

POSITION PAPER

MUSEUMS AND COPYRIGHT



Network of European
Museum Organisations

It's time to restore the balance:

- Copyright reform is always about growth and trade and is always favouring the rights holders (which are not necessarily the authors!).
- Copyright reform should also be about culture and learning and should also favour learning institutions such as museums and other cultural heritage institutions

We really should solve the so-called Black Hole on the 20th and 21st century art on the Internet!

Therefore, for the museum field, there are 4 topics to consider:

- 1. What museums are doing in the analogue world (research, education, exhibitions, ...) should, by all means, also be possible in the virtual world.**
 - a. Art and craft works that are public domain in the analogue world should also be public domain in the virtual world.
 - b. Data mining is to be seen as a contemporary tool for research.
 - c. (Deep) linking is a way to organise participation.
 - d. Collection presentations on the museums' websites and other virtual applications where the museum is the responsible publisher (digitised users guides for smartphones and tablets, ...) are to be seen as virtual exhibitions.
 - e. Exceptions should be adapted to this vision.
 - f. Member states should take digital formats into account when implementing the exceptions at a national level. Anachronisms should be removed.
- 2. Copyright protection should not be prolonged anymore.** There is a large majority in the museum field that thinks the current duration of copyright protection is enough.
- 3. Collecting societies should be better controlled and work more transparent.**
 - a. Tariffs should be reasonable for learning institutions. Esp. towards divulgation on the internet and through modern digitised tools.
 - b. Collecting societies should not be able to overrule licences agreed upon with the authors themselves.
 - c. Collecting societies should provide licenses also for divulgation projects such as Europeana and Google Art Institute.
- 4. The Orphan works directive should be revisited to its feasibility.** There are too many administrative burdens. All work lies with the re-users, while an obligatory registration of protected work on the right holders' side would pre-empt the orphan works directive.