ReCreating Europe

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

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Legal Disclaimer

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Abbreviation list

AI	Artificial Intelligence
CH	Cultural Heritage
CHI	Cultural Heritage Institutions
DSM	Digital Single Market
EU	European Union
FAQ	Frequently Asked Questions
GLAM	Galleries, Libraries, Archives, Museums
IPRs	Intellectual Property Rights
LA	Libraries and Archives
WP	Work Package

Executive Summary

The *reCreating Europe* project takes a multi-disciplinary approach in bringing together several stakeholders, to contribute to research on copyright law and improving regulatory frameworks towards a culturally diverse, accessible, and creative Europe. The project is structured in a way to directly tackle the challenges faced by key stakeholder groups. In practice, individual work packages (WP) focus on specific stakeholders.

This deliverable presents Guidelines and Frequently Asked Questions (FAQs) for the Libraries and Archives (LA) sector with regards to their conducts on a) legal compliance and compliance with standards for Openness, b) implementation of technological measures, c) adoption of social norms and common practices, particularly if in conflict with formal legal norms and more aligned to Open Knowledge principles and d) access to content by people with disabilities. The work derives from Work Package (WP) 5 of the *reCreating Europe* project. This focuses specifically on cultural heritage institutions, such as galleries, libraries, archives, and museums (GLAM). The project conducted a comparative and cross-national landscape analysis, aiming to map the governance and implementation processes for Intellectual Property Rights (IPRs) in GLAM, and a report on the existing copyright legal framework addressing Libraries and Archives (LA) in the EU. Building on these efforts, this deliverable intends to use the work conducted in this branch of the *reCreating Europe* project to formulate a valuable resource for LA professionals in need of information to carry out their work in an informed manner, in accordance with best practice.

In July 2021, deliverable [D5.4 Guidelines & FAQs (LA) industries – Interim version](#) was published and, using this document as a starting point, the updated Guidelines and FAQs here have been improved and validated with new results from *reCreating Europe* and an external consultation process. Where the first iteration used three main sources to create the document, this report develops the three original components and adds a fourth. The updated materials are a survey on copyright and open policies in GLAM sector, *[reCreating Europe](#)* [Deliverable 5.2,](#) and research on accessibility and disability in the cultural sector (conducted with in Work Package 2 of the project – see [Appendix 2.3](#) for full details). Furthermore, a panel of four copyright experts from outside the *reCreating Europe* project were consulted and each provided feedback on the interim version to strengthen and validate the document.

The Guidelines and FAQs which follow synthesise the input and resources described above to provide a practical document intended as a reference point for members of the LA sector interested in standards for openness, managing and maintaining digital content, digital security, and accessibility when it comes to copyright and intellectual property rights (IPRs). The document is, therefore, intended to be of practical use to LA staff and stakeholders. In the next section, a brief overview of the method and resources used to create the Guidelines and FAQs are described (supported by an extensive [appendix](#)), offering methodological context behind the production of the proceeding Guidelines and FAQs.

1.   Method

To create the Guidelines and FAQs featured in this report, key resources and outputs from the *reCreating Europe* project were used as well as an external consultation with copyright experts. An interim version of these Guidelines and FAQs was published in July 2021. This updated version significantly builds on the data sources used to compile the interim document and sought out external input to review the relevance of the initial version. The resources used to create this report are as follows: 1) Survey data on copyright and open policies in GLAM sector; 2) Deliverable *D5.2 Report on the existing legal framework for Libraries and Archives (LA) industries in EU*.; 3) research on accessibility and disability in cultural sector, chiefly *D2.4 Report on barriers faced by vulnerable groups* and *D2.8 Final report on case studies on the effectiveness of regulatory measures to increase digital access to academics and people with visual impairments* (conducted in WP2 of the project); and 4) a consultation with four copyright experts from the LA sector.

The above method was chosen due to the relevance of the materials for this report and direction guided from the project's initial proposal. Each information source was studied and analysed to identify emerging patterns and common ground, particularly relevant for the LA sector. The information gathered was then used to shape and formulate the first approach for determining the Guidelines and FAQs specifically tailored for the LA sector. The expert review was conducted by four professionals, each separately reviewing the interim version and offering suggestions and feedback.

The documents used, and processes followed, to produce the following Guidelines and FAQs are outlined in full in the appendix of this report. When the work of *reCreating Europe* is referenced in the Guidelines and FAQs, it is the materials described in the appendix which are being referred to. The appendix also lists a set of definitions to further assist LA entities using the Guidelines and FAQs.

2. Frequently Asked Questions (FAQs)

2.1 Legal compliance and compliance with standards for Openness

2.1.1 How can LA entities ensure their digitisation procedures adhere to legal requirements and standards for Openness?

While LA staff are highly familiar with IPRs (including copyright) and open policies, the *reCreating Europe* project shows that a lack of legal supervision and legal training is a significant obstacle. Based on this, LA entities should look to outsource expert legal supervision and provide legal training for their staff.

2.1.2 What kind of legal training could be provided to LA staff members?

The lack of skills of staff members in the LA sector poses a significant obstacle to digitisation. LA staff report a generalised understanding of the legal technical areas of digitisation practices, policies, and regulations. Training programmes should use this as a starting point to bring workforces up to an even level on the latest standards and legislation. However, trainings should address intellectual property law and copyright law, as well as open policies, such as open access. Resources, both human and financial, will have to be dedicated to this upskilling process.

2.1.3 Which areas of copyright law and IPRs are still unfamiliar to LA staff and, therefore, require more awareness raising, legal training, and legal supervision?

The LA sector are familiar with copyright but lack knowledge on industrial design, trade secrets, geographical indications, and patents. More specifically, staff indicated to the *reCreating Europe* project an awareness about the following aspects of copyright law: authorship and ownership rights, and copyright duration and licencing. Staff lack knowledge on copyright exceptions, orphan works, and out-of-commerce works, which are more specific aspects of copyright law. When it comes to licensing schemes, there is a better level of knowledge about Creative Commons licenses, than other open licenses and rights statements.

2.1.4 Which EU laws and policy documents are currently most relevant to digitisation?

The most recent and most relevant EU legislation and policy documentation on digitisation in the LA sector include the following:

> Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market; Regulation 2017/1563 on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled [2017] OJ L242/1;

> Directive 2017/1564 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled and amending;

> Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society [2017] OJ L242/6;

Directive (EU) 2001/29 on the harmonisation of certain aspects of copyright and related rights in the information society;

the Directive (EU) 2013/37 on the re-use of public sector information;

Directive (EU) 2019/1024 on open data and the re-use of public sector information and the Recommendation 2011/711 on the digitisation and online accessibility of cultural material and digital preservation;

Directive (EU) 2016/2102 on web accessibility for persons with disabilities when accessing access online content of public organisations, such as some archives and galleries;

and, Directive (EU) 2012/28 which establishes common rules for orphan works, their digitisation and digital display.

2.2 Implementation of technology

2.2.1. What kind of technological protection measures can LA entities enforce to ensure the protection of digital resources?

LA entities should ensure the protection of their digital resources by making full and proper use of technological safeguards such as encryptions and the use of passwords. While this is not yet a standard practice for all LA entities it would be strongly recommended that any kind of safety technological measures are enforced for the protection of the digital resources and the digital collection. Further dialogue needs to be fostered between LA staff and experts on technological security, with regards to public lending and digital lending. While the need for digital protections is essential across both libraries and archives, each institution must act on a case-by-case basis, taking measures that are appropriate to that institution and the specifics of its digital collection.

2.2.2. What other technologies could be used in relation to the digital resources of the LA entities?

LA entities could explore using computational analysis and emerging artificial intelligence (AI) technologies for the management, analysis, and preservation of their digital resources and digital collections. There are significant opportunities with these technologies. For this purpose and to explore these uses, special units within the LA entities could be organised with a focus on researching and applying AI technologies and performing computational analysis.

2.2.3 How can LA entities ensure the preservation of their digital resources?

To ensure the preservation and accessibility of their digital resources, LA entities need to have preservation technology in place. The most used technology within the LA entities surveyed by the *reCreating Europe* project are hard drives and flash memory devices (e.g., SSD. SD micro-SD). Additional measures to ensure preservation must be taken. The use of hard drives and flash memory alone is insufficient. More dialogue and effort must be focused on what technologies are appropriate for digital preservation together with technological security experts, based on the nature of the LA institution and the resources that are being preserved. A good starting point for this conversation is with in-house IT departments.

2.3 Adoption of social norms and common practices, particularly if in conflict with formal legal norms more aligned to Open Knowledge principles

2.3.1. How can LA entities combat conflict with formal legislation to become more aligned with Open Knowledge principles?

LA entities are encouraged to join associations/organisations that promote Open Knowledge and Open Science, particularly those which foster legal literacy and compliance with applicable legislation. In the European context, where there are significant divergences from formal legal norms across the EU Member States, this is strongly advisable. It is important for LA entities to actively join associations/organisations that work towards the adoption of social norms and advocate for best common practices.

Initiatives such as LIBER's Zero Embargo Campaign, for example: an initiative which proposes a new model law that aims to ensure a zero-embargo period for exploring self-archiving on open, public, non-for-profit repositories, and can provide a strong foundation for Open Access while exploring lawful ways to enable researchers to freely disseminate their research and maximize its impact. Or, for instance, the Knowledge Rights 21 position statement on secondary publishing rights.

2.3.3 Is there room for copyright flexibilities within LA entities?

Based on deliverable *D5.2 Report on the existing legal framework for Libraries and Archives (LA) industries in EU*, copyright flexibilities play a vital role in the practices and activities of the LA sector. But they also, importantly, present an advanced degree of harmonisation across Europe. When it comes to analysed national legislation, the difference between libraries and archives is not very significant and, despite the optional nature of some of the copyright exceptions, convergences among national copyright systems on provisions addressing LA entities can be clearly observed. Based on this, there is room for copyright flexibilities within LA entities and more can be done by national legislators to foster and encourage copyright flexibility.

2.3.4 How can LA entities facilitate openness of their collections?

Most LA entities embrace some policies that ensure and facilitate openness of their collections, as was found in the *reCreating Europe* survey on copyright and open policies in the GLAM sector. However, LA entities currently have little or no knowledge of specific EU policies on the openness of cultural resources. LAs should invest in training and legal advice to ensure the facilitation and the sustainability of their collections.

2.4 Access to content by people with disabilities

2.4.1 What are the disabilities that LA entities need to consider in terms of connectivity provision and what are the important aspects to consider?

First, when considering this question it is important to consider that disability stems from interaction between the individuals' impairments and external environmental and societal barriers. Persons with disabilities include persons with following disabilities: an intellectual disability, persons with a physical disability, persons with a psychosocial disability, persons who are Deaf or have a hearing impairment/loss, persons who are blind or have a visual impairment/loss, and deaf blind persons.

These disabilities need to be considered both in terms of access to premises, as well as access to devices with relevant settings, software/hardware, resource and materials, and the internet.

2.4.2 What factors must be investigated further to make LAs digital content more accessible?

The nature of specific disabilities and the range of different barriers faced by people with disabilities must be considered, and accessibility must be viewed in a holistic manner. As a starting point, it is possible to begin improving accessibility by considering the frequency that people with disabilities access your digital cultural content through your website, app, or other platforms, as well as the average time they spend and the type of content they are accessing. However, this approach does not go far enough and will not achieve full accessibility. Some people with disabilities may be excluded from digital content due to existing barriers. Therefore, an audit of current users will miss, and fail, those already excluded, not remedying issues of accessibility. A broader approach should be taken in which all content is audited in relation to the disabilities stated in 2.4.1, improving accessibility for existing users and future users with disabilities.

2.4.3 How can we ensure that people with disabilities are represented in the content made available by our LA entity?

Democratisation and access to digital cultural content should consider inclusion measures for people with disabilities. One way to take such steps is by partnering with representative organisations of people with disabilities in the creation/distribution of digital cultural content, conducting regular consultations, as well as developing feedback mechanisms focussing on inclusivity and accessibility.

2.4.4 What are the most common barriers people who are blind or have a visual impairment face when it comes to accessing digital cultural content?

People who are blind or have a visual impairment often encounter the following issues when accessing digital cultural content: lack of alternatives to CAPTCHA, inability to maximize font size, lack of image description, not enough contrast between background and letters, use of colour as the only means of conveying information, lack or low supply of accessible copies or works, and compatibility issues with assistive technology such as screen readers.

2.4.5 What are the most common barriers people who are deaf or have a hearing impairment face when it comes to accessing digital cultural content?

People who are deaf or have a hearing impairment often encounter the following issues when accessing digital cultural content: no audio description, no availability of captions/subtitles, and no availability of sign -language interpreters.

2.4.6 How can LA entities make sure people with disabilities have access to digital cultural content, while taking into account copyright law?

There are several ways LA entities can begin to enable disabled persons access to digital cultural content, including providing accessible copies to relevant organisations, raising awareness about open policies and Open Access to cultural resources, as well as providing accessible information about intellectual property/copyright/creators' rights, especially when it comes to digitising content. For persons who are blind or have a visual impairment, see the Marrakesh Treaty. This makes the production and international transfer of specially adapted books for people with blindness or visual impairments easier. It does this by establishing a set of limitations and exceptions to traditional copyright law.

3. Guidelines

3.1 About the Guidelines

The following Guidelines derive from the efforts of the *reCreating Europe* project, specifically the sources mentioned in Appendix 2, and upon adaptions to the FAQs which are presented in Section 2 of this document. These guidelines aim to assist professional within the LA sector in reviewing and updating their proceedings with regards to legal compliance, implementation of technological measures, adoption of social norms and common practices, and accessibility of digital cultural content by persons with disabilities.

3.2 Legal compliance and compliance with standards for Openness

By identifying the strengths and weaknesses of their staff, looking at competencies and knowledge gaps, LA entities can better prepare their working practices and collections to adhere to European and national legislation, as well as standards for Openness.

LA staff have expressed a high degree of familiarity with copyright and Open policies to the *reCreating Europe* project, but there are certain areas of IPRs that they either have little or no experience in (e.g., industrial design, trade secrets, geographical indications, patents, and trademarks). Even within copyright there is a divergence between the areas that LA staff are well versed in, like authorship and ownership of rights, copyright duration and licensing, and areas where they recognise their weaknesses, such as copyright exceptions, orphan works, and out-of-commerce works.

LA entities should begin by ensuring the following: First, that they have a clear view on the landscape of their institution and its collections, and the legal resources needed to maintain them. This must include the knowledge and competencies of their staff. Second, they need to ensure necessary resources, training, and allowances are made to train their staff to adherence to standards for openness. This training can be specific, when the needs are assessed and gaps are identified, and periodical, to account for updates to both the EU and national legislation. This is especially true for LA staff working in digitisation projects. Familiarisation with EU legislation and the Copyright Directives is also of the utmost importance to ensure the legality and success of the process. LA entities staff can benefit from different types of training, such as in-person group training or one-to-one training, but also online training (e.g., webinars and open educational resources). The level and amount of legal training also depends on whether LA entities have access to in-house legal advice or external legal consultancy.

3.3 Implementation of technological measures

LA entities need to invest time and resources to build robust procedures and infrastructure that can support the protection and the sustainability of their digital resources and collections. Emerging technologies like AI and the systematised use of computational data can support digital transformation of collections in a significant way.

Bringing in expertise is necessary to ensure technological measures are applied successfully. Out of this necessity, the rise of data librarianship and the role of the data librarian/data steward/data curator have recently been established. This emerging field of librarianship came in response to the need for technical expertise within the library and archive sector. However, there is diversity around Europe in how this role is filled. In some countries these duties are addressed generally, while in other countries they are dealt with by dedicated members of staff in the LA entity.

To guarantee the protection of the digital resources and the overall implementation of technological protection measures, LA entities must closely collaborate with the IT departments of their institutions/organisations and make sure that sufficient measures are in place. Doing so works towards the protection of digital collections, with in house staff who possess institutional knowledge and are on hand for further digital maintenance. IT departments are a key stakeholder group, also in relation to the preservation and sustainability of digital resources and digital collections. LA staff need to be in close contact with them to assure there are concrete and feasible measures in place both for the protection and preservation of the digital collections.

3.4 Adoption of social norms and common practices, particularly if they conflict with formal legal norms and more aligned to Open Knowledge principles

Collaborating with other LA entities and organisations/associations that support Open Knowledge principles and Open Science is a crucial means to share best practices and jointly carve the way towards norms and practices that are closer aligned with Open Knowledge principles than only national legislation.

By joining the efforts of European organisations/associations, LA entities can better advocate for the information sector as a whole and establish LAs as key stakeholders and influence groups when it comes to the development of EU and national legislation.

As advocated by the *reCreating Europe D5.2 Report on the existing legal framework for Libraries and Archives (LA) industries in EU* there is a high degree of harmonisation which can be observed with the application of copyright law despite the optional nature of some of its articles. It would be highly beneficial to explore the room for copyright flexibilities within LA entities to establish best practices at a national level. Special task forces within the LA sector could be organised to work further on this matter, with a plan for interaction and alignment with relevant initiatives and working groups.

To become more aligned with Open Knowledge principles, LA entities should invest in familiarising themselves with Open policies both at a national and a European level. It is important to invest time and resources so that LA staff are aware of policies and standards in place.

3.5 Access to content by people with disabilities

Democratising and ensuring access to digital cultural content, while at the same time being compliant with EU and national regulation, is important for the inclusivity of people with disabilities.

A consultation stage can be the first step towards making digital cultural content accessible. At this stage, LA entities can make sure that they understand the accessibility issues that people with disabilities are facing. Consultations can take place either as physical meetings, or in the form of online interviews and surveys targeting organisations representing and/or supporting people with disabilities, but also those persons affected with disabilities directly. The aim should be to understand challenges and gather requirements for persons with disabilities. The disabilities considered by *reCreating Europe* to this respect are persons with an intellectual disability, persons with a physical disability, persons with a psychosocial disability, persons who are Deaf or have a hearing impairment/loss, persons who are blind or have a visual impairment/loss, and deaf blind persons.

At the preparation stage, LA entities can identify solutions and even propose partnerships with representative organisations for the implementation of the solutions. The LA entity can adopt a policy, or adapt existing policies, to ensure access to digital cultural content by people with disabilities, including the specific measures taken. Monitoring accessibility trends and offering feedback mechanisms are required to ensure sustainability of the measures put in place.

4. Conclusion

The *reCreating Europe* project found that improvements must be made within LA entities to 1) enable the legal compliance with EU and national legislation, and compliance with standards for Openness; b) implement new technological measures; c) adopt social norms and common practices, particularly if in conflict with formal legal norms and more aligned to Open Knowledge principles; and d) create accessible digital cultural content for people with disabilities.

The FAQs and Guidelines here provide information on how LA entities can take significant steps in these areas, in a clear and digestible way, culminating in an effective tool for the sector. When LAs need information on supporting compliance, alignment, implementation, and improvement of operations pertaining to digital cultural content, the contents of this report will inform and guide their actions.

By using key outputs of the project, and an external review with sector experts, the information presented here is based on a robust base of evidence and has been validated as relevant and useful for LA entities. The report is twinned with a separate set of FAQs and Guidelines for Galleries and Museums, available on the *reCreating Europe* website and Zenodo channel.

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APPENDIX 1: DEFINITIONS

Orphan works: Orphan works are works that are protected by copyright law and whose rights holders are either unknown or very difficult or even impossible to trace. There are millions of orphan works in European libraries, museums, archives, and public institutions.

Out of commerce works: Out-of-commerce works are works that have never been in circulation, works no longer in circulation or are not available through ordinary commercial channels. It is important to note that out-of-commerce works are protected by copyright law in the EU, unless copyright on them has expired.

EU legislation: EU legislation is divided into primary legislation (the treaties) and secondary legislation (regulations, directives, decisions, recommendations, and opinions). A regulation is a binding legislative act that must be applied "as is" across the EU. A directive is a legislative act that depicts the goal all EU members must achieve. Each EU member can decide to devise national law to reach this goal. A decision is a binding legislative act on those to whom it is addressed. A recommendation is not binding and has a suggestive character. An opinion is also not binding and serves as a statement.

EU Directive on Copyright in the Digital Single Market 2019/790 (DSM Directive): The Directive was published in the Official Journal of the European Union on May 17, 2019, and entered into force on June 7, 2019, and aims at modernizing European Union copyright law by considering the increasing digital and cross-border uses of protected content. Member States have until June 7, 2021, to implement this Directive into their own national legislation.

Open Knowledge: Open Knowledge refers to any type of content, information, or data that anyone is free to use, re-use and redistribute, without any legal, technological, or social restriction.

Persons with Disabilitiess: The project adopts a broad conceptualization of disability. In line with Article 1(2) CRPD,26 this project embraces the view that '[p]ersons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'.

APPENDIX 2: Description of supporting materials

2.1 Preliminary Survey Analysis - impact of copyright law and open policies in relation to digitisation in the GLAM sector

In September 2020 *reCreating Europe* launched a survey that remained open until January 2021. The aim was to map and determine to what extent the GLAM sector is aware of the implications that copyright law and open policies have on the digitisation practices undertaken by its stakeholders. The survey also determined to what extent the law functions as a barrier to access, use and reuse of digital content, and collected suggestions of possible countermeasures. The survey was open to the public and it was widely circulated in Europe. The results of the survey will be thoroughly analysed and used to help recommend best practices and policies that enable digitisation to be carried out effectively within the prescriptions of a rebalanced copyright law. These results will be available at the end of the project.

The preliminary results of the survey offer a snapshot of the impact of copyright law and open policies on digitisation procedures and practice in the GLAM sector. These results provided a key resource to produce the Guidelines and FAQs presented in this document. Overall, 74 LA Institutions (57 Libraries and 17 Archives) participated in the survey. The results show that the vast majority of LA organisations hold digital collections and that they comprise both born-digital and digitised works. Most of the organisations digitise resources in-house and by outsourcing to other providers. It is of particular interest that most respondents identify the lack of supervising legal experts and of legal training staff as significant obstacles to digitisation. On the other hand, the lack of knowledge about intellectual property laws (including copyright) and lack of awareness about open policies (including open access) are not identified as significant obstacles to digitisation. It is important to highlight that the obstacles identified were strongly linked to the size of the organisation: larger organisations often have easy access to internal legal advice.

In terms of IPRs, the majority of those surveyed indicate a moderate/high level of copyright awareness of legislation, but the same cannot be said for patents, industrial design, trademarks, geographical indications, and trade secrets, where knowledge is lacking. When it comes to specific aspects within the realm of copyright legislation the majority of the respondents indicate a moderate/high familiarity with authorship and ownership of the rights involved, copyright duration, licensing and -copyright exceptions. In contrast, respondents indicate a moderate/low level of familiarity with the specific regulation on orphan and out-of-commerce works.

It is noteworthy that about half of the respondents are unaware of the EU Directive 2019/790 on copyright and related rights in the Digital Single Market (DSM Directive). While most respondents declare a very high level of familiarity with copyright laws on a national level, familiarity with the DSM Directive and its specific details are very low.

Most respondents indicate that legal advice was available in their institution (e.g., general counsel legal office, legal department, etc.). However, most of the organisations reported that they have no training initiatives on either copyright or other IPRs. Respondents expressed that, ideally, they would like to receive training on authorship and ownership of rights, copyright exceptions, and licensing. In terms of agreements between organisations to facilitate cooperation, most respondents reported that

their organisation did not have any in place. The agreements which were in place were mainly to serve inter-organisational loans of digital resources or, in a residual way, to share the costs of digitisation.

Survey respondents show that the overwhelming majority of IPRs owned by their organisations are related to copyright, with only a small fraction of them noting examples realted to exploitation rights and trademarks. In addition, most respondents specify that their organisations do not claim IPRs on the public domain works that have been digitised by them.

In terms of licensing, respondents highlight that license agreements are applied to digital resources, but the majority would be applied occasionally and not systematically to all works and items. While the vast majority indicate that their organisations provide access to digital collections, access is given only to a part of the collections and not their entirety.

The epochal shift towards digital collections is recognised by most of the respondents as they declared that there has been an increase of accessibility to digital resources for the years 2017-2020. While it is possible to reproduce digital resources, reproduction comes with limitations both in terms of which types of resources can be reproduced and which parts of them.

Lastly, with regards to technological protection and digital preservation, the majority of respondents mention that there is no system in place. Some mention that passwords and/or encryptions are used. The majority also indicated that no special technology is used in relation to digital resources, while some of the respondents noted that computational analysis and/or artificial intelligence (AI) tools are used. Almost all respondents had a preservation system in place with the most common one identified as based on hard drive storage.

2.2 Report on the existing legal framework for Libraries and Archives (LA) industries in EU

A second significant resource used for the creation of the Guidelines and FAQs for LA industries is the *reCreating Europe* deliverable *D5.2 Report on the existing legal framework for Libraries and Archives (LA) industries in EU.* This report was based on research carried out under *reCreating Europe* Task 5.1 European Legal Framework for GLAM industries: from closure to Openness/Subtask 5.1.2. Existing legal framework for Libraries and Archives. The report focuses on a sector-specific analysis of European digital copyright law from the perspective of LAs. It is one of the first outputs of a detailed and comprehensive exercise of legal mapping of EU and national provisions related to copyright in the GLAM sector. In turn, such a task is part of the project's wider legal mapping and assessment of the EU copyright legal framework, to account for all stakeholders' specific needs.

The report on the cross-national legal mapping on copyright, open licensing, and public domain provisions relevant to the LA sector defines the two main research questions related to LAs, which provided the starting point for the interion version of the Guidelines and FAQs (which were developed to create this final version):

- The degree of harmonisation of national copyright rules related to the access to digitized and digital-born cultural heritage across the EU, and
- The strengths and weaknesses of the European and national legal framework, in addressing the needs and promoting the efforts of the GLAM industry, and, more specifically, of Libraries and Archives.

Report D5.2 describes the research methodology and preliminary outcomes of the analysis of two types of legal resources: European legal sources and national legal sources, relevant to LAs. Against this backdrop, it proposes the following classification of the most impactful aspects of copyright legislation:

- Uses of orphan works
- Text and Data Mining
- Preservation of cultural heritage
- Uses of out-of-commerce works
- Other uses by LA entities
- Reproduction by LA entities
- Private study and private research
- Public lending

Three main results can be outlined based on this research. First, the systematised EU copyright legal framework demonstrates growing attention and focus on the LA sector and Cultural Heritage Institutions (CHIs) and carries a significant body of sector-specific mandatory copyright exceptions as well as limitations. Second, it was observed that copyright regulations on a national level turned out to be well harmonised despite the optional nature of the provisions at an EU level. And last, the patterns of convergence and divergence between legislative approaches of EU Member States, related to specific provisions within copyright law, dictate the need for copyright modernisation.

2.3 Access to content for people with disabilities

From the project's conception, *reCreating Europe* has aimed to investigate accessibility issues of disabled people when it comes to digital cultural content. Two tasks within WP2 were dedicated to this topic and focused on investigating how underrepresented users, persons with disabilities, as well as those from cultural and linguistic minorities, face barriers. The project used these findings to propose solutions for how such barriers can be overcome. Practically, research has been conducted to shed light on the issues that obstruct access to digital cultural content by people with disabilities. LAs are driven by a commitment to the accessibility and openness of their collections. Therefore, it is integral that disabled persons are included in this push for openness and the Guidelines and FAQs reflect this aim with dedicated sections for people with disabilities.

Of particular importance to the Guidelines and FAQs at the centre of this document are two outputs from WP2. First, deliverable *D2.8 Final report on case studies on the effectiveness of regulatory measures to increase digital access to academics and people with visual impairments* presents case studies on the effectiveness of regulatory measures to increase digital access for academics and people with visual impairment. The report is built on numerous surveys, one of which focused on the views of end users regarding current copyright exceptions for people with visual impairments. Specifically, the inquiry aimed to understand the obstacles which the visually impaired face when accessing printed material and whether digitization has improved accessibility. In addition, the survey uncovered knowledge and perceptions about copyright law, and awareness of the Marrakesh Treaty.

Second, deliverable *D2.4 Report on barriers faced by vulnerable groups* was also instrumental in creating the contents of the Guidelines and FAQs. This report focuses more broadly on vulnerable end users, defined as those from "vulnerable groups, namely persons with disabilities and people belonging to old and new minorities, in accessing digital cultural goods and services". Data was collected from 12 EU member states through surveys and semi-structured interviews analysing legal, technological, and economic barriers faced by vulnerable groups. It assesses the extent to which

vulnerable end-users experience these barriers, and whether the EU regulatory framework exacerbates them.

As a result, the abovementioned materials are used to produce and inform the guidelines and recommendations for the LA sector, culminating in well informed advice for how to overcome barriers people with disabilities face when accessing cultural content, either digital or physical.

2.4 Expert consultation

To produce the contents of this report, four experts on copyright and the cultural sector were consulted, inviting feedback and recommendations on the interim version of the document. Their comments, critique, and suggestions validated and improved the Guidelines and FAQs of the document (and wider efforts of the *reCreating Europe*). Reviewers were selected based on their expertise and were approached individually to contribute to the production of this final version. In addition, efforts were made to recruit a panel with a gender balance and a degree of geographical diversity to incorporate different European perspectives on the sector.

Each reviewer was provided a Word Document of the interim report for editing and comments on 28/10/22 and returned the document by the 18/11/22. This enabled separate feedback on the document, focusing specifically on the Guidelines and FAQs section. The separate reports from each reviewer, containing suggestions, were studied in detail and incorporated into the Guidelines and FAQs where possible. Follow up questions and clarifications to individual questions were answered via personal correspondence. Reviewers have been credited as contributors to this document.

The below table shows an overview of who participated on the panel who contributed to the Guidelines and FAQs:

Reviewer	Title	Organisation
Benjamin White	Researcher, Centre for Intellectual Property Policy & Management	University of Bournemouth (UK)
Erna Sattler	Copyright Expert	Leiden University (NL)
Matt Voigts	Copyright & Open Access Policy Officer	IFLA (NL)
Tereza Trencheva	Vice-Rector of Research and International Affairs	University of Library Studies and Information Technologies (BG)