

Autumn 2004

Welcome to NAPLE News

This NAPLE Newsletter contains important and interesting information on four topics: The first is an introduction to the new Library Strategy of the Czech Republic in 2004-2010. The second is information on new music services, in particular remote lending of music files, a very exiting new field. The third is about public lending right systems. Let me just comment briefly on the last topic.

Those of you who attended the closing Council II at the IFLA Conference in Buenos Aires in August this year, will remember that there was a hot discussion on a proposal for a resolution submitted by i.a. the Spanish Library Association. The problem was whether IFLA should support that a number of countries wished to avoid establishing public lending right systems and wanted the support of IFLA for this purpose. The council decided to discuss and investigate the problem further and not pass any resolutions.

The question is of particular interest to countries that are members of the European Union, as since 1992 the European Union Directive on Lending Right made it a requirement for member states to provide authors with remuneration for the lending out of their works. The newsletter presents a brief overview of the situation and a report from Estonia, one of the new member states that has recently established a system. The discussion on this topic is of importance to all of us. The fourth topic is a presentation of the MINERVA project on digitisation of the cultural heritage.

Lastly I am happy to remind you of the CALIMERA Conference in Copenhagen on the 20.-21. January 2005 to which we will shortly issue invitations.

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- ◆ Welcome to NAPLE News, 1
- ◆ Library strategy of the Czech Republic 2004-2010, 2
- ◆ Borrow a Tune! 3
 - In Norway, 3
 - In the Czech Republic, 3
 - In Denmark, 4
- ◆ Public Lending Right, 5
 - PLR: The international scene, 5
 - PLR in Estonia, 6
- ◆ MINERVA, 8
- ◆ CALIMERA Conference in Copenhagen, 10

Library Strategy of the Czech Republic 2004 – 2010

In July 2004 Czech libraries received for the first time in their history a strategic document, which is aimed at their development. The document was approved by the government and concerns more than 6,000 libraries that provide citizens with public library and information services, defined in the Library Act that came into force in 2001. The Act formulates the idea of the national library system, which is made up by public libraries founded by municipalities and also different nets of specialised libraries e.g. academic, research, museum libraries and others.

Goal

The strategy strives to support libraries providing citizens with equal opportunities for access to superior public library and information services. The document also summarises the main problem areas of Czech libraries, proposes solutions and determines responsibilities for the fulfilment of supposed goals. The introduction is dedicated to a description of the current state of Czech librarianship, libraries and information institutions and their strong and weak points, threats and opportunities.

Main subject areas

The strategy determines main aims and objectives of library developments over the next six years. It is divided into five subject areas:

- **Formation of the library system**
Special attention is paid to improving cooperation between all types of libraries, use of common standards and support of advisory and consulting activities
- **Equal access to public library and information services**
The main objective of this is to improve the access of users to all types of published and electronic information resources and to expand the role of the library in lifelong education. In this context the aspiration is to revise the amendment of the Copyright Act. The government will also give considerable support to improving the quality of a communication infrastructure - all

libraries should be equipped with high speed connection to the Internet before the end of 2006.

- **Creation and processing of library collections and information resources**

Special attention will be paid to increasing the volume of financial means for the purchase of books and periodicals and above all electronic resources. Creating specialised information gateways and portals will receive intensive support.

- **Preservation of and making available the cultural heritage**

The main topic of this block is the preparation and implementation of the concept of long-term preservation of traditional and electronic documents which are important components of the cultural heritage. Great attention will be paid to cooperation with archives and museums.

- **Manpower development**

The last block is aimed at employees in libraries. The main emphasis is placed on vocational training and lifelong education.

Within these programme blocks are described almost three tens of partial aims and successive steps. An important part of this document is the description of state programmes aimed at the support of libraries, their funding in the future and the assessment of financial demands on the state budget.

The English version of the strategy is available at:

<http://knihovnam.nkp.cz/sekceno.php3?page=05/St/Policy04.htm>

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Borrow a Tune!

In Norway: **Music library of the future?**



Since the start of the 'Låtlån' (Borrow a Tune) project in March this year, 6,457 library users at the Deichman Library in Oslo and the public library in Bergen have taken advantage of this new service. The project allows registered borrowers at these two libraries access to 50,000 musical recordings. In the first five and a half months no less than 42,106 loans were registered, showing this to be a very popular service.

The scheme will be operated for a test period of six months from March to August 2004 and represents the final phase of a project stretching over several years, partly funded by the former Norwegian Directorate for Public Libraries in 2001 and 2002 and by the Norwegian Archive, Library and Museum Authority in 2003. The first part of the project was based on cooperation between the Bergen public library and Phonofile, an organisation set up by almost 100 Norwegian-owned recording companies specifically to manage their digital copyrights. In this early phase of the project a centre was established in the Bergen library, where members of the public could tune in to tracks from Phonofile's musical database of 50,000 Norwegian works. In the final phase of the project co-operation was extended to include the Deichman Library in Oslo, and the service was upgraded to make it possible to lend out musical tracks.

Lending takes place by streaming on users' computers, so that the loan period lasts just as long as it takes to hear the track.

Registered borrowers at the two libraries must log on to the service via MappaMi, an existing Internet service for reservations, renewals, etc. connected to the library system, Bibliofil. The process of logging on to MappaMi means that access can be restricted to registered library users and that the library can, if necessary, control the individual borrower's use of the service.

If in future this service is to be extended to more libraries, developing similar access functions should not represent a problem to other suppliers of library systems. The main challenges will therefore lie in reaching satisfactory agreements with Phonofile concerning reimbursement for the use of their database and how to finance these costs.

In addition solutions should be found which are not dependent upon the use of Windows operative system and Windows Media Player, since the situation today constitutes a technical limitation on public access. For music-loving library users it will be interesting to follow further developments after the end of the project

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Websites:

www.deich.folkebibl.no/llaatlan.htm
www.nettbiblioteket.no/llaatlan.htm (same as previous link, but Bergen public library)
www.phonofile.no/

In the Czech Republic: **Borrowing soundtracks in Czech libraries**

In January 2004 a new license contract was concluded between the National Library of the Czech Republic and corporate administrators of copyright. The corporate administrators chartered to libraries the licence for lending soundtracks by this contract - this means lending gramophone records, tape cassettes and records, CDs and the like. The contract replaces the contract from 1994, which was concluded by the Association of Czech Library and Information Professionals.

This new license contract is the result of prolonged and difficult negotiations, and it essentially changes the specifications needed for lending soundtracks in libraries. The basic principles of the new license contract could be summarised in this way:

- The contract includes more than 6,000 libraries providing public library and information service
- The state reimburses an allowance amounting to 156,000 Euro per annum for corporate administrators through the National Library of the Czech Republic
- If the library charges fees for lending to users, it is obliged to pay 40% of the total amount to corporate administrators
- Libraries are not allowed to provide users with any technical equipment for making copies of copyrighted works on library premises
- Libraries which lend soundtracks in the form of remote loans, can lend the soundtracks no sooner than 9 months from their purchase or production.

Both parties had to accept many compromises during the negotiations, and the signed contract is a result of these complicated dealings. At the initial stage of the negotiations, corporate administrators asked for a general banning of the lending of soundtracks in libraries. As yet, no contract for lending audio-visual recordings has been made with the corporate administrators, and libraries must decide on lending conditions for each document separately. The lending of audio-visual records is very limited in Czech libraries for that very reason.

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In Denmark:
Download of music files - new service in Danish public libraries

Under the slogan 'let og lovligt' (easy and legal) 117 Danish public library systems on 1. September presented a new offer to their users: free of charge loan access to 35,000

Danish (i.e. written or performed by Danish artists) music tracks from home computers. The number of tracks is increasing and will in the near future also include foreign music. All types and music genres are represented.

The background for this service is in the first place that the State and University Library in Århus, which is also national legal deposit library for music, has digitised some 300,000 tracks and thus provided the technical basis for web-based distribution of their holdings. During the past year the Danish National Library Authority and a consortium of six county libraries have been negotiating with the rightholders' (composers and writers, producers and performing artists) association 'Phonofile' to find a model and price for web-based distribution of the music files for loan and for buying via the public libraries. We agreed on a model where users can choose one-day or one-week loans, after which time the file will automatically be deleted. The basic business model is that libraries pay per loan, and each library may – for obvious budget reasons – decide the number of tracks that each user may borrow during for instance a month.

Libraries are not obliged to offer the service, but nearly half of the Danish municipal library systems joined from day one.

The agreement runs for a two-year period, but already after six months we have decided to carry out an evaluation.

To establish the service, the Ministry of Culture and the Danish National Library Authority have contributed to the agreement with some 500,000 Euro. For the minister of culture this step is one of several to support the Danish music scene that suffers severely from piracy copying of music files. Another step that the minister decided to take is to announce a waiting period of a few months for new CDs before they can be objects of lending activity. This step is supposed to increase the sale of new CDs.

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Public Lending Right

PLR: The international scene

What do the United Kingdom, the Faeroe Islands, Slovenia and Estonia have in common?



The simple, but perhaps unexpected, answer is that they all have Public Lending Right systems. They are among a growing number of countries (19 at the last count) that have given their authors a legal right to receive payment for the lending out of their books by libraries.

Why the recent interest in PLR at international level? After all, the PLR idea is not a new one. The first PLR system – the Danish – dates from 1946, and we in the UK are celebrating the 25th anniversary of the 1979 PLR Act this year. The answer lies in the 1992 European Union Directive on Lending Right which made it a requirement for all Member States to either recognise the exclusive right of authors to license or prohibit the lending of their works by libraries, or, at least, to provide them with remuneration for the lending out of their works.

In the years immediately following the Directive it has to be said that progress in implementing its provisions was slow. Member States which already had PLR – the UK, Germany, the Netherlands, Finland, Denmark, Austria and Sweden – modified their approaches to take account of the Directive's requirements. But of the other Member States which did not have PLR systems, only France undertook to introduce PLR legislation, and this passed

through Parliament during 2002. (We await news of a start date for the proposed system.) Several states, including Ireland, Italy, Spain and Portugal, changed their copyright legislation to recognise the new exclusive lending right in principle. But the Directive allows governments to exclude specific types of library (e.g. in the UK school libraries are not covered) and these countries have interpreted this provision as empowering them to exclude public or publicly-funded libraries. As a result PLR systems have not been established.

There the matter has stood for several years. But in November 2002 the European Commission, having commissioned a progress report on implementation, instituted legal proceedings against Belgium for failure to implement the Directive at all. The European Court of Justice found in the Commission's favour in October last year. The Commission has gone on to challenge the interpretation of the Directive adopted by the countries that have chosen to exclude public libraries from any PLR obligation, and we expect shortly to hear the outcomes of this challenge.

The Directive also allows countries to give priority to their national cultural objectives in the type of PLR system they adopt. In Denmark, for example, this has been interpreted as enabling PLR payments to be restricted to authors writing in the Danish language. The Commission is also understood to be looking at this interpretation of the Directive and we await further news. If the Commission rules against this approach, on the grounds of discrimination against authors writing in other European languages, then it will have important implications for the other Scandinavian countries which have adopted similar approaches.

The Lending Right Directive also has implications for the ten new countries joining the EU in May this year. They too

must commit to implementing the Directive in their own legislation, and there have been some striking success stories. The three Baltic countries - Estonia, Latvia and Lithuania - all now have PLR legislation in place, and the Lithuanians have made their first PLR payments. The new Estonian PLR system – modelled on the UK scheme – expects to make payments later this year. Slovenia too also has introduced PLR legislation, and first payments are due in the autumn. Progress in the larger countries – Poland, Hungary, the Czech Republic and Slovakia – has been slower, though the Hungarian Culture Ministry is committed to drafting PLR legislation and a PLR seminar in Budapest earlier this year attracted much media interest.

A concern for librarians in countries that have not yet set up PLR systems is that payments to authors will come from library budgets. This need not necessarily be the case, and all the new PLR systems in the EU – Slovenia, Estonia, Lithuania – are centrally funded. Progress in these countries has been achieved by all concerned – authors, librarians, government – working together to arrive at an agreed solution that does not have an adverse effect on library budgets.

There are as many approaches to PLR as there are schemes. Those based on the Lending Right Directive tend to be copyright-based and are run by collecting societies. In the UK, PLR is a statutory right but it falls outside copyright and authors must apply to have their books registered with the PLR office. In the Scandinavian countries, as we have seen, PLR is seen as part of the state's support for national culture.

Methods of payment calculation also vary from country to country. Some, such as the UK, make payments on the basis of how often books are lent out. (All four of the new east European schemes have opted for a loans-based system of payment calculation.) Others, such as the Danes and the Canadians, use a shelf-count method, i.e. payment is based on the number of copies of an author's books held by libraries. The proposed French system will

be based on a levy on library book purchases. In the UK, only public library borrowing counts towards PLR, in Australia school libraries are included and in Canada college libraries. In Sweden and Norway part of the PLR fund goes towards travel grants for authors, and in Germany and France funding is earmarked for an authors' pension fund. The UK system is open to all authors living in EU countries and is the only PLR system to adopt this approach. Reciprocal arrangements exist between the UK and Germany and the Netherlands.

Here in the UK we have been working closely with the fledgling PLR systems, providing advice and technical assistance as required. Last October we hosted a seminar providing an introduction to the principles and practice of PLR in London for delegates from over 20 European countries, including all ten new EU states. Funding was provided by Kopinor, the Norwegian reprographic rights organisation. The seminar was a big success and a follow-up meeting is planned for September in Rome.

To encourage cooperation, the exchange of information and the sharing of best practice with emerging PLR countries we have established an International PLR Network which has its own website (www.plrinternational.com) maintained by the UK PLR office. The site provides latest news of PLR developments, seminars and conferences and provides links to the various national schemes.

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PLR in Estonia: Estonian public lending right system successfully started

For the first time in the history of Estonian libraries, a public lending right (PLR) system has been introduced. According to the Estonian Copyright Act, an author does not have the right to prohibit the lending of copies of his or her works from public

libraries, but the author has the right to obtain, pursuant to the procedure provided by law, equitable remuneration for such lending.

The Estonian PLR system is a copyright-based system, i.e. the remuneration is available to all categories of authors. The remuneration for public lending is paid out of the state budget. The budget for remuneration in 2003 was one mil. Estonian croons (app. 60,000 Euro).

The PLR system in Estonia is administered by an independent foundation Autorihüvitusfond (Authors' Remuneration Fund). The fund has a council whose members represent writers, graphical designers, publishers, libraries and state authorities.

The public lending is limited to public libraries (a category from Estonian Act on Libraries) i.e. public libraries in towns and municipalities. The number of public libraries is about 500. The remuneration to each author will be calculated on the basis of electronically registered lending times of their books in a sample of public libraries.

The remuneration is paid to authors (writer, illustrator, translator, photographer) whose books are borrowed from the libraries. The Authors' Remuneration Fund collects data from different databases of public libraries using a special computer programme.

The authors or their rightholders have to present an application to the Authors' Remuneration Fund. In addition to the traditional hand-written application forms the Authors' Remuneration Fund invites the applicants to submit their applications electronically via our homepage at <http://www.ahf.ee>; the electronic applications are pre-filled on the basis of the lending data in our database, and authors can add titles which were not borrowed in 2003. The applications are valid for three years, after that the authors are invited to renew them. The final calculation of remuneration is automatically done by a specially developed computer programme.

The total remuneration for each author depends on the demand for the author's books. The more people borrowing a certain book, the more remuneration is paid to the authors related to that book (writer, illustrator etc.).

By April 2004 the Authors' Remuneration Fund received 390 applications. It might have been due to a campaign, which was mainly carried out in the cultural media, that we received quite a few applications from non-fiction authors. Those were mostly authors of academic textbooks on economics and law (which, however, rank among the most frequently borrowed titles). There were 64 graphical designers among the applicants. Their share of the remuneration falls into five different categories depending on the proportion of illustrations/designs in each book. And roughly one third of the applicants used the electronic application option.

The most frequently borrowed book according to the electronic database, was a textbook Basic of Physics by Igor Saveljev. The second most popular was The Princess Diaries by Meg Cabot.

Translators collect the largest remuneration despite the fact that their lending quotient is half that of authors who write in Estonian. The biggest remuneration was 46,835 Estonian croons (app. 3,000 Euro).

The next challenge for the Estonian PLR system is to increase the amount of remuneration and expand the list of libraries where electronic databases are used.

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MINERVA

Ministerial Network for Valorising Activities in Digitisation



A project within the European actions on digitisation of the cultural heritage

One of the most relevant objectives of Information Society General Directorates of the European Commission is to coordinate the digitisation policies of the cultural heritage, within a wider application project of new technologies in this specific field. The point of reference is the eEurope Action Plan formally approved during the European Council held in Feira in June 2000 and renewed until 2005.

One of the purposes of the *Lund action plan* is promoting the creation of European contents and placing them on global networks, fully exploiting the potential of digital technologies.

On 4. April 2001 the Swedish presidency of EU arranged in Lund, in cooperation with the Information Society General Directorate of the European Commission, a meeting of the experts of all the member states in order to analyse the main thematic issues of this initiative, suggest recommendations coordinating the future work and contribute to create an added value to the ongoing European digitisation programmes. The ground principle states that “the European cultural and scientific knowledge is an exclusive heritage of public worth, reflecting the collective memory of the different European societies and is at the same time a solid platform for the development of the European digital content industry.”

Therefore, this heritage must be brought at everyone’s level and come into sustainability dynamics.

However, there are several key problems which could prevent the full exploitation of the potential of these resources:

fragmentation of approach, obsolescence of standards and technologies, lack of simple, common forms of access for the citizen, access by the citizen to the different resources both at national and EU level, Intellectual Property Rights (IPR), lack of synergies between cultural and new technologies programmes, institutional investment and commitment.

In order to address these issues, the European Commission established a permanent steering group of national representatives of all the member states (NRG) to coordinate activities related to the Lund principles and the digitisation of the cultural heritage.

In order to support these issues, the Italian Ministry for Cultural Heritage and Activities, through the General Directorate for libraries and cultural institutes, presented within the 5th Framework Programme the MINERVA project, which started 1. March 2002 and will end in July 2005.

The objective of the MINERVA project is to create a network of Member States' Cultural Ministries, coordinated by the Italian one, to discuss, correlate and harmonise activities carried out in digitisation of cultural content, and an agreed European platform made up recommendations and guidelines about digitisation, metadata, long-term accessibility and preservation, quality of cultural websites.

Thanks to the involvement of national governments, MINERVA intends to coordinate corresponding national programmes, as well as establish contacts with other European countries, international organisations, associations, networks and projects involved in the digitisation sector, fostering the convergence among archives, libraries, museums in a perspective of integration of the services offered by the memory institutions.

The activity of MINERVA is organised in work packages as follows:

- Benchmarking framework

- Identification of good practices and competence centres
- Inventories, discovery of digitised content, multilingual issues
- Identification of user needs – quality of websites
- Interoperability and service provision- sub-group dealing with IPR and copyright issues

To encourage a quick integration of approaches within the new EU in the field of digitisation, the Italian Ministry for Cultural Heritage and Activities presented in the framework of the 6th Framework Programme MINERVAplus, the extension of the project to the New Accession States as well as Israel and Russia.

Started on 1st February 2004, MINERVAplus committed to some of the new European countries the exploitation of its products and results and the elaboration of surveys on specific topics:

- Digitisation cycle cost reduction
- Definition of business models for digitisation programmes
- Discovery of multilingualism and thesauri
- Small cultural institutions' needs

So far, MINERVA has edited political documents, such as the Charter of Parma, in order to strengthen the role of the NRG and highlight the importance of digitisation as a key factor for wide access to cultural heritage from European citizens.

Practical tools have been implemented as well: They concern in particular the quality of communication of cultural content through the web (the *Handbook for quality in cultural websites* and the *Cultural websites quality principles and handbook*), and recommendations and guidelines for defining and building quality digitisation projects (the *Good practices handbook and the Technical guidelines for digital cultural content creation programmes*).

Since MINERVA is now in its third year of activity, the focus of its efforts is on the exploitation of the results achieved, and on the networking activity with other FP5 and

FP6 projects (in particular BRICKS, CALIMERA, DELOS, Digicult, EPOCH, ERPANET, and PRESTOSPACE), non-European countries, in particular those ones of the South-Eastern and Caucasus area, and international programmes such as UNESCO – Information for all.

Finally, the MINERVA experience as the executive arm of the NRG will last throughout new initiatives: MICHAEL and EURIDICE. MICHAEL (Multilingual Inventory of Cultural Heritage in Europe – www.michael-culture.org) was approved in the framework of the eTen programme and was born on the basis of the joint efforts of Italy, France and United Kingdom on interoperability and inventories carried out for MINERVA. The project will establish an international online service, which will allow its users to search, browse and examine multiple national cultural portals from a single point of access. This online service will be actively supported and endorsed by the national governments and agencies responsible for cultural heritage.

Finally, EURIDICE (European Recommended materials for Distance Learning Courses for Educator) is a joint initiative of Poland (coordinator), Italy, Belgium, Sweden, Spain, and Austria; it is under negotiation and is expected to start on early 2005).

About MINERVA:

www.minervaeurope.org

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CALIMERA/NAPLE
Conference in Copenhagen 20.-21. January 2005

The conference will deal with best practice and national tools and policies to create a new kind of access, and it is directed at agencies, councils, ministries and similar national bodies in charge of museums, archives and libraries. The conference will be organised jointly by the Danish National Library Authority - in our capacity as a Calimera project-partner - and NAPLE. It takes place in Copenhagen, at the Danish Foreign Ministry and is held on Thursday and Friday 20.-21. January 2005.

The first day of the conference will deal with national policies (and different organisational models) within the ALM-area. The aim is to give an understanding of the different experienced-based models that exist and what advantages and challenges they bring. For instance – how to create a common policy? And what can be done on a national level to make this policy functional on a local level?

The second day of the conference will deal with local examples of best practice between ALMs. together with presentations of tools to improve access to ALM material.

We are close to finishing the programme and invitations for the conference will be distributed in October.

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Conference facilities of the Danish
Ministry of Foreign Affairs

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