



# Europeana – Core Service Platform

## MILESTONE

### MS21: Review of rights statements under the Europeana Licensing Framework

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## REVISION HISTORY AND STATEMENT OF ORIGINALITY

### Revision History

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1	1 September 2015	Paul Keller, Julia Fallon, Roxanne Peters,	Kennisland, Europeana Foundation	Initial version
2	30 October 2015	Roxanne Peters, Paul Keller	Kennisland, Europeana Foundation	Final version

### Statement of originality:

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## Review of Rights Statements under existing Licensing Framework

The last full review of the Europeana Licensing Framework has been undertaken in the context of the [Europeana Awareness project](#) in 2013 and documented in Deliverable D5.3 ('[Evaluation report on the Europeana Licensing framework](#)') of the Europeana Awareness project. This Evaluation included a full review of the list rights statements that can be used to communicate the rights and reuse status of a digital object to users via the edm:rights metadata field.

The review recommended the addition of two new rights statements ('Out of Copyright - Non Commercial use only' and 'Orphan Work') and the removal of one rights statement ('Rights reserved - restricted Access'). Following this review the recommendations have been implemented resulting in the current [list of available rights statements](#) that contains 13 rights statements.

As part of Europeana's work with the Digital Public Library of America (DPLA) to identify a set of internationally interoperable rights statements (which is part of T4.4.1 of the Europeana DSI project, we have reviewed the existing 13 rights statements. This review has focussed on the 5 rights statements that are specific to Europeana and does not include the Creative Commons Licenses and Public Domain tools. These will remain unaffected once the new set of international interoperable rights statements are hosted at [rightsstatements.org](#).

As part of the review we have identified one rights statement ('Rights Reserved - Paid Access') that will be removed as part of the switch to the new rightsstatements. This is because the rights statement does not allow for making digital objects freely accessible online, and violates the baseline criteria established by Europeana for including digital objects online. The other 4 Europeana specific rights statements currently available for labelling digital objects will remain available (or will be replaced with more suitably named terms for the data provider and user to understand:

- The existing **Rights Reserved - Free Access** statement will be replaced by the functionally equivalent **In Copyright** statement.
- The existing **Orphan work** statement will be renamed to **EU Orphan Work** to more clearly communicate that this rights statement is intended to identify Orphan works that have been identified as such under the rules of the EU orphan works directive.
- The existing **Unknown** statement will be renamed to **Copyright Not Evaluated** to more clearly convey the status of digital objects that carry this rights statement.
- **Out of copyright - non commercial re-use** will either remain unchanged or will be slightly modified and renamed to **No Copyright - non commercial re-use only** in order better align the naming convention with the rest of the [rightsstatements.org](#) statements. A decision on this still needs to be made after discussion with the data providers who currently use this rights statement have been concluded.

In addition to these rightsstatements we will offer a number of additional rights statements, some of which are currently being considered for inclusion in Europeana's list of available rights statements:

- **No Copyright - Other Known Legal Restrictions.** This rights statement will reflect the urgent need of some of Europeana's data providers to express legal restrictions other than copyright. Examples of this are cultural heritage laws in member states such as Italy and Greece or the French law on the reuse of public sector information which authorizes

institutions to charge for commercial use of public sector documents.

- **In Copyright - Educational Use Permitted.** This rights statement would allow data providers who are also the rights holders of the digital objects in question to allow educational reuse of the digital objects that they make available via Europeana. We have received incidental requests for such a rights statement, but still need to determine if demand is structural enough to justify the addition of this statement to the list of available rights statements.

For more details on the new rights statements please refer to the annexed 'Recommendations for Standardized International Rights Statements' white paper that has been authored by Europeana together with our partners at the DPLA. This has received extensive community feedback from inside and outside the Europeana Network.

A number of rights statements are identified in the white paper but have not been addressed here. These rights statements have been developed in direct response to requirements identified by the DPLA and will be used in the context of the DPLA. They will not form part of the list of Europeana rights statements or the Europeana Licensing Framework.

Europeana will transition to the new rights statements in the 2nd half of 2016 and we will publish a transition plan before the end of the Europeana DSI project.