



Rethinking digital copyright law for a culturally diverse, accessible, creative Europe

Grant Agreement No. 870626

Milestone title	MS5 Issue reports of how copyright exceptions and other permitted uses are understood and applied by documentary film makers and immersive digital heritage practitioners in the Netherlands and the UK
Milestone Lead:	UGLA
Partner(s) involved:	UvA
Related Work Package:	WP4 – Creative Industries
Related Task/Subtask:	T4.3 Developing best practice codes for creative audiovisual re-use
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Dissemination Level:	Public (this report); confidential (transcripts/accounts of the workshops)
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Version history table			
Version	Date	Modification reason	Modifier(s)
v.01	28.05.2021	All transcriptions/accounts of the four workshops completed	Bartolomeo Meletti, Luna Schumacher, Stef van Gompel
v.02	18.06.2021	Four issues reports ready and integrated in v.01 of D4.10	Bartolomeo Meletti and Stef van Gompel



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1. Role and description of the Milestone

MS5 aims to produce issue reports of how copyright exceptions and other permitted uses are understood and applied by documentary film makers and immersive digital heritage practitioners in the Netherlands and the UK. For this purpose, transcriptions or written accounts were made of the four online workshops that were undertaken for MS3. On the basis of these transcriptions and accounts, four issue reports were produced that describe the most pressing copyright issues that documentary film makers and immersive digital heritage practitioners face when making documentary films or creating immersive experiences, taken into account the existing copyright exceptions and other permitted uses in the Netherlands and the UK.

These four issue reports have been directly and fully integrated in D4.10 – Issue reports on how copyright exceptions and other permitted uses that are relevant for documentary filmmakers and immersive digital heritage practitioners are understood in the Netherlands and the UK.

As the executive summary of D4.10 explains, the issue reports offer an overview of the issues identified and discussed by the communities being examined in relation to copyright and the lawful reuse of audiovisual materials. The findings of the four online workshops – one for each community in the two jurisdictions under consideration – are systematised in each of the four issue reports contained in D4.10. Each issue report describes the creative and cultural practice of the workshops' participants and the core copyright-related concerns they identified. The main points discussed by participants under each area of concern are reported. In addition to the four issue reports, D4.10 provides a snapshot of the copyright exceptions and limitations in UK and Dutch law which may cover the uses of protected content discussed by participants. Finally, D4.10 encompasses conclusive remarks and the next steps of the project.

1.1 Deviations to Annex 1

☒ No changes needed project is on track

☐ Reorganisation of the project

Changes:

2. Means of verification

As explained also in respect of MS3, transcripts and/or written accounts were made of the online workshops held at the following dates:

- UK workshop documentary filmmakers: Monday 22 March 2021
- NL workshop documentary filmmakers: Monday 29 March 2021
- UK workshop immersive cultural heritage: Monday 10 May 2021
- NL workshop immersive cultural heritage: Monday 17 May 2021

The transcripts and written accounts of the four workshops are on file with the authors. To get maximum input for the issue reports and increase openness of discussion, it was agreed with the participants upfront that the workshops were held under the Chatham House Rule, according to which all participants are free to use information from the discussion, but not to reveal who made any comment. It was also agreed with the



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participants that the transcripts and accounts would not be disseminated, as they could perhaps be traceable to participants of the workshop. The four issue reports written on the basis of the transcriptions and accounts have been directly and fully integrated in D4.10.

3. Highlights and conclusions

The four online workshops conducted for MS3 have generated an interesting picture of the copyright-related issues and concerns faced by documentary filmmakers and by curators and creators of immersive experiences in the UK and the Netherlands. Largely, these communities face similar challenges related to copyright and the lawful reuse of audiovisual works. The reuse of protected materials, either with permission from rights holders or under exceptions, is problematic for both communities in both jurisdictions. In most cases, rights clearance is too time-consuming and expensive: rights holders are difficult to identify and trace, and licensing fees are usually too high and inflexible. This often prevents documentary films and immersive experiences from being created or released, or affects their quality. Use of protected content under exceptions is not so common in either jurisdiction, due to legal complexity, limited awareness and understanding of exceptions, uncertainty around their interpretation and applicability, and lack of resources and support. Copyright exceptions seem to be available only to the few filmmakers, creators and curators who can afford them. The few participants that rely on exceptions to use protected materials do so with internal or external legal support. The territoriality of copyright law was identified as a core concern in relation to both rights clearance and exceptions.

A full description of the issues that were identified during these deliberative exercises and a preliminary analysis of how they relate to the national legal frameworks in the Netherlands and the UK can be found in the report for D4.10.

4. Annexes

None.

