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ATHENA

Database containing IPR information per member state

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¹ OJ L 79, 24.3.2005, p. 1.



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1. Objectives

The deliverable 6.4. entitled "Database containing IPR information per member state" of the Working Package 6 (WP6) "Analysis of IPR issues and definition of possible solutions" is integrated into the Step-by-step guide on IPR Issues (D.6.2), implemented by the WP6 and provides a complete and open database containing information about responsible organisations, clearing houses and key entities dealing with IPR issues and/or legislation in several countries² - European and / or non-European.

The specific deliverable is a tool with which the ATHENA partners and content providers can view, insert and edit relevant information regarding relevant actors in the field of advising, defining and clearing rights on (digital) cultural heritage content.

The database is fully integrated in the main ATHENA platform for clearing rights, which is the Step-by-step guide on IPR issues. Specific services include:

- information retrieval regarding existing IPR offices and organisations;
- possibility of new data insertion for new and emerging actors in this field;
- editing already included information on existing organisations.

The aim is to produce a complete and consistent database of the offices, organisations and key entities most currently active in rights clearance in Europe and in particular in the ATHENA partner countries. Its strength lies in its openness and built-in capability to be enriched by authorised and responsible users³ in the long term. Flexibility was necessary to be implemented so as to support the ever changing digital rights clearing landscape.

This deliverable is structured as following.

- methodology of work and implementation
- the Step-by-step guide an overview
- structure of the database and tools
- implementation provided user services
- information collection strategy

At the moment of writing, 24 countries are represented in the database. See chapter 6. Information collection strategy for the list of countries in the database.

Authorised and responsible users in this context are considered the members of the ATHENA consortium, who have actively contributed in the creation of this database.



2. Methodology

The database containing IPR information per member state is implemented as an open and user friendly tool which includes features for inserting, retrieving and editing contact information of organisations involved in IPR clearance and / or advice in this matter (in this document referred to as 'IPR offices'). The tool is online and available to the public for information retrieval and to authorised users of the ATHENA consortium and other interested parties (interested parties from outside the consortium will only be granted back office access after identification).

The methodology and actions taken for developing the database containing IPR information per member state included:

- 1. Review of relevant databases on IPR contact and / or other information in the European cultural heritage sector: the starting point for the database is the information already gathered by other European projects and initiatives such as the "Minerva IPR Guidelines"⁴, Collections Link's "Get to grips with copyright"⁵, the Dutch "Juridische wegwijzer Musea en Archieven Online"⁶, etc. In addition, the WIPO's relevant database was studied and used as a basis for the creation of the ATHENA database.
- 2. Generating the initial structure: the initial structure has been developed forming the database's entity relations diagram and defining the basic tables, fields and data types. An important aspect in developing the initial structure was the functionality of the Step-by-step guide, in which the actual information from the database had to be incorporated.
- 3. Communicating the structure and the overall logic for approval to the target group (ATHENA users) and external experts: the need to have a wide approval of the structure and idea behind it was important. For this reason IPR organisations from the ATHENA network have been selected as testbed organisations (such as the Greek Intellectual Property Organisation) and a steering committee⁸ specialised in IPR issues has been created to give extra guidance and approval. The goal was to ensure the usefulness and completion of the database before initiating its implementation. Approval by the ATHENA consortium was also asked through the general project mailinglist on December 10 2010. Partners had time until December 20 2010 to send their initial comments to the WP leaders.
- 4. User interface design: the aim was that the online tool can easily be used by anyone working in the cultural heritage field and IPR sector. Both users with and without any legal and / or

⁴ MinervaEC Working Group (ed.), Minerva IPR guide, 2008.

Online available from http://www.collectionslink.org.uk/get to grips with copyright, accessed October 2009.

⁶ A. Beunen & T. Schiphof, Juridische Wegwijzer Archieven en Musea Online, 2006.

Online available from http://www.wipo.org, accessed July 2010.

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The steering committee consists of Herman Croux, Annemarie Beunen, Evaggelos Papakonstantinou and Christos Golfinopoulos. Herman Croux is a lawyer at Marx Van Ranst Vermeersch & Partners (Brussels). He mainly deals with international contracts and disputes, broad experience in the field of intellectual property and information technology). Annemarie Beunen is a lecturer at the Law Faculty of Leiden University, eLaw@Leiden, Centre for Law in the Information Society. She promoted on the European Database Directive and works as copyright lawyer at the Royal Libray, The Hague. Evaggelos Papakonstantinou is a lawyer and a lecturer in the Computer Engineering and Informatics Department of the University of Patras. Christos Golfinopoulos is a lawyer practicing in Greece and a PhD candidate in Athens Law School of the University of Athens.



technical background should be able to navigate their way through the tool and database and retrieve the information they need. Testing the interface took place at the University of Patras and was done by PACKED vzw (co-WP leader).

- 5. Implementation: actual implementation was carried out using web based and information systems technologies. The implementation of the database, as part of the Step-by-step guide tool, was done by the High Performance Information Systems Laboratory's (http://www.hpclab.ceid.upatras.gr) team of the University of Patras due to their long-standing expertise in these kinds of flexible online systems. The aim was to have a database functioning autonomously and on-line. Technical maintenance over the long term is guaranteed by the University of Patras.
- 6. Integration: functional and technical integration of the database and its tools to the Step-by-step guide on IPR Issues. The aim was the user to have a seamless and homogenous access both to the database and the guide. Their role is complementary; for example, the guide proposes the user in certain steps to get in contact with his/her local copyright office so as to clarify complicated situations traced and defined by the guide.
- 7. Evaluation and testing: this phase was of great importance as it optimised the functionality and the overall output/usability of the database. The Step-by-step guide and accompanying database were made accessible for testing by the ATHENA consortium members between the period of December 10 2010 until December 20 2010. Communication about this testing opportunity was given through the general ATHENA mailinglist.

During the creation of the database containing IPR information per member state and the Step-by-step guide in general, a close link to the Europeana and EuropeanaConnect community was maintained. However, in contrary to what was suggested in the early days of the ATHENA project, Europeana did not develop a similar tool to the Step-by-step guide which would result in an Europeana license. An agreement between a data provider or aggregator and Europeana is always complementary to the agreement that a content provider can conclude with (a) right holder(s) as a result of using the Step-by-step guide.

The timing schedule is being presented below. The deliverable "Database containing IPR information per member state" of the WP6 is presented in comparison with the other deliverables.



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	a) 10/09: draft report on methodology																
	b) natio: online Step-by-Step guide																



3. The Step-by-step guide – an overview

This section provides information about the Step-by-step guide already implemented and available on-line, to which the database of IPR information per ATHENA partner country (and beyond) is embedded.

This guide was constructed after consultation of different tools, guides, etc on IPR clearance and assistance in that process that were already online. Amongst others, JISC's, http://web2rights.org.uk provided a very useful tool and was therefore considered as a solid and good reference. Most of these guides were aiming at a greater set of end users and circumstances, e.g. including commercial publishers, educational uses, etc. The members of the ATHENA consortium needed a clear focus on minimal amount of questions, clarity, and an easy-to-understand license agreement as end-product. Furthermore, the license agreement had to cover a targeted, specific outcome: it had to cover digitisation and/or in-house availability and/or online availability. The steps to produce the license were created the WPleaders. The actual text of the license agreement (both long and short version) were created by an expert lawyer (Herman Croux, member of the WP6 steering committee) and evaluated by the WP leaders and external experts.

The Step-by-step guide on IPR of the ATHENA project mainly aims at:

- providing support to a cultural heritage organisation to create a legal basis for clearing rights on digital cultural heritage content;
- license creation for digitisation and/or on-line display of such content;
- maintaining the link to Europeana;
- respecting the common legal frameworks within the countries that are part of the database;
- supporting and promoting the Public Domain Mark.

1) <u>Providing support to a cultural heritage organisation to create a legal basis for clearing rights on digital cultural heritage content</u>

The guide contains background knowledge information: useful documents on legislation in the different ATHENA partner countries, on collective license models, on DRM technologies, about Europeana, etc. The guide also includes the possibility to 'ask a question': by direct connection to the IPR blog there is a continuous help by experts.

2) License creation for digitisation and/or on-line display of such content

The actual Step-by-step guide is a copyright clearance tool which produces a license agreement for a specific work and defined use scenarios:

- digitisation of cultural heritage content;
- making this digital content available in-house;
- making this digital content available on the WWW.

The user inserts useful information through seven steps and as a result the tool provides an overview of the current rights status of the work and in parallel produces a model license agreement (in .doc file type format) for the specific work and the required use scenarios as defined by the user of the tool.



3) Maintaining the link with Europeana

When receiving the proposed license agreement, the attention of the user is also drawn to Europeana's Data Provider/Aggregator Agreements. They are included in the tool and will be updated in case Europeana issues a new version of these agreements.

4) Respecting the common legal frameworks within the countries that are part of the database

An overview of the current legislative situation in each ATHENA partner country is included as part of the background information. Furthermore country-specific help is provided by incorporating the database containing information of relevant copyright instances into the tool.

The license agreement that is the result of using the Step-by-step guide was developed with particular attention for the fact that it had to be applicable and useable in all European countries.

5) Supporting and promoting the Public Domain Mark

Some brief information about this 'Public Domain Mark' is necessary so as to shed light to its importance. On Friday October 15 2010, Nathan Yergler, Chief Technology Officer of Creative Commons and Europeana's director Jill Cousins presented the Public Domain Mark during the Europeana Open Culture Conference in Amsterdam.

The Public Domain Mark (PDM) is a new tool to indicate that a certain work is part of the public domain and that there are no copyright restrictions on its (re-)use. The mark is an addition to the Creative Commons – zero (CC0) license and offers the possibility to mark a work that is in the Public Domain as being in the Public Domain.

The difference between a CC0 license and a PDM is that a work carrying a CC0 license is still protected by author's rights, but the right holder distanced himself from his/her rights on it — whereas of a work that is labeled with the PDM, the copyright term of protection on the work already expired.

Europeana is expected to use the new copyright indication on a large scale. By using the PDM, which exists of metadata and tags, users like artists, teachers and students will be able to recognize works that are in the Public Domain much faster and easier. Creative Commons understands that a lot of institutions who make Public Domain works available on the internet, are managed by archives, libraries and museums. The PDM therefore offers a structure whereby people who apply a PDM to their work(s) can indicate the title and author of a work, but also which institution or person is at the moment 'in charge of' (or manages, holds, ...) the work. This allows fast tracing of the person or institution that preserves and holds the work at the moment.

The PDM can be seen as a materialisation of the Public Domain Charter, which was launched by Europeana earlier. The Public Domain Charter was (and still is) an intention on paper that content providers to Europeana could sign, to indicate that they are willing to keep as much digital cultural heritage material as possible in the Public Domain.

Creative Commons launched an official press release http://creativecommons.org/press-releases/entry/23755 about the launch of the Public Domain Mark. This is what the mark looks like:





The Step-by-step guide supports the use of this Public Domain Mark. In case where the work you wish to use seems to be out of copyright (e.g. because its term of protection has expired), the tool will not result in an appropriate license agreement to be concluded between the user and any right holder, but it will advise to use the Public Domain Mark code in the user's metadata so as to clearly indicate to any other interested party that this content is in the Public Domain.

The Step-by-step guide's design and implementation principles are mainly the following:

- web and Web 2.0 technologies: open source Web and Web 2.0 technologies have been used throughout the implementation mainly to ensure long-term sustainability and expandability of the guide.
- managed centrally: the services and tools provided are being managed centrally by the University of Patras. The information contained in the guide is managed in a distributed manner by all partners of the ATHENA consortium and other authorised users.
- supporting multilingualism: the partners and authorised users have on-line administrator access to easy-to-use forms for translating the entire guide, the information in the database, changing layout and structure parts (upon suggestion to the managing team), etc.9
- ease of use: aimed at any user with basic web navigation experience.
- support: availability of information on local IPR organisations in the member states (by incorporating the database on IPR information in the tool).
- continuous help: an IPR blog is maintained by experts10 willing to answer to questions or to redirect the interested party to a useful source of information in order to find the solution of the problem.

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At the moment of writing, co-WP leader PACKED vzw is finishing the translation of the Step-by-step guide to Dutch (see language menu: 'Nederlands'). Also a Dutch version of the model license agreement was produced and incorporated, so as to provide a complete translated example of the tool to the ATHENA consortium.

Mr. Christos Golfinopoulos (lawyer practicing in Greece, PhD candidate in Athens Law School of the University of Athens) and Mr. Evaggelos Papakonstantinou (lawyer – lecturer in the Computer Engineering and Informatics Department of the University of Patras) take on the role as experts in the context of the blog.



The service and information provided to the final user of the Step-by-step guide is depicted in the following images.



The SBS Guide - Home page



Get help in your country



Background knowledge





Ask a question



Start > Creators > Type_of_work > Portrait > About License > Obtain License > Results Start Over	Background » IPR Legislation
Identification of the work	 New Licensing Models Application of Digital Rights Management techniques
Name of the work: Ermis Sculpture	
Name of the creator(s): Praxitelis	
Insert the names of the creators using a new line for each one. In case you do not know the name of the creator(s), you can not proceed with this IPR guide.	
Collection name: ² Ancient Greek Dep	
Collection description: Collection of ancient antiquities	
Go to step 2	
The author is the creator of the work.	
² This guide can also result in a license for a collection of works, e.g. all by the same creator.	

SBS Guide – Identifying the work

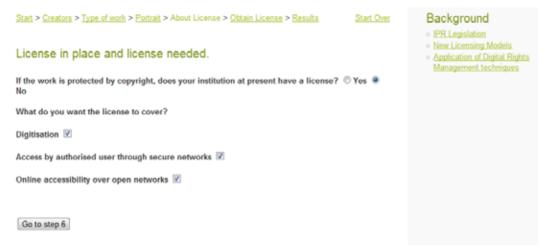


SBS Guide – Defining the copyright status

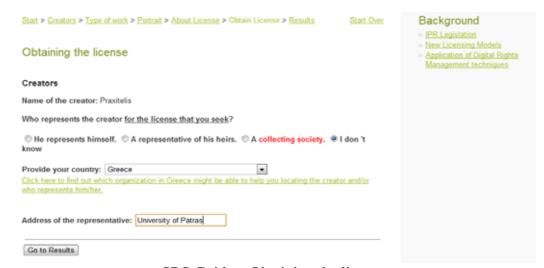


SBS Guide – Identifying the type of work





SBS Guide - The uses required



SBS Guide - Obtaining the license agreement



Results

There seem to be no copyright issues with this work.

Please consider marking this work with the Public Domain Mark.



Work

Work name: Ermis Sculpture

Is it original? Yes

Present date: 23/04/2011

Is there a license already? No

What you want the license to cover:

Digitisation

Access by authorised user through secure networks

Online accessibility over open networks

Creators

Name of the creator: Praxitelis

SBS Guide – Results sample for Public Domain

Creators

Name of the creator: Praxitelis

Address of the representative: University of Patras

Is the creator dead? Yes

Date of death: 23/04/1971

Are there copyright issues? Yes

You need to sign a license agreement with Praxitelis

License agreement (short version).doc License agreement (long version).doc

Expiration date of copyright: 23/4/2041

Representative: He represents himself.

Collection

Collection name: Ancient Greek Dep

Collection description: Collection of ancient antiquities

SBS Guide – Results sample for copyrighted work



AGREEMENT FOR A LICENCE ON DIGITISATION AND ONLINE ACCESSIBILITY (SHORT VERSION)

BETWEEN:

Full name:

Full address:

Duly represented by:

("the Licensor")

AND:

Full name: Your organization's name Full address: Your organization's address

Duly represented by: Your organization's representative

("the Licensee")

IT IS AGREED AS FOLLOWS:

1. LICENSE

 The Licensor grants the Licensee a non-exclusive and non-transferable license to perform all uses of the Licensed Material (as specified in the Annex) as permitted hereunder for the duration of copyright.

Nothing in this license agreement shall constitute a waiver of any statutory rights or benefits from statutory exceptions to copyright applicable to the Licensee.

A. DIGITISATION

1.1. The Licensee may digitise the Licensed Material, resulting in the "Digitised Version". The Digitised Version may be accessed and reproduced on paper, microfilm or electronically in appropriate numbers of copies necessary for the sole purpose of back-up or preservation. The Licensee may store the Digitised Version in a systematic way so as to facilitate its search and retrieval.

SBS Guide – The final license agreement (only the first page)

The Step-by-step guide also provides administrative tools for quick and easy content management and translation of the entire guide in every preferred language. Access to the administrative tools is given to the ATHENA consortium members and other authorised users. An overview of the administrative tools is provided in the following images.



Administrative tools – main panel





Administrative tools – changing the main menu and its content



Administrative tools – managing the database with the IPR offices



Administrative tools – translating the main menus and content of the guide





Administrative tools – translating the seven steps for rights clearance of the guide

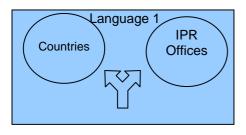
The Step-by-step guide is publicly available through the ATHENA project website and its administrative tools can be accessed only by authorised users after request for the password, which is available from the work package leaders.

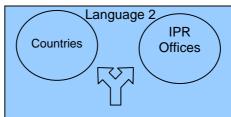
The following section is focusing on the structure and implementation issues of the database containing IPR information per member state which is fully integrated to the aforementioned Stepby-step guide.



4. Structure of the database containing IPR information

The structure of the database containing IPR information per member state is based on a relational model which includes the tables, fields and the data exchanged between these key entities. In addition, the database includes all the supportive tables and fields which facilitate the user authentication and the administration facilities.







The User entity holds authentication and profile information for the user and has a one-to-many relation with the entities Countries and IPR Offices. In terms of functionality a user is able to administer more than one IPR office per country and can be responsible for more than one country. This way of functioning was implemented mainly because a user is represented by an ATHENA partner or by an expert who may collect information for more than one IPR office, from more than one country.

The Countries entity holds information about the countries listed in the database for which information is collected.

The IPR Offices entity holds information about each IPR office which is related to a certain Country. The information fields used for data collection are the following:





Record Details « return to Inc	Edit lpr Office
Country	Greece
Competent administration	Hellenic Copyright Organization Ministry of Culture
Address	Metsovou 5 106 82 Athens
Web site address	http://www.opi.gr
Telephone Number (1)	(30 210) 825 07 50
Telephone Number (2)	
Telephone Number (3)	
Fax Number	(30 210) 825 37 32
Email Address (1)	protocol@opi.gr
Email Address (1) Description	Secretary
Email Address (2)	
Email Address (2) Description	
Email Address (3)	
Email Address (3) Description	
Title of Office's Head	Director
Name of Office's Head	Ms. Irini Stamatoudi

This table is used for gathering information per IPR office and contains the basic information necessary to define and describe in brief an IPR office.

For each set of the countries and IPR offices entities a language is being defined and used. This is the basis of the multilingualism features of the database and the tool at large. The user has the ability to define languages and store information for each selected language for the whole group of entities. This is further extended to the editing feature. The user is able to edit information inserted in the database for every language used so far.

The structure described in this section was used as a basis for the tool implementation and was based on the functional requirements defined by the ATHENA project. In the next section a more detailed description is presented focusing on implementation issues and the functionality provided to the final user.



5. Implementation – provided user services

The database containing IPR information per member state was implemented based on common and well defined software development techniques and the final services provided to the users are refined and optimised based on a continuous reviewing process.

The final users are divided into two main categories:

- 1. The general users, who have public access to the information regarding the IPR offices in the database through the main Step-by-step guide's home page.
- 2. The authorised users, who have the responsibility to manage and maintain the most updated information regarding the IPR offices included in the database. These users are mainly the ATHENA consortium members and ATHENA national contact points.

The services provided to the general users are presented in the following images.



The main access point of the database, for the general user, is the Step-by-step guide's main page and more specifically the section 'Get Help in Your Country'.

When accessing this particular section, the following information appears:





When the user clicks on a country from the list, more information about IPR offices, clearing houses and relevant organisations active in field of IPR in the selected country appears.



The main access point of the database, for the authorised user, is a special web address which leads to the back office of the website and gives access to the administrative tools of the Step-by-step guide.

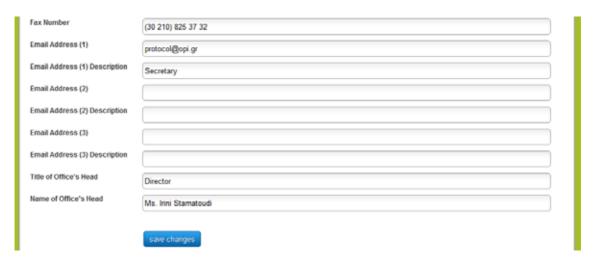




The authorised user has the ability to add a new IPR office, or access, update and modify information already stored in the database. This feature can be edited in the available languages.







The updated information is stored in the database and the authorised user is directed back to the first page of the IPR offices administrative tool.





6. Information collection strategy

The database containing IPR information per member state has already been filled with relevant data on IPR offices across and the ATHENA partner countries and other European or non-European countries. This information can be retrieved publicly and / or can be enriched and edited by authorised users.

The information used so far was gathered based on the main actions:

- 1. The on-line survey of the WP3 Identifying standards and developing recommendations
- 2. Information gathered by relevant projects and initiatives in the field of digital cultural heritage and intellectual property rights
- 3. The ATHENA National Contact Points and legal departments from ATHENA consortium members.

The information gathered includes a wide range of countries. Below is a non-exhaustive list of the countries present in the database:

- Albania
- Austria
- Belarus
- Belgium
- Bosnia and Herzegovina
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Georgia
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Israel
- Italy
- Latvia
- Liechtenstein

- Lithuania
- Luxembourg
- Malta
- Monaco
- Norway
- Portugal
- Republic of Moldova
- Romania
- Russian Federation
- San Marino
- Serbia
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland
- The former Yugoslav Republic of Macedonia
- The Netherlands
- Turkey
- Ukraine
- United Kingdom



7. Next steps

Due to the flexible way the Step-by-step guide and the database on IPR information are conceived, they create a tool together than can not be considered 'final' at the moment of writing this deliverable report. For example, currently an entirely Dutch version of the tool is being finalised. Other partners might also start translations in their national languages, even after the official end of the project. The University of Patras assures that it will be able to keep the technological infrastructure (the backbone of the tool) online and thus accessible to any general user and authorised user who would like to contribute to it. In addition, updating information concerning each IPR organisation is considered as a collaborative responsibility of the entire ATHENA network. After the project's end this responsibility could be transfered to a core of interested partners already participating in new projects aiming at aggregating content to Europeana. At the moment of writing, this possibility is being investigated.

Besides a section on IPR offices, also a section on collective rights management organisations will be implemented. This will allow even for more specific assistance; in the Step-by-step guide, the user will be able to consult the list of collective rights management organisations in his/her country. Since this part of the database was not perceived as a part of the final D6.4., it is still under development and will be added to the database (and tool) shortly.

The online lifespan of the Step-by-step guide and its database will be linked to the existence of the project website, since the link to the guide will be available from the general ATHENA project website.