



Report on the state of play of copyright knowledge in cultural heritage institutions

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In a [survey](#) conducted by the Europeana Copyright Community, participants identified “the lack of copyright knowledge among cultural heritage professionals and an absence of training opportunities” as the biggest challenge they faced in the realm of copyright.

Many seem to agree that copyright is a pain point for the cultural heritage sector, and that more knowledge is needed. But how much, and what exactly, do cultural heritage professionals need to know? This question is key for Europeana, particularly as we advance towards building more capacity, and strive to identify how to best support the sector.

The copyright knowledge gap keeps evolving (hopefully in the right direction), and research is constantly necessary. We might not have a complete answer to the question, but we have several pieces of a puzzle that we bring together in this report.

General copyright challenges

Cultural heritage institutions wishing to digitise, make their collections available or allow their use are confronted with many questions around copyright, and regrettably often lack in-house copyright expertise. As technology evolves, new opportunities arise with new copyright questions.

Through the copyright community survey conducted at the end of 2019, professionals pointed out some concrete topics they found challenging: interpreting the application of laws across-borders; identifying the copyright status of collection items; and dealing with orphan works. The complexity of copyright legislation certainly raises challenges. For instance, exceptions or limitations support the possibility to digitise content or use it for education and research, but in practice, users might feel more comfortable relying on open licenses, which might seem like a simpler option.

Some respondents also pointed at difficulties when dealing with copyright and text and data mining, especially in digital humanities; with licensing and



contracts, including using CC licenses, tools and rights statements; or around moral rights.

In addition, certain practices, which might be a consequence, but also a cause, of the lack of copyright knowledge, perpetrate this situation. There seems to be a lack of institutional support towards the development of organisation-wide copyright strategies that could contribute to partly solving the problem. Copyright is not part of internal workflows and processes as much as it should. As part of this, institutions are not confident when making copyright-related decisions, and are less willing to take minimum risks.

Lessons learned from Europeana data partners

Europeana is populated with cultural heritage from institutions from across Europe, we see first hand how this knowledge gap affects not only the institutions, but also digital cultural heritage.

Our standards and policies, defined for and with the sector, drive the way content is submitted to Europeana. These tools support good practice beyond our portal, including on copyright. This is why our licensing framework establishes that all digital objects will be assigned a rights statement and that metadata will be freely reusable, and the [public domain charter](#) defends that works in the public domain should remain in the public domain once digitised.

The latest report (from [2019](#), following the one in [2018](#)) that analysed the accuracy of rights statements among Europeana collections showed that almost 38% of the rights statements were accurately applied. 19% were considered inaccurate and 25% unable to determine, among other categories.

The most common mistakes identified by the 2019 report were applying a Creative Commons license to material that was never in copyright (and no digitisation rights exist), or for which it is highly unlikely that permission for such a license was given; and applying digitisation rights over material that was either never in copyright or for which copyright has lapsed.

These reports, and a set of interviews conducted afterwards, show some misunderstandings on the scope of creative commons license, tools and rights statements. This might, in turn, come from a lack of understanding of copyright law. This is particularly true with the incorrect ideas that an institution might hold some rights just by holding the content, or that



“additional” copyright protection can be claimed the moment something is digitised.

Although the challenges faced by those sharing data with Europeana and complying with our particular standards might differ from other general challenges faced by the sector, there is some overlap, and some lessons learned for all.

Next steps: more research and awareness

We are continuing to inquire about the needs of the sector, for instance by supporting other institutions conducting this type of research, and by keeping the discussion open with our partners.

Based on the assumptions above, and in order to ensure that our policy and standards have the positive impact they should have on our partners and on digital cultural heritage, we continue to build capacity through resources and awareness.

The [copyright community](#) is also a resource available to professionals that nourishes conversations around copyright challenges by bringing professionals together. Through webinars, blogs, mailing lists and social media, we share experiences and learn from each other, to make the challenges more digestible.