

Consultation on behalf of the Reflection Group ("Comité des Sages") on boosting cultural heritage online in Europe.

Preliminary questions	
I reply as / on behalf of:	NGO
Please provide your name, and where relevant the name of your organisation	
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France	
Funding of digitisation	
How should the digitisation of Europe's cultural heritage (books, maps, paintings, museum objects, films, archival documents, sound) held by cultural institutions be financed?	predominantly public funding
If public funding is used for digitisation, what is the key justification?	other
Please specify	
Public domain and orphan works should be accessible to all for all uses, including commercial	
Could EU funding catalyse large-scale digitisation projects in the Member States?	yes, EU funding can make the difference and accelerate digitisation processes across Europe, therefore specific funding needs to be made available
How can a sensible selection be made in the Member States of what needs to be digitised first with the limited funds available?	cultural institutions should start with public domain works, because it takes less time and money than clearing the rights for digitising in-copyright works
How should Europeana - the central portal giving direct access to the digitised collections of Europe's cultural institutions - be funded?	other
Please specify	
European + Member states.	

Access and use models

If the digitisation of public domain content (out of copyright works) is funded by public funds, what is the access and use model that maximises the impact of the investment?	the digitised content should be freely accessible and usable for all (including for commercial re-use)
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Should collections from public institutions who sell access to public domain content digitised with public funding be included in Europeana (and be accessible to the end user against payment)?	no, content digitised with public funding featuring in Europeana should be accessible and usable for all
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Would you be willing to pay for accessing the content that you find through Europeana?	no
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Public-private partnerships for digitisation

If the digitisation of public domain content (out of copyright works) is funded by private partners, is it acceptable that the public domain content is not freely accessible to the end user, because the private partner charges for access?	no
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If the digitisation of public domain content (out of copyright works) is funded by private partners, is it acceptable that the public domain content is not freely available to the end user for a considerable amount of time because the private partner charges for access during that time?	no
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If the digitisation of public domain content (out of copyright works) is funded by private partners, is it acceptable that the public domain content is only freely accessible to end users in one specific country, and not to those in other countries, because the private partner charges for access in those countries?	no
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Is exclusivity on the exploitation of digitised public domain content acceptable in exchange for an investment by a private partner in digitisation?	no, any form of exclusivity in relation with public domain works from public institutions should be avoided
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If you think that exclusive agreements with private partners on the exploitation of digitised public domain works are acceptable, but should be limited in time, what is the maximum term of exclusivity that should be allowed?	I think exclusivity should not be allowed
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What exploitation model of digitised content would	indirect exploitation through integration of the digitised content in the wider package of
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you consider best suited for public-private partnerships for public domain from cultural institutions?	services/activities of the private partner , with free access for the user
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Who should take responsibility for the long term preservation of the digital files resulting from public private partnerships for digitisation?	other
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Please specify
option 2, and 3 iff the cultural institution has power to define and monitor requirements

Digitisation of in-copyright works

Who should be responsible for the digitisation and subsequent online accessibility of orphan works?	cultural institutions and private sector actors involved in the digitisation of content
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Who should be responsible for the digitisation and subsequent online accessibility of works that are in copyright but out of print/out of distribution?	right holders in principle, but cultural institutions through licences if the right holders do not digitise themselves
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What issue would have the greatest effect on the conclusion of licences between right holders and cultural institutions for the large scale digitisation of works that are in-copyright but out of print / out of distribution?	other
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Please specify
Statutory license after limited (<1 yr) delay.

Are there elements in the legislative copyright framework that would need particular attention in view of the large scale digitisation of works that are in-copyright but out of print / out of distribution?	other
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Please specify
Exceptions for cultural institutions and for other use(r)s need to be broadened.

Can public institutions who obtain a licence to digitise in-copyright content and make it available in their national territory (e.g. limited to internet addresses with a specific country code) be expected to get a licence covering the EU, even if this is more expensive?	yes, but only if the price of the EU-wide licence is reasonable
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If public funding is granted to pay right holders for the digitisation of their works, what conditions should be imposed in exchange for this funding?	full online accessibility of the digitised works for the public (but no commercial use)
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Additional comments / suggestions

Overall the consultation does not pay enough attention to the direct role of citizens and their organizations in digitizing, preserving and disseminating the cultural heritage (see WikiSource, WikiCommons, distributed file sharing of public domain works). Full non-exclusive usage rights granted to all for public domain and orphan works will lead to cooperation and competition between public and private organizations to deliver added-value services. In contrast, if public-private partnerships created at digitizing time lead to exclusive rights for only some private players, services and the service market will be narrower.

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