

NEMO survey

NEMO-survey Copyright and Museums

Thank you for agreeing to participate. All of your answers are private and confidential. In the results of the survey only the name of your museum will be mentioned as a respondent to this survey. The names and mail addresses we are asking for will only be used to send you our results and to better organise the copyright-related activities of NEMO.

This survey has 5 parts. Part 1 (Situating your museum) and part 2 (Copyright and the museum personnel) are readily filled in. Part 3 (Copyright and the museum collection) and part 4 (Copyright and the museum practice) require a bit more time and knowledge of copyright issues. Part 5 (Possible solutions for the copyright-challenges of museums) then proposes a short thought experiment on European copyright policy.

The responses to the survey shall take between 30 minutes and an hour (dependent upon your knowledge of copyright and the application of it within your museum).

Because of the explicit importance of this survey, we kindly ask you thus not to be deterred from it. If you have a person responsible for copyright in your museum, it will be more expedient for that person to fill in this survey.

Page 1 Paginatitel

PART 1 SITUATING YOUR MUSEUM

*** 1. Name of the museum you are working for**

*** 2. Name of the respondent**

*** 3. Mailing address of the respondent**

Bijkomende opties (vraag 3)

- ▶ Validatie: e-mailadres

*** 4. In which country is your museum established?**

- | | |
|--|---|
| <input type="radio"/> Austria | <input type="radio"/> Belgium |
| <input type="radio"/> Bosnia and Herzegovina | <input type="radio"/> Bulgaria |
| <input type="radio"/> Croatia | <input type="radio"/> Cyprus |
| <input type="radio"/> Czech Republic | <input type="radio"/> Denmark |
| <input type="radio"/> Estonia | <input type="radio"/> Finland |
| <input type="radio"/> France | <input type="radio"/> Germany |
| <input type="radio"/> Greece | <input type="radio"/> Hungary |
| <input type="radio"/> Iceland | <input type="radio"/> Ireland |
| <input type="radio"/> Italy | <input type="radio"/> Latvia |
| <input type="radio"/> Lithuania | <input type="radio"/> Netherlands |
| <input type="radio"/> Norway | <input type="radio"/> Poland |
| <input type="radio"/> Portugal | <input type="radio"/> Republic of Serbia |
| <input type="radio"/> Romania | <input type="radio"/> Russia |
| <input type="radio"/> Slovakia | <input type="radio"/> Slovenia |
| <input type="radio"/> Spain | <input type="radio"/> Turkey |
| <input type="radio"/> Sweden | <input type="radio"/> Switzerland |
| <input type="radio"/> United Kingdom | <input type="radio"/> Other, please specify |

Bijkomende opties (vraag 4)

- › Sorteervolgorde antwoordopties: alfabetisch

5. In which city is your museum established?

*** 6. Which of the following types best describes your museum?**

- | | |
|--|---|
| <input type="radio"/> General/multidisciplinary/interdisciplinary museum | <input type="radio"/> Fine art museum |
| <input type="radio"/> Contemporary art museum | <input type="radio"/> Photo or film museum |
| <input type="radio"/> Natural history or natural science museum | <input type="radio"/> Science and technology museum |
| <input type="radio"/> History museum | <input type="radio"/> Cultural history museum |
| <input type="radio"/> Antiquities museum | <input type="radio"/> Archaeological museum |
| <input type="radio"/> Ethnographic museum | <input type="radio"/> City museum |
| <input type="radio"/> Commemorative museum | <input type="radio"/> Maritime museum |
| <input type="radio"/> Fashion museum | <input type="radio"/> Design museum |
| <input type="radio"/> Other, please specify | |

7. Approximately how many collection pieces does the museum have? (use numbers)

Bijkomende opties (vraag 7)

- › Validatie: geheel getal

* 8. What constitutes the museum collection? (multiple answers are possible)

Museum objects

Archival pieces and archives

Library collections

Audio-visual collections

Other, please specify

Page 2Paginatitel

PART 2 COPYRIGHT AND THE MUSEUM PERSONNEL

9. How many personnel does the museum have (approximately)?

1-10

11-20

21-30

31-40

41-50

51-75

76-100

101-150

+150

* 10. Is there someone responsible for copyright on staff within the museum?

yes

no

- Ga naar pagina 3 als

10. Is there someone responsible for copyright on staff within the museum?

is gelijk aan yes

- Anders ga naar pagina 4

Page 3Paginatitel

11. What is the name of the person responsible for copyright?

12. What is the mailing address of the person responsible for copyright?

Bijkomende opties (vraag 12)

► Validatie: e-mailadres

* 13. Is the responsible for copyright a juridical or copyright expert?

yes

no

* 14. What is his or her position in the museum?

- General Director
- Conservator/Curator
- Administrative Collaborator
- Volunteer
- Managing Director
- Communications Collaborator
- Legal Collaborator
- Other, please specify

Page 4Paginatitel

* 15. How often does your museum put a call out for an external copyright expert?

- never
- now and then
- always
- seldom
- frequently

16. Is the museum a member of an umbrella organisation that furnishes information about copyright situations?

- yes
- no

- Ga naar pagina 5 als

16. Is the museum a member of an umbrella organisation that furnishes information about copyright situations?...
is gelijk aan yes

- Anders ga naar pagina 6

Page 5Paginatitel

17. What is the name of this umbrella organisation?

18. What is the mailing address of the copyright expert within this umbrella organisation?

Bijkomende opties (vraag 18)

- ▶ Validatie: e-mailadres

Page 6Paginatitel

* 19. Does the museum have a copyright clause in the contracts with the personnel/free-lance colleagues, which determines that the employee transfers to the museum certain copyrights (and possible related rights) under well-determined conditions?

- yes
- no

- Ga naar **pagina 7** als

19. Does the museum have a copyright clause in the contracts with the personnel/free-lance colleagues, which determines that the employee transfers to the museum certain copyrights (and possible related rights) under well-determined conditions?...

is gelijk aan yes

- Anders ga naar **pagina 8**

Page 7Paginatitel

* 20. For which category of personnel? (multiple answers are possible)

- | | |
|--|---|
| <input type="checkbox"/> Not defined, all categories | <input type="checkbox"/> Conservators |
| <input type="checkbox"/> Curators | <input type="checkbox"/> Registrars |
| <input type="checkbox"/> Educational colleagues | <input type="checkbox"/> Communications personnel |
| <input type="checkbox"/> Scientific personnel | <input type="checkbox"/> ICT personnel/data conservators |
| <input type="checkbox"/> Database, website and applications developers | <input type="checkbox"/> Copywriters |
| <input type="checkbox"/> Administrative personnel | <input type="checkbox"/> Photographers and/or multi-media representatives |
| <input type="checkbox"/> Other, please specify | |

* 21. To which sort of content does the copyright clause apply? (multiple answers are possible)

- | | |
|--|--|
| <input type="checkbox"/> Not defined/every sort of content | <input type="checkbox"/> Registration of the collection |
| <input type="checkbox"/> Educational publications | <input type="checkbox"/> Printed publications |
| <input type="checkbox"/> Digital publications | <input type="checkbox"/> Scientific publications |
| <input type="checkbox"/> Database management systems | <input type="checkbox"/> Content Management Systems (website management systems) |
| <input type="checkbox"/> Photos | <input type="checkbox"/> Other, please specify |

22. Can you summarise and/or copy this clause below?

Page 8Paginatitel

PART 3 COPYRIGHT AND THE MUSEUM COLLECTION

The sum of the answers on the first 3 following questions is preferably 100%

* 23. What is the presumed portion of collection pieces (museum objects) in the museum collection that is free of copyrights and thus belongs to the public domain?

- | | |
|------------------------------------|-------------------------------------|
| <input type="radio"/> I don't know | <input type="radio"/> less than 10% |
| <input type="radio"/> 10% | <input type="radio"/> 20% |
| <input type="radio"/> 30% | <input type="radio"/> 40% |
| <input type="radio"/> 50% | <input type="radio"/> 60% |
| <input type="radio"/> 70% | <input type="radio"/> 80% |
| <input type="radio"/> 90% | <input type="radio"/> 100% |

* 24. What is the presumed portion of the museum pieces (museum objects) in the museum collection to which copyright applies?

- | | |
|------------------------------------|-------------------------------------|
| <input type="radio"/> I don't know | <input type="radio"/> less than 10% |
| <input type="radio"/> 10% | <input type="radio"/> 20% |
| <input type="radio"/> 30% | <input type="radio"/> 40% |
| <input type="radio"/> 50% | <input type="radio"/> 60% |
| <input type="radio"/> 70% | <input type="radio"/> 80% |
| <input type="radio"/> 90% | <input type="radio"/> 100% |

* 25. What is the presumed portion of the museum pieces (museum objects) in the museum collection of which the copyright status is unclear?

- | | |
|------------------------------------|-------------------------------------|
| <input type="radio"/> I don't know | <input type="radio"/> less than 10% |
| <input type="radio"/> 10% | <input type="radio"/> 20% |
| <input type="radio"/> 30% | <input type="radio"/> 40% |
| <input type="radio"/> 50% | <input type="radio"/> 60% |
| <input type="radio"/> 70% | <input type="radio"/> 80% |
| <input type="radio"/> 90% | <input type="radio"/> 100% |

Page 9Paginatitel

2.A. Copyright licenses for reuse directly concluded with the authors (thus not with collective-management organisations)

Under the rubric of 'reuse' is understood the reproduction of a (copyright-protected) collection piece for the capacity of registration, disclosure to the public (via websites, printed publications, scenography, ...), research, educational projects, and so forth ...

* 26. Has the museum signed copyright licenses for reuse that have been negotiated directly with the authors?

- yes no

- Ga naar **pagina 10** als

26. Has the museum signed copyright licenses for reuse that have been negotiated directly with the authors?...
is gelijk aan yes

- Anders ga naar **pagina 12**

Page 10Paginatitel

* 27. What is the portion of all of these collection pieces to which copyrights apply, of which a copyright license for reuse is signed after negotiation with the author(s)?

- | | |
|------------------------------------|-------------------------------------|
| <input type="radio"/> I don't know | <input type="radio"/> less than 10% |
| <input type="radio"/> 10% | <input type="radio"/> 20% |
| <input type="radio"/> 30% | <input type="radio"/> 40% |
| <input type="radio"/> 50% | <input type="radio"/> 60% |
| <input type="radio"/> 70% | <input type="radio"/> 80% |
| <input type="radio"/> 90% | <input type="radio"/> 100% |

* 28. Does the museum use a uniform license type on the basis of which the negotiations with the author can be carried out?

- yes no

- Ga naar pagina 11 als

28. Does the museum use a uniform license type on the basis of which the negotiations with the author can be carried out?...
is gelijk aan yes

- Anders ga naar pagina 12

Page 11Paginatitel

* 29. With which creative commons licenses can the content of these uniform license types be compared? (use the link to understand better the creative commons licenses) (multiple answers are possible)

- | | |
|--|--|
| <input type="checkbox"/> I don't know | <input type="checkbox"/> CC BY: Attribution |
| <input type="checkbox"/> CC BY-SA: Attribution-ShareAlike | <input type="checkbox"/> CC BY-ND: Attribution-NoDerivs |
| <input type="checkbox"/> CC BY-NC: Attribution-NonCommercial | <input type="checkbox"/> CC BY-NC-SA: Attribution-NonCommercial-ShareAlike |
| <input type="checkbox"/> CC BY-NC-ND: Attribution-NonCommercial-NoDerivs | |

* 30. For which sort of activities are the copyright licenses with the authors generally used? (multiple answers are possible)

- | | |
|---|---|
| <input type="checkbox"/> Scientific activities | <input type="checkbox"/> Educational activities |
| <input type="checkbox"/> Activities focused on conservation and restoration | <input type="checkbox"/> Activities focused on registration |
| <input type="checkbox"/> Activities for the public, including printed publications | <input type="checkbox"/> Activities for the public, including digital publications and web channels of the museum |
| <input type="checkbox"/> Activities for the public, including third-party digital publications and web channels | <input type="checkbox"/> Dissemination of the collection via Europeana |
| <input type="checkbox"/> The presentation of reuse availability via Europeana | <input type="checkbox"/> Scenography of exhibitions |
| <input type="checkbox"/> Publicity activities | <input type="checkbox"/> Various commercial activities |
| <input type="checkbox"/> Other, please specify | |

*** 31. When are these copyright license types negotiated with the authors? (multiple answers possible)**

- With the acquisition of the collections' piece
- Ad hoc by the realisation of a project in which the collections' piece is involved.
- In a generic motion to arrange the copyrights of as many as possible collections' pieces.
- Other, please specify

*** 32. How often do the authors deny the museum a copyright license for a requested reuse?**

- No idea
- seldom
- frequently
- never
- now and then
- always

33. What are the primary objections that the authors make (in refusing to engage with such licenses)?

34. What are the primary amendments that the authors want to introduce before they agree to such a license?

*** 35. What is the term of these copyright licenses with the authors? (multiple answers are possible)**

- Limited time (max. 1 year)
- Unlimited term (permanent)
- Dependent upon the author
- Other, please specify
- Temporary, in the function of a specific project or exhibition
- Dependent upon the collections' piece
- Dependent upon the form of reuse

36. What is the maximum price that the museum will pay to an author for a copyright license for the reproduction rights for one collections' piece for one year? (amounts in euros)

Page 12Paginatitel

2.B. Copyright licenses for reuse concluded with the collective-management organisations (thus not directly with the authors).

*** 37. Has the museum signed copyright licenses for reuse that are made in agreement with collective-management organisations?**

yes

no

- Ga naar **pagina 13** als

37. Has the museum signed copyright licenses for reuse that are made in agreement with collective-management organisations?...

is gelijk aan yes

- Anders ga naar **pagina 18**

Page 13Paginatitel

*** 38. What is the portion of the collections' pieces to which copyrights apply, of which copyright licenses for reuse are made in agreement with collective-management organisations?**

I don't know

10%

30%

50%

70%

90%

less than 10%

20%

40%

60%

80%

100%

*** 39. With which creative commons licenses can the content of these copyright licenses in agreement with collective-management organisations be compared? (use the link to understand more about the creative commons licenses) (multiple answers are possible)**

I don't know

CC BY-SA: Attribution-ShareAlike

CC BY-NC: Attribution-NonCommercial

CC BY-NC-ND: Attribution-NonCommercial-NoDerivs

CC BY: Attribution

CC BY-ND: Attribution-NoDerivs

CC BY-NC-SA: Attribution-NonCommercial-ShareAlike

*** 40. For what sort of activities are the copyright licenses made with collective-management organisations generally used? (multiple answers are possible)**

Scientific activities

Activities focused on conservation and restoration

Activities for the public, including printed publications

Activities for the public, including third-party digital publications and web channels

The presentation of reuse availability via Europeana

Publicity activities

Other, please specify

Educational activities

Activities focused on registration

Activities for the public, including digital publications and web channels of the museum

Dissemination of the collection via Europeana

Scenography of exhibitions

Various commercial activities

* 41. When are these types of copyright licenses with collective-management organisations negotiated? (multiple answers are possible)

With the acquisition of the collections' piece

In a generic motion to arrange the copyrights of as many as possible collections' pieces

Ad hoc by the realisation of a project in which the collections' piece is involved

* 42. What is the term of these copyright licenses with collective-management organisations? (multiple answers are possible)

Limited time (max. 1 year)

Temporary, in the function of a specific project or exhibition

Unlimited term (permanent)

Dependent upon the collections' piece

Dependent upon the author

Dependent upon the form of reuse

Other, please specify

* 43. Are the copyright licenses with the collective-management organisations negotiable?

yes

no

- Ga naar pagina 14 als

43. Are the copyright licenses with the collective-management organisations negotiable?
is gelijk aan yes

- Anders ga naar pagina 15

Page 14Paginatitel

44. On which points are the copyright licenses with the collective-management organisations negotiable? (please provide a couple of examples)

45. On which points are the copyright licenses with the collective-management organisations not negotiable, though the museum asked? (Please provide a couple of examples)

Page 15Paginatitel

* 46. How do you find the conditions that the collective-management organisations impose in the copyright licenses? (multiple answers are possible)

- no opinion
- the conditions are generally unreasonable
- the pricing is unreasonable
- the conditions are generally not at all up to date
- the conditions generally do impede the normal operations of the museum
- the conditions are generally unclear/ambiguous
- the conditions generally seem to me to be in conflict or are stricter than the national and/or European legislation
- the conditions are generally reasonable
- the pricing is reasonable
- the conditions generally offer space for the contemporary zeitgeist and modern technologies
- the conditions generally do not impede the normal operations of the museum
- the conditions are generally clear/not ambiguous
- the conditions generally seem to me to conform to the national and/or European legislation

• Ga naar **pagina 16** als

46. How do you find the conditions that the collective-management organisations impose in the copyright licenses? (multiple answers are possible)...

is gelijk aan *the conditions are generally unreasonable*

of

46. How do you find the conditions that the collective-management organisations impose in the copyright licenses? (multiple answers are possible)...

is gelijk aan *the pricing is unreasonable*

of

46. How do you find the conditions that the collective-management organisations impose in the copyright licenses? (multiple answers are possible)...

is gelijk aan *the conditions are generally not at all up to date*

of

46. How do you find the conditions that the collective-management organisations impose in the copyright licenses? (multiple answers are possible)...

is gelijk aan *the conditions generally do impede the normal operations of the museum*

of

46. How do you find the conditions that the collective-management organisations impose in the copyright licenses? (multiple answers are possible)...

is gelijk aan *the conditions are generally unclear/ambiguous*

of

46. How do you find the conditions that the collective-management organisations impose in the copyright licenses? (multiple answers are possible)...

is gelijk aan *the conditions generally seem to me to be in conflict or are stricter than the national and/or European legislation...*

• Anders ga naar **pagina 17**

47. In the event that:

- The conditions are generally unreasonable
- The pricing is unreasonable
- The conditions are generally not up to date
- The conditions generally impede the normal operations of the museum
- The conditions generally are unclear/ambiguous
- The conditions seem to me to generally be in conflict with or are stricter than the national and/or European legislation

Can you illustrate this with two examples maximum?

Page 17Paginatitel

* 48. How often do collective-management organisations deny the museum a copyright license for a requested reuse?

- | | |
|----------------------------------|------------------------------------|
| <input type="radio"/> No idea | <input type="radio"/> never |
| <input type="radio"/> seldom | <input type="radio"/> now and then |
| <input type="radio"/> frequently | <input type="radio"/> always |

49. What are the primary objections that collective-management organisations make when refusing such copyright licenses?

* 50. Are these copyright licenses by collective-management organisations also officially signed?

- | | |
|----------------------------------|------------------------------------|
| <input type="radio"/> No idea | <input type="radio"/> never |
| <input type="radio"/> seldom | <input type="radio"/> now and then |
| <input type="radio"/> frequently | <input type="radio"/> always |

Page 18Paginatitel

51. What amount does the museum pay each year (on average for the last 5 years) for copyright licensing? (amounts in euros)

Bijkomende opties (vraag 51)

- › Validatie: geheel getal

Page 19Paginatitel

* 52. Does the museum ever have problems because the copyright licenses must be negotiated crossborder?

- | | |
|---------------------------|--------------------------|
| <input type="radio"/> yes | <input type="radio"/> no |
|---------------------------|--------------------------|

53. If yes, specify.

Page 20Paginatitel

* 54. Are you familiar with the concept of 'orphan works'?

yes

no

Page 21Paginatitel

* 55. What is the portion of the collections' pieces (museum objects) in your collection that falls under the rubric of 'orphan works'?

I don't know

Less than 10%

10%

20%

30%

40%

50%

60%

70%

80%

90%

100%

* 56. Does the museum incorporate a diligent search whenever the orphan works are wanted to be (re)used?

yes

no

I don't know what is meant by diligent search

- Ga naar pagina 22 als

56. Does the museum incorporate a diligent search whenever the orphan works are wanted to be (re)used?...
is gelijk aan yes

- Ga naar pagina 23 als

56. Does the museum incorporate a diligent search whenever the orphan works are wanted to be (re)used?...
is gelijk aan no

- Anders ga naar pagina 24

Page 22Paginatitel

* 57. If yes, in how many of the cases does this diligent search effectively lead to the identification of an author(s)?

never

seldom

now and then

frequently

always

- Anders ga naar pagina 24

Page 23Paginatitel

58. If no, why not?

Page 24 Paginatitel

* 59. Of what per cent of the collections' pieces in the collection does your museum have a digital copy/photo?

- | | |
|------------------------------------|-------------------------------------|
| <input type="radio"/> I don't know | <input type="radio"/> less than 10% |
| <input type="radio"/> 10% | <input type="radio"/> 20% |
| <input type="radio"/> 30% | <input type="radio"/> 40% |
| <input type="radio"/> 50% | <input type="radio"/> 60% |
| <input type="radio"/> 70% | <input type="radio"/> 80% |
| <input type="radio"/> 90% | <input type="radio"/> 100% |

* 60. Has the author of this digital copy/photo (often a photographer) transferred his or her copyrights to the museum via a license? (multiple answers are possible)

- | | |
|---|--|
| <input type="checkbox"/> I don't know | <input type="checkbox"/> I don't know, the digital copies/photos of the collection are taken care of by an external organisation |
| <input type="checkbox"/> No | <input type="checkbox"/> Yes, via an oral agreement |
| <input type="checkbox"/> Yes, via a written agreement | <input type="checkbox"/> Yes, a license only for the (digital) preservation of the collections' pieces involved |
| <input type="checkbox"/> Yes, a license for all reuse, including commercial | <input type="checkbox"/> Yes, a license for non-commercial reuse |
| <input type="checkbox"/> Yes, a license for specific and temporary reuse | |

61. Do photographers sometimes raise objections about a specific form of reuse of their photos?

- yes no

62. If yes, please specify.

* 63. Does the museum have a collections' database for internal use (registration/scientific research)?

- yes no

- Ga naar **pagina 25** als

63. Does the museum have a collections' database for internal use (registration/scientific research)?...

is gelijk aan yes

- Anders ga naar **pagina 26**

Page 25Paginatitel

* 64. Are all collections' pieces registered on this collections' database, along with a copy/photo/image?

- Yes, completely Yes, for the most part
 Yes, but specific portions of the collection are lacking No

65. If yes, does the museum pay for a copyright license for the copies/photos of the collections' pieces in the collections' database for internal use?

- yes no
 no, this form of use falls under an exception to copyright in my country

Page 26Paginatitel

* 66. Does the museum present a collections' database via one or more terminals in the museum to be made available for reference by the public?

- yes no

- Ga naar **pagina 27** als

66. Does the museum present a collections' database via one or more terminals in the museum to be made available for reference by the public?...

is gelijk aan yes

- Anders ga naar **pagina 28**

Page 27Paginatitel

* 67. If yes, given for what type of reference/which works? (multiple answers are possible)

- For every form of reference Only for research and educational purposes
 Yes, only works in the public domain Yes, both works within and without the public domain

* 68. Does the museum possess the necessary licenses for the copies/photos of the works in these terminals?

- yes no

*** 69. If specific parts of the collection are not divulged by such terminals, are there copyright-specific problems that are the cause of this?**

- | | |
|---|--|
| <input type="radio"/> No, these forms of reuse fall under an exception to copyright in my country | <input type="radio"/> No, the museum does not give any priority to such terminals |
| <input type="radio"/> Yes, too expensive | <input type="radio"/> Yes, because no licenses are available by the author or the collective-management organisation |
| <input type="radio"/> Yes, because of an ambiguity of who controls the rights | <input type="radio"/> Other, please specify |

Page 28Paginatitel

*** 70. Are (parts of) the collections' database made available to the public via a website?**

- | | |
|--|---|
| <input type="checkbox"/> yes, completely | <input type="checkbox"/> yes, for the most part |
| <input type="checkbox"/> yes, but specific portions of the collections are lacking | <input type="checkbox"/> no |

- Ga naar **pagina 29** als
70. Are (parts of) the collections' database made available to the public via a website?
is gelijk aan yes, for the most part
of
70. Are (parts of) the collections' database made available to the public via a website?
is gelijk aan yes, but specific portions of the collections are lacking
- Ga naar **pagina 30** als
70. Are (parts of) the collections' database made available to the public via a website?
is gelijk aan yes, completely
- Anders ga naar **pagina 31**

Page 29Paginatitel

*** 71. If specific parts of the collection are not divulged on the museums' website, are there copyright-specific problems that are the cause of this?**

- | | |
|---|--|
| <input type="radio"/> No, these forms or reuse fall under an exception to copyright in my country | <input type="radio"/> No, the museum does not give any priority to such a website |
| <input type="radio"/> Yes, too expensive | <input type="radio"/> Yes, because no licenses are available by the author or the collective-management organisation |
| <input type="radio"/> Yes, because of an ambiguity of who controls the rights | <input type="radio"/> Other, please specify |

Page 30Paginatitel

*** 72. Do the authors or the management organisations place unreasonable conditions on the copyright licenses for this collection presentation on the museums' website that make it difficult for you?**

- | | |
|---------------------------|--------------------------|
| <input type="radio"/> yes | <input type="radio"/> no |
|---------------------------|--------------------------|

73. If yes, please specify.

Page 31Paginatitel

* 74. Does the museum possess an image bank (whether online or not) by which third parties can access for reuse?

yes

no

- Ga naar pagina 32 als

74. Does the museum possess an image bank (whether online or not) by which third parties can access for reuse?...
is gelijk aan yes

- Anders ga naar pagina 33

Page 32Paginatitel

75. If yes, indicate for what reasons. (multiple answers are possible)

Only for collections' pieces from the public domain, for any type of reuse (thus including commercial)

Only for the collections' pieces from the public domain, only for non-commercial reuse

Only for the collections' pieces from the public domain, only for research or educational purposes or use

Also for collections' pieces to which copyrights apply, for any type of reuse (thus also including commercial)

Also for collections' pieces to which copyrights apply, only for non-commercial reuse

Also for collections' pieces to which copyrights apply, only for research or educational purposes or use

Other, please specify

Only for collections' pieces from the public domain, for any type of reuse (thus including commercial), provided there is payment

Only for the collections' pieces from the public domain, only for non-commercial reuse, provided there is payment

Only for the collections' pieces from the public domain, only for research or educational purposes or use, provided there is payment

Also for collections' pieces to which copyrights apply, for any type of reuse (thus also including commercial), provided there is payment

Also for collections' pieces to which copyrights apply, only for non-commercial reuse, provided there is payment

Also for collections' pieces to which copyrights apply, only for research or educational purposes or use, provided there is payment

76. If specific parts of the collection are not made available for reuse, are there copyright-specific problems that are the cause of this?

yes

no

77. If yes, which problems?

- No, these forms or reuse fall under an exception to copyright in my country
- Yes, too expensive
- Yes, because of an ambiguity of who controls the rights
- No, the museum does not give any priority to such an image bank
- Yes, because no licenses are available by the author or the collective-management organisation
- Yes, for other reasons (please specify)

Page 33 **Paginatitel**

PART 4 COPYRIGHT AND THE MUSEUM PRACTICE

A number of elements that we have already asked above return here, but now as an open question. For each question, an open answer can be provided.

*** 78. Has your museum ever cancelled/not started registration activities due to reasons that have explicitly to do with copyrights?**

- Yes No

79. If yes, please specify with a maximum of two examples.

*** 80. Has your museum ever had problems with regards to database-management systems due to reasons that have explicitly to do with copyrights?**

- yes no

81. If yes, please specify with a maximum of two examples.

*** 82. Has your museum ever cancelled/not started research activities due to reasons that have explicitly to do with copyrights?**

- yes no

83. If yes, please specify with a maximum of two examples.

* 84. Has your museum ever cancelled/not started educational activities due to reasons that have explicitly to do with copyrights?

yes

no

85. If yes, please specify with a maximum of two examples.

* 86. Has your museum ever cancelled/not started an exhibition due to reasons that have explicitly to do with copyrights?

yes

no

87. If yes, please specify with a maximum of two examples.

* 88. Has your museum ever had problems with the scenography of an exhibition due to reasons that have explicitly to do with copyrights? Has a specific scenography ever not been initiated because you foresaw problems with copyrights?

yes

no

89. If yes, please specify with a maximum of two examples.

* 90. Has your museum ever had problems with publicity campaigns for an exhibition due to reasons that have explicitly to do with copyrights? If, so, please specify with a maximum of two examples.

yes

no

91. If yes, please specify with a maximum of two examples.

* 92. Has your museum ever cancelled/not started a printed publication due to reasons that have explicitly to do with copyrights?

yes

no

93. If yes, please specify with a maximum of two examples.

* 94. Has your museum ever cancelled/not started a digital publication due to reasons that have explicitly to do with copyrights?

yes

no

95. If yes, please specify with a maximum of two examples.

* 96. Has your museum ever had problems with content-management systems (management programmes behind the museum websites) due to reasons that have explicitly to do with copyrights?

yes

no

97. If yes, please specify with a maximum of two examples.

* 98. Has your museum ever not initiated activities on social media due to reasons that have explicitly to do with copyrights?

yes

no

99. If yes, please specify with a maximum of two examples.

* 100. Has your museum ever had problems with personnel due to reasons that have explicitly to do with copyrights?

yes

no

101. If yes, please specify with a maximum of two examples.

* 102. Are there other problems with respect to copyrights with which your museum has been confronted that have not been mentioned in this survey yet?

yes

no

103. If yes, please specify with a maximum of two examples.

To what degree are you in agreement with the following statements?

* 104. There must be limits on extending copyright, 70 years after the death of the author is long enough.

- | | |
|--|---|
| <input type="radio"/> no opinion | <input type="radio"/> completely not in agreement |
| <input type="radio"/> do not agree | <input type="radio"/> agree |
| <input type="radio"/> completely agree | |

* 105. There must be limits on extending copyright, moreover, a shortening of duration to 50 years.

- | | |
|--|---|
| <input type="radio"/> no opinion | <input type="radio"/> completely not in agreement |
| <input type="radio"/> do not agree | <input type="radio"/> agree |
| <input type="radio"/> completely agree | |

* 106. There must be limits on extending copyright, the proposal is to shorten this period and to bring it in line with patents, that is, 20 years.

- | | |
|--|---|
| <input type="radio"/> no opinion | <input type="radio"/> completely not in agreement |
| <input type="radio"/> do not agree | <input type="radio"/> agree |
| <input type="radio"/> completely agree | |

* 107. The duration of the copyright should be shortened to 20 years. In that case, it could also be organised to lengthen this period (maybe even up to the current period of 70 years after the author's death) on the condition that the copyright holder has his/her work registered after this period of 20 years. Should this registration not take place, then the author indicates that he/she does not require any further protection and anybody can freely use the work in question. Such a registration would then also at the same time immediately offer a solution for the problem of orphan works, because copyright holders would no longer remain unknown and untraceable.

- | | |
|--|---|
| <input type="radio"/> no opinion | <input type="radio"/> completely not in agreement |
| <input type="radio"/> do not agree | <input type="radio"/> agree |
| <input type="radio"/> completely agree | |

* 108. Increased harmonisation of copyright laws within Europe is necessary. The exceptions benefitting museums ought to be made mandatory across Europe. There can be no erosion of legal exceptions (neither technically (e.g. technical protection measures against copying), nor contractually (with licenses)).

- | | |
|--|---|
| <input type="radio"/> no opinion | <input type="radio"/> completely not in agreement |
| <input type="radio"/> do not agree | <input type="radio"/> agree |
| <input type="radio"/> completely agree | |

- * 109. There must be room for digitising of our cultural heritage. Modernised rules should be into line with today's reality. Copyright rules need to provide more room and greater certainty for Europe's museums in order to make collections available online, in an acceptable condition (pixels, depth, ...) for non-commercial purposes and not only within the closed network of the organisation itself.
- no opinion
 completely not in agreement
 do not agree
 agree
 completely agree
- * 110. Excluding data mining from on-line museum databases should be prohibited within the database licensing.
- no opinion
 completely not in agreement
 do not agree
 agree
 completely agree
- * 111. The provision of a hyperlink leading to a work or other subject matter protected under copyright in the collection of a museum should never be subject to the authorisation of the rights holder.
- no opinion
 completely not in agreement
 do not agree
 agree
 completely agree
- * 112. The viewing of a webpage of a museum, where this implies the temporary reproduction of a work or other subject matter protected under copyright on the screen and in the cache memory of the user's computer, should never be subject to the authorisation of the right holder.
- no opinion
 completely not in agreement
 do not agree
 agree
 completely agree
- * 113. When purchasing unique collection works, payment of any re-sale fee must be linked with a non-exclusive license for re-use.
- no opinion
 completely not in agreement
 do not agree
 agree
 completely agree
- * 114. There is need for a 'Fair Use' or 'Open Norm' exception: It means that a work may be used on the condition that that use is fair (reasonable) with regard to the copyright holders. In order to classify use as 'fair', analysis must be made of following aspects by the judge: (i) purpose and nature of use, including the question whether use is commercial or educational and not-for-profit, (ii) nature of copyrighted material, (iii) size and scope of copied section in relation to the copyrighted work in its entirety and (iv) the effect any use may cause on the potential market or value of the copyrighted material.
- no opinion
 completely not in agreement
 do not agree
 agree
 completely agree

*** 115. The conditions within the orphan works' directive are practically unattainable.**

- | | |
|--|---|
| <input type="radio"/> no opinion | <input type="radio"/> completely not in agreement |
| <input type="radio"/> do not agree | <input type="radio"/> agree |
| <input type="radio"/> completely agree | |

*** 116. Collective management organisations should provide transparency about members, prices and licenses.**

- | | |
|--|---|
| <input type="radio"/> no opinion | <input type="radio"/> completely not in agreement |
| <input type="radio"/> do not agree | <input type="radio"/> agree |
| <input type="radio"/> completely agree | |

*** 117. The licensing from collective-management organisations should always be subordinate to the licensing directly agreed upon with the rights' holders.**

- | | |
|--|---|
| <input type="radio"/> no opinion | <input type="radio"/> completely not in agreement |
| <input type="radio"/> do not agree | <input type="radio"/> agree |
| <input type="radio"/> completely agree | |

Your responses have been registered!

The Language Doc, The Flemish Art Collection (Vlaamse Kunstcollectie vzw) and NEMO (the Network of European Museum Organisations) are greatly appreciative for your input on this survey. Thanks to your input, NEMO hopes to better establish its standpoints with respect to the copyright policy of the European Union with figures and examples.

You may consult the end report on this survey by July 2015 at the latest on the websites of [NEMO](#) and the [Flemish Art Collection](#).