

CENL Statement on ARROW

The Council of European National Librarians represents the national librarians of the member states of the Council of Europe. National libraries have an important role to play in supporting national cultural heritage through advocacy on research issues, and in the digital world are committed to building an integrated digital national library of Europe for the benefit of European culture and learning.

In order to achieve this, practical, legal and technical solutions are needed to facilitate the mass digitisation of national collections. To this end many national libraries are working with publishers, authors, visual artists and collective management organisations on ARROW,¹ a pan-European rights database of printed works as one of more possible solutions.

Digitisation costs are very high, as are the costs of item by item rights clearance. An example of this is the recent study undertaken by the British Library in conjunction with ARROW, on a sample of 140 books published between 1870 and 2010. The study showed that it took an average of 4 hours per title to complete a full manual diligent search of the books' ownership and acquire clearance to use. To clear the estimated 500,000 out-of-commerce works recently identified as part of a project by the Bibliothèque nationale de France² in this way this would require 2 million hours – over two hundred years - of rights clearance activity. Mass digitisation will potentially incorporate millions of works subject to individual, as well as collectively managed rights – only some of which are controlled by commercially active rightsholders. The volume of rights clearance required in mass digitisation projects, and the time and money required to clear rights on an item by item basis makes a flexible and pragmatic search solution such as ARROW central to enabling mass digitisation.

By linking different rights databases and national library catalogues, ARROW seeks to provide to potential digitisers comprehensive rights information as to the copyright status of a work and therefore can support legal solutions to mass digitisation.

Recommendation

Given the high costs involved in a manual diligent search, CENL believes that where any legal mechanism relating to mass digitisation requires a “diligent search” a search on ARROW alone must constitute a legally acceptable definition of diligent search for an appropriate category of copyright work. Only a practical solution for diligent search will enable more of our cultural legacy to be made available online to the citizens of Europe.

¹ ARROW stands for Accessible Registries of Rights Information and Orphan Works towards Europeana <http://www.arrow-net.eu/>

² <http://www.culture.gouv.fr/mcc/Espace-Presses/Communiqués/Signature-de-l-accord-cadre-relatif-a-la-numerisation-et-l-exploitation-des-livres-indisponibles-du-XXeme-siecle>



