

# RECREATING EUROPE

## *Rethinking digital copyright law for a culturally diverse, accessible, creative Europe*

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### ABSTRACT

Technologies enable unprecedented democratization of cultural practices and the production and use of IP. The creation of an effective system of sustainable norms for digital copyright is a major challenge due to four phenomena: copyright complexity, sidestepping, knowledge gap, and awareness gap. With its multi-disciplinary approach, bringing together researchers, practitioners and stakeholders, reCreating Europe will deliver ground-breaking contributions towards a clear understanding of what makes a regulatory framework that promotes culturally diverse production, and optimizes inclusive access and consumption. First, reCreating Europe yields unprecedented cross-national maps of (i) multi-level regulatory responses that impact access to culture, cultural production, competitiveness of creative industries, and (ii) coping strategies of stakeholders vis-à-vis IPRs pitfalls and constraints. Second, it develops innovative qualitative and quantitative methods to measure the impact of digitization on the production and consumption of cultural goods and services. Changing intermediaries, specific creative communities, micro/SMEs and vulnerable users get special attention. Third, reCreating Europe performs a legal and technological mapping and evaluation of TPMs and content-filtering algorithms, and their impact on cultural diversity, access to culture and the generation of cultural value. Last, it offers policy recommendations and best practices, aimed at democratizing culture while reinforcing the sustainable development of rich and diverse cultural/ creative industries. reCreating Europe's unique comprehensive focus on five key groups of stakeholders -individual authors and performers, creative industries, cultural and heritage institutions, intermediaries, end-users- allows it to assess needs along intertwined research patterns, while its multi-disciplinary innovative approach joins different methodologies within the framework of participatory research strategies.

**Keywords** digital copyright, digitization, DSM, cultural diversity, democratisation of culture and creativity, access to culture, accessibility

### List of participants

Participant No.	Participant organisation name-	Country
1 (Coordinator)	Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna	Italy
2	Universiteit van Amsterdam	Netherlands
3	University of Glasgow	United Kingdom
4	Alexander von Humboldt-Institut für Internet und Gesellschaft Gmbh	Germany
5	Stichting Liber	Netherlands
6	National University of Ireland Maynooth	Ireland
7	Tartu Ülikool	Estonia
8	Università degli Studi di Trento	Italy
9	Københavns Universitet	Denmark
10	Szegedi Tudományegyetem	Hungary

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## **Work plan — Work packages, deliverables**

*reCreating Europe* is organized around 2 horizontal work packages (WPs), involving all partners and covering management (WP1) and dissemination, engagement and outreach (WP7) and 5 vertical, stakeholder-based WPs (WP2 to WP6) further subdivided into tasks. WP2 to 6 provide technical and scientific input to WP7, which aims to maximize the expected impacts of the project through proactive engagement and dissemination. More specifically:

**WP1 – Management and Coordination** takes care of the project management and administrative and scientific coordination, and is also in charge of the implementation of the Data Management Plan, as part of the Open Research Data Pilot. The WP covers all data protection, IP and ethical issues, and provides adequate management processes to deal with their assessment and resolution when necessary.

**WP2 – End users and access to culture** focuses on end users and access to culture. It will provide, through desk research and participatory research methods, a comparative cross-national mapping of (i) regulatory measures having a positive or negative impact on digital access to culture, (ii) the degree of users' knowledge and understanding of EU and national copyright laws, and (iii) alternative coping strategies adopted by individual users, communities and networks to overcome regulatory obstacles to access and sharing. Parallel to this, it will identify, with a bottom-up participatory approach, the legal, economic and technological challenges faced by selected vulnerable users (people with disabilities, minorities) in accessing digital culture, and evaluate the adequacy of existing EU and national regulatory responses to tackle such problems. WP2 also devise and implement innovative measurement solutions (agent-based model) to assess iteratively the impact of digitisation and changes in the IPRs regulation on consumption patterns and access, and conduct two parallel case studies on the effectiveness of specific regulatory solution on access problems in paradigmatic sectors, such as academics and access to scientific knowledge, and accessibility of cultural/creative materials for visually impaired persons. On the basis of its results, WP2 formulates a set of best practices for stakeholders and policy recommendations.

**WP3 – Authors and performers** revolves around authorship. First, it studies the perceptions and experiences of human authors and performing artists from a wide variety of disciplines in relation of digitisation and digital access to cultural content, through a large online survey which will be made available in all official EU languages. It will deal with various topics, including creators' and performers' experiences with platforms and publishers, their views on copyright and piracy issues, their income development, and other topics that are of interest in the various other WPs. Second, it deals with the emerging role of AI machines as producers of literary and artistic works. It will identify the impact that this development already had and is likely to have on human creativity, and assesses whether productions of AI machines in the literary and artistic sector are, or should be, protected by authors' rights. Third, it aims to identify the role played by "training data" in the field of AI and Machine Learning (ML), focusing on the "ownership" aspects of AI/ML by looking at the legal status of the training data.

**WP4 – Creative industries.** A cross-cutting task deals with creating knowledge that will facilitate the development of an integrated policy approach to rectifying adverse effects of territorially dispersed copyrights and related rights in a digital single market. An analysis of existing (regulatory) mechanisms at EU and national levels will be linked to findings specific to issues of territoriality in other WPs. Furthermore this work package broadens the assessment of the creative industries as a whole by

considering different types of industries (such as documentary filmmakers) but also assesses different types of creative companies, including micro companies in innovative ways, for example considering the development of business models within gentrifying neighbourhood, and within ‘negative space’ environments. More broadly again this WP accounts for the need for clear accessible information on copyright within and outwith the creative industries and thus includes a deliverable that builds just such a platform. Empirical and legal analyses are to lead to reports to inform policy, and business models and codes of best practice of relevance to the specific creative sectors.

**WP5 – GLAM** focuses on Galleries, Libraries, Archives and Museums (GLAM). By means of both desk research and empirical research, it will provide a comparative cross-national mapping of (i) the governance and implementation of processes for IPR within such cultural Heritage institutions; (ii) the effective implementation of copyright law by GLAM, taking into account their sector-specific practices, with particular regard to digitisation-related issues and Open Access to Knowledge. The WP also aims to understand the effect and uses of the digitization of art, architecture and cultural heritage in place-making, and the effect of this on the functioning of the DSM. WP5 engages with stakeholders to improve their copyright awareness, and help them to deal with issues arising from digitisation, by drafting specific guidelines. In so doing, it enables a higher degree of harmonization of current EU copyright law and policies by means of a bottom-up approach, where stakeholders play a leading role.

**WP6 - Intermediaries** carries out interdisciplinary research to critically examine the impact on digital access to culture and the creation of cultural value of (existing and proposed) legal rules and practices regarding content moderation and removal on large-scale UGC platforms in the DSM. It aims to map, evaluate and measure how such rules and practices affect digital access to culture and the creation of cultural value. In particular, WP6 will: (i) explain and evaluate the existing legal frameworks (both public and private) that shape the role of intermediaries in organising the circulation of culture and creative works in Europe; (ii) assess the existing practices and technologies that intermediaries deploy to organise the circulation of culture and creative works in Europe; (iii) measure the impact of these legal frameworks, business practices and technologies on access and diversity, on creators’ creative practices and users’ consumption patterns; and (iv) examine how the legislative framework conditions shape private models for content moderation and removal at scale. The methodology for this WP is a combination of doctrinal legal research and empirical participatory research.

**WP7 – Dissemination, Engagement and Outreach** aims to expand the project network and engage in the discussion the highest amount of stakeholders. This horizontal WP will be connected both internally, supporting all WPs, and externally with the key target stakeholders (End users, Creative industries, GLAM, Intermediaries). Its goals are to (i) produce a sound KPI-driven engagement strategy for the involvement of the stakeholders that are relevant for the project - starting with, but not limited to the key stakeholder categories, complemented by the development of a training toolkit; (ii) disseminate the project’s goals, activities, training materials, guidelines, results, best practices and policy recommendations to relevant stakeholders and the broader public, having as main entry point for interaction the project website and its stakeholders’ platform, and striving to ensure the broadest possible audience and increase the impact of the project; (iii) have the project’s policy recommendations, produced by vertical WPs, adopted by target stakeholder groups.