



Digital copyright and exceptions

When museums go online

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Copyright Challenges for Digital Museums

➤ Copyright protection

- Works of literature and art
- Original works // individual character
- Term of protection
- Exclusive rights
 - Right of reproduction
 - Right of making available

➤ Challenges for Museums

- Lack of legal certainty, reputational risks etc.
- Transaction costs



Meeting the Challenges: Exception for Orphan Works

- **Orphan works**
 - Right holders not identified or not located
 - Diligent search in good faith
- **Permitted uses**
 - Uses by museums, libraries, archives and other cultural heritage institutions
 - Reproduction and making available
 - Indication of name of authors and other right holders
- **Role of collective management organizations**
 - Grant permission
 - Collect remuneration

Meeting the Challenges: Extended Collective Licenses

- **Scope of application**
 - No exception, no individual licenses granted
 - Collective management organization (CMO) may allow for use of rights in large number of works and collect remuneration
- **Conditions and restrictions**
 - CMO must be representative for such works
 - No conflict with normal exploitation
 - Right holders may opt out
- **Potential ways forward**
 - Creative commons license for uses by (digital) cultural heritage institutions