

Insects and Fruit
Jan van Kessel
1660 - 1665, Rijksmuseum
Netherlands, Public Domain

euopeana

**THE EUROPEANA
LICENSING FRAMEWORK**



Co-financed by the European Union
Connecting Europe Facility

Europeana Licensing Framework

The Europeana Licensing Framework **ensures** that **all metadata** can be **published by Europeana** under the same terms and used by anyone for any purpose **without any restrictions**. To achieve this, Europeana makes available all metadata under the terms of the **CC0 Public Domain Dedication**.

With regards to content that is made available via Europeana, the licensing framework **provides** a list of **standardised rights statements** that must be used by data providers to **describe the rights status** of the digital **objects** that they make **available via Europeana**.

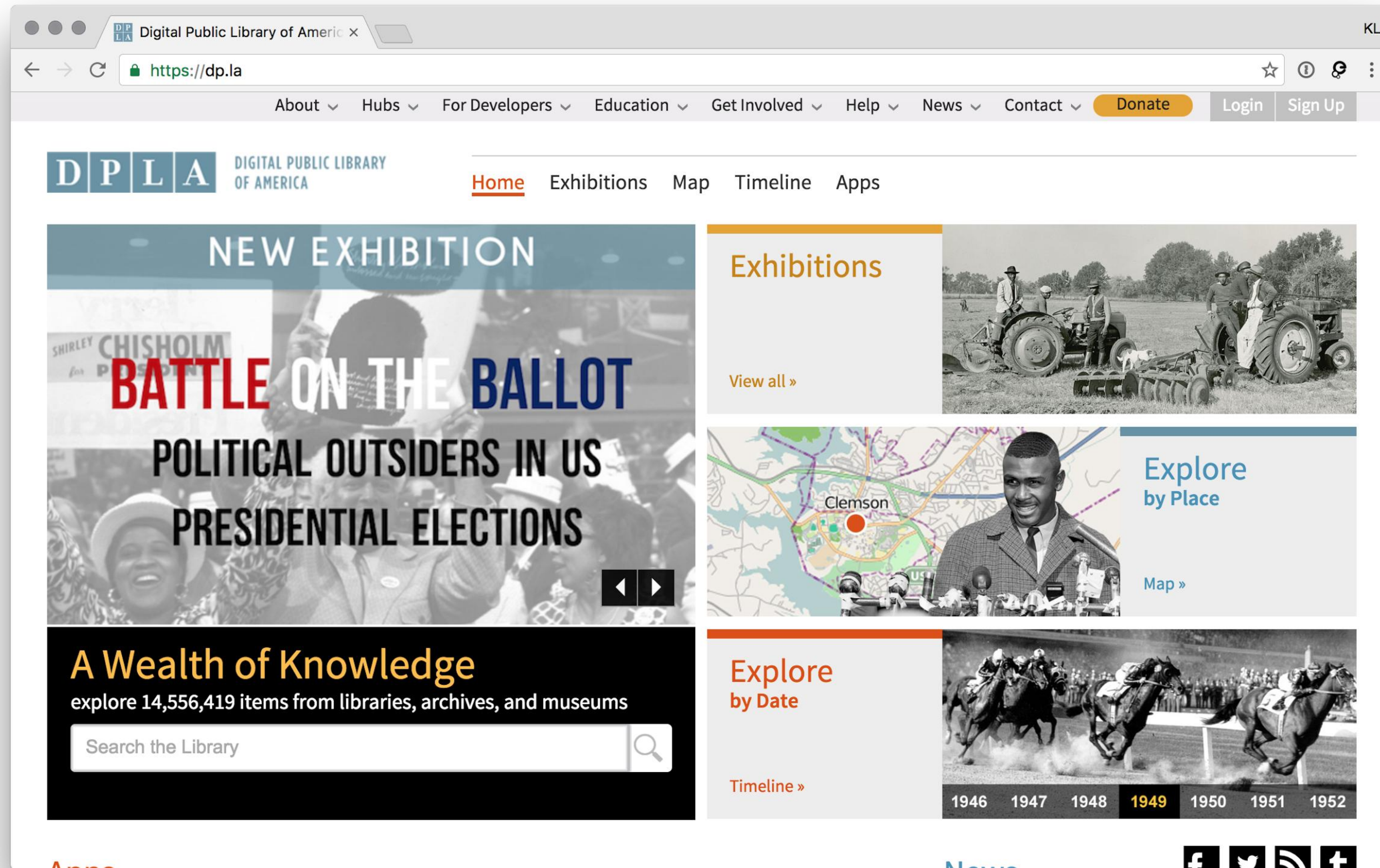


STANDARDISED RIGHTS STATEMENTS

Comparing Europeana to the Digital Public Library of America

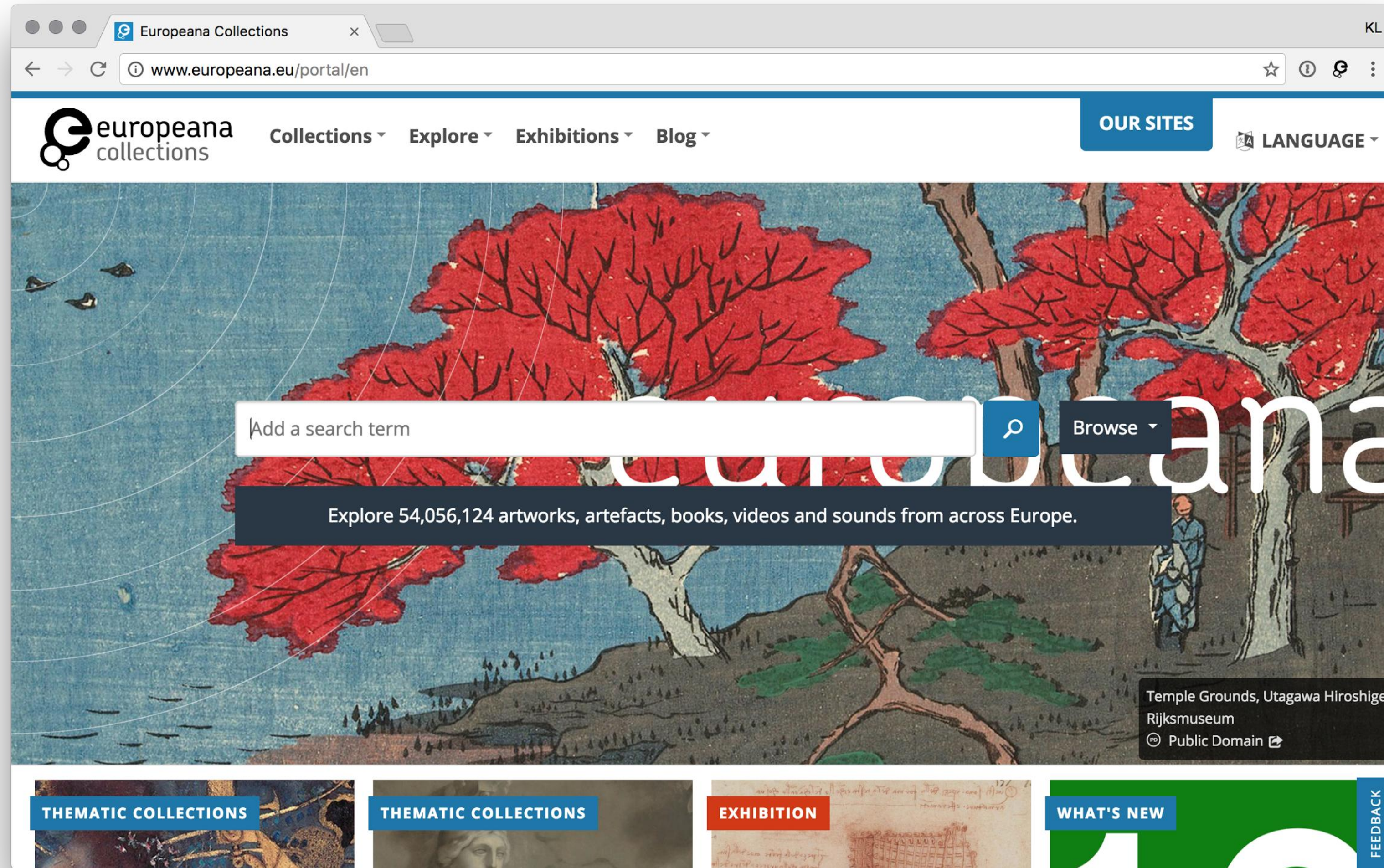
Arrival of a Portuguese ship
Anonymous
1600 - 1625, Rijksmuseum
Netherlands, Public Domain

2015: non-standardised rights statements



DPLA (until 2016):
Metadata CC0,
Digital Objects:
87.000 rights
statements

2016: standardised rights statements



Europeana
Metadata CC0,
Digital Objects: 14
rights statements

What is rightstatements.org?

Developed as a global standard by Europeana, DPLA, Kennisland and Creative Commons [RightsStatements.org](https://rightsstatements.org) provides **11 standardised rights statements** for **online cultural heritage**.

They make it easy for cultural heritage institutions and aggregators to **communicate the copyright status** of cultural objects online.

Allow users to **clearly understand what they can or cannot do** with digital objects they discover online.

In 2016 **Europeana adopted 6 of the 11 rights statements** offered by rightsstatements.org (used alongside 8 Creative Commons tools & licences)

ENSURING THE RIGHTS STATEMENTS ARE ACCURATE

Colombes : championnats de France
d'Athlétisme : rivière, le speaker
Agence de presse Meurisse
1921, National Library of France
Public Domain



Applying rights statements

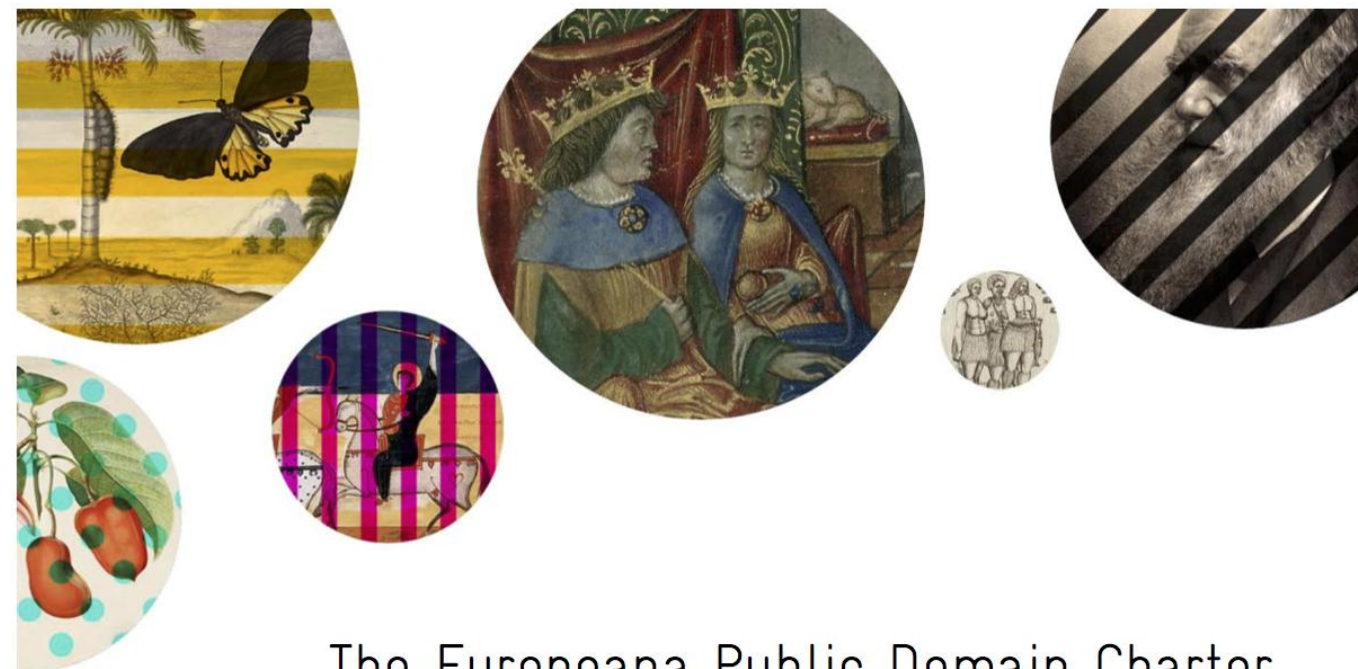
The **rights statements** are **high level summaries** of the **rights status**, they do not replace more detailed rights information that may be available at the institution level.

Rights statements **should be applied by the institution in the metadata (edm:rights)** about the digital object.

Works that are in the **Public Domain** must be labelled with the **PDM**.

Works that are **in copyright** must be **labelled according** to the permissions granted by the **rights holder**.

Europeana Public Domain Charter



The Europeana Public Domain Charter

Europeana, Europe's digital library, museum and archive, belongs to the public and must represent the public interest.

The Public Domain is the material from which society derives knowledge and fashions new cultural works.

Having a healthy and thriving Public Domain is essential to the social and economic well-being of society.

Digitisation of Public Domain content does not create new rights over it: works that are in the Public Domain in analogue form continue to be in the Public Domain once they have been digitised.



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ENGLISH

Europeana
foundation

Metadata Specifications: The most recent version of the Metadata specifications published by Europeana and available at <http://pro.europeana.eu/edm-documentation> on the Effective Date

Preview: A reduced size or length audio and/or visual representation of Content, in the form of one or more images, text files, audio files and/or moving image files.

Public Domain: Content, Metadata or other subject matter not protected by Intellectual Property Rights and/or subject to a waiver of Intellectual Property Rights.

Third Party: Any natural or legal person who is not party to this Agreement

URI: Uniform Resource Identifier, URLs (Uniform Resource Locators) are URIs.

Article 2 Provision of Metadata and Previews

1. Notwithstanding the minimum requirements of paragraphs 2 and 3 of this article, it is in the discretion of the Data Provider to decide which Metadata and Previews it provides to Europeana, including the right to submit only Metadata and Previews with regard to a part of the Content held by it or its data providers and the right to submit only a part of the Metadata and Previews it has or its data providers have with regard to particular Content.
2. The Data Provider shall submit Metadata and Previews in accordance with the Metadata Specifications.
3. The Data Provider must make best efforts to provide Europeana with correct Metadata on the Intellectual Property Rights to the Content, including the identification of Content that is Public Domain as being Public Domain.
4. Europeana shall ensure that future versions of the Metadata Specifications are compatible with the Metadata Specifications in place on the Effective Date. Before mandating changes to Metadata Specifications, Europeana must consult the Council of Content Providers and Aggregators.
5. Europeana shall collaborate with the Data Provider within thirty (30) days upon the latter's request, for the correction, update and removal of Metadata provided by the Data Provider.

Article 3 Use of Metadata

1. Under the condition that the requirements of paragraphs 2 and 3 of article 2 are met, Europeana shall include the Metadata provided by the Data Provider in the database held by Europeana and shall publish these Metadata as a part of this database.
2. Europeana shall publish all Metadata, including the Metadata provided by the Data Provider prior to the Effective Date, under the terms of the CC0 1.0 Universal Public Domain Dedication and is hereby authorized by the Data Provider to do so. The Data Provider recognizes that it hereby waives – to the greatest extent permitted by, but not in contravention of, applicable law – all Intellectual Property Rights in the Metadata it has provided and will provide to Europeana. If – according to the applicable law – such waivers are not legally binding in particular territories the "Public License Fallback" in sec. 3 of the CC0 1.0 Universal Public Domain Dedication will apply, and the Metadata provided by the Data Provider is licensed non-exclusively, unconditionally, free-of-charge for all types of use and for all territories to the public. For details about the waiver/public license see the Text of the CC0 1.0 Universal Public Domain Dedication under the URL mentioned in Article 1 above.
3. In as far as the Data Provider has provided or will provide Europeana with Metadata that it has aggregated from Third Parties or that otherwise originate from Third Parties, the Data Provider shall ensure that these Third Parties have authorized the Data Provider to authorize Europeana in accordance with paragraph 2 of this article.

Europeana is a service of the Europeana Foundation KVK-nummer: 27307531

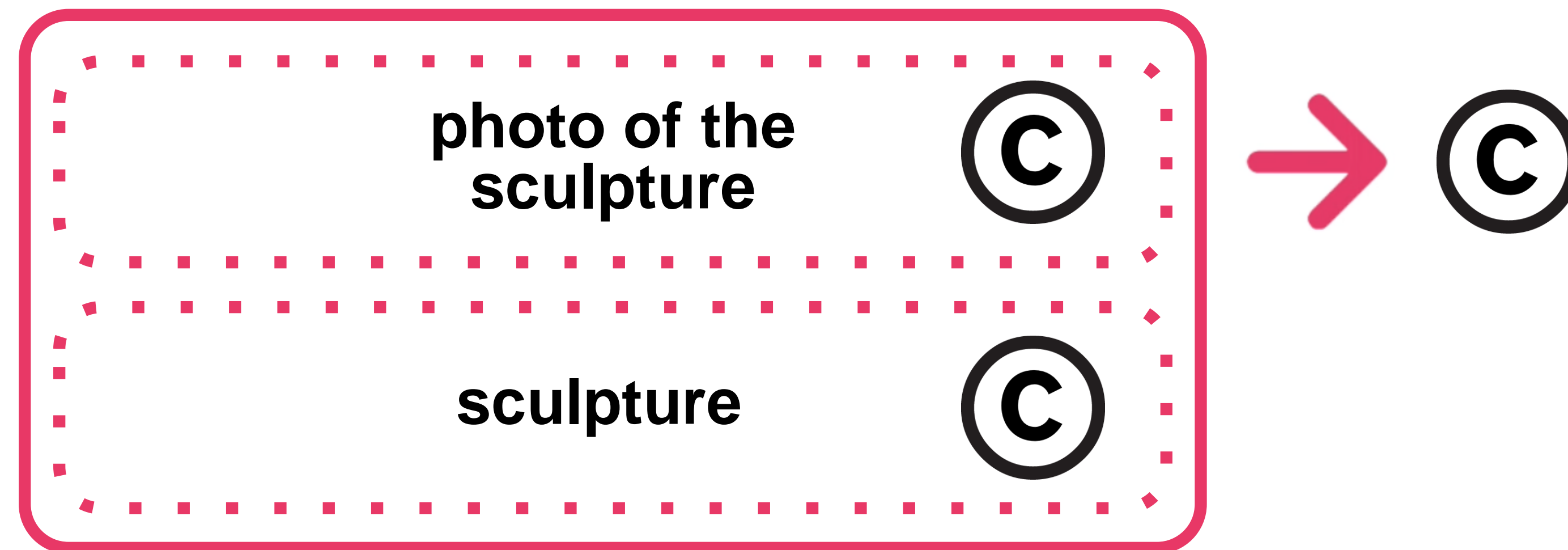
3

The Europeana Public Domain charter states **works** that are in the **public domain** in the **analogue form** should remain in the **public domain** in **digital form**.

What does a rights statement apply to?

Rights statements are determined by the © status of the digital object.

The © status of the **digital object** is **based** on the **copyright status** of the **underlying object**.

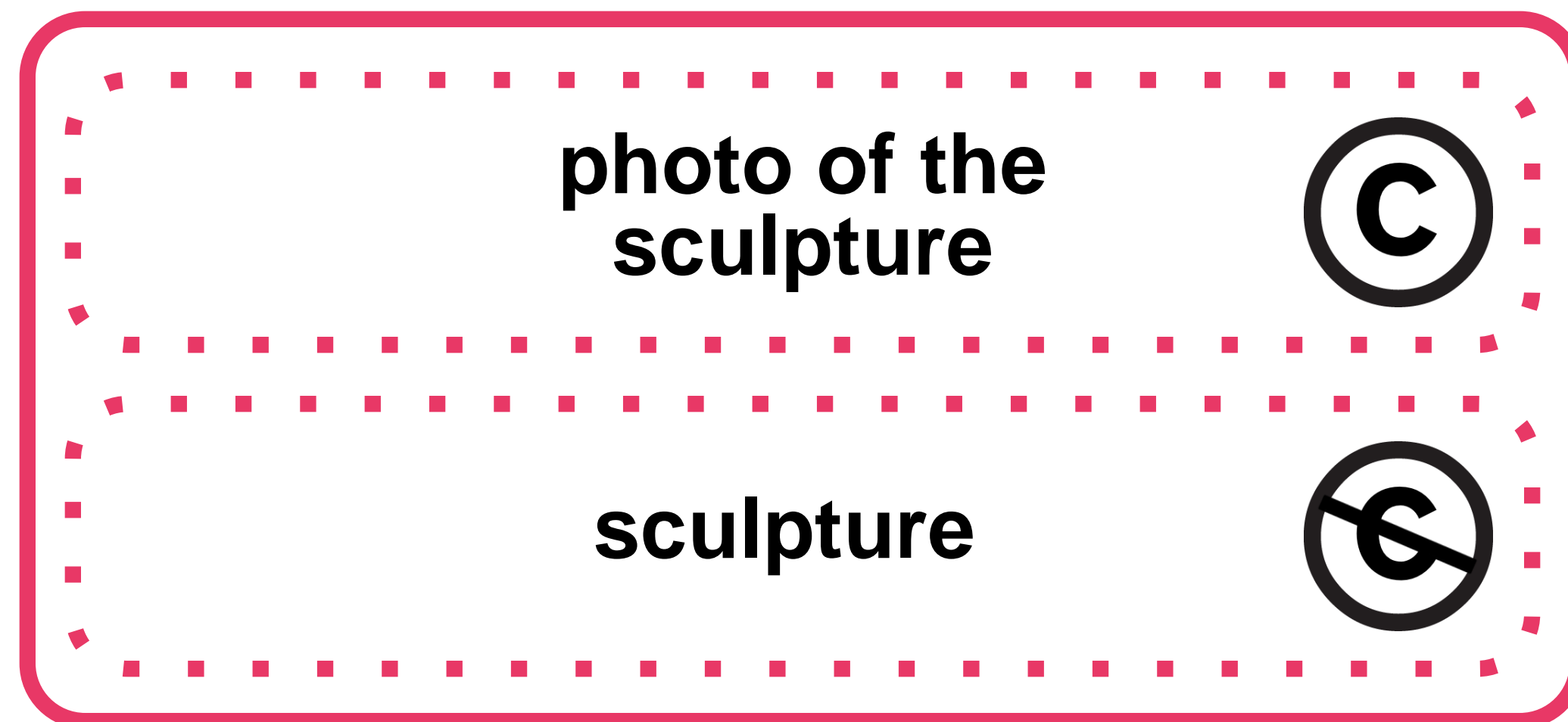


Example of the layers of copyright -
There is copyright present in the photo of the sculpture (the digital object) and also copyright in the sculpture (the underlying object)

Here, the rights statement needs to reflect the copyright status of the photo and any permission for reuse granted by the rights holder

What does a rights statement apply to?

What if the underlying object (the sculpture) is in the public domain?
In most cases, the digital object should then be in the public domain.
In some cases a new copyright is created in the digital object.



The sculpture e.g. Michelangelo's David is in the public domain. However, in this case a new copyright has been created in the photo.

Here, the rights statement needs to reflect the copyright status of the photo and any permission for reuse granted by the rights holder

RIGHTS STATEMENTS

A detailed vintage illustration of a circus tent. The tent's structure is ornate, with a central arched entrance and several smaller arched windows or alcoves. The upper levels of the tent are filled with people, mostly women in hats and dresses, looking out. The foreground shows a large crowd of people, also in period clothing, gathered around the tent. The overall style is that of a late 19th or early 20th-century postcard or illustration.

Untitled
Anonymous
1911 Circus Museum
Netherlands, CC BY-SA

14 available rights statements

From creativecommons.org:

- Public Domain Mark
- CC 0 Public Domain dedication
- CC BY
- CC BY-NC
- CC BY-ND
- CC BY-SA
- CC BY-NC-SA
- CC BY-NC-ND

From rightsstatements.org:

- In Copyright
- In Copyright - EU Orphan Work
- No Copyright - other known legal restrictions
- In Copyright - Educational use permitted
- No Copyright - non-commercial use only
- Copyright not evaluated

Note: Please visit pro.Europeana.eu/available-rights-statements for the current list.

Works that are in the Public Domain

The Europeana licensing framework requires that digital **objects** that are in the **Public Domain must be labelled** with the **Public Domain Mark**.

In some situations the **digital reproduction** of a **Public Domain work** creates new rights. If this is the case we **encourage** data partners to waive these rights by applying a **CC0 Public Domain dedication**.

Works that are in copyright

There are two different rights statements for works that are in copyright:

- **In Copyright:** for digital objects that are protected by copyright, and there is no standardised way to describe the reuse permitted by the rightsholder.
- **In Copyright - Educational Use Only:** for digital objects that are protected by copyright but where the rights holders permit educational use of the digital object.

Creative Commons licenses

Creative Commons licenses (and the CC0 tool) **can only be applied by** (or with permission of) the **rights holder**.

Creative Commons licenses **cannot be applied** to **Digital Objects** that are in the **Public Domain**. They require an underlying copyright to be present.

Europeana encourages data providers to **use** one of the two **free CC licenses** (CC BY or CC BY-SA) to enable maximum re-use (see the [Europeana Publishing Framework](#)).

Specialised rights statements

There are four rights statements that can only be used in special circumstances and after consultation with the Europeana aggregation team:

- **In Copyright - EU Orphan Work:** for digital objects that have been identified as orphan works in line with the EU Orphan Works directive.
- **No Copyright - non-commercial use only:** for use with works that have been digitised in private public partnerships where the partners have agreed to limit commercial use of the digital objects.

Special rights statements

No Copyright - other known legal restrictions: for digital objects that are not protected by copyright, but where there are restrictions on the re-use of the item on the basis of laws other than copyright. Examples of such laws include cultural heritage laws or public sector information laws. You can find out more at outofcopyright.eu

Copyright not Evaluated: indicates that the copyright status of a digital object has not been checked.

Flowers

Anonymous

1700 - 1799, Rijksmuseum

Netherlands, Public Domain



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