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Creative Europe Programme  
of the European Union



# Joint WG 5 and WG 6 meeting

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12 May, 2022  
Biblioteca Nacional de Portugal, Lisbon



BIBLIOTHECA NATIONALIS HUNGARIAE



KÖNYVTÁRI INTÉZET

1. work type examination

1.a. no copyright  
(due to work type)

2. making available  
as no copyright

1.b. type of  
work under  
copyright

3. querying EUIPO database

3.a. registered  
orphan work

4. making available  
as orphan work

3.b. non-  
registered

5. chronological examination

5.a. [if not 5b.  
1-5.]

6. making  
available as no  
copyright (public  
domain)

5.b. 1.  
published less  
than 140  
years ago

5.b. 2.  
published  
after 1850

5.b. 3.  
published  
after 1870

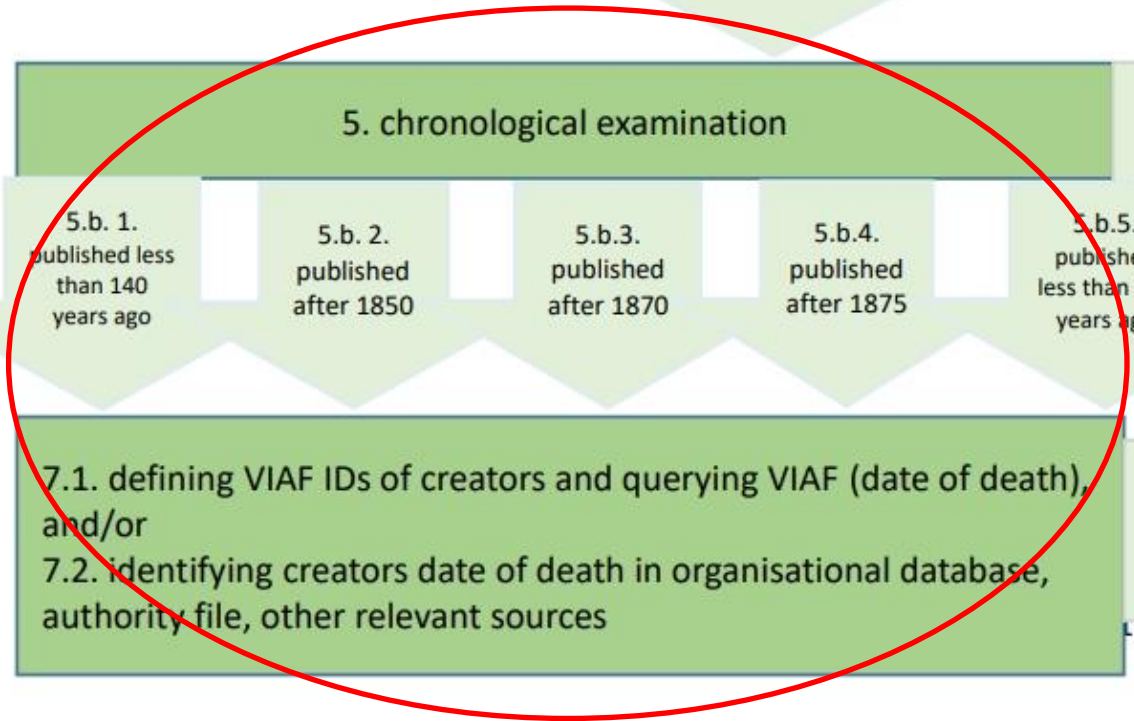
5.b. 4.  
published  
after 1875

5.b. 5.  
published  
less than 150  
years ago

7.1. defining VIAF IDs of creators and querying VIAF (date of death),  
and/or  
7.2. identifying creators date of death in organisational database,  
authority file, other relevant sources

7.a. creator(s)  
died more than 70  
years ago (hun,  
ger, pt)

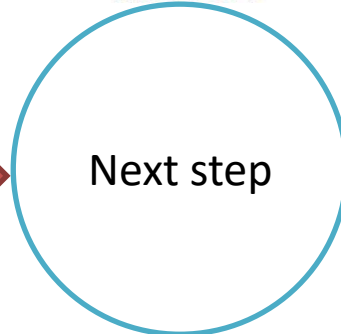
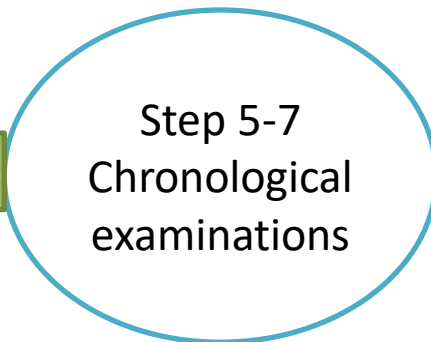
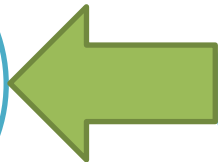
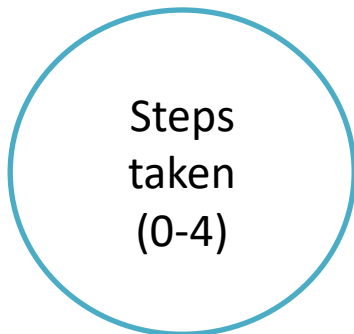
8.a. making  
available as no  
copyright (public  
domain)





CC Officer ID

Internal Ref. ID



display all fields

click into the field to correct/add data

click into the field to open source list

click into the field to add notes

label	data	source	notes	
author(s)	Smith, John (1917-...)	NSL ; VIAF		dupl. fields
Contribution type	author			
author: no information available	unfilled/not applicable			
author: anonymous	unfilled/not applicable			
copyright holders	Smith, John (1917-...)		automatic (author's data)	dupl. field
copyright holder: no information available	unfilled/not applicable			



Filled in automatically with data on creator. Can be modified afterwards.

If you want to add a new source, you have to modify source list first!

+
display all fields
click into the field to correct/add data
click into the field to open source list
click into the field to add notes

label	data	source	notes	
author(s)	Smith, John (1917-...)	NSL ; VIAF		dupl. fields
Contribution type	author			
author: no information available	unfilled/not applicable			
author: anonymous	unfilled/not applicable			
copyright holders	Smith, John (1917-...)		automatic (author's data)	dupl. field
copyright holder: no information available	unfilled/not applicable			

# Filtering PD publications (might be automated)

label	data	source	notes	
publisher	Révai Könyvkiadó	NSL		dupl.
publication date	1880	NSL		

Was it published more than 140 years ago/before 1850/before 1870?

Yes

No

Data not available:

If yes → PD



# Workflow Dashboard elements 2

## Relevant regulations in the law

### *General:*

Section 31 (1) Copyright shall subsist **during the lifetime of the author and for seventy years following the author's death.**

(2) The seventy years' term of protection shall be calculated from the first day of the year following the death of the author and, for works of joint authorship, from the first day of the year following the death of the joint author who died last.

### *Special cases:*

(3) If the **author cannot be identified**, the term of protection shall be **seventy years counted from the first day of the year following the year in which the work was first published.** If the author presents himself during this period, the term of protection shall be calculated pursuant to paragraph (2).

[(4) In the case of a **work made public in instalments**, the year of first publication shall be calculated separately for each part.]



# Workflow Dashboard elements 3

(5) The term of protection of a **collectively created work** shall be seventy years, calculated from the first day of the year following the first publication of the work.

[...]

[(7) If the term of protection is to be calculated from a date other than the first day of the year following the death of the author or joint author who died last, and the **work** is **not made public within the seventy year period following its creation**, the work shall not enjoy copyright protection.

Section 32 The person lawfully publishing a **work yet unpublished after the expiry of the term of protection or the period of time determined in section 31(7)** shall be entitled to legal protection equal to that of the economic rights of the author. The term of such protection shall be **twenty-five years** from the first day of the year following the year in which the work was first published.]



# Filtering PD publications 2

Can the author be identified?

Yes

No

If no → calculating copyright status according to publication date ; if more than 70 years have passed → PD

Is it a collectively created work?

Yes

No

If yes → calculating copyright status according to publication date ; if more than 70 years have passed → PD





# Filtering PD publications 3

Can the author be identified?

Yes

No

Is it a collectively created work?

Yes

No

If the author can be identified and it is not a collectively created work → calculating copyright status according to date of death ; if more than 70 years have passed → PD



# Attachments, approval

## For all workflow steps:

- Would you upload any document relevant to the issue?

If yes → upload form (choosing file, file name, etc.)

- Would you link any URL related?

If yes → linking form (description of linked document, etc.)

- If the result is a copyright status →

Do you confirm that the work is in the Public Domain/an OOC work/an orphan work, etc. ?



# Adjusting D17

## modification in workflow:

- inserting a ,0' step for downloading/typing initial (bibliographic) metadata
- 3. querying EUIPO database →
  - 3.1 querying EUIPO OOC database;
  - 3.2 querying EUIPO OW database;
- 12. ask permission from right holder(s) to make the work available → instead → 10. licensing management

## defining new fields:

- published/unpublished
- illustrated/non-illustrated →



# Visual Works in Hungary

- visual artworks are subject to extended collective management
- information on being illustrated is relevant at each cases when a literary work was published less than 140 years ago → royalty is planned to be calculated according to the number of illustrated works on a flat rate basis

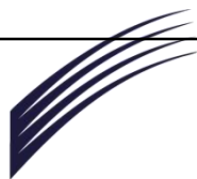


# Towards a Use Case Specification

USE CASE	5-7
name	Chronological examination/Defining VIAF/Identifying creators' date of death etc.
description	Examining relevant data (data of creators' death ; publication data) in order to decide whether the work is of Public Domain, or not.
actors	Copyright Clearance Officer
scenarios	<ol style="list-style-type: none"><li>1. Checking if relevant data is available at the description ; if no, trying to get data, then 2.1 ; if yes, then 2.2</li><li>2.1 add new relevant data to description, then 2.2</li><li>2.2 checking if work published more than 140 years, if yes → 6. (work is in the PD) ; if no or data not available , then 3.</li><li>3. Checking if author can be identified, if yes, then 4. ; if not, then calculating copyright status according to publication date ; if more than 70 years, then → 6. (work is in the PD) ; if less than 70 years or data not available, then 4.</li><li>4. Checking if the work is collectively created, if yes, then calculating copyright status according to publication date ; if more than 70 years, then → 6. (work is in the PD) ; if less than 70 years, then 5. ; if not (coll. creat), then 5.</li><li>5. calculating copyright status according to date of death ; if more than 70 years have passed, then 6. (work is in the PD) ; if no, go to the next step (8)</li><li>6. work is in the PD (approving/confirming it as conclusion)</li></ol>
includes	Uploading attachment relevant to the issue.

# Table of Metadata mapped to Workflow Steps

<u>RCDT element</u>	<u>EUIPO OOC</u>	<u>Mandat ory</u>	<u>Repeata ble</u>	<u>controlled values/source</u>	<u>Workflow step number</u>
reference number of EUIPO Out of Commerce works database	File number	N	N	reference number of EUIPO Out of Commerce works database	Step '3.1' imported/manually typed
reference number of EUIPO Orphan Works database	-	N	N	reference number of EUIPO Out of Commerce works database	Step '3.2' imported/manually typed
record identifiers	Internal ID	Y	Y		Step '0' imported/manually typed
Title proper	Title	Y	N		Step '0' imported/manually typed



# Challenges

1. Original plan: RCDT is going to be developed in the framework of National Library System project run by NSL, as a part of Access Module
  - problem: devel. of AM has been postponed
2. Schedule overlap?
  - Identifying requirements of technical infrastructure for legally appropriate documentation of rights clearance activities → 01.01.22 - 30.09.22
  - Implementing and testing rights clearance documentation tool → 01.10.22 - 30.04.24

→ preconditions of WG5 activities?



N°	Activity name	Work Package	From (dd/mm/yyyy)	To (dd/mm/yyyy)
18	Identifying requirements of technical infrastructure for legally appropriate documentation of rights clearance activities	Implementation (cultural activities, publication, studies, research, etc.)	01.01.22	30.09.22
19	Implementing and testing rights clearance documentation tool	Implementation (cultural activities, publication, studies, research, etc.)	01.10.22	30.04.24
15	Organizing preparatory workshops and hands-on-workshops for construction of best practices for rights clearance	Implementation (cultural activities, publication, studies, research, etc.)	01.04.20	31.10.23
16	Clearing rights, developing best practice guidelines and instructional material for IPR clearance and instructional material	Implementation (cultural activities, publication, studies, research, etc.)	01.05.21	30.04.24



# Open up activity content - Activity A15

- Organizing preparatory workshops and hands-on-workshops for construction of **best practices for rights clearance** (M6-M48)
- Main goal of this activity is to organise and participate in network workshops concerning rights clearance, Europe-wide and nationally to consult with the widest range of partners and interested stakeholders across Europe. The best practice guidelines and instructional material created in A16 will serve as basis.

D15a Preparatory workshops to build up a knowledge pool for the hands-on-workshops (M20)

D15b National hands-on-workshop-series for construction of best practices on **how to deal with rights clearance**, min. 1 per participating country (M48)

D15c 4 Europe-wide hands-on-workshops for construction of best practices on **how to deal with rights clearance** for research, learning, leisure and creative industries (M48)



# Open up activity content - Activity A16

- **Clearing right**, developing best practice guidelines for IPR clearance and instructional material (M19-M54)
- Main goal of this activity is to prepare instructional materials for the use in member libraries as well as libraries outside the consortium in order to promote long-term IPR policy solutions and further network-building for realization of the policy. In this context, scenarios for use cases in four main areas (research, learning, leisure and creative industries) as well as best practice model contracts for pan-European access, open or restricted access and finally best practice workflow for clearing rights, digitisation and making available of 20th and 21st century literary works will be developed.

D16a Scenarios for use cases in research, learning, leisure and creative industries (M32)

D16b Best practice model contracts for pan-European access (M50)

D16c Best practice models for open or restricted access (M50)

D16d **Best practice workflow for clearing rights**, digitisation and making available of 20th and 21st century literary works (M50)

D16e **Rights cleared for 15.000 works** (M54)

