

ARCHIVIA 14 Conference: Things which are not online do not exist at all!

The ARCHIVIA 14 conference took place in the framework of the European Collaborative project *CAPTCHA Creative Approaches to Living Cultural Archives* on 6-7 September in Linz, Austria with over 100 participants. All of the speakers agreed that the preservation of our cultural heritage is in danger! The outdated and insufficient national and European legal frameworks for online archives, multimedia libraries and repositories are responsible for the threat.

After the first ARCHIVIA Conference in 2012 the organisers succeeded to set up a future oriented forum on the topic of online archivation in the context of the diversity of the European cultural heritage. The urging need for a timely European legislation for online contents was pointed out again and again during the two days conference. Both political and social efforts are needed for Europe to be prepared to face the challenges of the digital future.

Creation of the suitable legal framework and securing adequate financial resources for the digitization and preservation of the cultural heritage and ensuring its accessibility are the most important requirements. Until those are not fulfilled free access to cultural heritage will keep lagging behind the technical possibilities.

Open access to nonprofit and common benefit online archives is still not provided. Non-commercial usage of cultural heritage is impeded by outdated copyright laws, excessive protection periods and commercial interests of individuals and companies.

Where we stand

The speakers of the first day were all representing institutions that are dealing with the possibilities and challenges of the preservation of cultural heritage in the digital age. Julia Fallon representing the Europeana Foundation – which was founded by the European Commission and tasked to facilitate the sharing of cultural heritage online – pointed out how poor the progress on digitizing cultural goods was: only 10 % of the analogue preserved European cultural heritage is digitized so far. Europeana, the biggest European institution working on this field has only 12 % of this 10 % in its database and can offer only 35% of that 12 % for reusing (which in the end means 0,42 % of the analogue preserved European cultural heritage). Besides that, even Europeana has to invest significant effort into the clarification and improvement of the legal status of the data they are handling.

Extended collective licensing – is that what we need?

The second day sessions focused on possible legal solutions for memory institutions to make their content digitally (online) available. Paul Klimpel ([iRights Lab Kultur](#), Berlin) pointed out the absurdity of the copyright regulations in the European Union and at the gap between law as “fiction” and law as “reality”. He claimed that enforcing the recent copyright law to the maximum “would be something like cultural suicide”. He addressed some possible solutions such as the drastic reduction of the copyright protection periods, general obligation to register or the creation of legal exceptions for heritage/memory institutions.

He also proposed to consider the adoption of the American or the so called Scandinavian model.

The Scandinavian model was intensively discussed. For introduction Roger Jøsevoll presented the enormous work of the Norwegian National Library. All Norwegian books were digitized from the very beginning until 2001, as well as the majority of newspapers up to last week's editions, and large body of multimedia material. The results of this undertaking were made available to the Norwegian public online. This great enterprise was only possible within the so called "extended collective licensing" legal model and through strategic partnerships with the National Broadcasting Company, newspaper publishers and publishing houses.

Felix Trumpe (OLG Frankfurt/Main) and Stef van Gompel ([Institute for Information Law, Amsterdam](#)) discussed the advantages and disadvantages of the "extended collecting licensing model" as well as its alternatives and possible modifications. As Stef van Gompel summarised his lecture: "While (extended) collective licensing is the most obvious and perhaps best possible solution for any large-scale rights clearance operation, especially where right owners are unknown or very difficult (if not impossible) to find, it also comes with a number of disadvantages. These include the dominant position of collective rights management organizations, their uncertain licensing mandate, and the fact that the collected royalties may not always be distributable to the relevant right owners. Nevertheless, it will be concluded that some of the disadvantages might be legally overcome and others may need to be accepted if we wish to make Europe's cultural heritage available online."

Looking to the future

All speakers of the conference agreed on the urgent need to find a common European solution for memory institutions working with cultural heritage in a digital way and willing to offer a free access to their contents. Thus we must realise, that all the knowledge and efforts of the experts will be in vain without ample political commitment to advance and push for the required measures in order to change the European and national policies. Therefore it is extremely important to keep on addressing politicians with this issue to get the topic on the agenda and keep it there as long as it is needed. Concerned citizens and organisations must take responsibility and action together to develop and present relevant proposals and to carry on raising the pressure on their elected officials.

The original language version of all lectures are available in audio:

<http://www.archivia.at/nachhoeren/>

...and in video:

<http://www.archivia.at/videos/>

You can find the photos of the conference at:

<http://www.archivia.at/fotos/> (By using the pictures please credit Petra Moser)

For more information on ARCHIVIA please visit <http://www.archivia.at/>

For more information on the project CAPTCHA please visit <http://livingarchives.eu/>