

Insects and Fruit
Jan van Kessel
1660 - 1665, Rijksmuseum
Netherlands, Public Domain

Europeanana



**THE EUROPEANA
LICENSING FRAMEWORK**



Co-financed by the European Union
Connecting Europe Facility

Europeana Licensing Framework

WHAT : a set of **policies & contracts** that **deal with** the **copyright** and **licensing aspects** of Europeana

WHY: for users, **clear** and easy to understand **information** on what they **can and cannot do** with **metadata** and **content** that they encounter via Europeana.

HOW:

- CC0 licence for the metadata
- 14 standardised licences for the content

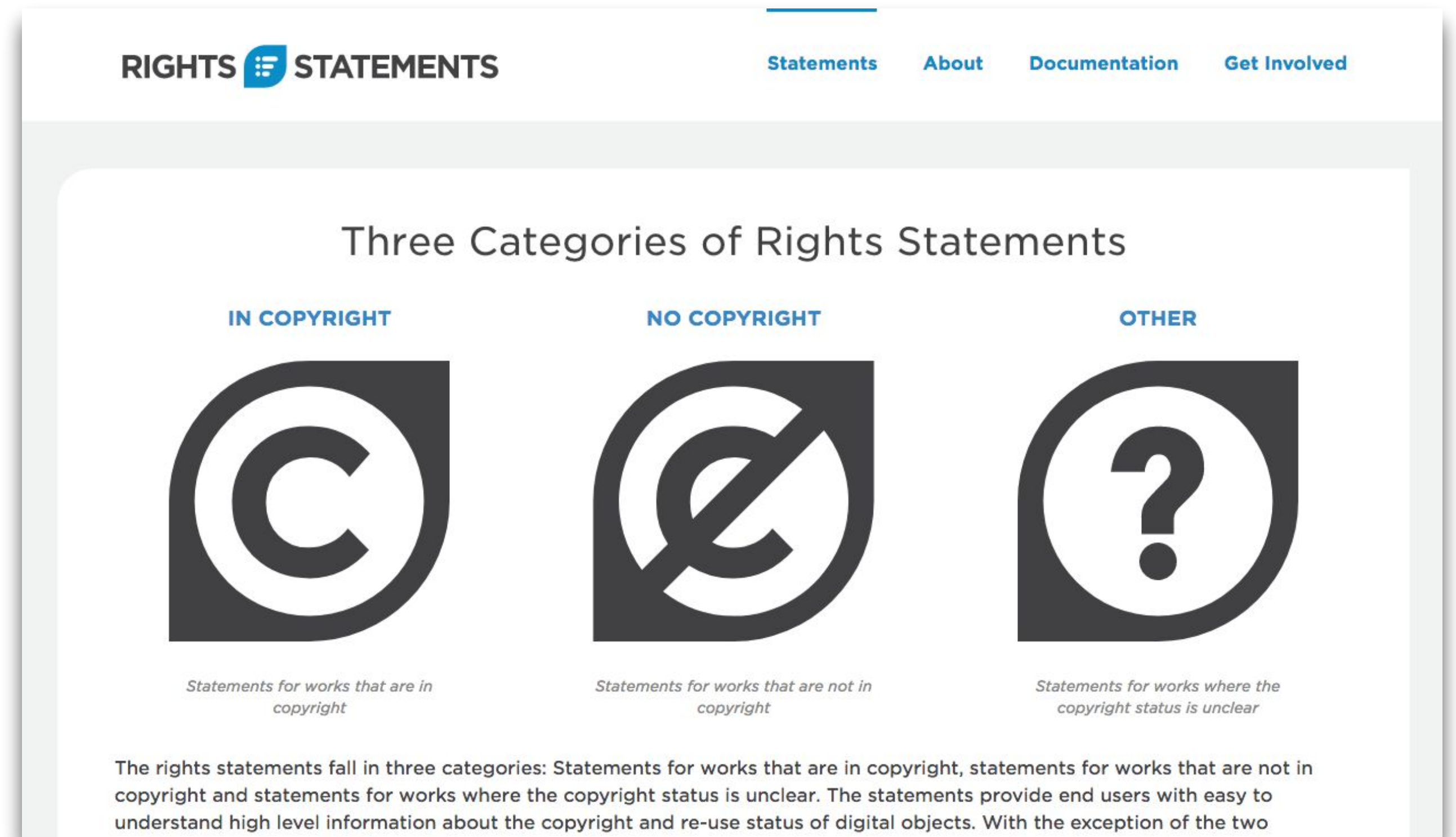


STANDARDISED RIGHTS STATEMENTS

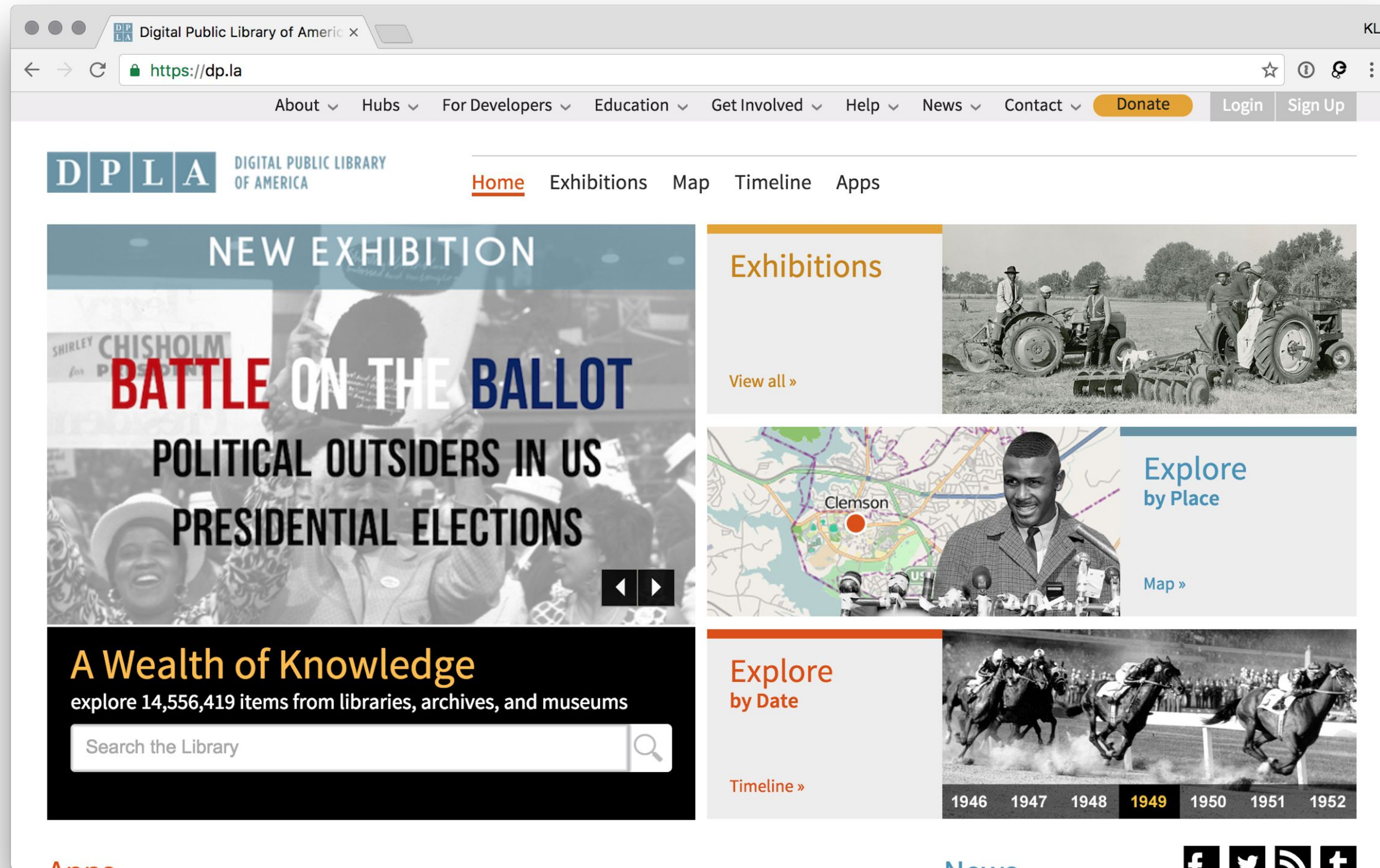
Arrival of a Portuguese ship
Anonymous
1600 - 1625, Rijksmuseum
Netherlands, Public Domain

What is rightstatements.org?

- Developed by Europeana, DPLA, Kennisland and Creative Commons
- Provides **12 standardised rights statements** for **online cultural heritage**.

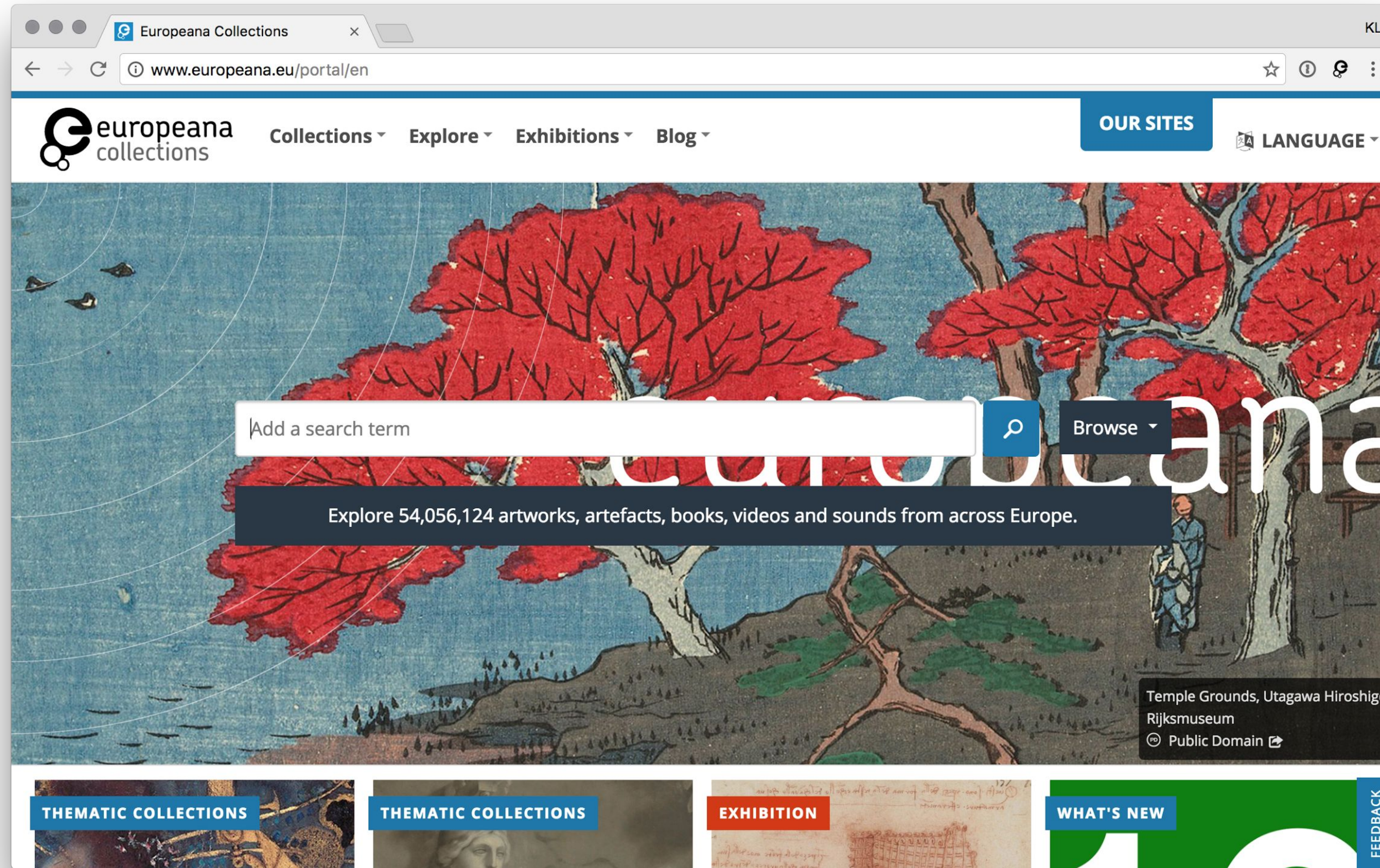


2015: non-standardised rights statements



DPLA (until 2016):
Metadata CC0,
Digital Objects:
87.000 rights
statements

2016: standardised rights statements



Europeana
Metadata CC0,
Digital Objects: 14
rights statements

RIGHTS STATEMENTS IN EUROPEANA

Untitled
Anonymous
1911 Circus Museum
Netherlands, CC BY-SA



14 available rights statements

From creativecommons.org:

- Public Domain Mark
- CC 0 Public Domain dedication
- CC BY
- CC BY-NC
- CC BY-ND
- CC BY-SA
- CC BY-NC-SA
- CC BY-NC-ND

From rightsstatements.org:

- In Copyright
- In Copyright - EU Orphan Work
- No Copyright - other known legal restrictions
- In Copyright - Educational use permitted
- No Copyright - non-commercial use only
- Copyright not evaluated

Note: Please visit pro.Europeana.eu/available-rights-statements for the current list.

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=> **Creative Commons**

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**=> Specialised
rights statements**

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Data Exchange Agreement



europæana
foundation

www.europeana.eu
Koninklijke Bibliotheek
Prins Willem-Alexanderhof 5
Postbus 90407
2509 LK Den Haag
Nederland

Europeana Data Exchange Agreement

Parties:

Europeana Foundation (formerly EDL Foundation)

Address: Koninklijke Bibliotheek, Prins Willem-Alexanderhof 5,
2509LK The Hague, The Netherlands

Phone: +31 70 314 0952

URL: www.europeana.eu

Name of authorised Person: Jill Cousins

Title/Role in organisation: Executive Director

Work Phone: +31 70 314 0952

Work Email: jill.cousins@kb.nl

Hereafter named: 'Europeana'

And

Name of organisation:

Address:

Phone:

Email:

URL:

Name of authorised Person:

Title/Role in organisation:

Work Phone:

Work Email:

Hereafter named: 'Data Provider'

Europeana Data Exchange Agreement – Annex 1: CC0 1.0 Universal Public Domain Dedication 1

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foundation

Metadata Specifications: The most recent version of the Metadata specifications published by Europeana and available at <http://pro.europeana.eu/edm-documentation> on the Effective Date

Preview: A reduced size or length audio and/or visual representation of Content, in the form of one or more images, text files, audio files and/or moving image files.

Public Domain: Content, Metadata or other subject matter not protected by Intellectual Property Rights and/or subject to a waiver of Intellectual Property Rights.

Third Party: Any natural or legal person who is not party to this Agreement

URI: Uniform Resource Identifier, URLs (Uniform Resource Locators) are URIs.

Article 2 Provision of Metadata and Previews

1. Notwithstanding the minimum requirements of paragraphs 2 and 3 of this article, it is in the discretion of the Data Provider to decide which Metadata and Previews it provides to Europeana, including the right to submit only Metadata and Previews with regard to a part of the Content held by it or its data providers and the right to submit only a part of the Metadata and Previews it has or its data providers have with regard to particular Content.
2. The Data Provider shall submit Metadata and Previews in accordance with the Metadata Specifications.
3. The Data Provider must make best efforts to provide Europeana with correct Metadata on the Intellectual Property Rights to the Content, including the identification of Content that is Public Domain as being Public Domain.
4. Europeana shall ensure that future versions of the Metadata Specifications are compatible with the Metadata Specifications in place on the Effective Date. Before mandating changes to Metadata Specifications, Europeana must consult the Council of Content Providers and Aggregators.
5. Europeana shall collaborate with the Data Provider within thirty (30) days upon the latter's request, for the correction, update and removal of Metadata provided by the Data Provider.

Article 3 Use of Metadata

1. Under the condition that the requirements of paragraphs 2 and 3 of article 2 are met, Europeana shall include the Metadata provided by the Data Provider in the database held by Europeana and shall publish these Metadata as a part of this database.
2. Europeana shall publish all Metadata, including the Metadata provided by the Data Provider prior to the Effective Date, under the terms of the CC0 1.0 Universal Public Domain Dedication and is hereby authorized by the Data Provider to do so. The Data Provider recognizes that it hereby waives – to the greatest extent permitted by, but not in contravention of, applicable law – all Intellectual Property Rights in the Metadata it has provided and will provide to Europeana. If – according to the applicable law – such waivers are not legally binding in particular territories the "Public License Fallback" in sec. 3 of the CC0 1.0 Universal Public Domain Dedication will apply, and the Metadata provided by the Data Provider is licensed non-exclusively, unconditionally, free-of-charge for all types of use and for all territories to the public. For details about the waiver/public license see the Text of the CC0 1.0 Universal Public Domain Dedication under the URL mentioned in Article 1 above.
3. In as far as the Data Provider has provided or will provide Europeana with Metadata that it has aggregated from Third Parties or that otherwise originate from Third Parties, the Data Provider shall ensure that these Third Parties have authorized the Data Provider to authorize Europeana in accordance with paragraph 2 of this article.

Europeana is a service of the Europeana Foundation KvK-nummer: 27307531 3

For each data partner

- **CC0** for the **metadata**
- **1 standard licence**

(from the set of 14 licences) for each digital object

42709

ENSURING THE RIGHTS STATEMENTS ARE ACCURATE

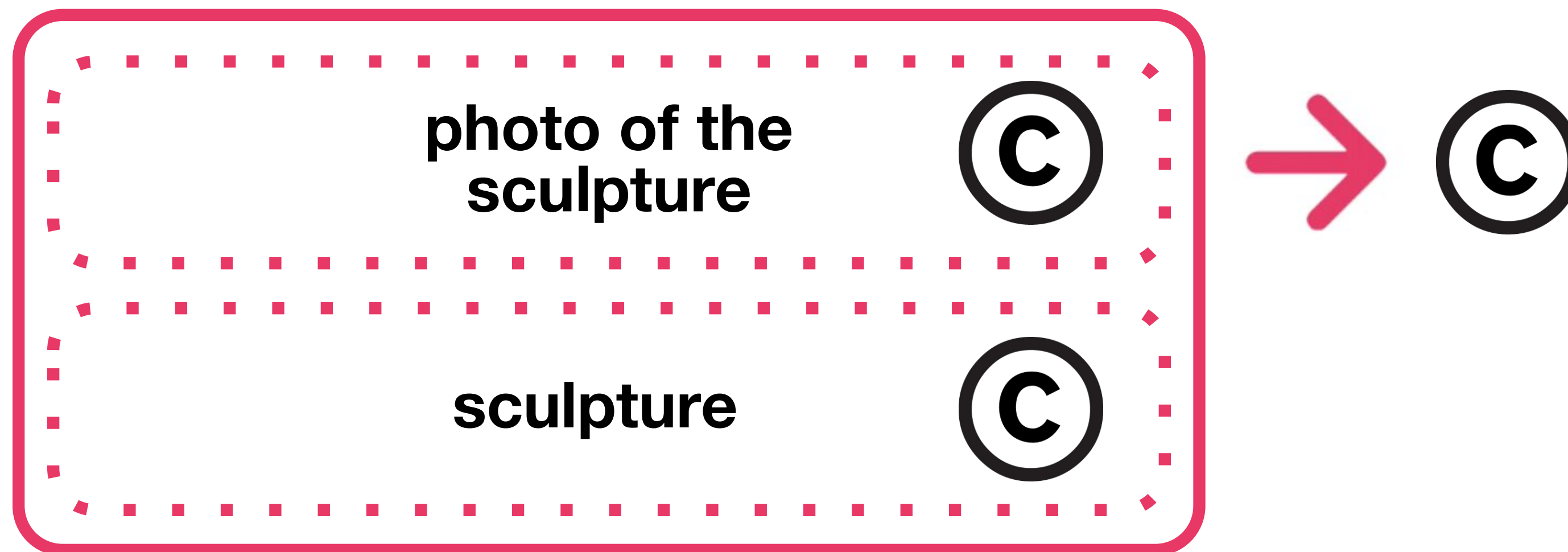
**Colombes : championnats de France
d'Athlétisme : rivière, le speaker**
Agence de presse Meurisse
1921, National Library of France
Public Domain



What does a rights statement apply to?

Rights statements are determined by the © status of the digital object.

The © status of the **digital object** is based on the **copyright status** of the **underlying object**.

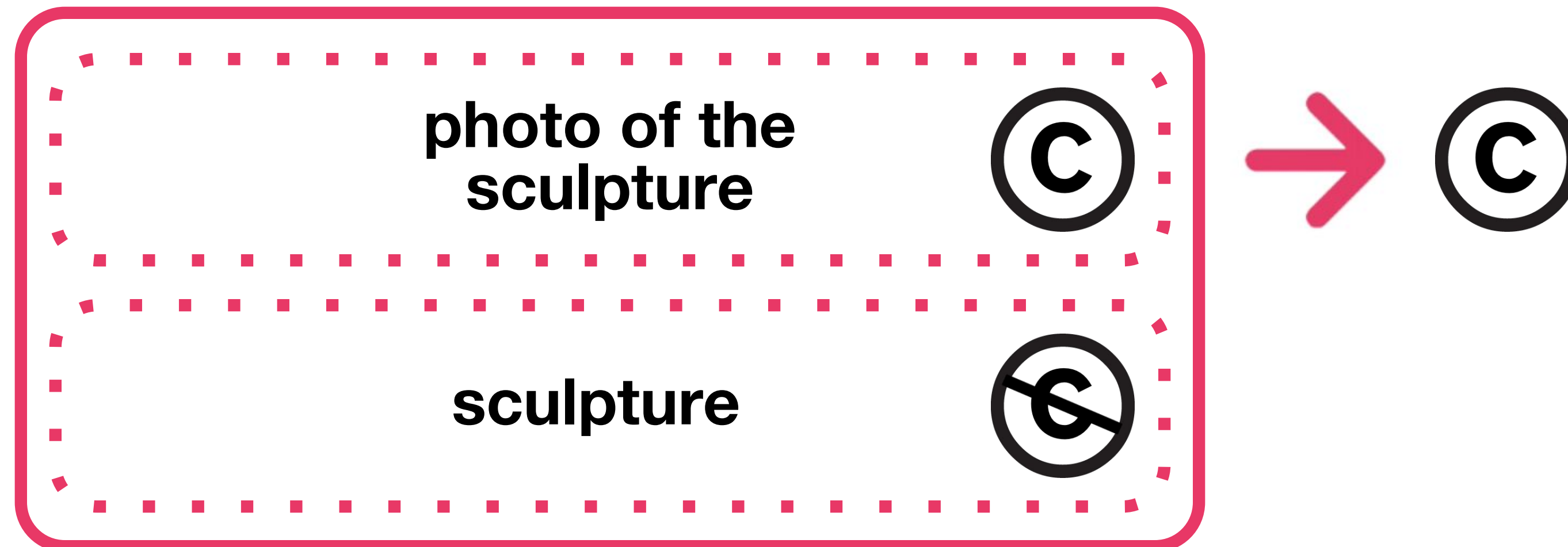


Example of the layers of copyright - There is copyright present in the photo of the sculpture (the digital object) and also copyright in the sculpture (the underlying object)

Here, the rights statement needs to reflect the copyright status of the photo and any permission for reuse granted by the rights holder

What does a rights statement apply to?

What if the underlying object (the sculpture) is in the public domain?
In most cases, the digital object should then be in the public domain.
In some cases a new copyright is created in the digital object.



The sculpture e.g. Michelangelo's David is in the public domain. However, in this case a new copyright has been created in the photo.

Here, the rights statement needs to reflect the copyright status of the photo and any permission for reuse granted by the rights holder

Indications of inaccurate rights statements

Large collections (esp. 20th century works) with **CC0**:

- Data providers can sometimes get confused and think the Data Exchange Agreement requires them to specify CC0 as the value of EDM:rights

Large collections with **Creative Commons licenses**:

- It is not very common that data providers hold the rights in the works in their collection and therefore it is unlikely that they can apply CC licenses en masse.

Indications of inaccurate rights statements

Large collections of 20th century works with the Public Domain Mark

- Most 20th century material is still covered by copyright and permission from the rights holder is required for any use of a work (s).

Collections of pre 20th century works with statements other than PDM, CC0 or NoC-NC

- These works are very likely to be in the Public Domain.

Flowers

Anonymous
1700 - 1799, Rijksmuseum
Netherlands, Public Domain



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