

ATHENA – EuropeanaLocal Workshop

Il contributo europeo al patrimonio culturale digitale sul Web

Roma, 21 Febbraio 2011

# CulturalItalia: Legal Context

Giuliana De Francesco



# Content

- The licence agreement (2009)
- How we got there
- Comparison with Europeana Licence Agreement (draft under discussion)



**ATHENA**  
Access to cultural heritage  
networks across Europe



europeana  
local

# CulturaItalia Licence Agreement

- Framework agreement
- Coverage: Metadata, catalogue information, other digital resources (both under copyright and public domain but under the control of the CP)
- Between MiBAC and any content provider, public or private
- For non commercial purposes only
- Possible costs and expenses to be governed by special agreements (not included in the framework licence)
- Applicable law: Italian
- Full text (in Italian):

<http://www.culturaitalia.it/pico/museiditalia/index.html>



**ATHENA**  
Access to cultural heritage  
networks across Europe



# Conditions

- The selection of the resources is agreed between the CP and MiBAC
  - CP can select sets of data and elements of each set
  - MiBAC has no obligation to publish all content delivered
- The licence is non-exclusive, free of charge for both parties, not time-limited (it's valid until the copyright on the resources expires)
- Conformant to CC Attribution – Non Commercial 2.5



**ATHENA**  
Access to cultural heritage  
networks across Europe



# Rights of the Content Provider

- The CP keeps the rights on the resources provided and is free to use and reuse them as it deems appropriate
- The CP is recognised as the source of the data contributed
- Link to the data in the original context is provided by Culturalitalia



**ATHENA**  
Access to cultural heritage  
networks across Europe



# MiBAC's rights

- Ownership of the database resulting from the aggregation of contributed content
- Translations
- Name, graphic design, etc.

# Duration

- The licence is valid indefinitely
- It effects from the moment when the CP transfers to MiBAC the resources and/or the metadata licensed
- Either party can decide to terminate the licence by sending written communication to the other party with six months notice
- Already licenced content will remain with MiBAC



**ATHENA**  
Access to cultural heritage  
networks across Europe



europeana  
local

# History

- A more extended version of the current agreement had been drafted already in 2006-2007. MiBAC consultants were lawyers involved in Creative Commons Italy
  - Main difference with the current version: the resources were available to the users only for personal use
  - Times were not considered ripe yet for the adoption of a CC license
- Previously: Individual bi-lateral agreements, sometimes involving funding;
  - Rights issues little or no addressed



**ATHENA**  
Access to cultural heritage  
networks across Europe





# CulturalItalia and Europeana Licence Agreements: Similarities and differences

- Content:
  - Europeana: Metadata and Preview
  - CulturalItalia: Additionally, Digital Resources can also be submitted
- Selection: Up to data providers, aggregators checks quality compliance
- Restrictions:
  - CI: data available for non commercial purposes only (CC By NC 2.5)
  - Europeana: no restrictions (CC 0)



**ATHENA**  
Access to cultural heritage  
networks across Europe



# CulturalItalia and Europeana Licence Agreements: Similarities and differences

- Main difference:
  - Re-use for commercial purposes is not excluded by the new Europeana Licence Agreement
  - This main change was introduced in order to:
    - Allow Europeana to make available the aggregated data as Linked Open Data
    - Allow Data Providers to reuse Europeana Data without restrictions

# CulturalItalia and Europeana Licence Agreements: Similarities and differences

- Would this be applicable in the Italian context?
  - Private content providers involved
  - Cultural institutions and commercial reuse
  - Linked data vs Linked Open data
- Does publication as Linked Data require CC 0?



**ATHENA**  
Access to cultural heritage  
networks across Europe



# Thank you for your kind attention!

Contact details:

- [giuliana.defrancesco@beniculturali.it](mailto:giuliana.defrancesco@beniculturali.it)



**ATHENA**  
Access to cultural heritage  
networks across Europe



CC BY 3.0

<http://creativecommons.org/licenses/by/3.0/>