



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

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Executive Summary

Task 4.4 – *Copyright User: Designing the EU Copyright Guidance Portal* is part of Work Package 4 – *Creative Industries*. This interim report on the information architecture of the CopyrightUser.eu site is the main output of subtask 4.4.1 (D4.12 – *Interim report on the information architecture of the Copyright User EU site*). Section 1 – Introduction and methodology introduces the Copyright User initiative and describes its methodological approach. After shortly reporting the evolution of the information architecture of the CopyrightUser.org website, Section 2 – Information architecture outlines the basic structure and potential developments of CopyrightUser.eu. Finally, Section 3 – Conclusions summarises the next steps of Task 4.4.



1. Introduction and methodology

Task 4.4 *Copyright User: Designing the EU Copyright Guidance Portal* is part of Work Package 4 – *Creative Industries* of reCreating Europe.¹ The goal of Task 4.4 is to develop the EU Copyright User Portal, which will become the point of reference for anyone looking for copyright guidance within the EU. Sub-task 4.4.1 outlines the first version of the information architecture, navigation and the basic structure of the user interface of the new EU Copyright User Portal.

Task 4.4 builds upon the existing and successful platform CopyrightUser.org.² CopyrightUser.org is an independent online platform intended to make UK copyright law accessible to everyone. With over 870,000 unique users since its launch in 2014 and an increasing traffic (the website attracted more than 240,000 unique visitors over the last 12 months only), the UK Copyright User website has been listed by the European Audiovisual Observatory as one of the top 5 media literacy projects in the UK since 2010.

The Copyright User initiative in the UK has built its success on the following features:

Bottom-up approach

The UK project adopted a bottom-up research methodology aimed at identifying real-world concerns of the creative and cultural sectors, including musicians, filmmakers, cultural heritage practitioners, teachers and students, and interactive developers, among others. It first identified the knowledge needs of copyright users through qualitative analysis of copyright questions and answers posted by users on Internet platforms, semi-structured interviews with primary creators and sector-specific focus groups and workshops. The data collected through these exercises were used to design the CopyrightUser.org website and its resources.

Positive messaging

Unlike previous copyright education and awareness initiatives, Copyright User resources focus on positive messaging. Guidance and resources encourage public understanding as to what copyright enables and allows, rather than what copyright inhibits and prevents.

Accessibility

Copyright is a complex and evolving subject, which makes it difficult to provide guidance that is both accurate and accessible to non-experts. The Copyright User project responds to this challenge by offering authoritative guidance written by experts in a user-friendly language and accompanied by illustrations and other explanatory multimedia materials.

Credibility

The Copyright User initiative has built its reputation as an independent and credible platform by offering guidance that is objective, balanced, and comprehensive, highlighting the importance of creativity and culture in society as well as the role that copyright plays in promoting them.

CopyrightUser.eu aims to scale up the successful CopyrightUser.org by building upon and extending the methodologies, features and models of collaboration between academics and creatives designed as part of the Copyright User initiative in the UK. Copyright knowledge needs of different creative and cultural sectors in the EU are identified from the bottom-up in collaboration with researchers and key stakeholders across the ReCreating Europe consortium. Questions aimed at assessing the type and level of knowledge of copyright law of ReCreating Europe stakeholders have been agreed and included in sector-specific surveys conducted as part of different ReCreating Europe Work Packages (see Section 2.2.1). The ultimate goal of

¹ For an overview of projects within ReCreating Europe, see <https://www.recreating.eu/> (last access 29/6/2021)

² To access the portal, see <https://www.copyrightuser.org/> (last access 29/6/2021)



Task 4.4 of ReCreating Europe is to produce guidance that is responsive to the needs of copyright users across the EU with a view to helping them make informed decisions on the copyright issues they encounter.

Sub-task 4.4.1 has focused on identifying the knowledge needs of copyright users in the EU and outlining the first version of the information architecture of CopyrightUser.eu based on those needs and the ReCreating Europe projects' outputs.

2. Information architecture

2.1 Information architecture of CopyrightUser.org

The first version of CopyrightUser.org, launched in 2014, allowed navigation via three different menus:

- **Type of User:** Musician; Filmmaker; Performer; Writer; Visual Artist; Developer
- **Type of Use:** Protecting; Licensing & Exploiting; Using & Reusing
- **Topics:** FAQs; Getting Permission; Quotation; News Reporting; Education; Research & Private Study; Parody & Pastiche; Private Copying; Archives & Preservation; Orphan Works; Text & Data Mining; Public Domain; Legal Access; Disability; Libraries.

This initial information architecture was based on the knowledge needs identified through the qualitative and quantitative bottom-up research exercises mentioned in Section 1 of this report. In 2016, CREATE (University of Glasgow)³ commissioned the redesign of CopyrightUser.org as well as new textual guidance on 'Enforcement'⁴, 'Terms & Conditions'⁵, and 'Museums & Galleries'⁶. Web analytics extracted as part of the redesign process and semi-structured interviews with users showed that while the website was performing well, visitors found the three different menus (User; Use; Topic) confusing. In particular, navigation by Type of User proved the most difficult and least used as it asked users to state their 'identity' as a first step in their journey.

The redesigned CopyrightUser.org website, launched in 2017, merged all previous menus into three categories that invite users to select their 'purpose' as a first step in their journey: Create; Understand; Educate. The second level of navigation allows users to explore the website by specific topics and resources.

This simpler structure led to a much better performance of the website, which at the time of writing this report attracts over 230,000 unique visitors and generates more than 370,000 page views every year (see Figure 1 below).

³ CREATE is the UK Copyright and Creative Economy Centre, see <<https://www.create.ac.uk/>> (last access 29/6/2021)

⁴ Burrow, S. (2017). "Enforcement." CopyrightUser.org. <<https://www.copyrightuser.org/understand/rights-permissions/enforcement/>> (last access 29/6/2021)

⁵ Wallace, A. (2017). "Terms & Conditions." CopyrightUser.org. <<https://www.copyrightuser.org/understand/rights-permissions/terms-conditions/>> (last access 29/6/2021)

⁶ Korn, N. (2017). "Copyright for Museums & Galleries." CopyrightUser.org. <<https://www.copyrightuser.org/educate/intermediaries/museums-and-galleries/>> (last access 29/6/2021)



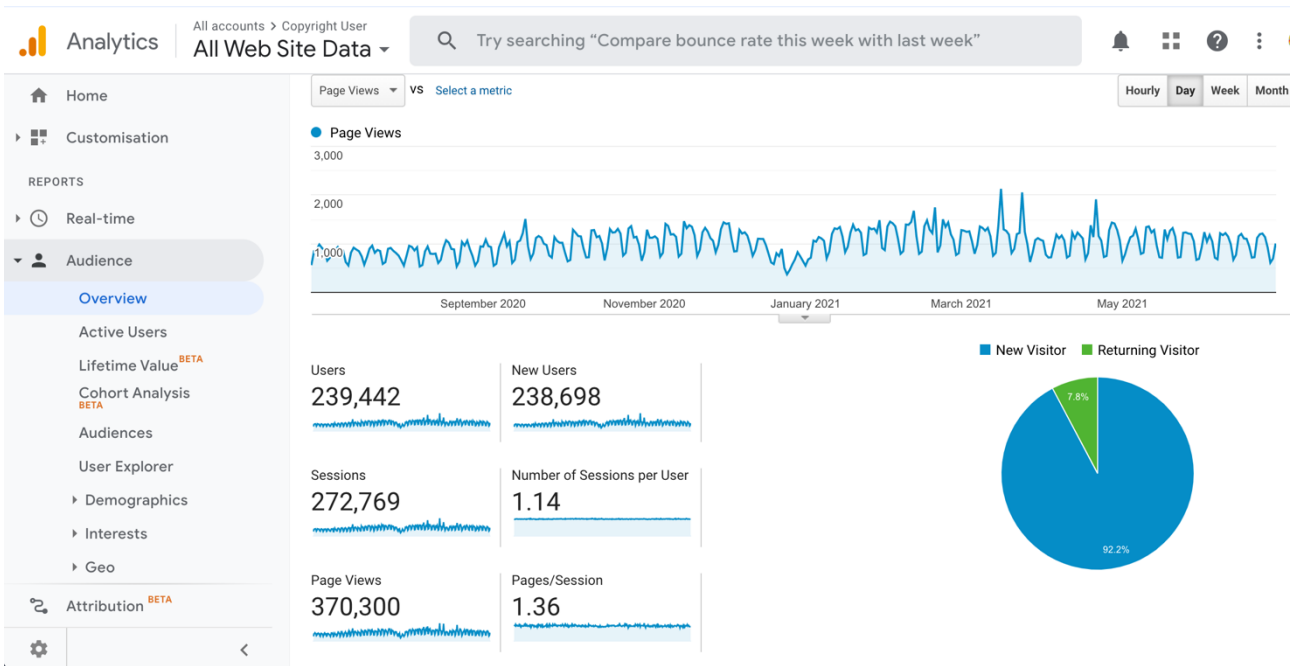


Figure 1: Audience overview of CopyrightUser.org from 28 June 2020 to 28 June 2021 (Google Analytics).

2.2 Information architecture of CopyrightUser.eu

The information architecture of CopyrightUser.eu – to be further defined by December 2021 – will be based on the lessons learned through the successful Copyright User initiative in the UK as well as the knowledge needs identified by the various projects within the ReCreating Europe consortium and the outputs of these projects.

2.2.1 Identifying knowledge needs of copyright users

The five groups of key stakeholders targeted by ReCreating Europe offer a useful categorisation of copyright users in the EU: End Users; Authors and Performers; Creative Industries; Galleries, Libraries, Museums and Archives (GLAM); and Intermediaries. These key stakeholder categories are targeted vertically in the project by focused work packages and relevant activities towards engagement and building expertise.

Specific knowledge needs within these groups are being identified by liaising with researchers and key stakeholders across the ReCreating Europe consortium. Through collaboration with Task 4.4 of WP4, the surveys conducted by WP2⁷ and WP5⁸ with academics and GLAMs respectively have included questions aimed at assessing the type and level of knowledge of copyright law of these groups and the topics on which they would like to receive guidance and training. For example, both surveys asked the question:

“In general, how familiar are you/your organization with the following areas of copyright law?
Orphan works / Authorship and ownership of rights / Copyright duration / Out-of-commerce works

⁷ Sub-task 2.5.1 – led by Scuola Superiore Sant’Anna as part of Work Package 2 – End users and access to culture – provides empirical evidence on academics’ perception of copyright law and their preferred channels of access to scientific knowledge using data collected through a survey in six European countries (Italy, Ireland, Sweden, Germany, Hungary, The Netherlands).

⁸ Dore, G., Beltrame, L., & Buunk, I. (2021). Impact of Copyright Law and Open Policies in relation to digitisation practices in the GLAM Sector. Work Package 5 – Galleries, libraries, archives and museums (GLAM). Zenodo.

<<http://doi.org/10.5281/zenodo.4881291>> (last access 29/6/2021)



/ Copyright exceptions / Licensing” [WP2: 0-100, where 0 is not familiar at all and 100 is perfectly familiar; WP5: Not at all / Slightly / Moderately / Very / Don’t know].

While the survey with academics by WP2 is still being conducted at the time of writing this report, the survey by WP5 shows that a vast proportion of GLAMs are ‘moderately’ familiar with copyright duration (40.54%), licensing (32.43%), and copyright exceptions (37.94%), and either ‘slightly’ (24.32%) or ‘not at all’ (20.27%) familiar with orphan works.

The WP5 survey also shows that most GLAMs do not provide members of staff with any specific legal training on copyright or other IPRs (72.97%); and that members of staff are keen to receive online legal training (64.86%), in particular in the areas of authorship and ownership of rights (74.32%), copyright exceptions (68.92%), licensing (60.81%), and copyright duration (51.35%). The level of knowledge of copyright law of GLAMs respondents is generally low: for example, most respondents were either ‘not at all’ (36.49%) or ‘slightly’ (20.27%) familiar with Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society;⁹ and less than half of the respondents (47.30%) were aware of the new exceptions and limitations introduced by Directive (EU) 2019/790.¹⁰

Task 4.4 will continue to liaise with partners of the ReCreating consortium to capture knowledge needs of copyright users from other creative and cultural sectors, with a view to informing the structure and content of CopyrightUser.eu.

2.2.2 Structure and content: v1

In addition to collecting and analysing the knowledge needs of copyright users, Task 4.4 has conducted a mapping exercise of ReCreating Europe work packages to identify the deliverables that might be linked to from CopyrightUser.eu or could inform some of its components.

The first version of the information architecture outlined in the table below reflects the results of these exercises. The first column shows the primary level of navigation by ‘Type of Use’:

- Protecting your work with copyright
- Licensing and exploiting
- Using and reusing
- Enforcement

The secondary level of navigation will allow user to explore specific ‘Topics’ that relate to the main types of use they are interested in (their ‘purpose’). The third column of the table lists the ReCreating Europe deliverables that may inform the guidance provided in the corresponding ‘Topic’ pages. Specific relevant areas addressed by the upcoming deliverables are highlighted in brackets.

Types of use	Topic	reC Deliverables
Protecting your work with copyright	Subject matter (protected works; protection criteria)	D2.3 Report and data set on flexibilities (works outside protection) – WP2, M30
	Economic rights	D2.3 Report and data set on flexibilities (exhaustion of rights) – WP2, M30

⁹ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society.

¹⁰ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.



		<p>D3.6 Interim report on harmonisation of rights of reproduction and adaptation and connected exceptions – WP3, M18</p> <p>D5.1-2 Report on the existing legal framework for GLAM industries in EU (e-lending; e-exhaustion) – WP5, M18/12</p>
	Moral rights	
	Authorship and ownership	<p>D3.5 Final report on the impact of IA authorship – WP3, M21</p> <p>D3.7 Final report on the role of EU copyright law in relation to training models for machine learning purposes (ownership issues in training data) – WP3, M28</p>
Licensing and exploiting	Business models (assignment vs licensing; open licences; multi-territorial licences, etc)	<p>D3.1 Mapping document on income development of authors and performer in the EU and on copyright reversal – WP3, M20</p> <p>D3.3 Final report perspectives authors and performers (5. income development over past years: total income, income from creative profession and distribution of sources within profession; experiences with geoblocking, territoriality and price discrimination across Member States) – WP3, M25</p> <p>D4.1 Territoriality scoping paper (multi-territorial licensing; changing business models) – WP4, M12</p> <p>D4.5 Report and dissemination to stakeholders on newly emerging business models in the creative industries in the wake of increasing digitization – WP4, M30</p> <p>D4.7 Report and dissemination to stakeholders on negative space of EU creative industries – WP4, M36</p> <p>D4.9 Report and dissemination to stakeholders on entrepreneurship patterns of creative industries in gentrifying urban neighborhoods arising from empirical data gathered – WP4, M36</p> <p>D5.1-2 Report on the existing legal framework for GLAM industries in EU (open policies; open licences) – WP5, M18/12 + GLAM FAQs (M30/36)</p>
	Collecting societies	D2.3 Report and data set on flexibilities (compulsory licences) – WP2, M30



Using and reusing	Public domain	<p>D2.3 Report and data set on flexibilities (copyright expiration and public domain schemes) – WP2, M30</p> <p>D5.9 Policy report to disseminate to interested stakeholders – WP5, M36</p> <p>D5.10 Academic journal article on IPRs and place – WP5, M36</p>
	Idea-expression dichotomy	<p>D2.3 Report and data set on flexibilities (works outside protection) – WP2, M30</p> <p>D3.7 Final report on the role of EU copyright law in relation to training models for machine learning purposes (ownership issues in training data) – WP3, M28</p>
	Exceptions	<p>D2.3 Report and data set on flexibilities (de minimis uses; private uses; quotation; parody; visually impaired persons; teaching and research; informative purpose; public authority) – WP2, M30</p> <p>D2.6 Publication on impact of copyright law and perception on demand for cultural goods and services (research and disability exceptions) – WP2, M24</p> <p>D3.7 Final report on the role of EU copyright law in relation to training models for machine learning purposes (text and data mining exception) – WP3, M28</p> <p>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 – WP4, M18</p> <p>D4.11 Drafting of two codes of best practices in relation to copyright in the AV selected sectors – WP4, M30</p> <p>D5.1-2 Report on the existing legal framework for GLAM industries in EU (orphan works; out-of-commerce; preservation exceptions) – WP5, M12/18 + GLAM FAQs (M30/36)</p> <p>D6.2-3 Report on mapping of EU legal framework and intermediaries' practices on copyright content moderation and removal (moderation and removal / fundamental rights and freedoms) – WP6, M21/30</p>



	Legal access	<p>D2.6 Publication on impact of copyright law and perception on demand for cultural goods and services (academics and people with disabilities) – WP2, M24</p> <p>D2.7 Report on effect of digitisation and regulatory changes on access to cultural/creative goods and services – WP2, M24</p> <p>D2.9 Policy recommendations and code of best practices (access to culture) – WP2, M33</p> <p>D5.1-2 Report on the existing legal framework for GLAM industries in EU (access to content by people with disabilities; implementation of technological measures) – WP5, M18/12 + GLAM FAQs (M30/36)</p> <p>D6.2-3 Report on mapping of EU legal framework and intermediaries' practices on copyright content moderation and removal (impact of moderation and removal on access and diversity) – WP6, M21/30</p>
	Rights clearance	D5.1-2 Report on the existing legal framework for GLAM industries in EU (seeking permission from rights holders) – WP5, M18/12 + GLAM FAQs (M30/36)
	Contractual terms (EULA, terms and conditions, etc)	D6.2-3 Report on mapping of EU legal framework and intermediaries' practices on copyright content moderation and removal (public and private ordering sources/measures, legal rules and contractual terms) – WP6, M21/30
Enforcement		<p>D3.3 Final report perspectives authors and performers (4. content removal and website blocking, role of algorithms in this, experiences with appeals/'human in the loop' constructions; 6. experiences with piracy, plagiarism, and pastiche)</p> <p>D6.2-3 Report on mapping of EU legal framework and intermediaries' practices on copyright content moderation and removal (moderation and removal / authors and performers) – WP6, M21/30</p>

For each 'Topic' page, CREATE will produce short, accessible and authoritative guidance which will be reviewed twice: by a subject matter expert within the consortium, who will ensure that the content is accurate; and by LIBER (The Association of European Research Libraries and leader of WP7 – Dissemination, Engagement and Outreach) to check that the guidance is sufficiently accessible and user-friendly. The authors



of the deliverables listed in the table above will be invited to produce short ‘cards’ summarising the main findings of their project in relation to specific topics, to be disseminated via CopyrightUser.eu as well as the ReCreating Europe social media channels. The deliverables themselves will be stored in the Training Toolkit being developed by LIBER as part of the ReCreating.eu website. CopyrightUser.eu – hosted by CREATE at the University of Glasgow – will provide introductory textual guidance based on the deliverables and accompanied by explanatory infographics, and will point users to the ReCreating Europe Training Toolkit to access the full deliverables.

2.2.3 Map

One of the main challenges related to providing EU copyright guidance is the territoriality of the law: each of the 27 EU member states has different copyright legislation. While guidance on the topics listed above will focus on general aspects of EU copyright law that are harmonised across member states, CopyrightUser.eu aims highlight the main differences between national laws, particularly in the area of copyright exceptions. To this end, Task 4.4 developed a beta version of an interactive map for the CREATE Copyright in Digital Single Market Directive implementation resource (the CDSM resource).¹¹ The map illustrates national consultations and transpositions by country of Directive (EU) 2019/790. The CDSM resource, together with other ReCreating Europe deliverables, may become part of a dedicated section within CopyrightUser.eu offering tools and resources for researchers and policy makers. This possibility will be explored in collaboration with LIBER to ensure complementarity with the Training Toolkit (D7.4).

The work in Task 4.4 has been undertaken in close consultation with WP2 to assess the possibility of expanding the CDSM map to visualise the database on copyright flexibilities being developed for D2.3. ReCreating Europe has also established a partnership with COMMUNIA to ensure synergies with the resource copyrightexceptions.eu as part of a suite of ‘digital resources of great informative impact and high-profile research quality’.¹² A possible model of interaction between the database on copyright flexibilities and CopyrightUser.eu is the one piloted by the Copyright Evidence Portal and in particular its Evidence Viz tool, which offers dynamic and intuitive visualisations of the Copyright Evidence Wiki catalogue.¹³

3 Conclusions

This interim report concludes the first stage of the project *Copyright User: Designing the EU Copyright Guidance Portal* (Task 4.4.1). It outlines a possible information architecture of CopyrightUser.eu based on the knowledge needs of copyright users identified by ReCreating Europe partners so far, and a mapping exercise of the upcoming deliverables of the consortium. The next steps of the project will be to further define the information architecture of the website in consultation with partners (Task 4.4.2), produce textual guidance, illustrations and infographics, and develop the back end and graphic interface of the website (Task 4.4.3), with a view to launching the CopyrightUser.eu portal in M36.

¹¹ EU Copyright Reform: Evidence on the Implementation of the Copyright in Digital Single Market Directive (Directive (EU) 2019/790). CREATE Centre: University of Glasgow & ReCreating Europe: <<https://www.create.ac.uk/cdsm-implementation-resource-page/>> (last access 29/6/2021)

¹² “ReCreating Europe and COMMUNIA: together for European copyright exceptions and limitations” <<https://www.recreating.eu/2021/03/09/recreating-europe-and-communia-together-for-european-copyright-exceptions-and-limitations/>> (last access 29/6/2021)

¹³ To access Copyright Evidence, see <<https://www.copyrightevidence.org/>> (last access 29/6/2021)

