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Digitization of Museum Collections

LAUNCH OF THE POLICY PAPER

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11 December 2020

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INTRODUCTION

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STRUCTURE

PART I

Policy Proposals

- 13 proposals on **digitization** and **dissemination** of museum collections
- **Target audience:** legislators and policymakers
- **Goal:** identify legal issues and suggest solutions

PART II

Museum Code of Conduct

- 7 **due diligence** steps to follow when pursuing digitization and dissemination activities
- **Target audience:** museums
- **Goal:** comply with the law and minimize risks

PART III

Alternative Dispute Resolution

- Suggested **ADR procedure** to help museums and copyright holders **identify issues** and **negotiate solutions**
- **Target audience:** museums and copyright holders
- **Goal:** quickly settle disputes

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PART I

Policy Proposals

DIGITIZATION

- **PROPOSAL 1.** Clarify in the law that certain acts of reproduction conducted as part of a museum's public interest mission do not infringe copyright.
- **PROPOSAL 2.** Statutory exceptions and limitations for the benefit of museums should be given a mandatory character.
- **PROPOSAL 3.** Facilitate effective collective licensing of rights, including where possible, through extended collective licensing systems.
- **PROPOSAL 4.** Minimize database rights to favour and maintain accessibility to digitized materials.
- **PROPOSAL 5.** No additional copyright protection granted to digitized materials.
- **PROPOSAL 6.** Encourage museums to use digitized contents for machine-learning purposes, but do not grant copyrights to machine-created digital content.

PART I

Policy Proposals

DISSEMINATION

- **PROPOSAL 7.** Clarify in the law that certain acts of communication or making available to the public that are conducted as part of a museum's public interest mission do not infringe copyright.
- **PROPOSAL 8.** No liability of museums if they comply with certain due diligence steps and a correct right statement (promote a kind of "safe harbor right statement").
- **PROPOSAL 9.** Promote the development of national copyright guidelines or codes of professional practices for various uses of works by museums.
- **PROPOSAL 10.** Reaffirm the targeting test for online museums to avoid the applicability of unexpected foreign laws.
- **PROPOSAL 11.** Develop an "open data" policy framework for museums.
- **PROPOSAL 12.** Promote the interoperability of different licensing models.
- **PROPOSAL 13.** Obligation to maintain the digitized objects records / platforms updates (and avoiding obsolescence).

PART II

Museum Code of Conduct for a « safe harbor right statement »

1. Identify whether the work in question is a **protected work**
2. Identify the **purpose** of digitization
3. Identify the **rights holder**
4. Do not use if you **do not know** for sure
5. Add all available **copyright information**
6. Always make sure to properly attribute **credit**
7. **Other copyrights** and **other IP rights** (such as trade marks) may also be affected

PART III

Alternative dispute resolution system for disputed statements

FIRST STEP

- Creation of a specific, quick and free **mediation/consultation platform**
- Standardized **questionnaire**
- **Negotiation** (with or without the help of a third party)

SECOND STEP (if need be)

- **Dedicated platform** to submit disputes before an independent third party empowered to render a **binding decision**



ALTERNATIVE DISPUTE RESOLUTION SYSTEM FOR DISPUTED STATEMENTS PART I - DIGITIZATION

DIGITIZATION

MUSEUM ANSWER

RIGHTS HOLDER REPLY COMMENTS

By what means? (Photograph, other)

A D

☐ ☐

For what purposes?

- ☐ Archival
 ☐ Research
 ☐ Education
 ☐ Promotional material
☐ Merchandising
 ☐ Catalogues (specify: online and/or offline)
☐ Other (please specify)

☐ ☐

Where will the copies be stored?

☐ ☐

How many copies will be made?

☐ ☐

How will the work be classified and/or catalogued (notably: describe associated metadata)?

☐ ☐

Does the museum invoke a copyright exception or limitation to digitize without a licence? If yes, please specify.

☐ ☐

Is the museum open to negotiate a licence for digitization? If yes, you may submit conditions that would be acceptable (i.e. price, permitted uses, etc.).

☐ ☐

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WHAT'S NEXT?



IIC

**Digitization
of Museum
Collections**

THANK YOU!

Questions/comments/collaborations:

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CREDITS:

Presentation template by Slidesgo, including infographics and images by Freepik
Images by Changqing Lu, Holger Link, Markus Wink and Jack Young (Unsplash)