



europaena
think culture

the Public Domain, the Manifesto, his Charter and her Dilemma

Jill Cousins, EDL Foundation
01 February 2010, Luxembourg

A Pair of Shoes by Vincent Van Gogh, 1886





Europeana Public Domain Charter

- Why a Manifesto and a Charter ?
 - Process
 - Position/Perspective/Prisoner's Dilemma
 - Progression – Public Domain Kitemark, User Charter
-

Why a manifesto and a charter?

- Manifesto is the user perspective
 - details factually what the public domain is and what it does,
 - purpose to define and outline the principles and guidelines for a healthy public domain
- Charter is the Cultural Institution perspective
 - same ground but without academic reference
 - purpose to encourage cultural heritage institutions to occupy the moral high ground, to find other ways of paying for digitisation.
- Differences are of language, rather than substance,
 - the manifesto is a call to arms, the charter exerts moral pressure.
 - The public domain is the rule, copyright protection is the exception versus Copyright protection is temporary

Process

- Manifesto
- Charter
- Joint Authorship: Lucie, Paul & members of the EDL Foundation
- First version went to EDL Foundation Executive June 2009
- Agreement that it is the right direction but a little strident
- First public airing at Europeana v1.0 Plenary September 2009, 300 plus attendees, mailing of Draft Charter to Thematic Network – about 1000 cultural heritage institutions

Process



Providers at
Europeana v1.0
Plenary



Paul



Patrick



Lucie



[Advanced search](#)

Matches for: **stoning**

Item details

[Return to results](#)



 **Stoning of Saint Stephen**

Title: Stoning of Saint Stephen
By Adam Elsheimer

Date: 1597-01-01 00:00:00; 1610-12-31 00:00:00; painted c.1602 - 1605

Creator: Adam Elsheimer maker St Stephen depicted; National Galleries of Scotland

Description: German
The Stoning of St Stephen

Language: en

Format: 34.70 x 28.60 cm; image/jpeg; Oil on tinned copper

Rights: National Galleries of Scotland

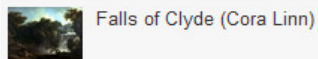
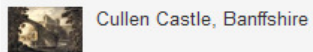
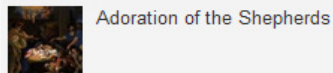
Provider: Scran ; uk

[More](#)

[View in original context](#)
Opens in a new window

Related content:

Items



[See all related items](#)

Actions:

Add a tag →

Share with a friend →

Save to My Europeana →

[Login](#) | [Register](#)

Process

- Manifesto
 - Charter
 - Joint Authorship
 - First version goes to EDL Foundation Executive.
 - Agreement that it is the right direction but maybe a little strident
 - First public airing at Europeana v1.0 Plenary
-
- Formation of a workgroup / Paul, Lucie, Jill, Elisabeth Niggemann, Bibliothèque nationale de France, ICOM Europe.
 - Modified version sent to EDL Foundation Executive October 2009
 - removal of Hugo quote, removal of copyright is the exception, work on commercial versus non commercial reuse.

Process

- Verdicttoo long, too wordy, no one who needs to will read it
- Rewrite and sent to both Executive and Board December 2009
 - DISH pre conference workshop on Barriers to Adoption December 2009
- Some minor comments and issues e.g. financial restrictions from Board and from other stakeholders such as the Commission e.g. no operational consequences
- So.....another rewrite with major bullets at the top and some minor alterations then back to the Board, January 2010
- Hence failure to meet ambition of launching with th Manifesto.....



The perspective of Cultural Heritage Institutions

- Agree with the principle that:
“what was public domain in analogue form remains public domain when digitised”
- Remember they are the protectors of our joint cultural heritage
- Their role is to safeguard, preserve & create access for future generations
- Benefitting the user is a primary objective
- Prisoners dilemma
 - If Commission or Member States are not able to fund large scale digitisation, how then does the digitisation get paid for?



Must not let the best be the enemy of the good

- Or we will never move forward on digitisation
- Is it not better to digitise now for preservation and ensure that free access is available within a limited number of years?
- Users must trust providers to act in their best interests
- Generations of experience in protecting our cultural heritage, digitisation and the digital world adds a new unknown dimension
- Cultural institutions are not the bad guys
- Europeana also in a difficult position. Lifeline is the digitisation by providers. Fundamental belief that the essence of the manifesto and charter is right.

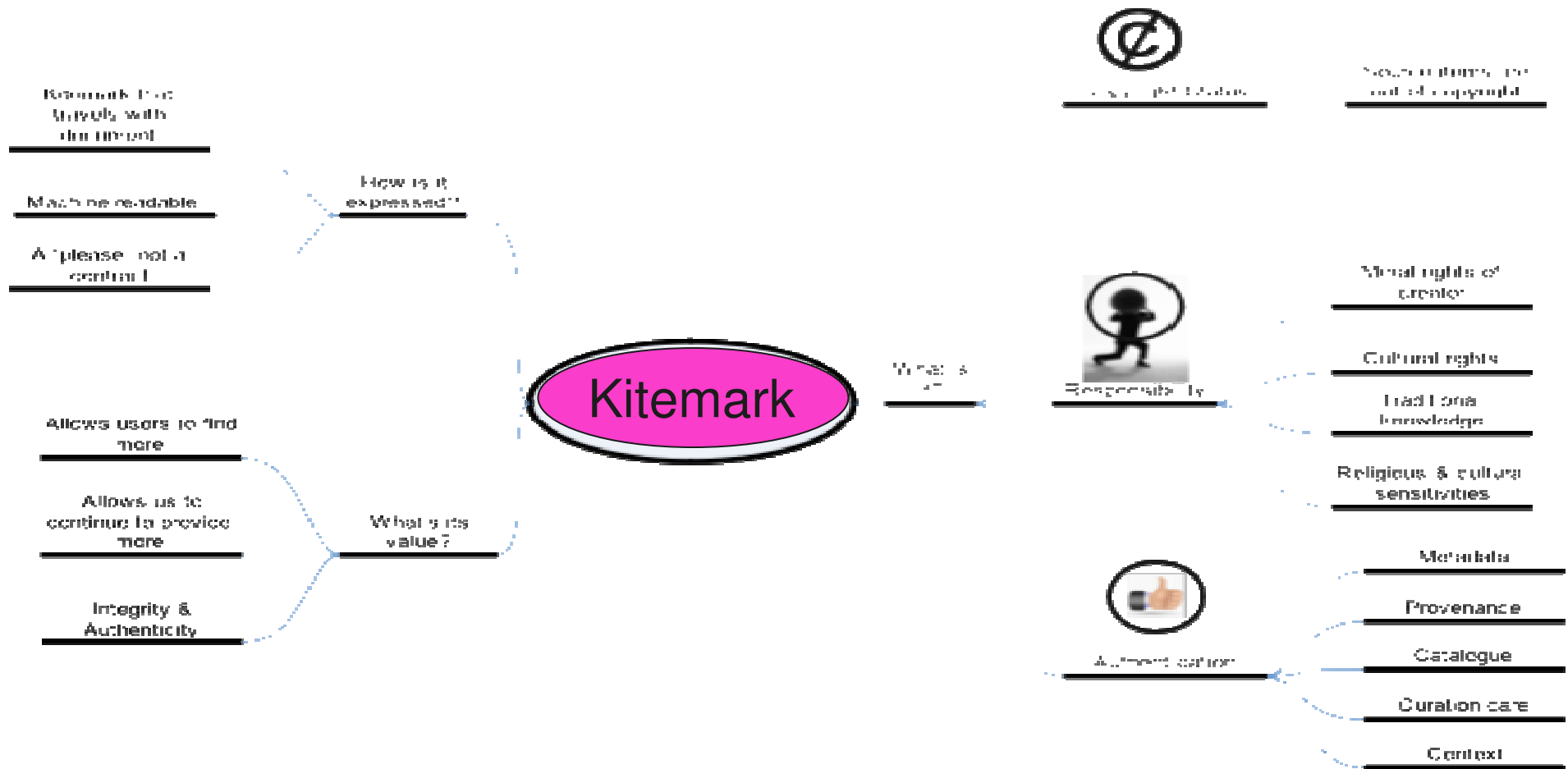
Europeana's Public Domain Charter

- The Public Domain is the raw material from which we derive knowledge and fashion 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.

What next?

- Issuing of the Charter – hopefully this month!
- Cultural institutions use it to find new money for digitisation
- Public Domain Icon or Kitemark
- User Charter
 - to promote respectful treatment of non-copyright digital items made available by cultural heritage organisations on the Internet.
 - that encourages cultural heritage institutions to continue in their missions to ensure free access, to contribute to creativity, to allow discovery, to reevaluate history.

User Charter



Public Domain Kitemark(s)

- The kitemark symbolises a request from the cultural heritage organisation that anyone wishing to use them should follow guidelines such as:
 - Ensure that attribution and that moral rights are respected
 - The items are not used for endorsement, campaigning, defamatory or derogatory purposes
 - Acknowledge the heritage organisation as the source of the item,
 - Preserving the link back to its original context for others to explore the picture in context

The reasons for users to follow these requests is so that the heritage organisation can:

- continue its mission of imparting and interpreting knowledge
- provide more material and increase the value of the user experience
- and that
- The integrity and authenticity of the image can be confirmed
- The appropriate context is given along with appropriate care and protection of the source material and its digital version



europeana
think culture



Thank You