



## DELIVERABLE

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### D5.1 Research Methodology to Define Strategic Agenda for Online Access To Audiovisual Content

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This deliverable contains original unpublished work except where clearly indicated otherwise. Acknowledgement of previously published material and of the work of others has been made through appropriate citation, quotation or both.

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## Executive summary

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The goal of task 5.2 is to develop a strategic agenda for access to audiovisual heritage through Europeana. The task is a pan-European research effort. It covers seven topics closely related to the daily reality of audiovisual archives, which we divide into three strands:

1. Intellectual Property Rights
2. Awareness issues
  - a. Status of Online Collections
  - b. Securing Institutional Support: Defining the Mutual Benefit
  - c. Open Access [Also in Relation to Public Sector Information (PSI)]
  - d. Specific Dimensions for Bringing Audiovisual Content to Researchers
  - e. Supporting the Visibility of Europeana Content in the Audiovisual Domain
3. Assessing Technical Requirements In Terms Of Storage & Encoding Standards

The research takes into account and expands upon existing work in this area, research commissioned by the EU and advocacy work by Europeana. This activity is essential for Europeana to reach out to the audiovisual domain<sup>1</sup> and understand what needs to be put in place in order to maximize contributions to Europeana.

The research will throughout the project lead to 3 deliverables:

- 1 D5.2 Report on *Research on the online publication of audiovisual heritage in Europe* (M12);
- 2 D5.3 *Strategic recommendations to increase the amount of audiovisual content in Europeana V1* (M18);
- 3 D5.4 *Strategic recommendations to increase the amount of audiovisual content in Europeana V2* (M32).

This document describes the methodology on how we will come to deliver an exhaustive overview of the policies and practices that influence the on-line publication of audiovisual content.

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<sup>1</sup>In the case of Europeana and EUscreenXL the focus will be on the stakeholder groups: broadcasters, memory organisations with AV material and players in the creative industries.

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## 1 Introduction

EUscreenXL is a three-year project that started in March 2013. EUscreenXL's main entry point is the EUscreen website, which—serving the project's purpose—provides free access to Europe's television heritage through videos, articles, images and audio from European audiovisual archives and broadcasters. In this way it continues the work started in the preceding EUscreen project.<sup>2</sup> By bringing a unified collection of European public broadcasting materials online, EUscreen promoted the use of television content to explore Europe's rich and diverse cultural history. Audiovisual archives all across the globe are in the process of digitising and making available their collections online, yet in most European countries, access to television archives remains scattered. On a European level, this is partly due to digitisation technologies and practices not advancing at the same pace. The main reasons for this scattered access can be found in IPR issues, both on a national and on cross-border level. If EUscreenXL aims to provide free access to more content, **mapping out these problems and seeking potential solutions** is a crucial part of the project.

Furthermore, EUscreenXL aims to become the **pan-European aggregator to Europeana for the audiovisual domain**. Europeana creates new ways for people to engage with their cultural history, whether it's for work, learning or pleasure. EUscreenXL represents a considerable segment of Europe's creative industries and has a particular strong link to the public service broadcasting community. It will provide Europeana with about 1.000.000 metadata records, giving access to digital content held by European providers, and 20.000 high quality contextualized materials for public access on the EUscreen portal, in addition to the more than 40.000 items already represented there. Extending accessibility therefore is an important task and reducing the barriers mentioned above is of interest to organisations all over Europe – and beyond.

In work package 5, EUscreenXL embarks on an ambitious research effort. It creates a pan-European overview of the status quo of adding audiovisual content to the European cultural commons. This work is essential in order for EUscreenXL and Europeana to reach out to our stakeholders in the audiovisual domain (broadcasters, memory organizations with AV material and players in the creative industries) and understand what actions need to be put in place in order to **maximize contributions to Europeana**. In parallel to this research, the work package seeks to substantially expand the EUscreenXL network and successively increase the amount and variety of content provided to Europeana. This aggregation effort, in combination with the research actions undertaken, intends to **raise the awareness for Europeana in the wider audiovisual domain**.

This document outlines the research methodology we adopt to create a strategic agenda for access to audiovisual heritage through Europeana. Chapter 2 outlines the aims of and arguments behind the set-up of the research task. Chapter 3, 4 and 5 explain and divide this broad topic into segmented, specified currents that can be translated into research questions. The research process is detailed in Chapter 6, which zooms in on the process of casting a wide net for gathering information on access to audiovisual heritage and filtering it out to a specific set of policy objectives. Chapters 7, 8 and 9 specify the practical details and timeline of the approach sketched in the preceding sections. With this methodology, we have the steps in place to produce a qualitative research effort that will help the project **extract the necessary advocacy steps** to be put in place.

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<sup>2</sup> The EUscreen project ([ECP-2008-DILI-518002](https://ec.europa.eu/culture/en/euscreen)) ran from 2009-2012 and was financed under the eContentplus programme. It created a Best Practice Network aimed at achieving a highly interoperable digitised collection of television materials.

## 2 Aim of the research

### Objectives

According to results from the ENUMERATE study held in early 2012, participating institutions estimated to make twice as much of their collections accessible through Europeana in 2014 than they did then.<sup>3</sup> The partners in EUscreenXL - and preceding projects - have online access to audiovisual heritage high on their agendas. As Peter Kaufman describes it: “Digitisation technology and [...] new norms and public expectations have brought us to the point where preservation and access together form a new imperative for audiovisual archives: twin missions — preservation for access, access for preservation — that twist around each other like the double helix of a modern memory institution’s DNA.”<sup>4</sup> Yet an array of **real world forces complicate the creation of comprehensive online audiovisual access points** that are open to researchers, creative and general audiences alike.

As Europeana’s 2011 report on the *Yellow Milkmaid* outlined, there are **multiple benefits to creating improved online access** to collection holdings for cultural institutions and broadcasters alike. Sharing audiovisual heritage with users brings institutions an increase in relevance in the digital society; fulfils a public mission to open up access to our collective heritage and prompts users to engage with the source of the content.<sup>5</sup> Yet institutions and public broadcasters alike are under pressure. Especially the audiovisual archive can often be found at the crux of opposing business models and value chains. Whereas audiovisual sources are a cultural reminiscence of our history and ancestor’s lives, they are also – explicitly so in the digital era – to be considered an “asset”, a commodity that is highly valuable on the global market place.<sup>6</sup>

EUscreenXL is determined to go beyond the level of supporting specific institutions or specific collections to solve accessibility issues. On a structural level, complex barriers in terms of legal, infrastructural, and financial conditions remain. The aim of the ambitious research project as proposed in EUscreenXL is to **improve the existing conditions for making online audiovisual collections available**. We identify the structural obstacles, summarise them in a strategic agenda for policy change and advocate for solutions on a pan-European level.

### Results

The starting point of this research is a ground-level overview of the **institutional and legal environments** audiovisual collection holders find themselves in. This stepping-stone enables us to pinpoint the critical factors that are shared on a pan-European level and could be tackled through policy changes. Proposed action points will be summarised in a two-level *Strategic Agenda for Access to Audiovisual Heritage*. This agenda will describe the tools and aids to be put in place to increase the availability of and access to audiovisual heritage online. For the development of this agenda, we **map the audiovisual domain** - including regional AV collection holders, commercial broadcasters and other potential new stakeholders and contributors to EUscreenXL; **analyse the status of current audiovisual collections online** and **identify mechanisms to sustain and increase online access** to their audiovisual collections.

An important topic to be explored is the limiting nature of **national copyright laws**. Issues of intellectual property rights are crucial when providing access to audiovisual collections. As a part of legislation, copyright

<sup>3</sup> Verbruggen and Oomen, *Second Online Access to Audiovisual Heritage Status Report*, 10.

<sup>4</sup> Kaufman, *Assessing the Audiovisual Archive Market*, 2.

<sup>5</sup> Verwayen, Arnoldus, and Kaufman, *The Problem of the Yellow Milkmaid. A Business Model Perspective on Open Metadata*, 4.

<sup>6</sup> Verbruggen and Oomen, *Second Online Access to Audiovisual Heritage Status Report*, 11.

law still bears some territorial nature – while an internationally accessible audiovisual archive touches upon cross-border legal issues. Some kind of harmonization will be necessary to ensure the possibility of publishing and providing access to our audiovisual heritage.<sup>7</sup> We intend to find out what forms of legal harmonization can be supported in order to facilitate the publication of audiovisual heritage sources. We will map how flexible audiovisual collection holders are, and to what extent they are bound by national regulations. The research will show ways of harmonization for different national and institutional access policies and bring to light the non-legal obstacles for such a harmonization process. We also expect to clarify at what level of EU legislation we should provide recommendations for harmonization.

In order to arrive at a comprehensive strategic agenda, we take off with an intensive research phase in the first project year. Outcomes and further steps will be shared via a public research report. An **open strategic workshop on awareness in IPR regulations**, organised in collaboration with Europeana, will scope the advocacy that can be proposed for IPR regulations. The workshop will be the starting point from where the research outcomes can be turned into action points to further inform the advocacy work.

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<sup>7</sup> Markovich, “Licenses for European Culture.”

### 3 Research Themes

The main objective of this task is to push for improved conditions that enable and encourage archive holders to make their audiovisual heritage collections accessible to the creative industries, researchers and general audiences alike. To achieve our objective, we will work along two main strands that group a range of research interests:

- 1) European **IPR regulations** and existing policy efforts;
- 2) Awareness levels for **online publication strategies** among audiovisual archives.

A third possible strand indicates the double bind Kaufman speaks of: any level of access is made impossible if no preservation strategy is in place. The authors of this methodology are aware of the technical issues and requirements that support any accessibility provision. The Netherlands Institute for Sound and Vision currently leads a coordinated action research project into precisely the technological status of preservation, called Presto4U. The project identifies useful results of research into digital audiovisual preservation, raises awareness and improves their adoption both by technology and service providers and media owners.<sup>8</sup> EUscreenXL is therefor in close contact with this project and **focuses its resources on the topics that relate directly to the access-side of the research.**

In the set up of the project, a set of topics was outlined to focus and lead our research and advocacy work. These topics are preliminary described below. We have grouped them according to the strands indicated above. This division gives us a handle on constructing the desktop research and indicates what professionals to contact for which parts of the research.

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<sup>8</sup> PRESTO4U: European Technology for Digital Audiovisual Media Preservation, project reference [600845](#).

## 4 Research topics

### Researching IPR and policy contexts

Issues of intellectual property are crucial in creating a European audiovisual archive. Numerous content provision projects and online publishers struggle with barriers, uncertainties and incompatibilities of national and international copyright laws. Intellectual property rights (IPR) cover a broad range of regulations, including copyrights, **trademarks, patents, industrial design rights** and **trade dress**. In the audiovisual domain we mostly encounter overlapping incarnations of copyright laws. As a part of legislation, copyright law bears some territorial nature: every nation has its own regulation, the vigour of which is limited to the national territory. A Pan-European audiovisual archive obviously touches upon **cross-border legal issues**. At the very minimum, some kind of harmonization would be necessary to ensure the possibility of supporting access to audiovisual heritage.

Important recommendations from previous projects on audiovisual collections direct EUscreenXL in its search for more detailed comparative knowledge on the IPR framework entangling the management of audiovisual collections online. The research effort by TAIK - as documented in EUscreen deliverable D5.2.1<sup>9</sup> - gave a profound insight into the **legal positions EUscreen partners dealt with** from a practical point of view. An earlier research commissioned by the EU's Preservation and Access committee<sup>10</sup> surveyed the size of collections that could be published online. These and other research outcomes will be taken into account and expanded with updated knowledge about existing challenges.

Subjects covered in this research track:

- 1) Laws in force and their problematic (restricting) points
- 2) Possible solutions to solve these restrictions by EU harmonisations
- 3) *Free* access: Practice-based legal bottlenecks specific for *free access* to online AV collections
- 4) Comparative analysis of these legal bottlenecks in a EU policy context
- 5) *Open* access: Effects and applicability of the European Union *Public Sector Information directive* to AV collections
- 6) Relevant long-term EU policies

Proposed research questions are:

- What kinds of regulations determine each country's possibilities to contribute audiovisual content to EUscreenXL and to Europeana?
  - This question touches upon quite a few laws. Our focus lies in those regulations that directly influence or restrain content providers in contributing to open access pursuits.
- What kind of regulation would be optimal for enabling countries to do so? What are the minimum points to change in regulation that would enable countries and their content providers to contribute in EUscreenXL and Europeana optimally?
- Is there a regulation in any EU member state that could be a good/best solution for the other participants? Are there barriers in implementing it by the others?
- Is it possible to constitute a recommendation for the European Union's legislation that could solve (or at least decrease) the problems originating from national differences?

<sup>9</sup> Marttila and Hyyppä, *Review of IPR Limitations and Recommendations*.

<sup>10</sup> Klijn and Lusenet, *Tracking the Reel World*.

In order to map the current situation we need to find out specifically:

- Do national archives have a **different copyright status** than other stakeholder institutions, such as private or national broadcast archives?
- Do different organizations use any **internal (operational) regulations** regarding handling copyrights?
  - If yes, does this regulation contain more or less restrictions compared to the official regulations?
- Do different organizations use any kind of constraint on access: geo-blocking, paid content, access point, etc.?
- What practical information about the **legal environments audiovisual archives operate in** are relevant?
  - Such practical information could be e.g. any private law constraint or authorization, contracts that influence the relevant issues or any other kind of regulation that influences the relevant issues, e.g. constitutional constraints or other superior legislation.
- What is the state of the implementation process of the **Orphan Works Directive**? How do different institutions deal with orphan works? How will this Directive influence the legal possibilities and duties of different institutions?
- Awareness of the **Public Sector Information (PSI) directive**? What possible impact will this directive have on the legal possibilities and duties of different institutions?

Several organisations are advocating for improving legal conditions for free and open online access to cultural heritage and/or audiovisual archives specifically. EUscreenXL works complementary to these initiatives and collaborates and expands upon other efforts in every way possible. The participation of **Europeana's legal and community teams** in this research task and the participation of EUscreenXL partners in the **Audiovisual Heritage Working Group in the Licenses for Europe initiative**<sup>11</sup> will ensure the exchange of the most up-to-date insights and developments and certify that the outcomes align with and add to related efforts.

### Awareness levels

Audiovisual archive collections are subject to drastically different access policies. The online availability of archival materials depends on a number of factors. Production archives, libraries or institutions often have vastly different core missions, which renders an effect on the **willingness to provide access** to the materials they hold. Content holders may serve or focus on different user groups and not be aware of others. This type of mission-critical choices informs budget decisions. In this respect, audiovisual collections face awareness challenges in multiple directions.

EUscreenXL has the position to act as channel for knowledge and for creating awareness on the benefits and barriers of publishing audiovisual heritage online. The second strand of this research focuses on the different forms of awareness within the domain: Awareness of **online uses for the collections**, awareness for **open access policies**, awareness for **Europeana and for European policies**. In order to be able to work as a knowledge and awareness channel and pinpoint the conditions that can be improved through continuous advocacy, we start out by researching the current status and conditions of the audiovisual domain from these multiple perspectives.

Subjects covered in this research track:

- 1) *Status of online collections*: One of the main results of this research task will be a **status update and detailed mapping exercise of the audiovisual content domain**. The focus in collecting status data will be on identifying potential benefits and remaining barriers in relation to type of access, type of audiovisual collection

<sup>11</sup> <http://ec.europa.eu/licences-for-europe-dialogue/node/6>

holder and national context. This topic will provide important, basic input for every next step in this work package and will enable us to understand benefits and barriers in an up-to-date context and subsequently will enable us to draft a strategic agenda rooted in the actual domain status.

Questions:

- a. How many audiovisual collections are there in Europe?
- b. Who are the owners/hosts of them?
- c. Who has what kind of access to these collections?
- d. What is the IPR status of these collections?
- e. How much data do these collections contain?
- f. Does the existence of a national audiovisual archive help widening access to content?

2) *Securing institutional support and defining the mutual benefit:* The benefits of making content available via EUscreenXL and via Europeana is not evident for every audiovisual content holder. We need to make a **stronger case for free access to audiovisual archives**, for example to attract commercial broadcasting companies and to make them allocate resources. In order to stretch and sustain the content scope of EUscreenXL and Europeana we need to make the benefits of participating in this arena very clear to potential stakeholders and suppliers. One of the important aspects will be discussing and defining benefits of making holdings accessible online in a national and European context.

3) *Open access:* We have to map out what kind of open access cultural networks there are in Europe<sup>12</sup> to be able to maximize the scope of our pursuits of nurturing the cultural heritage. Probably there are several collections which have been made available by private broadcasters or e.g. by digital content providers. We will ask EUscreenXL partners to survey their own countries regarding these open access collections. It would be important to see how these collections have become available, especially regarding methods of rights clearance. We try to gather as much information about these open access collections as possible to get the most exhaustive picture possible. We will have information on what types/levels of access there are in European practice (open, partial, business-based, educational-academic, paid, etc.)

4) *Specific dimensions for providing audiovisual content to researchers:* “Super serve your niche”<sup>13</sup> One of the **most important user groups of heritage data** is *researchers*. As Richard Wright put it in 2010: “Broadcasting is what people listened to and watched in the 20<sup>th</sup> Century. [It is the] primary evidence for what people actually said, heard and saw [...]. But audiovisual archive content is not: studied, cited or taken seriously or considered a part of scholarly communication”.<sup>14</sup> EUscreenXL makes a continuous effort to be as much visible and usable as possible for research purposes. To attract researchers their needs need to be clear on a very detailed level. At this moment the project *Europeana Cloud* is working on this specific topic. The focus for EUscreenXL will be to analyse their results and recommendations systematically and verify them in the context of the AV domain. WP 5 will be an intermediary between the Europeana Cloud outcomes and EUscreenXL’s work package 3, which is focused on content contextualisation and user engagement pilot applications.

<sup>12</sup> EUscreenXL has related internal activities, namely the Market Survey and Business Models research in WP6. Furthermore, we are aware of the related networks OKFN, the Communia project, Wikipedia, Force 11, the Open video movement. Specifically for academic collections, we focus on the Europeana Cloud project, the DARIAH & CLARIN infrastructures for digital humanities, the Presto4u CoP of research users and the IASA working group on research libraries.

<sup>13</sup> Michael Edson, “The Age of Scale.”

<sup>14</sup> Wright, “You Can Be Serious: Broadcast Archives and Academic Discourse.”

5) *Supporting visibility of Europeana content in the audiovisual domain:* To strengthen the consortium and the domain, it is crucial that a two-way traffic is created between audiovisual content holders and Europeana.

## 5 Research Process

The task to develop a strategic agenda for European member states and institutions holding audiovisual objects requires three years of dedicated research and communication. We have organized the work in three phases, each with a different focus. With each step, the focus will turn more outwards. Representing the pan-European audiovisual content domain, we will begin with data gathering and deep comparative research to involve more and more colleagues and stakeholders, arriving at an international dialogue with policy makers and within the domain itself.



Image 1 Phasing tasks WP5 Task 5.2

### Phasing the Work

The aim of task 5.2 in WP5 is to name the bottlenecks for publicizing AV content online and translating research into an agenda for advocacy and policy measures. We have split the work for WP5 in three subsequent phases. Every phase corresponds with a task as described in the DoW. The order and coherence of the phases appear in the figure above. We are now fully engaged in the first phase. After the delivery of the research report (D5.2) we start phase 2 in a complementary, parallel track.

#### Phase I: Research and analysis

Any research task is based on an adequate amount of information. The first phase therefore focuses on information gathering. This does not happen in isolation. Incorporating the work of professional working groups and projects is indispensable. It helps us to map what knowledge is already out there, and enables to see the bigger picture. The research methodology for deliverable 5.2 consists of a survey, follow-up interviews and desktop research. The outcomes of this *status report* will be presented in a workshop in April 2014. This workshop should open up discussions and further steps for the advocacy tasks and planning. We decided to split the survey in two parts: one part focuses on copyright and includes questions that provide input to delineate differences in national legislation and includes national archives acts. The other part covers the *awareness* issues outlined above. The survey will be sent out at once but clearly indicate that one part is for legal experts, while the other focuses on collections and archival policy.

For the comparative research of IPR legislation, we first of all need to scrupulously assess the European legislation in force regarding audiovisual works as *objects of copyright* and as *constituent parts of archives*. This latter aspect is essential since we are interested in optimizing exchange of audiovisual content between the providers that are archives. (This part comes from the desktop research). In considering the relevant national acts (these will be asked to attach to survey's answers from legal experts) we need to be attentive to the fact that among EUscreenXL partners there are national archives and broadcasters with their own archives as well. The activity of the latter are probably ruled by acts of media which can be relevant for us if e.g. the rules of supplying legal deposit or other kind of oblige on content archiving are laid in these. Considering that we are talking about a massive amount of legislative texts we depend upon the EUscreenXL partners in selecting relevant pieces of legislation. By studying the acts we can survey what differences the EUscreenXL partners

face, we become able to map out what kind of legal approaches are applied in different countries, which solutions can be considered as exemplary ones and which others can be considered as best practice. The same is true for the rules and possibilities of national audiovisual archives. Knowing the very texts of regulations will enable us to provide concretely phrased legal points in our recommendation in the end of the research. The complexity of this point requires different tools and methods at the same time, but mainly analysing legal text and comparing legal practices in individual archives regarding online access to AV assets.

Our main sources are:

- 1) Directives (and regulations) of EU
- 2) Existing EU recommendations
- 3) Recommendations of the Council of Europe

We intend to set out two surveys in the audiovisual heritage domain in the course of October, closing mid November 2013. We set out one specific survey targeted at professionals working with IPR issues of publishing archival audiovisual works online on a daily basis. This survey will be sent to legal experts to get the most relevant and professionally constituted answers. This survey's questions are based on the research questions listed in the IPR paragraph above. In this survey we also ask legal expert colleagues to attach related laws (preferably highlighting the relevant passages), which would enable us to investigate legal institutions and regulations directly in legal texts. We ask them to send answers back in three weeks. After receiving the results we analyse them and retrieve the necessary information. This information will be expanded and deepened by personal interviews, organised between December '13 and January 2014.

The survey on *awareness* of online publishing will be sent to collection/archive leaders to get the most relevant and professionally constituted answers. Personal interviews will be specified after having analysed the surveys' answers. The Europeana Foundation has gathered a strong line of experience in defining the mutual benefit and exploring open access-related topics, which will be an important piece of added value to the research report.

The research group brought together in this work package will analyse the results from the surveys and interviews and summarise the extensive desktop research in a public document, entitled *Research on online publication of audiovisual heritage in Europe*. This research report will be ready by February 2014 and will be presented at the strategic workshop in The Hague in M14. The strategic workshop will be organised by EUscreenXL and the Europeana Foundation in The Hague, in late March 2014. As a strategic workshop on awareness issues for IPR, it mainly focuses on the IPR-related aspects of the research and intends to bring in a domain-wide working group that can actively think with us on what advocacy steps can be taken in this domain.

### **Phase 2: Turning research outcomes into actions**

In April 2014, the work package intends to hold a stakeholder workshop specifically about IPR challenges. It will serve to discuss the outcomes from the research report and the next steps that we can take that add to related activities going. Related groups and thinkers, such as EU working groups, the Cinema Expert Group and the European Audiovisual Observatory, will be invited. The workshop will paint a clear picture of how the stakeholders see we can best develop the strengths of the EUscreenXL network to develop further advocacy actions.

Meanwhile, on the Awareness raising side, the outcomes of the research will form the basis for the network expansion activities. These are a one-on-one effort in which individual talks with audiovisual organisations and managers will teach us much about the benefits and barriers towards joining an international effort of the size of EUscreenXL. It will be necessary to test whether the responses from our survey will give us adequate

answers to the question of how we can convince new archives to join our effort and link archival content to Europeana

It means for testing our results that we have to consult EUscreenXL members, legal experts and EU legislation officers as well on the following questions:

- 1) Does the assessment of the status quo seem to them realistic?
- 2) Are the legal issues well formulated?
- 3) Do the conclusions that we have drawn seem correct?
- 4) Do the aims of changing legal practice and legislation regarding open access to AV assets seem realistic?
- 5) Do we target the right EU level and the right institutions?
- 6) Have we missed anything when assessing already existing efforts to optimize open access?
- 7) Are there any more necessary steps to be taken before finalizing our conclusions and formulating our recommendations?
- 8) Does the draft document seem good enough for advocacy and lobbying?

## 6 Risks and counter-measures

Risk No.	Risk description	Likelihood (H/M/L)	Impact (H/M/L)	Corrective action taken	Further action proposed	Timescale for further action	Partners responsible
R5.1	Insufficient response to the questionnaires	M	H		Reiterate inviting, personal interviews		ELTE, NISV, EF
R5.2	Irrelevant responses to the questionnaires	L	L		Rephrasing questions, interviewing respondents		ELTE, NISV
R5.3	Too many legal texts	M	M		Hire more personnel to process and analyse		ELTE
R5.4	Legal texts only in native language	M	M		Hire legal translators		ELTE
R5.5	Not enough relevant information				Another questionnaire, personal interviews		ELTE

## 7 Planning and resources

### Documented outcomes

Review deadline	Deliverable status, number and title
Mon 30 Sep 2013	<b>Final draft D5.1 - Research Methodology To Define Strategic Agenda For Online Access To Audiovisual Content</b>
Sat 30 Nov 2013	Final Draft D6.2 - <i>Market Survey and Business Models V1</i> Final Draft D6.3 - <i>Exploitation Plan and IPR Registry V1</i>
Fri 31 Jan 2014	<b>Final draft D5.2 - Research On On-Line Publication Of Audiovisual Heritage In Europe</b>
Thu 31 Jul 2014	<b>Final draft D5.3 - Strategic Recommendations To Increase The Amount Of Audiovisual Content In Europeana V1</b>
Thu 31 Jul 2014	<b>Final draft D5.4 - Strategic Recommendations To Increase The Amount Of Audiovisual Content In Europeana V2</b>

### Calendar project year 1

YR1			Start month								
M01	M02	M03	M04	M05	M06	M07	M08	M09	M10	M11	M12
2013-03	2013-04	2013-05	2013-06	2013-07	2013-08	2013-09	2013-10	2013-11	2013-12	2014-01	2014-02
			Research Methodology to Define Strategic Agenda for Online Access to Audiovisual Content			Meeting with colleagues from Europeana to discuss the Research methodology and approach	D5.1 Sending out questionnaire	Receiving responses	Personal interviews	Personal interviews	Research on Online Publication of Audiovisual Heritage in Europe
			2nd Europeana Licensing workshop			16-18 Open Knowledge Fest					
			Deliverable 5.1 [PU] DRAFT								Deliverable 5.2 [PU]

### Calendar project year 2

YR2											
M13	M14	M15	M16	M17	M18	M19	M20	M21	M22	M23	M24
2014-03	2014-04	2014-05	2014-06	2014-07	2014-08	2014-09	2014-10	2014-11	2014-12	2015-01	2015-02
	Focused workshop The Hague				Strategic Recommendations to Increase the Amount of AV-content in Europeana V1						EUscreenXL Dissemination Workshop
					International Conference Awareness Raising [Poland]						
					Deliverable 5.3 [PU] - MS9						
					Milestone 10						

### Calendar project year 3

YR3											
M25	M26	M27	M28	M29	M30	M31	M32	M33	M34	M35	M36
2015-03	2015-04	2015-05	2015-06	2015-07	2015-08	2015-09	2015-10	2015-11	2015-12	2016-01	2016-02
							Strategic Recommendations to Increase the Amount of AV-content in Europeana V2				Final Dissemination and Exploitation Plan and Sustainability Strategy
											International Conference Network Expansion
							Deliverable 5.4 [PU]				Milestone 18
											Milestone 19

## 8 Proposed bibliography

### Knowledge management

The literature for desk research can be gathered, shared and commented on through the shared EUscreenXL reference library on Zotero: *Online Access to Audiovisual Content*<sup>15</sup>.

Important points of reference for the research are:

- 1) [https://www.zotero.org/groups/doing\\_digital\\_humanities](https://www.zotero.org/groups/doing_digital_humanities)
- 2) <http://openglam.org/documentation/>
- 3) [https://www.zotero.org/groups/open\\_culture\\_data](https://www.zotero.org/groups/open_culture_data)
- 4) [https://www.zotero.org/groups/online\\_access\\_to\\_audio-visual\\_content/items](https://www.zotero.org/groups/online_access_to_audio-visual_content/items)
- 5) PrestoCentre Library
  - a. Research outputs assessments v1 (Presto4U D3.2)
  - b. Interim report on audiovisual and preservation standards (Presto4U D4.2)

### Primary sources for IPR research

Sources to be used in mapping the current stage of copyright issues are:

- 1) Directives (and regulations) of EU (publicly available)
- 2) Recommendations of EU – these are publicly available
- 3) (Recommendations of Council of Europe?)
- 4) National acts on copyrights law (in English) highlighting the rules of audiovisual works
- 5) National acts on national audiovisual archives (based on legal deposit) (in English)
- 6) Relevant parts of national acts on media (see the details below)
- 7) The practical information on national audiovisual archives the participants consider relevant
- 8) (The list of) collecting societies or representative organizations of authors (and their contacts)
- 9) (The list of) IPR offices, authorities, institutions in each country (and their contacts)
- 10) List of broadcasters and audiovisual archives

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<sup>15</sup> [https://www.zotero.org/groups/online\\_access\\_to\\_audio-visual\\_content/items](https://www.zotero.org/groups/online_access_to_audio-visual_content/items)

## 9 References

- Kaufman, Peter B. *Assessing the Audiovisual Archive Market*. White Paper. PrestoCentre, March 2013.  
[https://www.prestocentre.org/system/files/library/resource/assessing\\_the\\_audiovisual\\_archive\\_market\\_-\\_peter\\_b\\_kaufman\\_white\\_paper.pdf](https://www.prestocentre.org/system/files/library/resource/assessing_the_audiovisual_archive_market_-_peter_b_kaufman_white_paper.pdf).
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- Marttila, Sanna, and Kati Hyyppä. *Review of IPR Limitations and Recommendations*. EUscreen internal project deliverable, May 2011.
- Michael Edson. "The Age of Scale." Keynote presented at the Wikimedia UK GLAM-WIKI conference, British Library, London, April 12, 2013. <http://www.slideshare.net/edsonm/the-age-of-scale-18954410>.
- Verbruggen, Erwin, and Johan Oomen. *Second Online Access to Audiovisual Heritage Status Report*. EUscreen project deliverable. Hilversum, July 23, 2012.  
<http://www.pro.europeana.eu/documents/864473/864500/EUscreen+D7.6.2+OnlineAccessstoAudiovisualHeritageStatusReport.pdf>.
- Verwayen, Harry, Martijn Arnoldus, and Peter B. Kaufman. *The Problem of the Yellow Milkmaid. A Business Model Perspective on Open Metadata*. Europeana White Paper. Europeana, Kennisland, Intelligent Television, November 2011.  
<http://pro.europeana.eu/documents/858566/2cbf1f78-e036-4088-af25-94684ff90dc5>.
- Wright, Richard. "You Can Be Serious: Broadcast Archives and Academic Discourse." presented at the Symposium Reimagining the archive : Remapping and remixing traditional models in the digital era, Los Angeles, November 12, 2010.  
<http://polaris.gseis.ucla.edu/reimagining/presentations.htm>.

**10 Annex I: Survey *Online access to audiovisual works***

## Online Access to Audiovisual Heritage

### Introduction

Welcome to our survey on online access to audiovisual heritage.

This survey is organised by EUscreenXL, the pan-European aggregator of audiovisual heritage for Europeana.

With this survey, we aim to produce an overview of the current status of bringing audiovisual materials to the European cultural commons: who is providing them, and how much is there. Furthermore, the survey's outcome will help to identify any existing barriers to the provision of online access to audiovisual works.

In this survey, we ask you to choose between two different questionnaires: One is intended for collection managers, the other for legal experts in audiovisual collections.

For more information about this survey, please visit the [EUscreen blog](#) or click the *next* button below to start.

## Online Access to Audiovisual Heritage

### Survey instructions

This survey has been distributed among audiovisual heritage organisations in the European member states. The collected data will be kept strictly confidential and will not be published in any manner traceable to any institution or individual.

The time needed to answer the survey questions depends largely on the availability of management information on legal and policy activities. If this information is accessible, we estimate that answering the questions will take up to twenty minutes of your time. If your browser accepts cookies, you can leave the survey and come back to it later to finish or edit your responses.

If you have any questions about this survey, or if you would like to request a PDF version, please contact us at [info@euscreen.eu](mailto:info@euscreen.eu).

You are also welcome to share the link to this survey with colleagues in your organisation and/or professionals in your network.

Many thanks in advance for your time and input!

## Online Access to Audiovisual Heritage

### Info about your organisation

We assume that you are a working professional in an organisation that handles, stores and preserves audiovisual materials. We would like to know more about your working environment.

#### \* 1. Please give the following information:

**Name:**

**Organisation:**

**City:**

**Country:**

#### 2. How long have you worked at your organisation?

#### \* 3. Your position

What is the title of your current position?

#### 4. Please select the main activity of your organization

Other (please specify)

#### 5. Are you or is your organisation a member of one of the following representative or collective organisations in the audiovisual domain? You may select multiple answers.

- EUscreen foundation
- International Federation of Television Archives (FIAT/IFTA)
- International Association of Sound and Audiovisual Archives (IASA)
- Federation of Commercial Audiovisual Libraries (FOCAL)
- European Broadcasting Union (EBU)
- Association des Cinémathèques Européennes (ACE)
- Association of Moving Image Archivists (AMIA)
- PrestoCentre
- International Federation of Film Archives (FIAF)
- None of the above / Not sure

Other (please specify)

## Online Access to Audiovisual Heritage

**\*6. Was/is your organization project partner in one of these projects? You may select multiple answers.**

- Birth of Television
- EUscreenXL
- EUscreen
- Video Active
- None of the above / Not sure

## Online Access to Audiovisual Heritage

### Info about your expertise

From here on, the survey is experience-specific.

To legal experts, we will ask questions about your national and organisational IPR policies.

To collection managers, we will we ask questions about your organisational experiences with publishing audiovisual content online.

Please choose according to your day-to-day work experience.

**\*7. I consider myself a**

## Online Access to Audiovisual Heritage

### Identification of specific IPR legislation and policies

This questionnaire is organized to provide EUScreenXL with in-depth information on relevant IPR legislation and policies around providing online access to audiovisual collections.

#### **8. Which country's legislation applies to the institution that you represent?**

Country:

#### **9. Does your country have a national (audiovisual) archive?**

#### **10. Please name the national (audiovisual) archive(s) that operate in your country**

#### **11. Does your organization have a specific (legal) responsibility for collecting and keeping AV materials?**

#### **12. Does your institution have a different copyright status than other stakeholder institutions, such as private or national broadcast archives?**

## Online Access to Audiovisual Heritage

### Policies for Audiovisual Publishing Online

The questions on this page concern your organisation's approach to publishing collection materials online. We understand that policies or activities may differ for various collections or departments. Please indicate if your answers apply to the entirety of archive materials or for specific collections only.

#### 13. What do you consider to be the main legal issues, if any, that hinder the provision of online access to your collections?

#### 14. Does your institution have written internal procedures or workflows for handling copyright-related questions?

- Yes, we have an organisation-wide handbook on IPR
- Yes, we have specific procedures per department
- Yes, we have specific procedures per collection
- No, IPR questions and issues are solved on a case-by-case basis
- Don't know / Not sure

Please list your in-house procedural IPR documents, if available.

## Online Access to Audiovisual Heritage

**15. What kinds of constraints does your organization apply to the online access of your digital collections? You may select multiple answers.**

- On-site access only
- Online: streaming only
- Online: streaming only for a specific region (geo-blocking)
- Online: streaming only for paying individuals (paywall)
- Online: streaming only for paying organisations (subscription)
- Online: open access (anyone can share, download)

Please expand on why these constraints are in place

**16. What is your institution's policy toward on-line access to its collections?**

## Online Access to Audiovisual Heritage

### European legislation

We would like to learn more about how recent legislation by the EU is implemented in the country in which your institution operates.

**17. Are you aware of the revised PSI Directive on public sector information? (see [this PDF](#) for more info)**

Yes

No

**18. How does your country deal with transposing the provisions of the revised PSI Directive into national law? What kinds of changes could this affect in the work done by your organization?**

**19. Are you familiar with the Orphan Works Directive? (The EU directive on handling orphan works, see [this PDF](#) for more info)**

Yes

No

**20. Has your country already implemented the Orphan Works Directive? If not, what do you know about the state of the implementation process on a national level?**

**21. How does your organisation currently deal with orphan works?**

**22. How will the implementation of the Orphan Works Directive influence the legal possibilities and requirements of your organization?**

## Online Access to Audiovisual Heritage

### IPR Contact information

**23. Please list the collecting societies or representative organizations of authors (and, if appropriate, their contacts) that you work with on a regular basis.**

**24. Please list the specific departments of public IPR offices, authorities, institutions that work on your national IPR regulations.**

## Online Access to Audiovisual Heritage

### Legal texts

Considering that we aim to examine 29 countries' legal texts, it would help us greatly if you would send us the location of those texts. Thank you in advance.

**25. Could you provide us with the locations of the source texts listed below? If possible, we are looking for the English versions of your national legislation texts.**

- Yes, these legal texts can be found online
- Yes, I can provide these legal texts via email (please send them to us at [info@euscreen.eu](mailto:info@euscreen.eu))
- No, I have no direct access to these texts

## Online Access to Audiovisual Heritage

### 26. Sources

Which law  
(or other  
type of  
statutory  
instrument)  
regulates  
copyright  
issues in  
your  
country?  
URL:

Which law  
(or other  
type of  
statutory  
instrument)  
regulates  
your  
national  
audiovisual  
archive's  
work? URL:

If parts of  
your  
national  
act of  
media are  
legally  
applicable  
to your  
work,  
please  
attach the  
applicable  
parts,  
explaining  
their  
relevance  
(e.g. the  
regulation  
of public,  
private and  
commercial  
archive  
collections  
and the  
restrictions  
on their  
use). URL:

Is there is  
any kind of  
other  
national  
act (or type  
of statutory  
instrument)

## Online Access to Audiovisual Heritage

you  
consider  
relevant  
with regard  
to the aim  
of making  
collections  
accessible  
online? If  
so, please  
expand  
and  
provide a  
related  
URL if  
possible.

### \*27. Finish survey

I'm ready to finish the survey

## Online Access to Audiovisual Heritage

### Status of Audiovisual Collections Online

Individual organizations and collaborative projects have greatly advanced the possibilities of online access to audiovisual collections. One of the tasks of the EUscreenXL-consortium is to provide a current overview of online access to audiovisual collections.

#### 28. What is the amount of the audiovisual materials your institution holds in approximate hours?

Film	<input type="text"/>
Audio	<input type="text"/>
Video	<input type="text"/>

#### 29. What are the main types of your holdings?

- Music and sound archives
- Broadcasting archives
- Video production & post-production archives
- Film collections and film makers
- Video art, Art Museum and Galleries
- Research and scientific collections
- Teaching and learning repositories
- Footage sales libraries
- Personal audiovisual collections
- Other (please specify)

#### 30. What is the core geographical range and focus of your organisation's collections?

#### 31. Can you estimate the amount of your holdings created per decade (in percentages)?

Until 1923	<input type="text"/>
1923 - 1950	<input type="text"/>
1950 - 1980	<input type="text"/>
1980 - 2000	<input type="text"/>
2000 - present	<input type="text"/>

## Online Access to Audiovisual Heritage

**32. How would you characterize the digitization activities of your institution? You may select multiple answers**

- Occasional
- Special project
- Structural programmes
- Don't know / Not sure

**33. What estimated percentage of your audiovisual collections is currently available in digital form?**

Film in %

Audio in %

Video in %

**34. What estimated percentage of the audiovisual collections is currently accessible online?**

Film in %

Audio in %

Video in %

## Online Access to Audiovisual Heritage

### Access policies

Many archives have difficulty in finding the right approach to making audiovisual heritage available online. This section intends to map the difficulties you may have encountered as a collections expert in offering online access to your archive's holdings.

#### 35. Does your institution own the rights to your collections?

- Yes
- No
- Don't know
- Partially (please specify and give an estimate of the percentage of owned rights)

#### 36. Does your organisation have an explicit in-house policy regarding the online use of your digital collections?

- No
- Don't know
- Yes (Please describe the main objectives of this policy)

#### 37. Does your organization have a specific (legal) responsibility for collecting and keeping AV materials?

- Yes, a legal deposit
- Yes, domain mandate or agreement
- No
- Don't know

Other (please specify)

## Online Access to Audiovisual Heritage

### 38. What type of access do you provide for your digital collections? You may select multiple answers

- On-site access only
- Online: streaming only
- Online: streaming only for a specific region (geo-blocking)
- Online: streaming only for paying individuals (paywall)
- Online: streaming only for paying organisations (subscription)
- Online: open access (anyone can share, download)
- Other (please specify)

### 39. Please indicate the channels through which your collections are accessible. You may select multiple answers. Please provide URLs where possible.

- On-site
- Company or institutional website
- Freely accessible third-party platforms (e.g. YouTube, Vimeo, ...)
- Paid third-party platforms (e.g. VOD platforms, footage sales platforms, ...)

### 40. What types of licenses or terms of use does your organisation use for its online audiovisual content?

	Content	Metadata
All rights reserved	<input type="checkbox"/>	<input type="checkbox"/>
Institution-specific terms	<input type="checkbox"/>	<input type="checkbox"/>
Creative commons licensing	<input type="checkbox"/>	<input type="checkbox"/>

Other (please specify)

## Online Access to Audiovisual Heritage

### Benefits & Barriers of Online Publication of Collections

On this page we consult you on the benefits and barriers of online access. We invite you to share your opinion on general trends and barriers preventing your institution from sharing audiovisual works online.

**41. Please read the following statements carefully about the benefits of and barriers to online publication of your materials, and rate the applicability of each statement to your organization**

	1 - Don't agree at all	2	3	4	5 - Fully Agree	N/A
Putting our audiovisual collections online makes our national history more visible to an international audience	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
We preserve and digitise audiovisual materials to make them accessible to as many users as possible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
We are concerned about the context in which our materials may be used when we publish them online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Making our archive materials available online is a great way to create interaction with our users	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Making our archive materials available online creates greater visibility for our organisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Making our archive materials available online contributes to public knowledge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Our organisational policies do not prioritize making our digital collections available online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
IPR restrictions prevent us from publishing collections online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The financial resources to make our collections available online are insufficient	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Our collections are largely analogue because our financial resources for digitization are insufficient	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Making our archive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Online Access to Audiovisual Heritage

materials available online supports our organisation's mission to make archive materials publicly available	<input type="radio"/>					
Our technical resources (e.g. bandwidth, hardware, etc.) needed to to make collections available online are insufficient	<input type="radio"/>					
Making our archive materials available online creates greater traffic to our websites	<input type="radio"/>					
Our technical knowledge to make collections available online is insufficient	<input type="radio"/>					
Making our archive materials available online encourages audiences to tell us more about our content (e.g. by providing comments, adding information or indicating necessary corrections)	<input type="radio"/>					
We are concerned about other parties profiting from our content if we publish it online	<input type="radio"/>					
Our collections are largely not online because it is not clear to us what we can and can not publish online under copyright law	<input type="radio"/>					
We fear that publishing our collections online will cause a loss of revenue	<input type="radio"/>					
Making our archive materials available online enables people who want to buy footage from us to find it more easily	<input type="radio"/>					

**42. If you have any additional comments on publishing audiovisual content online, please add them here.**

## Online Access to Audiovisual Heritage

### Conclusion

We would like to thank you very much for taking part in this questionnaire. We invite you to join the EUscreenXL community via our newsletter and/or possibly take part in the next phase of our research via an in-depth interview

#### 43. Contact details

If you would like us to contact you for further information, please provide us with your e-mail address

If you would like us to contact any of your colleagues about this survey or the work we do, please provide us with their contact details

#### 44. Please indicate in what way(s) we can contact you

	Yes	No
I would be available for a conversation to expand on the answers given in this survey	<input type="radio"/>	<input type="radio"/>
I would like to know about the outcomes of this survey and your resulting strategic agenda	<input type="radio"/>	<input type="radio"/>
I would like to receive the EUscreenXL newsletter	<input type="radio"/>	<input type="radio"/>
I am interested to learn more about joining the EUscreenXL network	<input type="radio"/>	<input type="radio"/>

Thank you for your time and attention in completing this survey.  
Please feel free to share the link to this survey with your professional contacts.

On behalf of the EUscreenXL consortium,

Réka Markovich & András Kovács, ELTE University, Budapest  
 Erwin Verbruggen & Josefien Schuurman, Netherlands Institute for Sound and Vision  
 Julia Fallon & Joris Pekel, Europeana Foundation

Contact: <http://www.euscreen.eu> | [info@euscreen.eu](mailto:info@euscreen.eu) | @euscreen