



Network of European
Museum Organisations

Museums and Intellectual Property Rights

Where do things stand and how can we move forward?

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Secretary General

NEMO – Network of European Museum Organisations



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What is NEMO?

- Founded in 1992
- An informal network of nationwide museums associations and similar bodies representing the museum community in Europe and beyond



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Who are the Members of NEMO?

- National museums associations
- NGOs working for museums on a national scale
- National government bodies responsible for museums
- Associated members: individual museums, interest groups, other European organisations
- Scope: Council of Europe





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GOALS.



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We want

- 1 museums to be able to exploit their potential to contribute to a **broader social agenda**
- 2 museum collections to be as widely **accessible** as possible to all citizens



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We want

- 3 museums to be recognised as an important deliverer of **formal and informal learning**
- 4 museums to be recognised for the **economic value** they produce



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ACTIVITIES

What does NEMO do?

- advocate
- share
- **train**
- collaborate





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CAPACITY BUILDING ACTIVITIES

1) Learning Exchanges

- hosted by national museum organisations
- to visit and exchange expertise, find common approaches

2) International Training Courses

- on business models and good management of museums and museum organisations

3) Open webinars for museum professionals

- on audience development, new media, digital strategies etc.

4) NEMO Working Groups

- on Museum Education, Copyrights and Creative Economy

[illegible]



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NEMO IPR Survey

Why?

European and national governments are re-thinking their approach to copyright. Museums need to be involved in the discussion!

How?

- Get an overview of situation of museums dealing with copyright in Europe via survey
- Survey ran from April-May 2015
- About 90 museums from 20 countries in Europe responded



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Intellectual Property Rights (IPR) legislation across Europe is seen as

A decorative graphic on the left side of the slide, consisting of four blue triangles pointing to the right, stacked vertically.

complicated

expensive

outdated

unfair



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complicated

In general, IPR legislation across Europe is

- unclear
- differs from State to State



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expensive

- High cost for clearing rights for each work or collection
- Tariffs frequently found to be excessive



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outdated

- Copyright licenses not adjusted to modern technical standards
- Existing exceptions usually don't support online access to collections



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unfair

- Unreasonable conditions placed on heritage organisations in service of society
- No differentiation between commercial and non-commercial purposes




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COPYRIGHT


**We need a harmonized, technology neutral,
European licensing and copyright agreement
for heritage organisations and museums.**



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Museums and heritage institutions should be part of the discussion with Governments when they seek to alter copyright legislation.




Copyright issues have to be part of discussion of bodies dealing with European culture policy




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Funding for training of museum staff in copyright awareness and for building capacity in museums to manage copyright.



Appropriate legislation to promote image databases for reuse. No licenses for permission for data mining, core meta-data and hyperlinks for non-commercial purposes.



Licenses should generally include agreement for analogue and digital use. Differentiation between re-use for commercial and non-commercial purposes.



The EU Orphan Works Directive should be revisited for its feasibility.

Next steps... DISCUSS!

Museums in
Europe



COPYRIGHT for CREATIVITY
A Declaration for Europe



EU presidencies



Museum and
Heritage
Organisations in
Europe



EU Council's
Cultural Affairs
Committee (CAC)



The political platform
for Arts and Culture



POSITION PAPER

MUSEUMS AND COPYRIGHT

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 heritages institutions

We really should solve the so-called Black Hole on the 20th and 21th 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 is already way to long and should certainly not be prolonged anymore!** There is a large majority in the museum field to even shorten the duration of copyright protection.
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 preempt the orphan works directive.



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Thank you!

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