales at museums and the provision of value-added services on their premises. Analogous benefits could be gained by extending this model to cultural heritage information.

He drew attention to the potential of Web 2.0 type technologies in democratizing the re-use of Cultural Heritage Information in the of UNESCO's belief that cultural heritage belongs to everyone

Pavlos Flourenzos, Director of the Department of Antiquities of the Cyprus Government said that many stolen cultural objects from Cyprus are offered for sale on eBay and this may contribute to cautious behaviour by their administration in releasing public data.

Franco Niccolucci (University of Florence and IST FP6 EPOCH project) spoke about the economic potential and the value chain for cultural information, suggesting that 'intangible' cultural information is more difficult to document, preserve and communicate than tangible cultural information.

He also pointed out that the public ownership of cultural heritage information needs to be seen in the light of the fact that about 60% of the 22,000 museums in Europe belong to private foundations or individuals and not to the public sector. In Italy, 90 cultural heritage sites account for 90% of the visitors: information relating to these 'bestsellers' is likely to have the greatest immediate economic value.

Professor Andreas Georgopoulos, N.T.U. Athens referred to the geometric documentation of monuments and described the new digital products which are emerging including multi-source data, orthophotos, 3D models and multimedia visualisations. This could lead to a new market for products based on re-use products, for example by enabling copies of souvenirs based on 3D models; enabling tele-visits for people with disabilities; or the production of 3D tactile models for blind people.

He referred to recently amended Greek legislation (2002) stating that all antiquities belong to the Greek state and in particular to the archaeologist who discovered them). Although there are many interested parties (researchers, museums) and million of tourists the legislation does not address the IPR relating to digital content and orphan works and further legislation may be required,

David Dawson, senior ICT Adviser, Museums, Libraries, Archives Council (UK) described the challenges to be met by the public sector. He described the reasons why the cultural sector had lobbied for exemption from the Directive on re-use as lack an understanding of the Directive at the time, in particular fear of a perceived threat to revenue generation opportunities for 'in-house' image libraries. However, in practice such commercialised public sector operations rarely cover their costs, even where large museums are involved and a critical mass has not yet been built. A Mellon Foundation report outlined the lack of business planning and clear cost accounting for the actual cost of service provision and pointed out that most museums set prices according to the perceived market rate than with reference to the cost of actual service provision.

There were also strong signs that major cultural institutions were entering increasingly into 'PPP' deals for instance with Google, Microsoft, Ancestry.com. There was a clear potential danger that such arrangements could have exclusive characteristics in terms of re-use by other private sector companies, perhaps especially where otherwise unaffordable mass digitisation programmes were dependent on such PPP arrangements.

Developing a point made by previous speakers, he pointed out that many UK museums are independent charities or do not own everything that they 'hold' (e.g. archives of private bodies). He also raised the issue of whether the digitisation or photographing of an out-of-copyright work would create a new copyright

He suggested that perhaps the most serious barrier to gaining the benefits sought by the Directive on PSI re-use to cultural information providers is a philosophical wish to restrict re-use of their content to non-commercial purposes.

He draw attention also to the fact that – in a way analogous to other PSI sectors – lack of access to cultural heritage information, especially that held by small institutions, owing to the absence of effective and sustainable content aggregation structures and services was a serious inhibition to re-use. Activities in the area of the European Digital Library might provide an effective way of addressing this issue.

Rosella Caffo, Italian Ministry for Culture and MINERVA, pointed to the achievements of the EC funded MICHAEL and MICHAELplus projects in establishing a multilingual inventory of cultural heritage, a single access point to cultural information comprising 16 national portals and to date, metadata from more than 5000 digital collections.

She described the mission of the Italian portal for culture to create a single and integrated point of access for cultural information and to offer a single catalogue of metadata, through a programme of cooperation with Italian stakeholders and furthermore with similar international activities. She drew attention to the lack of available standards for IPR management.

3 Participants

- 35 participants from 14 countries (see participant list Annex 2)

4 Key issues raised

- The re-use of cultural information has a very high market potential, especially in tourism.
- A high proportion of European cultural institutions are not owned by the public sector but are independent or private.
- IPR is very complex in the cultural heritage sector. New rights may be established by digitization.
- Current public sector revenue generation models based on the sale of cultural heritage information reportedly do not usually cover costs.
- Providing access to their information and establishing licensing mechanisms is a problem for smaller cultural institutions.
- There is a distinct level of antipathy on the part of many people within the cultural sector towards the notion of cultural information being used by third parties to make a profit.
- For this and other reasons, much valuable cultural heritage information remains 'locked up' within cultural institutions
- However, the idea that information cultural heritage belongs to everyone, gains value from being shared and that new 'democratic' Web 2.0 technologies have the potential to transform access also have strong support.
- The establishment of cultural content aggregation services may provide a route to improving the situation regarding access for re-use.
- For larger cultural institutions (libraries, museums and archives) the potential to achieve otherwise unaffordable mass digitisation through PPP is attractive and could, if cultural information were within scope, bring institutions with into conflict with the provisions of the Directive, especially in areas such as exclusive dealing (inclusion within the scope of the Directive may therefore assist competition and the involvement of SMEs).
- Work is needed to establish effective data infrastructures for 3D content in order to support re-use

5 Cases identified

- **24 Hour Museum (UK)** is an independent body largely funded from government sources generating revenue from advertising. The data is entered by hundreds of institutions themselves. The purpose of the museum is to make information about institutions as widely available as possible. If the cultural public data holder gives permission, 24 Hour Museum manages the licensing of third party assets to private requesters. Link: <http://www.24hourmuseum.org.uk/>
- **Italian culture portal (IT)**: the newly established Italian portal for culture with a mission to create an integrated point of access for cultural information and to offer a single catalogue of metadata. Link: <http://www.adone.co.uk/>

6 Conclusions of the meeting

There is a clear market potential for the re-use of cultural heritage information in Europe. It seems clear that this is currently under-exploited. However, until it can be shown that the Directive on PSI re-use is having a positive impact on sectors currently within its scope, it is probably not advisable to consider an immediate expansion of the scope of the Directive to cover cultural heritage information.

This is not to suggest that this should not happen when the situation is more mature. In the meantime, there is much to be said for further ground clearing work to better understand issues such as 'which cultural information is PSI' and 'what would be the impact of the Directive on PPP models currently advocated by the EC in the context of digitisation'.

7 Issues for further action (and by whom)

Further studies on market potential, consistent IPR and licensing principles and practices and suitable modes of exploitation of specific types of cultural heritage through re-use should be supported by the Commission and member states. It is understood that a study of the role and value of cultural heritage information the public domain is already the subject of a current EC tender.

The adoption of effective and easy to use rights expression and licensing mechanisms within the framework of the European Digital Library could have a favourable impact on practices and eventually on the re-use of European cultural heritage information in the EU and beyond.

8 Issues for further consideration

Should the 'level playing field' expectations of the Directive towards the private sector be adopted by the Cultural heritage sector, despite the apparent potential conflict with promising of PPP for mass digitisation. Is a compromise solution possible?

Annex 1 - Agenda

ePSIplus Thematic Meeting: Legal and Regulatory Progress and Impact, Meeting 2

This meeting is hosted in Co-operation with
the Planning Bureau,
the Department of Antiquities of the Cyprus Government
and the Cyprus Tourism Organization

E-xploitation of Cultural Heritage (CH) Information - a need for a European hand?

Paphos, Cyprus

10-11 September 2007

FINAL AGENDA

Monday 10 September

- 14.00 Welcome and registration at Coral Beach Hotel
- 14.30 Departure from Coral Beach Hotel
- 15.15 Visit of the Kurion Archaeological Site
- 16.00 Departure to Paphos
- 16.30 Coffee Break in Petra tu Romiou (Birthplace of Venus)
- 17.30 Visit of the Archaeological Park in Paphos (UNESCO Heritage List)
- 18.20 Departure to Coral Beach Hotel
- 20.00 Official dinner combined with presentations on CH and PSI

Welcome, Marinos Ioannides HTI ePSIplus National Representative

Welcome, Mayor of Paphos (Mr. Savvas Vergas)

Welcome (*Mr. George Georgiou*, Director of the Planning Bureau of Cyprus) -
responsible for implementation of the PSI Directive in Cyprus



UNESCO (*Alonzo C. Addison*, Special Advisor to the Director of the UNESCO World Heritage Centre / VP VSMM Society / ICOMOS CIPA-Heritage Documentation)

Tuesday 11 September

- 9.30 Welcome (*Marinos Ioannides*, ePSIplus National Network Partner, Cyprus)
- 9.35 Welcome (*Mr. George Georgiou*, Director of the Planning Bureau) - responsible for implementation of the PSI Directive in Cyprus
- 9.40 Welcome (*Mr. Pavlos Flourenzos*, Director of the Department of Antiquities of the Cyprus Government) - responsible for CH in Cyprus
- 9.50 Introduction of the ePSIplus project and overview of the Cultural Heritage (CH) Sector and PSI Directive (Rob Davies, ePSIplus Network Co-ordinator)
- 10.20 **CH: economic and technological potential**
- CH value chain and economic potential (*Franco Niccolucci*, Professor at the Faculty of Architecture of the University of Florence and the head of the VAST-Lab research laboratory at PIN srl. and EPOCH project (Italy))
- Information technology and CH (*Adreas Georgopoulos*, specialist on digitization and archiving of CH (Greece))
- 11.00 Discussion
- 11.20 Coffee Break
- 11.45 **Key legal issues related to CH re-use: The Cypriot Experience** (*Stella Joannidou*, Attorney of the Republic of Cyprus, Attorney General Office)
- 12.00 **CH content holder vs. CH re-user: current state and possible impact of the PSI Directive**
- CH content holder: challenges to be met by the public sector (*David Dawson*, senior ICT Adviser, Museums, Libraries, Archives Council (UK))
- CH re-user: challenges to be met by the market (*Elizabeth Jerem*, publisher of CH content, the Foundation ARCHAEOLOGIA (Hungary))

12.40 Discussion

13.20 Lunch

14.30 CH policies at local and EU levels: current state and possible impact of the PSI Directive

CH at local level (Gunnar Urtegaard, Municipality of Sogn og Fjordane, Culture and Archives (Norway)

CH at EU level (*Rosa Caffo*, Italian Ministry of Culture and coordinator of Michael and Minerva projects (Italy)

15.10 Discussion

16.00 Wrap up and conclusions

16.30 Close

Annex 2: Participant List

No.	Organisational Legal Name	Country	First Name	Last Name
1	UNESCO	France	Alonzo	Addison
2	National Technical University of Greece (NTUA), Lab of Photogrammetry	Greece	Andreas	Georgopoulos
3	Department of Antiquities of the Cyprus Government	Cyprus	Pavlos	Flourenzos
4	Archaeolingua, CH Publisher	Hungary	Elizabeth	Jerem
5	Planning Bureau of the Cyprus Government	Cyprus	George	Georgiou
6	Ministry of Culture, Minerva and Michael	Italy	Rosa	Caffo
7	The Museums, Libraries, Archives Council (MLA)	UK	David	Dawson
8	Press and Information Office	Cyprus	Christos	Lambrias
9	Ministry of Education, Culture and Science	Netherlands	Katja	Mutsaers
10	ePSIplus National Network Partner	Cyprus	Marinos	Ioannides
11	NATIONAL AND UNIVERSITY LIBRARY, E-Library Creation, Management and Maintenance Department	Slovenija	Karmen	Štular Sotošek
12	University of Florence, EPOCH	Italy	Franco	Niccolucci
13	C.R.I.D. / Researcher in Law, Data Protection and Liberties in the information Society Unit	Belgium	Cristina	Dos Santos
14	Max Planck Digital Library	Germany	Christoph	Bruch
15	Byzantine Museum, Archbishop Makarios III Foundation	Cyprus	Ioannis	Eliades
16	Ministry of Culture, Department of Cultural Heritage	Lithuania	Valdas	Lucunas
17	Department of Antiquities Cyprus	Cyprus	Chrysanthi	Kounnou
18	Office of Public Sector Information, UK	UK	Beth	Brook
19	Cross Czech a.s.	Czech Rep	Romana	Krizova
20	Cyprus Institute	Cyprus	Loukas	Kalisperis

No.	Organisational Legal Name	Country	First Name	Last Name
21	Hungarian Radio	Hungary	Julianna	Mátrai
22	Vast-Lab, PIN, University of Florence	Italy	Sorin	HERMON
23	University Paris4, Sorbonne/ CityPassenger / MILE NoE	France	Gian Piero	Zarri
24	State Archives of Cyprus	Cyprus	Effy	Parparinou
25	PD consulting	Slovakia	Peter	Druga
26	Ministry of Interior	Cyprus	Vrahimis	Hadjihannas
27	Panta Rhei Social Research Group	Hungary	Judit	Juhasz
28	Meteorological Service	Cyprus	Andreas	Poyiadjis
29	University of Aegean, Dpt of Cultural Technology and Communication	Greece	Eleni	Panagou
30	Meteorological Service	Cyprus	Stelios	Pashiardis
31	HTI	Cyprus	Athos	Agapiou
32	TANINFO Kft. / Hungarian Content Industy Association	Hungary	Agnes	Juhasz
33	ePSIplus Network Coordinator	UK	Rob	Davies
34	Department of Land and Surveys	Cyprus	Andri	Hadjimarkou
35	University of Manchester	UK	Antonia	Hadjihanna
36	ePSIplus analyst	Austria	Gerhard	Wagner
37	Cyprus Library (Ministry of Education)	Cyprus	Pany	Skitini
38	Ministry of Education	Cyprus	Demetris	Nicolaou
39	Department of Lands and Surveys	Cyprus	Andreas	Hadjiraftis
40	Department of Antiquities of the Cyprus Government	Cyprus	Eustalyos	Rapton
41	Department of Antiquities of the Cyprus Government	Cyprus	Neoptolemos	Demetres
42	Department of Lands and Surveys	Cyprus	George	Vassilas

No.	Organisational Legal Name	Country	First Name	Last Name
43	Department of Information Technology	Cyprus	Georgia	Varnava
44	European Institute of Cyprus	Cyprus	Katerina	Yennari
45	European Institute of Cyprus	Cyprus	Zachos	Polyviou
46	Cyprus University of Technology	Cyprus	Diofantos	Hadjimitsis
47	Press and Information Office	Cyprus	Soteris	Soteriou
48	ePSIplus Meetings Coordinator	Belgium	Olga	McHenry