

The Impact of Copyright Law and Open Policies in relation to digitisation practices in the GLAM Sector.

Preliminary results from the GLAM survey 2021

BACKGROUND

ReCreating Europe launched a survey from September 2020 until January 2021, which focused on mapping and determining whether Galleries Libraries Archives Museums (GLAMs) are aware of the implications that copyright law and open policies have on the digitisation practices undertaken by GLAM stakeholders.

OBJECTIVES

The survey informs on the impact of copyright and open policies to digitisation of cultural heritage, determining to what extent the law functions as a barrier to access, use and reuse of digital content and suggesting the possible countermeasures.

Responses are analysed to suggest best practices and policies to carry out digitisation practices in the light of a rebalanced copyright law.

METHOD

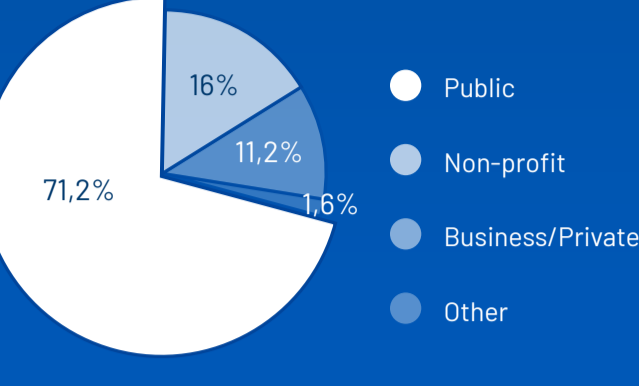
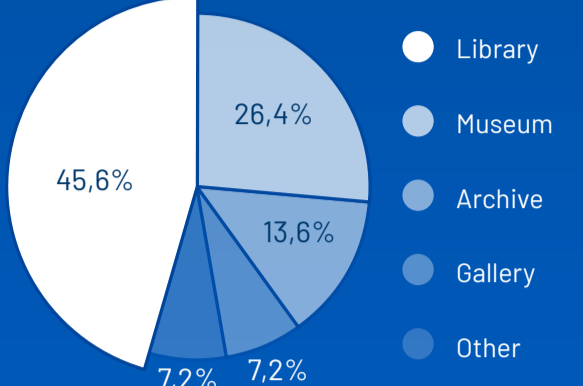
Survey online: from 10/09/2020 to 15/02/2021

Methodological approach: pilot study on a convenience sample of 125 European GLAM

Data analysis: Stata IC 16.1

DEMOGRAPHICS

Libraries, followed by museums, were the **most responsive** (fig. 1), with a majority of large public or non-profit organizations (fig. 2). Their collection include copyright works, works in public domain, orphan and out-of-commerce works, most with a country-specific focus.

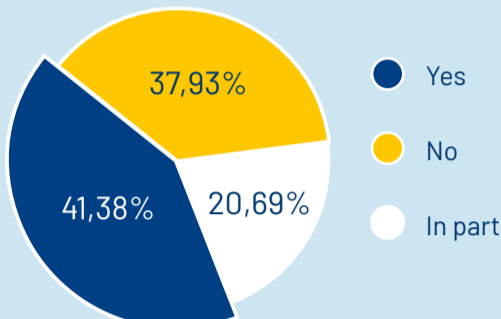


MAIN OUTCOMES

DOES YOUR ORGANISATION DIGITISE RESOURCES? (% N=121)

86,8% YES
13,2% NO

AUTHORISED BY THE RIGHTS HOLDERS TO DIGITISE THEIR RESOURCES? (% N=87)



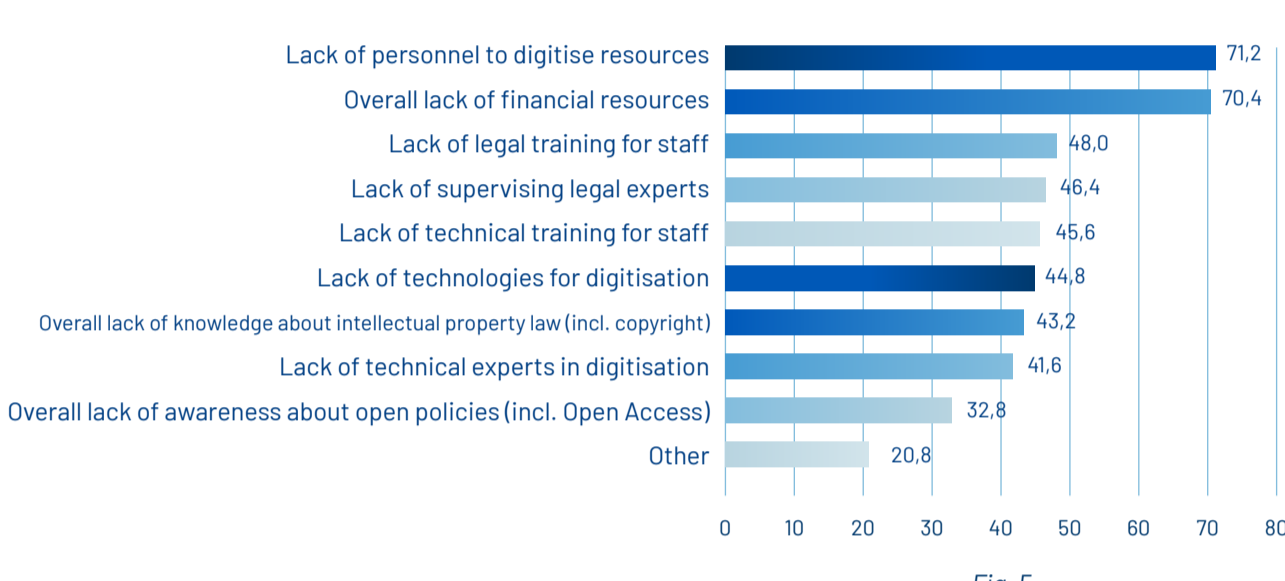
Most of them own (or believe they own) copyright in their collection items.

AUTHORISED BY RIGHTS HOLDERS TO DIGITISE RESOURCES, USE OF COPYRIGHT EXCEPTION AND EXPIRATION OF IPRS? (% N=87)



Does your organisation rely on copyright exceptions to digitise resources?

MAIN OBSTACLES TO DIGITISATION (FROM MODERATELY TO VERY (% N=125))



Overall, the obstacles to digitisation they perceived the most are: **lack of supervising legal experts and of legal training for staff; lack of personnel to digitise resources and of financial resources.**

Less concerns attract lack of technologies for digitisation and lack of awareness about IPRs and open policies. Indeed, they appear to be familiar (but limited to the basics and at the national level) with the subject of copyright and in particular copyright exceptions.

These figures vary according to the dimension of organizations. **Bigger organizations** indeed have a better knowledge of the law as they have better legal advice. On the contrary they complain about lack of personnel and resources to do digitalisation.

While **smaller organizations** complain about other obstacles and they have less knowledge of copyright law as they don't have access to legal advice.



Have the IPRs on the digitised resources expired?

In some cases, respondents are unsure whether they have cleared the rights from other right holders (fig. 3, 4) and in most cases, they secure licensing agreements with right holders and only in part rely on copyright exceptions.

KNOWLEDGE OF THE EU DIRECTIVE 2019/790

51% YES
49% NO

Fig. 6

POLICIES ON OPENNESS FOR CULTURAL RESOURCES (% N=100)

76% YES
24% NO

Fig. 7

POLICIES TO FACILITATE OPENNESS OF THE COLLECTION (% N=125)

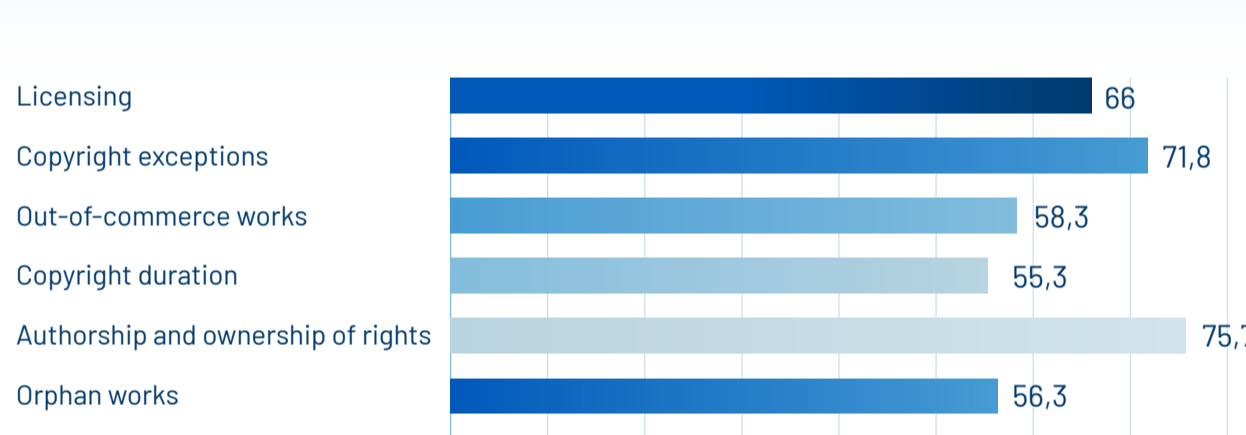
68,6% YES
31,2% NO

Fig. 8

Most of respondents are familiar with with copyright law in general, but only half knew about the Digital Single Market Directive of 2019 (fig. 6).

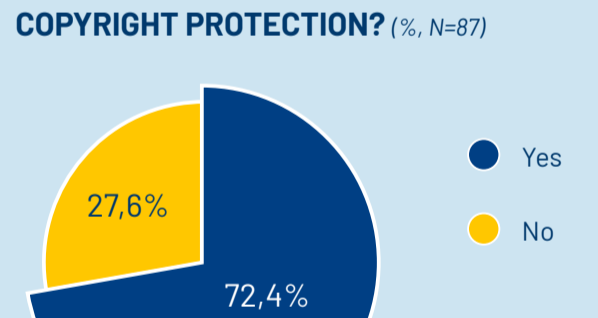
Most are informed on EU Open policies, (fig. 7), and knew about Creative Commons licenses, while have specific institutional policy that facilitates openness of their collection (fig. 8).

AREAS OF COPYRIGHT LAW IN WHICH MEMBERS OF STAFF WOULD LIKE TO BE TRAINED (% of Yes, N=103)



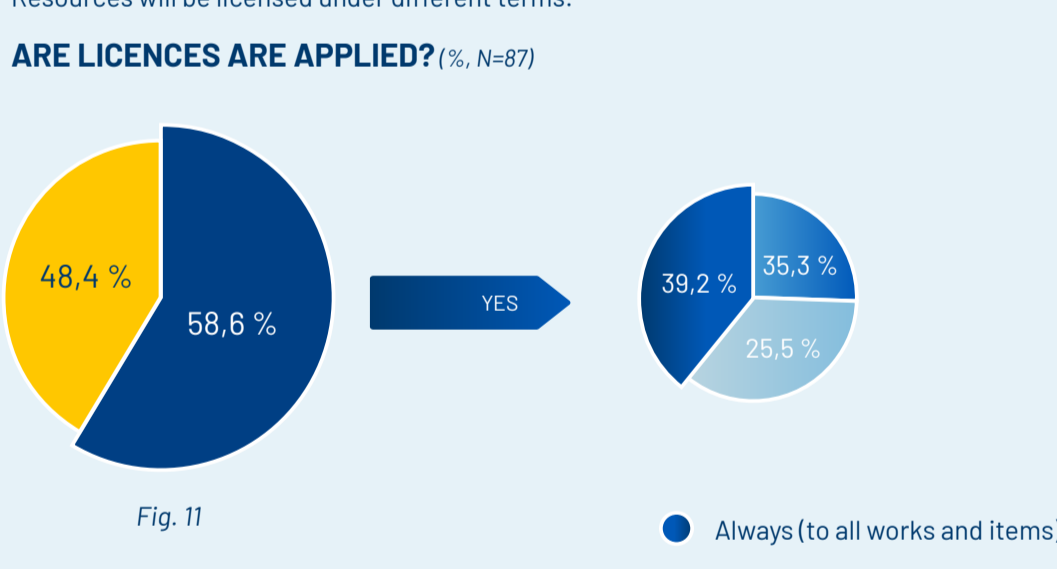
While only few respondents receive legal training, most of them would like to be trained, especially on subjects they are less familiar with (e.g. authorship and ownership of rights).

ARE THE DIGITISED RESOURCES OUTSIDE COPYRIGHT PROTECTION? (% N=87)

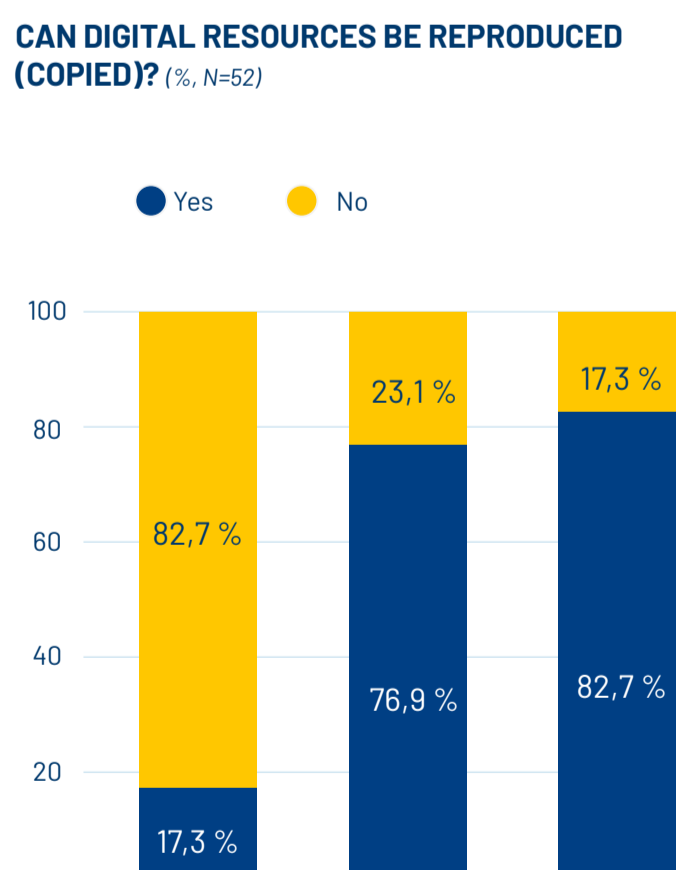


The majority of digitised resources will not go into the public domain.

ARE LICENCES APPLIED? (% N=87)

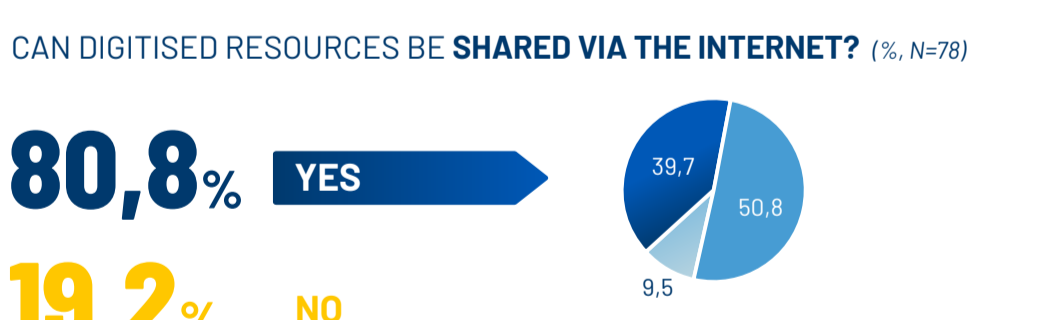


CAN DIGITAL RESOURCES BE REPRODUCED (COPIED)? (% N=52)

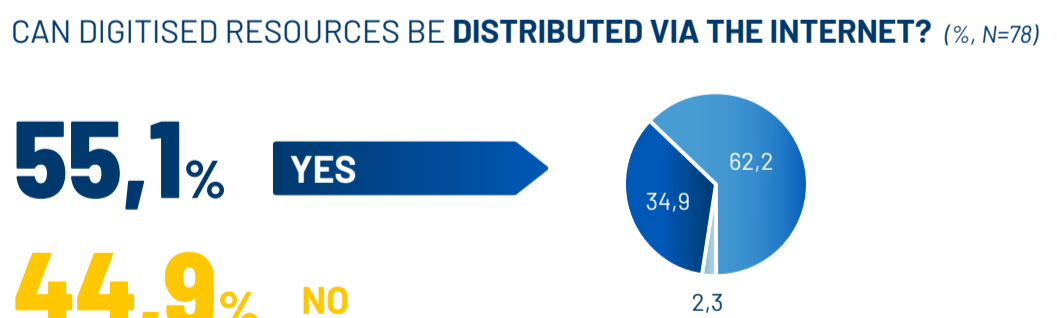


Reuse of digital resources is mostly limited, but in most cases free of charge and for anyone.

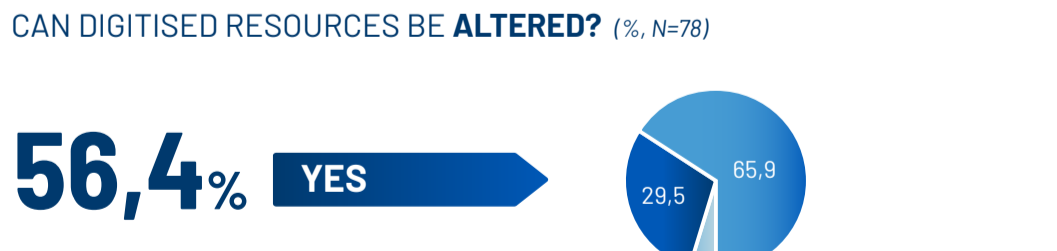
CAN DIGITISED RESOURCES BE SHARED VIA THE INTERNET? (% N=78)



CAN DIGITISED RESOURCES BE DISTRIBUTED VIA THE INTERNET? (% N=78)



CAN DIGITISED RESOURCES BE ALTERED? (% N=78)



CONCLUSIONS

The survey confirms one main assumption of our research: **digitisation plays a critical role in the GLAM sector and most of the respondents are aware of its relevance.**

However, in spite of the necessary differentiation on demographics, copyright law is, surprisingly, not always perceived as a barrier. This may be explained by the easier access to legal advice, but hopefully also to the better awareness of alternative schemes (e.g. open licenses and the spread of institutional open policies).

Still, in many cases, the output of digitisation will be treated as copyright protected and restrictions will be imposed on their consumption and re-use.

The majority of restrictions regard the non-commercial use and personal use of resources. In terms of technological measures to protect the rights on the resources, only few applications were signaled, while most technology is applied to preserve the resource.

Finally, only a very limited number of organizations waived their 'access/reuse rules' during the pandemic.

WHAT'S NEXT?

As a follow-up to the questionnaire, we are conducting interviews with selected organisations that are best informed on the implications that copyright law and open policies have on the digitisation practices.

The aim is to fill the gaps of the questionnaire's responses and analyse more deeply some specific issues that have emerged during the analysis of the survey's data.