

Copyright Issues Related to the Digitization of Cultural Heritage in Croatia

Aleksandra Horvat & Daniela Zivkovic

University of Zagreb, Croatia

Mass digitization

- Creation of a parallel world of human knowledge and culture
- A political and social issue of great importance
- Council and EC. e-Europe 2002 action plan, 2000
- Since 2000 the EU has issued a great number of documents on digitization, some of them on copyright issues
- Lund principles, 2001

Lund principles (2001)

- Recognize that IP rights can be an obstacle to digitization
- Different interests of various stakeholders should be balanced

Why copyright?

- Digitization → act of reproduction & communication to the public & making available to the public
- National copyright laws require the author's permission for all three acts if a work is protected
- The obstacle to mass digitization

Exceptions and limitations

- Enumerated in the InfoSoc Directive, 2001
- Different in different national copyrights laws
- Libraries can act due to exceptions and limitations
- Possible solution → mandatory exceptions for libraries and similar institutions

Charter of Parma (2003)

- Recognizes privacy issues as a possible obstacle to digitization
- Encourages a dialogue between the cultural and scientific sectors
- The development of the idea of European cultural heritage

European cultural heritage

- Obstacles to mass digitization → Cultural heritage, 2007
 - cost
 - use of inappropriate technologies and inadequate standards
 - **lack of consistency in approaches to IP rights**

Digitization of cultural heritage in Croatia

- In the late 90's → sporadic initiatives of individual libraries
- In 2006 → an encompassing programme funded by the Ministry of Culture
- Collections digitized by more than 60 cultural institutions displayed on a portal
- Croatian Cultural Heritage
<http://www.kultura.hr>

Croatian Cultural Heritage



Croatian Cultural Heritage



Croatian Cultural Heritage

- In 2010
 - 34 programmes approved
 - 720,000 €

Copyright issues

- Little can be learned about copyright on the portal
- The aim of the investigation → how copyright issues have been dealt with in:
 - The National and University Library
 - Zagreb City Libraries
 - The Croatian State Archives
 - The Croatian Academy of Arts and Sciences

The investigation

- the portal inspected
- persons responsible for digitization programmes interviewed

Conclusions

- the 20th c. material has been recognized by librarians as potentially “dangerous” for digitization because it requires copyright clearance
- clearing rights requires time, effort and money
- libraries have no resources to conduct search

Conclusions

- Differences in approach between institutions
 - some consider a digital copy to be a preservation copy
 - some consider themselves as publishers of new collections
 - some consider themselves publishers

Issues of concern

- The selection of material for digitization → often depends on the users
- Orphan works → lack of useful databases
- Sound recordings → long and cumbersome search

Possible solution?

- Extended collective licensing
- Exception for libraries, archives, etc.

Open access

- A legitimate option for cultural and scientific institutions funded out of public money
- *but*
- What about authors who published more than 30 years ago?
- A political and social issue of concern

Thank you for your attention!

ahorvat@ffzg.hr

dzivkovi@ffzg.hr