A comparison of rights used in Europeana and DANS

Report for the Europeana CLOUD project

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Note:
This report has been written for the Europeana CLOUD project. A first version of this report was presented at the CARARE Training Workshop 28-29 January 2016 in Athens. After that it has been considerably amended in order to incorporate the recent changes in the Europeana rights system. Helpful comments were made by my colleagues Hella Hollander and Kees Waterman.
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Summary

The aim of this report is to compare the situation regarding rights on metadata and objects/data in Europeana and DANS. It reviews these various rights and the different contexts in which these rights came into existence.

As a conclusion it contains recommendations on how the observed mismatch between these two different rights systems could be overcome. These recommendations are presented here. There are two ways to increase the number of objects/data which could be “used” better by those who are looking for them in the Europeana portal.

- Europeana should consider how to present the objects/data DANS is holding. These indeed may contain copyright, but are, after registration, nonetheless often available. The label “No re-use” is then too strong. Despite the fact that copy- or database-rights might remain reserved, personal use and limited citation of the content is mostly possible. Only (re-)distribution or remixing remain excluded. However, and in addition to this, permission can always be requested for doing the latter. One could say that, by labelling too strict, Europeana restricts too strongly, and unnecessarily, the (re-)use of some of the objects it refers to in its portal. Europeana could enlarge its use scope certainly by changing the labels in these cases.

- DANS, on the other hand, should try to increase the number of objects/data under the CC0 Waiver. On the one hand this would be acceptable to a considerable number of rights holders and on the other hand it would make it easier for Europeana to refer to these objects/data in an unambiguous way. In the future DANS could even contemplate introducing the CC-BY licence. This would make it also easier for Europeana when referring to these objects/data.
1. Europeana and DANS: two different entities

1.1 Europeana
Europeana is a portal that provides access to objects from over 1,500 of Europe’s memory institutions. Europeana distinguishes four layers. The first layer consists of the (physical) objects held by the contributing organisations: books, pictures, films, maps, archival records, museum objects and sound recordings. The second layer are digital objects representing these physical objects, like photographs, transcriptions or other types of digital files representing physical objects. In the third layer Europeana has created previews of the digital objects, like smaller versions of digital image files or other reduced quality representations. The fourth layer consists of descriptive metadata about the digital objects, collected from its providers.

A clear distinction should be made between the first two layers and the last two layers. Also, the term “data” is used somewhat ambiguously. Altogether this is sometimes a bit confusing. For the first two layers, Europeana does not require its providers to licence or transfer any rights on their content. The providers are holding the (physical) objects themselves and this remains so. The portal of Europeana itself, in the third and fourth layer, primarily contains the providers’ metadata for these objects, although there is also now “user generated content” available in Europeana (like the material in the Europeana 1914-1918 collection).

As set out in the “Europeana Licensing Framework”, providers have to indicate in the metadata of the portal the copyright status of it: is it copyrighted and how can it be used? For this, Europeana uses fourteen standardised rights statements in order to communicate to users how they can access and use the objects. Some of these are Creative Commons licences, but there are also other Europeana rights – see the Survey in section 3 of this report. Every digital object must be published with a rights statement. According to Europeana “with the exception of the previews, all data available on Europeana.eu [the portal] is available free of restrictions under the terms of the Creative Commons Zero Public Domain Dedication.” This means that all metadata available on Europeana.eu (the portal) can be used and published free of restrictions. All user generated content should be made available in the portal under the CC-BY-SA licence exclusively.

The Europeana Licensing Framework applies to the third and fourth layer of the portal, containing previews and metadata only.

1.2 DANS
DANS is a research data archive. Its main function is to store, preserve and disseminate research data, mostly created by researchers at universities or research institutes. Furthermore, the national E-depot for Archaeology EDNA is also part of DANS, containing both data and reports which are valuable both for research as well as for cultural heritage.

The online facility EASY gives access both to a portal of metadata describing the objects/data as well as to these objects/data themselves, but some of the latter are only

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accessible if certain conditions are met. Although not formally licensed by CC0 Waiver, the metadata in EASY are always freely accessible and usable. This is however not the case with the objects/data themselves. A small but increasing number of these is free to use under the CC0 Waiver, but many are in some way restricted in access and/or use. These objects/data may contain database-, copy- or related rights. They may also contain (sometimes sensitive) personal data which results in considerable restrictions in access and use. DANS stores and preserves all the objects/data contained in EASY, but is not the rights holder. Rights (database-, copy- or related rights) remain with the original creators/right holders. Rights are never transferred to DANS; by entering into a licence agreement with the rights holder, DANS only obtains the right to store and disseminate, under certain conditions, a copy of the objects/data. Users need to register and agree with the general user conditions of DANS, except for objects/data under CC0 Waiver. This registration is not reviewed.

Examples rights statements Europeana

By using the search term “Texel” you may find, for example, http://www.Europeana.eu/portal/en/record/2021659/B2008_0189.html the “Rechthoekige trommel met een afbeelding van veerboot ” Marsdiep”, schapen en van Texel van Timmers Bakkerij, Texel”. This is a square tin, a physical object, present in the Deventer Musea. The image (preview) of this tin is part of the metadata in Europeana and has as indication Free Re-use CC BY-SA. This means that the image of this tin can be freely re-used (redistributed, remixed, etc.) as long as the rights holder (of the picture), being the Digitale Collectie Deventer Musea, is credited and creations built upon it are distributed under the same license as the original one. The digital image can indeed be downloaded from the EUROPEANA site. (Picture 1)

You may also find http://www.Europeana.eu/portal/en/record/2021618/internetserver_Details_kunst_30897.html The “Landschap met boerderij op Texel” (Landscape with farmhouse) is a drawing by Frederik de Graaf from 1922, a physical object in the collection of the Teylers Museum in Haarlem. The image (preview) of this drawing is part of the metadata in Europeana and has as indication Limited Re-use CC BY-NC. This means that the digital image of this drawing can be freely re-used (redistributed, remixed, etc.), but not commercially and as long as the rights holder (of the picture), being the Teylers Museum, is credited. The digital image can indeed be downloaded from the EUROPEANA site. (Picture 2)

And http://www.Europeana.eu/portal/en/record/2021663/memorix_62f9eeca_fb8f_11df_9e4d_523bc2e286e2.html “De kerk in Den Hoorn” (The church in Den Hoorn) is a drawing by Wim Hagemans from 1973 in the collection of the Noord-Hollands Archief. The image (preview) of this drawing is part of the metadata in Europeana and has as indication No Re-use Rights Reserved – Free Access. According to the definition of Europeana this would mean that this “should be used for digital objects that are still covered by copyright and where reuse is subject to additional permissions, or you do not want or are not authorized to allow re-use of the digital object.” The digital image can indeed not be downloaded neither from the Europeana site nor from the site of the Noord-Hollands Archief.

(no picture possible, because this is not allowed!)

3 Introduced September 2015.
Example DANS

By using the search term “Texel” in Europeana you may find, for example, in the DANS Collection:
http://www.Europeana.eu/portal/en/search?f%5BCOUNTRY%5D%5D=netherlands&f%5BDATA_PROVIDER%5D%5D=DANS-KNAW&locale=en&q=texel

The report “Den Burg, Pontweg (gem. Texel). Een archeologische opgraving” (An archaeological excavation) by P. de Rijk, N.M. Prangsma and W.K. Zijverden is in the EASY data archive. There is no image / preview of this report in the metadata in Europeana and the re-use indication is **No Re-use Rights Reserved – Free Access**. According to the definition of EUROPEANA this would mean that this “should be used for digital objects that are still covered by copyright and where reuse is subject to additional permissions, or you do not want or are not authorized to allow re-use of the digital object.”.

The DANS access category is “Open Access for Registered Users”. This means that everyone, after registration, can download the report. It contains however copyright, as the title page of the report clearly states: “© ADC ArcheoProjecten, Amersfoort, juli 2007”. This means that the report is destined only for personal use. Modestly citing the report is also allowed, but certainly not the distribution of it in substantial parts or in total.

(Picture 3)
Picture 1. Rechthoekige trommel met een afbeelding van veerboot "Marsdiep", schapen en van Texel van Timmers Bakkerij, Texel (Tin square with ferry and sheep)

[CC BY-SA] Digitale Collectie Deventer Musea

Picture 2. "Landschap met boerderij op Texel" (Landscape with farmhouse), drawing by Frederik de Graaf, 1922

[CC BY-NC] Teylers Museum, Haarlem
**Colofon**

ADC Rapport 695

Den Burg, Pontweg (gemeente Texel)
Een Archeologische Opgraving

Auteur: P. de Rijk, N.M. Prangsma
In opdracht van: Gemeente Texel
Foto's en tekeningen: ADC ArcheoProjecten, tenzij anders vermeld

© ADC ArcheoProjecten, Amersfoort, juli 2007
Niets uit deze uitgave mag worden vermenigvuldigd en/of openbaar gemaakt
worden door middel van druk, fotokopie of op welke wijze dan ook
zonder voorafgaande schriftelijke toestemming van de uitgevers.

ADC ArcheoProjecten aanvaardt geen aansprakelijkheid voor eventuele schade voortvloeiend
uit de toepassing van de adviezen of het gebruik van de resultaten van dit onderzoek.

**Picture 3.** Part of the colophon page of the report “Den Burg, Pontweg (gem. Texel). Een
archeologische opgraving” (An archaeological excavation) by P. de Rijk, N.M. Prangsma and W.K.
Zijverden. This report is in the EASY data archive. It clearly states: "© ADC ArcheoProjecten,
Amersfoort, juli 2007".
2. Survey of the rights in Europeana and DANS

2.1 Rights in Europeana
The present “Available Rights Statements” page on the website of Europeana does not mention it yet, but the Europeana rights are in a stage of transition. Some of the existing rights statements are gradually being replaced by new ones. Europeana expects this to be achieved ultimately by November 2016. All data partners involved will be contacted by Europeana before their rights will be effectively transitioned.

In this survey all the available rights statements are listed under the new names, with the old rights shown in brackets alongside the new ones. The access and (re-)use possibilities are specified for a user (indicated in these texts as “you”) in every rights category.

2.1.1 The Public Domain Mark (PDM)
A work having the Public Domain Mark is free of known restrictions under copyright law, including all related and neighbouring rights. This work has never had copyright (or other rights) applied to it, like government publications, or this has expired (seventy years after the death of an author).
- Access/re-use: You can copy, modify, distribute and perform the work, even for commercial purposes, all without asking permission.

2.1.2 Creative Commons
The Creative Commons CC0 1.0 Universal Public Domain Dedication (CC0 Waiver)
This is not a licence, but a waiver, intended to waive all copyright and database rights. This is different from the Public Domain mark as only the rights holder of a work can actively waive these rights.
- Access/re-use: You can copy, modify, distribute and perform the work, even for commercial purposes, all without asking permission.

Creative Commons - Attribution (CC-BY)
This licence allows others to distribute, remix, tweak, and build upon the licensed work, even commercially, as long as the rights holder is credited for the original creation. Only the rights holder can apply this licence. It cannot be revoked.
- Access/re-use: You can copy or redistribute the work and remix, transform and build upon it in any medium or format, for any purpose, even commercially, as long as you give appropriate credit.

Creative Commons - Attribution, ShareAlike (CC-BY-SA)
This licence allows others to distribute, remix, tweak, and build upon the licensed work, even commercially, as long as the rights holder is credited for the original creation and possible new creations, when remixed, transformed or built upon the work, are licensed under identical terms as the original one. It cannot be revoked.
- Access/re-use: You can copy or redistribute the work and remix, transform, and build upon it in any medium or format, for any purpose, even commercially, as long as you give appropriate credit and distribute your creations built upon it under the same license as the original one.

Creative Commons - Attribution, No Derivatives (CC-BY-ND)

5 Based on the information in http://pro.Europeana.eu/files/Europeana_Professional/IPR/rightsstatement.orgEuropeanafactsheet.pdf
This licence allows others to copy or re-distribute the licensed work, even commercially, as long as the rights holder is credited for the original creation. If the work has been remixed, transformed, or built upon, it is not allowed to distribute the modified material.

- **Access/re-use:** You can copy or redistribute the work, as long as you give appropriate credit but you are not allowed to distribute creations which have been remixed, transformed or built upon the original work.

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This licence allows others to distribute, remix, tweak, and build upon the licensed work, but not commercially, as long as the rights holder is credited for the original creation. It cannot be revoked. Derivative works do not need to be licenced on the same terms.

- **Access/re-use:** You can copy or redistribute the work and remix, transform, and build upon it in any medium or format, for any purpose, but not commercially, as long as you give appropriate credit.

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- **Access/re-use:** You can copy or redistribute the work and remix, transform, and build upon it in any medium or format, for any purpose, but not commercially, as long as you give appropriate credit and distribute your creations built upon it under the same license as the original one.

**Creative Commons - Attribution, Non-Commercial, No Derivatives (CC-BY-NC-ND)**

This licence allows others to copy or re-distribute the licensed work, but not commercially, as long as the rights holder is credited for the original creation. If the work has been remixed, transformed, or built upon, it is not allowed to distribute the modified material.

- **Access/re-use:** You can copy or redistribute the work, as long as you give appropriate credit but you are not allowed to distribute creations which have been remixed, transformed or built upon the original work.

### 2.1.3 Other Europeana rights

**In Copyright (old: Rights Reserved - Free Access)**

(From Rightsstatements.org:) This work is protected by copyright and/or related rights.

- **Access/re-use:** You are free to use this work in any way that is permitted by the copyright and related rights legislation that applies to your use. For other use you need to obtain permission from the rights holder(s).

**No Copyright NonCommercial Use Only (old: Out of copyright - non commercial re-use OOC-NC)**

(From Rightsstatements.org:) This is intended for use with digital representations of public domain objects that have been digitized in a public-private partnership wherein the partners have agreed to limit commercial use of this digital representation of the object by third parties.

- **Access/re-use:** You can, without permission, copy, modify, distribute, display, or perform the digital object, for non-commercial use. For any other permissible use, please review the terms and conditions of the organization that has made the work available.

**In Copyright EU Orphan Work (old: Orphan Work)**

(From Rightsstatements.org:) This work has been identified as an orphan work in the country of first publication and in line with Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted use of orphan works. For this work, either (a) no rights holder(s) have been identified or (b) one or
more rights holder(s) have been identified but none have been located even though a
diligent search for the rights holder(s) has been conducted. The results of the diligent
search are available in the EU Orphan Works Database.
• Access / re-use: You are free to use this work in any way that is permitted by the
copyright and related rights legislation that applies to your use.

Copyright Not Evaluated (old: Unknown Copyright Status)
(From Rightsstatements.org:) The copyright and related rights status of this Work has
not been evaluated. Please refer to the organization that has made the Item available for
more information.
• Access/re-use: You are free to use this Item in any way that is permitted by the
copyright and related rights legislation that applies to your use.

2.1.4 New Rights (not yet in place):
No Copyright Other Known Legal Restrictions
(From Rightsstatements.org:) Use of this Item is not restricted by copyright and/or
related rights. In one or more jurisdictions, laws other than copyright are known to
impose restrictions on the use of this Item. Please refer to the organization that has
made the Item available for more information.

No Copyright Educational Use Permitted
(From Rightsstatements.org:) This Item is protected by copyright and/or related rights.
You are free to use this Item in any way that is permitted by the copyright and related
rights legislation that applies to your use. For other use, you need to obtain permission from
the rights holder(s).

2.1.5 Right to Disappear (no longer supported, no replacement):
Rights Reserved - Paid Access
This rights statement is applicable when users need to pay data providers to gain access
to the digitised work on the data provider's website. This may be the case if only a
preview is accessible through the data provider's portal, and registration and payment is
required to gain access to the digitised object itself. In this case, the link from
Europeana should give access to the metadata and (ideally) a low-resolution preview.
Europeana will not link directly to a payment page.

2.2 Rights in DANS
Rights in DANS can be partly derived from the access categories as distinguished in the
standard DANS licence agreement for its online data archive EASY:

2.2.1 Open Access (CC0 Waiver)
The objects/data are, without any restriction, made available to all EASY users, both
registered and unregistered, in accordance with the conditions of the Creative Commons
Zero Waiver. This means that the rights holder has waived all possible rights on the
objects/data, in particular any possible copyrights and database rights.
• Access/re-use: You can copy, modify, distribute and perform the work, even for
commercial purposes, all without asking permission.

2.2.2 Open Access for Registered Users
The objects/data are, without further restrictions, only made available to all registered
EASY users. Any existing copyrights and/or database rights are respected.
• Access/re-use: You are free to use this work in any way that is allowed by the
copyright, database- and related rights legislation that applies to your use, but only
after user registration. A registered user is permitted to cite the data in a limited way
in publications (for details see section 3 of this report). For other use you need to obtain permission from the rights holder(s).

2.2.3 Restricted Access
The objects/data are only made available to those registered users that have obtained permission from the rights holder for this. DANS will send the name of the person that desires access to the dataset by e-mail to the rights holder, and he/she can subsequently decide if he/she wants to grant this person access. Any existing copyrights and/or database rights are respected. A different arrangement can be applied to archaeological datasets where the access is restricted to a predefined group of Dutch archaeologists, without further consulting the depositor. Any existing copyrights and/or database rights are respected.

- Access/re-use: You are free to use this work in any way that is permitted by the copyright, database- and related rights legislation that applies to your use, but only after user registration and after the rights holder has granted permission to use the data. When using the data special care and/or provisions may be needed and/or enforced for the handling of personal data within the dataset.

Essential in the academic context of a research data archive is correct attribution of the data. Therefore, when datasets are used in publications, in which ever form, this should be referred to via a proper bibliographic reference. This applies to datasets in all access categories, including datasets in the Open Access (CC0 Waiver) category.

2.2.4 Embargo
Whichever access categories has been chosen, there is always the option of enforcing a temporary embargo. This means that no one has access to the data for a period of maximum two years, for instance, due to the fact that in this time period an article is expected to be published or a dissertation is due to be submitted, based on the data. This two-year period is only extendable after consultation with DANS. As soon as the embargo has expired, the chosen access category automatically enters into force.
3. Comparison between the rights in Europeana and DANS

To summarise the survey in the previous section the Europeana rights statements can be split into four categories:

- **Public Domain** - where copyright does not exist, has expired or has been waived and best practice guidelines for use apply: Public Domain Mark and CC0 Waiver. Possibly, partly No Copyright NonCommercial Use Only, No Copyright Other Known Legal restrictions / No Copyright Educational Use Permitted.

- **Creative Commons licences** - where the rights holder grants permission to apply one of the six Creative Commons licences, but retains the copyright.

- **In copyright** (Formerly Rights Reserved) - where access to the objects is provided, and additional permissions are required for re-use. Copyright and possible other rights are retained by the rights holder.

- **Unknown Status or no copyright evaluated** - where the rights are (still) unknown, like Copyright Not Evaluated (formerly Unknown Copyright Status) or the object is a legally recognised Orphan Work.

This is connected to the way Europeana indicates in its portal how (physical) objects may be used or re-used. The difference between the terms use and re-use is not always clear-cut. Europeana defines re-use as “The ability to make use of a Digital Object or Metadata that is available online, through the acts of sharing, duplicating, modifying or publishing”.6

Europeana distinguishes three standard categories in answer to the question: “Can I use it?” concerning the use of the (physical) works themselves in Europeana. These are no re-use, limited re-use and free re-use. No re-use is related to the licences “rights reserved” (to be converted into “In Copyright”), unknown copyright status and orphan work. Limited re-use comprise all CC rights, except the CC0 Waiver, and OLD: Out of copyright - non-commercial re-use OOC-NC. Free re-use may be regulated by the CC0 Waiver, CC-BY, CC-BY-SA or the Public Domain Mark. The Free re-use categories are the only ones where a user can freely re-use the work, in the meaning of distributing it by copying, combining or remixing etc. In all other cases (categories / rights) the contributing organisation must be contacted.

The rights of the DANS objects/data are not explicitly mentioned in the metadata. The CC0 Waiver is of course the only category where objects/data can be freely (re-)used, copied, remixed etc., but in the other categories this can vary.

According to the DANS general use conditions, the user should always respect any copyrights and/or database and/or neighbouring rights associated with the objects/data. This may be the case with many objects/data, except those in the Open Access (CC0 Waiver) category where all rights have been renounced. In practice, this is not always easy to determine. As a base line DANS tells its users “You are free to use this work in any way as permitted by the copyright, database- and related rights legislation”. This standard line is explained by DANS in the document “Clarification of the DANS licence agreement” on its website.7 This states: “It is always allowed to copy a dataset for your own use or download substantial parts thereof for the purpose of scientific or scholarly research. It is also allowed to cite from the dataset, to a limited degree however, for example by including some data in your own publication, but only in a reasonable quantity and with a bibliographic reference to the dataset. It is, on the contrary, not allowed to distribute the dataset, which means to (re-)publish the dataset as a whole or

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a large part of it, for example by copying the entire dataset to your own website. If that is what you want, you have to obtain permission from the holder of the rights to the dataset”.

As a result, commercial re-use is rendered impossible at any rate since the requirement to respect existing database- copy- and related rights does not allow for distributing substantial parts of the dataset, let alone the complete dataset, by remixing or in whatever way, commercially or non-commercially. DANS has ceased using the ambiguous term “commercial use” as it is often difficult to define in practice what exactly commercial use entails.

In the table the rights used by Europeana and DANS are summarised.

<table>
<thead>
<tr>
<th>Europeana</th>
<th>DANS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUBLIC DOMAIN</td>
<td>CC0 Waiver</td>
</tr>
<tr>
<td>CC licenses</td>
<td>CC-BY is very close to “Open Access Registered Users”</td>
</tr>
<tr>
<td>In copyright</td>
<td>All categories except CC0 Waiver</td>
</tr>
<tr>
<td>Orphan Work</td>
<td>Formally not existing&lt;sup&gt;8&lt;/sup&gt;</td>
</tr>
<tr>
<td>Unknown</td>
<td>Exists</td>
</tr>
<tr>
<td>No Copyright NonCommercial Use Only</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

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<sup>8</sup> In practice however this exists at DANS: EASY contains de facto orphaned datasets.
Conclusion

Europeana does not "own" the content it refers to in its portal but, in most cases, the providers do so. Neither does DANS own the objects/data, although it has the objects/data in custody; it does not acquire the rights either as these remain in the hands of the data providers. There are however several important differences between these two rights systems, as the summary table in section 4 clearly shows. In fact, the two do not seem to match well.

In Europeana the primary distinguishing factor in the new system of the rights statements is whether there is copyright or no copyright attached to the objects described in the metadata. This is then translated into the basic question: “Can I use it?” and answered in the (re-)use indicator shown in all the related metadata. This approach is understandable from the perspective of Europeana which is oriented towards the general public wanting to re-use, remix etc. interesting parts of our cultural heritage. It is also important to know, in particular for the creative industries, whether objects can be used commercially in various ways. The metadata in the portal therefore show in a very simple and effective way what can be done with the objects.

On the other hand, at DANS one of the most important issues is the access category of the data – and less the copyrights issue. Many of the reports and datasets may have database-, copy- or related rights. For reports this is often clearly indicated in the report itself (the DANS example in section 2, picture 3), but this is not always the case. For datasets this is often not known or not exactly specified. For academic use this is mostly enough; if a user wants to reuse data in the sense of re-distributing or remixing large parts of it this has to be arranged with the rights holder. The only exception to this rule is of course the CC0 Waiver.

As a side note, and a consideration for the future, it could be remarked that, while for Europeana databases do not seem to have a high priority, in the research data archive world databases are the most commonly used way of storing. In all the Europeana terminology on rights the term database rights or law is even persistently missing! On the one hand, from the perspective of Europeana, this is understandable, on the other hand it should be realised that original research data files could also become important parts of European cultural heritage. This is not yet the case in Europeana. Archaeological data clearly are part of our cultural heritage, but this could certainly also be the case with data from other disciplines: humanities, social sciences and even the (hard) sciences. Those research data files which can only be accessed in a very restricted way, in particular when (sensitive) personal data are included, will always remain excluded from Europeana of course.

Currently it would only be possible for Europeana to give a free-use tag to CC0 Waiver objects/data. However, by categorising all other objects/data from DANS under "In copyright" gives the erroneous impression that nothing at all can be done with these objects/data in the Europeana portal. This is certainly not the case. Copy- or database-rights may indeed be applicable, but that takes nothing away from the fact that the objects/data can still be used in the meaning of consulting, seeing as well as using them in further research while referring to them properly. One should keep in mind that in the academic context it is far more important to get access to the data and, in particular, to cite them correctly.

This can be illustrated by the archaeological report in the example for DANS in section 2 (the Texel report). Despite the fact that the copyright is retained by the rights holder the report still can be downloaded and used fruitfully for all kinds of purposes.
Recommendations

As a conclusion we present these two options here for consideration. There are two ways to increase the number of objects/data which could be “used” better by those who are looking for them in the Europeana portal.

- Europeana should consider how to present the objects/data DANS is holding. These indeed may contain copyright, but are, after registration, nonetheless often available. The label “No re-use” is then too strong. Despite the fact that copy- or database-rights might remain reserved, personal use and limited citation of the content is mostly possible. Only (re-)distribution or remixing remain excluded. However, and in addition to this, permission can always be requested for doing the latter. One could say that, by labelling too strict, Europeana restricts too strongly, and unnecessarily, the (re-)use of some of the objects it refers to in its portal. Europeana could enlarge its use scope certainly by changing the labels in these cases.

- DANS, on the other hand, should try to increase the number of objects/data under the CC0 Waiver. On the one hand this would be acceptable to a considerable number of rights holders and on the other hand it would make it easier for Europeana to refer to these objects/data in an unambiguous way. In the future DANS could even contemplate introducing the CC-BY licence. This would make it also easier for Europeana when referring to these objects/data.
Sources

All links checked November 2016.

Webpage Europeana “Selecting a rights statement”

Rightsstatements.org factsheet (Europeana factsheet), pdf:

The Europeana Licensing Framework, pdf:

Webpage Europeana "Glossary of Terms. Formal definitions of terms used frequently by Europeana and our Network"
http://pro.Europeana.eu/page/glossary

Webpage Legal Information DANS “Clarification of the DANS licence agreement”
This report compares the rights on metadata and objects / data in Europeana and DANS. It reviews these various rights and highlights the different contexts in which these rights are existing. It contains recommendations on how the observed mismatch between these two different rights systems could be overcome.

**Data Archiving and Networked Services (DANS)**

DANS promotes sustained access to digital research data. For this, DANS encourages scientific researchers to archive and reuse data in a sustained form, for instance via the online archiving system EASY (easy.dans.knaw.nl) and DataverseNL (dataverse.nl). With NARCIS (narcis.nl), DANS also provides access to thousands of scientific datasets, publications and other research information in the Netherlands. The institute furthermore provides training and consultancy and carries out research on sustained access to digital information. Driven by data, DANS ensures the further improvement of access to digital research data with its services and participation in (inter)national projects and networks. Please visit dans.knaw.nl/en for more information and contact details.