

Information of the Recommendation for the Swedish Cultural Heritage Government agencies and Institutions on Extended Collective Licence for images under copyright

Digisam is a Swedish secretariat for National coordination of digitisation, digital preservation and digital access to cultural heritage. Following a decision by the Government, Digisam, in 2011, was established at the Swedish National Archives. The assignment was to coordinate the activities connected to the Swedish National Digital strategy within the timeframe of 2012-2015. Digisams assignment has recently been extended for 2016.

Visual Copyright Society in Sweden (Bildupphovsrätt I Sverige) is a collecting society for all visual authors in Sweden. Visual Copyright Society in Sweden has 8 500 individuals and 6 visual associations as members and represent nearly 90 000 international visual authors. The whole visual repertoire is represented (fine artists, photographers, illustrators, designers etc). The turnover is close to 100 MSEK yearly of which 85 % is distributed to individual authors on the basis of the use of their works.

The Swedish cultural heritage agencies and institutions have for a long time needed a legal solution for making available different types of images, such as photographs, illustrations and image artworks. The 1st of November 2013, an amendment of the Swedish Copyright law, opened for the possibility of using an extended collective license-based agreement for all kind of cultural heritage agencies and institutions. Previously, such extended collective license-agreement existed only for archives and libraries. Now it became possible to even include museums in such an agreement.

The legal part of the Recommendation began in late 2013. Two working groups were established by Digisam to work with various current copyright issues. The reference group's task was to identify the institutions' need to use images in various types of digital forms. In autumn 2014 the agreement group released basic conditions for an extended collective license based image agreement, together with the collecting society in visual arts, Visual Copyright Society in Sweden. The relevant paragraphs in the Swedish copyright legislation that has been used are the extended collective license for archives and libraries (§42 d) and the general extended collective license (§ 42 h) in order to include the museums. At the end of 2014 the Steering Committee of Digisam decided to set up a negotiating team with the task of negotiating cost levels and reporting models for the individual image agreements with Visual Copyright Society in Sweden.

The 27th of October 2015, the parties signed the agreement in the form of a Recommendation on extended collective license for images under copyright. The Recommendation contains the contractual terms of the cultural heritage authorities and institutions publication of the images in their collection open to the public on websites, controlled by the agencies and institutions. According to the agreement, the institutions can illustrate the database with 120 individual images per year. Additional publication shall be economically compensated. The Recommendation contains a price-list indicating the cost of the mentioned uses. If the institution estimates that the share of copyright-protected images exceeds 25%, separate negotiations will be conducted with Visual Copyright Society in Sweden. The undersigned Recommendation also includes a contract form that can be used by individual authorities and institutions that choose to sign an image-agreement under the Recommendation.

Every single Swedish cultural agency and institution can make an agreement with Visual Copyright Society in Sweden by using the contract form. Having done so, the institution can digitise and publish their collection in the way the wish without any obstacle from or interference with copyright questions. With this agreement it is rational to start large scale digitisation. Since the cost of copyright then is known and there is no risk to commit copyright infringement, all the energy can be used to fulfil the aim of the institutions for the benefit of the society at large, especially research and cultural development. The agreement is also a benefit for the visual creators whose copyright is respected and will be remunerated for their contributions.

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Rolf Källman
Head of Departement
Digisam
www.digisam.se
rolf.kallman@riksarkivet.se

Mats Lindberg
CEO
The Visual Arts Copyright Society in Sweden
www.bildupphovsratt.se
mats.lindberg@upphovsratt.se

 Digisam

 Bildupphovsrätt
I SVERIGE