

# IP for the European Union in a world of challenges

Copyright digital infrastructure –  
Experience from France

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# Copyright digital infrastructure - definition

- copyright metadata meaning information on copyright, including administration of the metadata, databases, digital rights management ...
- ... Allowing to retrace the rights' chain
- European acquis :

Article 7 of the Infosoc Directive : the expression "rights-management information" means **any information provided by rightholders** which **identifies** the **work** or other subject-matter referred to in this Directive or covered by the sui generis right provided for in Chapter III of Directive 96/9/EC, the **author** or any other rightholder, or information about the **terms and conditions** of **use** of the work or other subject-matter, and any **numbers** or **codes** that **represent** such **information**."

Article 17 (users' obligations) of the Directive on collective rights' management :

"Member States shall adopt provisions to ensure that users provide a collective management organisation, within an agreed or pre-established time and in an **agreed** or **pre-established format**, with such relevant information at their disposal on the use of the rights represented by the collective management organisation as is necessary for the collection of rights revenue and for the distribution and payment of amounts due to rightholders. When deciding on the format for the provision of such information, collective management organisations and users shall take into account, as far as possible, voluntary industry standards

Article 17 of the Copyright in the DSM Directive + Recital 66 : « rightholders should provide the service providers with **relevant and necessary information** taking into account, among other factors, the size of rightholders and the type of their works and other subject matter."

# Copyright digital infrastructure – what for ?

- Databases compiling sets of information on a specific repertoire (eventually connected with identifiers)
- Informations integrated in a fingerprint
- Informations contained in blockchains

# Copyright digital infrastructure – experience in the visual arts' sector

- State of play at the beginning of the years 2010s :
- Problem of importance of repertoire (French CMO (ADAGP) manages 1 milliard of works.)
- A painter may create 6000 works of art in his career ; for a photographer it can be millions
- Most of the time, there is no editor, no producer who would agregate the data
- As regards photographs, there is often no title, no reference

# Copyright digital infrastructure – experience in the visual arts' sector

- AIR – Automated Image Recognition
- 2014 : ADAGP launched a database project for visual art works aimed at being a recognition tool
- Becomes a CISAC project with 5-6 CMOs involved
- Today : 800 000 images of works from 180 000 authors. Each image/work is identified with the name of the author, the type of work and the title.
- The tool can recognize the use of non authorized works but could also be used to determine the usage of the works.
- Limits :
  - Lack of exhaustivity (important in the appreciation of the « state of the art » as regards Article 17 of the Copyright in the DSM Directive).
  - Simple « image of a work » : difficulty when the colour or the framing is different. For 3-D works, it implies an important number of « reference-photographies ».

# Copyright digital infrastructure – experience in the visual arts' sector

- Best practices in the use of photos in the publishing area
- 2014 : adoption of a code of best professional practices by several press unions or federations, press agencies and photographers
- Purpose : ensure a trustable information about those photographs by defining a common standard
- Common standard of the metadata :
  - Name and quality of author
  - Kind of picture
  - Place and date of shooting
  - Identification of the people or depicted
  - Restrictions on use

# Copyright digital infrastructure – experience in the visual arts' sector

- Seezart
- This start-up uses the blockchain technology to deliver certificates of authenticity for works of art and register the successive owners of a specific work.
- Limits : absence of a trusted third party
  - The information is not linked with the «material » and there can be uncertainty whether the work you bought is the one defined in the blockchain.
  - Being a system where the blocks are added in a chronological order and based on information added by the next « user » without control, it can't guarantee the rights' ownership in case of inheritance for instance, in contrary to the CMO which check the information given by the rightholders.

# Copyright digital infrastructure – experience in the visual arts' sector

## Conclusions

- Mix of different systems ?
- Choice to be made by rightholders