

# Exploitation of Cultural Content - The First Steps

Submitted on 14 Oct 2014 by Martin Alvarez-Espinar

On 10th October, [ePSI Platform](#) and [LAPSI 2.0](#) organised a joint [workshop on Cultural Open Data](#). This one-day event brought together about 50 experts on different PSI subjects, with a particularly high participation of lawyers. Although traditionally cultural institutions have been far from the Open Data paradigm, the now amended PSI Directive has brought them into the scope and, obviously, the interest is growing.

## Experiences on Cultural Heritage

The first session was dedicated to **the experiences in the Cultural Heritage field** around Europe. **Cristiana Sappa**, Lapsi 2.0 Executive Coordinator, expressed some disappointment about the lack of interest of the Italian cultural institutions—you can imagine, how many of them are around—in the event: We had invited many Italian public cultural organisations (libraries, museums, archives), but only a couple of them actually appeared. Cristiana gave a speech about the basic concepts in the exploitation of cultural content.



Cristiana emphasized that the **first exploiter of the cultural information is the institution itself**. Thanks to information and communication technologies, exploitation is easier nowadays. Anyway there are still many issues to reuse the digitized information:

- Information not available (at all or a few copies). This could be due to political reasons (that could be justified by legislation); economic aspects; cultural reluctance. This is important because there is discrimination on the access to the information; only selected people or organisations are able to access and exploit the content.
- Content may be available, but at high costs. This also may be due to the same reasons cited above. Even, when the motivation is the sustainability of the institution, this is wrong because most of times fees are addressed directly to the cultural institution.
- Content available at reasonable costs but in a non-adequate way for the exploitation. The main reason detected is the reluctance to leave the protectionist paradigm.

All agreed that the ideal downstream level should to ensure re-use is:

- (All) content available
- At reasonable costs if not fee
- Data in adequate, reusable formats, after a rights clearance.



**Nikki Timmermans** (Kennisland), presented the activities they have done based on a community-based approach. Their aim is to boost the Open Culture Data, opening data from the cultural heritage sector and encourages the development of valuable cultural applications.

She mentioned that apart from licensing, and charging, metadata and formats are really important to enable access. Because of that they have developed the [Open Cultuur Data API](#), a mechanism to enable interacting with cultural resources in an easy way. She also cited a really appealing example to play with cultural open artworks, [Wiggle](#). Nikki commented the problems for cultural organisations to implement Open Data Initiatives: “There is a need of a general framework for cultural institutions to implement open data.”

**Katarzyna Rybicka** (Centrum Cyfrowe in Poland) started her speech with a question —not clearly answered yet: *Will implementation of the Directive on PSI re-use help cultural heritage institutions share their resources?* Although the Directive is the first attempt to define a general framework for sharing cultural heritage information across Europe, it should be transposed properly. If is not properly transpose by the Member States its loose articles about cultural institutions will be harmful for the openness of cultural data.

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She proposed some suggestions for the MS to implement the directive:

- The important part is the decision of what documents with intellectual property rights are included or not.
- The decision to charge for reuse must be up to individual institutions.
- For those documents still protected by IPRs but these rights held by the cultural institutions, MS should encourage the use of Open Definition compliant licenses (such as Creative Commons licenses).

**Aura Bertoni** (University Bocconi) remarked the difference between the use of original resources and the digital version of them.

This is a new paradigm, and we never refer to the original (analogue) pieces (books, photographs, films., etc.). Digitization of cultural heritage brings more opportunities to enhance access to the resource (online, large-scale, interactive, customized accessibility).

Also digital metadata facilitates retrieval of works (even, those under copyright restrictions). We should keep in mind that this is aligned with the main aim of these cultural institutions. She warned that, **due to exclusive arrangements are allowed by the Directive**, there is a **possibility of exclusions to access the digital resource** when the original hasn't got these restrictions.

## Technical aspects



Another session, moderated by **Mariateresa Maggiolino** (Università Bocconi), held more technical discussions about the benefits of the exposition and reuse of cultural information. **Federico Morando** (Nexa) presented an interesting macroeconomic study in this specific field.

**Massimiliano Nuccio** (Univ. Bocconi) introduced another more detailed perspective, talking about the exploitation of cultural information to get value from data (mentioning open, big and personal data). He commented:

Digitalization of CH should be included within a broader open/big data strategy. It's crucial having the engagement of experts citizens.

**Simon Whitehouse** explained some technical aspects of cultural content exploitation from the perspective of [Share PSI](#), a thematic network committed to standards and best practices. Simon commented the need of having data of high quality and regularly updated. Also, he presented some examples such as [VanGo yourself](#).

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The Member of the [ePSI Platform Advisory Board](#), **Makx Dekkers** went through the **status of the PSI re-use in Europe**, introducing the main changes of the amended Directive, and the foundations of PSI re-use in general, not just focused on culture information. From the different economic figures presented, we can conclude that benefits for governments are relative low in comparison with the social benefits the PSI generates. **Makx illustrated the importance of enabling the reuse for free**, one example is the model of the [Rijksmuseum](#) (Dutch National Museum). This museum used to sell high-resolution images for commercial reuse, now that it offers them for free, they save money due to the previous high cost of invoicing. ([See his full presentation here](#)).

## Legal issues

A couple of interesting sessions were held after the lunch, both centred in **licenses and charging models**.

The first session, moderated by **Freyja van den Boom** (ICRI) and **Federico Morando** (Nexa) collected the unanimous opinion on the need of opening the resources as public domain. In spite of that, attribution (to the source, not the author) is always important, even when data is open as public domain. This ensures accountability and reliability of information.

Anyway, it's not so clear that attribution in metadata is so beneficial. There may be the problem of messing up all the information due to the stacking after consecutive sharings —Makx emphasized—.

It's true that these institutions are now under the umbrella of the PSI reuse Directive, but experts foresee many challenges in the transposition by the Member States. So, the final legal-centred discussion, chaired by **Prodromos Tsiavos**, analysed those loose articles of the Directive related to








the cultural data. This session aimed at creating recommendations for the Member States on the transposition of the amended Directive. The biggest challenges are licenses and Intellectual Property Rights (IPR) of most of the resources collected by cultural institutions (artworks, books, photographs, etc.).

**The problem arises in the case of non public domain resources**, these are resources with IPRs that are held by the own institution or by third parties (i.e. the author). Member States have to decide how restrictive they will be with these institutions. According to different expert interpretations of the Article 3.2, cultural institutions may be still excluded from the scope Directive. Thus there is a need of a clarification from the Member States regarding this article.



So, after a day of discussions we can conclude that culture is even more complex than the rest of Open Data themes. Some interesting common thoughts heard during the event: reusable is not the same as open; public domain is good (but attribution is also good); digitization of collections is a need; cultural institutions may charge just to be sustainable, not for profit; government, please avoid creating your own licenses...

File:

-  [Cristiana Sappa and the rest of the speakers in the first session](#)
-  [Nikki Timmermans during her talk](#)
-  [Katarzyna Rybicka during her talk](#)
-  [Attendees in the room](#)
-  [Simon Whitehouse during his speech](#)
-  [Makx Dekkers during his talk](#)
-  [Makx Dekkers Presentation - Psi Re-Use Benefits Across The Public Sector](#)