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Protection of and access to the audiovisual cultural heritage

Report[1]
Committee on Culture, Science, Education and Media
Rapporteur: Ms Doris FIALA, Switzerland, Alliance of Liberals and Democrats for Europe

Summary

Cultural education widely largely takes place through the media. With the advent of new digital media, new means have appeared for recording and accessing as well as for appraising and sampling audiovisual material. While copyright of audiovisual material may in some cases restrict its distribution on Internet, material that forms part of the audiovisual cultural heritage should be able to be used for educational and research purposes.

Therefore, a second additional protocol to the European Convention for the Protection of the Audiovisual Heritage (ETS No. 183) could help in setting up public audiovisual libraries by establishing a system of appraising, selecting or sampling audiovisual material to be made accessible for educational and research purposes.

1. Reference to committee: Doc 12077, Reference 3627 of 25 January 2010.

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A. Draft recommendation[2]

1. Culture is an element of crucial importance in our societies. Through cultural education, individuals and communities are able to fully comprehend, appreciate, respect and exercise human rights and democracy.

2. Today, cultural education widely takes place through the media. Audiovisual media provide a strong basis for common cultural experiences of the public at large. However, old films and recordings are vanishing due to their material fragility. With the advent of new digital media, new means have appeared for recording and accessing audiovisual material. At the same time, the production of audiovisual material has been inflated by user-generated material on the Internet. As the sheer volume of audiovisual material makes it impossible to preserve it all, appraising, selecting and sampling such material will increasingly become a key element for preserving audiovisual cultural heritage.

3. Copyright of audiovisual material may in some cases restrict the distribution of such material through the Internet. It is important that the interests of authors, performers and other rights-holders are recognised when seeking to offer satisfactory solutions to permit wide public access to audiovisual material. Specific attention should be paid to educational and research purposes permitted under copyright law.

4. Welcoming such initiatives as the European Commission's "European Film Gateways" and the Internet library project "Europeana", the Parliamentary Assembly recognises the need for establishing networks of public and private institutions active in audiovisual heritage in Europe. The Assembly also notes commercial projects such as the Google Book Library Project, but emphasises that ensuring diversity of audiovisual heritage may require also public support, especially where audiovisual material does not appeal to a sufficiently large and commercially important group of viewers.

5. The Assembly appreciates such national initiatives as the National Audiovisual Institute (Ina) in France, the "Memoriav" association for the preservation of the audiovisual heritage in Switzerland and the German "Kinemathek" museum for film and television. More member States should follow those examples and set up public audiovisual archives, libraries and museums.

6. All Council of Europe member States should determine and protect their audiovisual cultural heritage at national and, where appropriate, regional levels and they must develop strategies for a better and sustainable access to their audiovisual cultural heritage.

7. As traditional public libraries with printed books are decreasing in relative importance, public authorities should develop and expand audiovisual libraries, which may be accessible to users physically in library buildings or through the Internet. As is usual for libraries, copyright might be limited for educational and research purposes under national law.

8. Public service broadcasters and production companies have generated large quantities of audiovisual material and hold large archives of audiovisual heritage. This material is of considerable value to the public. Every effort should be made to overcome outstanding copyright issues and to ensure that authors, performers and other rights holders receive fair and proper reward for their work while such material is also, wherever possible, both preserved and made publicly available through archives. The Assembly urges that consideration be given to arrangements which ensure that audiovisual heritage is not permanently hidden from public view, but is properly recorded and preserved with a view to professional preservation and possible public display.

9. Some schools have set up media competency training for pupils. Such training should be enlarged and audiovisual material forming part of the audiovisual cultural heritage should be used for educational and research purposes.

10. The Assembly emphasises the importance accorded by the European Convention for the Protection of the Audiovisual Heritage (ETS No. 183) and its Additional Protocol (ETS No. 184) to the protection of audiovisual material for our societies in Europe. The ratification of these instruments by all member States should be sought. However, technological developments may call for new specific rules.

11. The Assembly believes that if a second additional protocol were drawn up to the European Convention for the Protection of the Audiovisual Heritage, this would help member States to make audiovisual cultural heritage accessible through audiovisual archives and libraries. Such a protocol should strengthen the protection of the audiovisual cultural heritage through public audiovisual libraries and clarify for States the possibilities of using copyright-protected audiovisual material for educational and research purposes.

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2. Draft recommendation adopted unanimously by the committee on 25 April 2012.

12. The Assembly therefore recommends that the Committee of Ministers:

12.1. call on the member States which have not yet done so to sign and ratify the European Convention for the Protection of the Audiovisual Heritage and its Additional Protocol;

12.2. instruct its competent steering committee to study the feasibility of drawing up a second additional protocol to the European Convention for the Protection of the Audiovisual Heritage, which could help States in setting up public audiovisual libraries by establishing a system of appraising, selecting or sampling audiovisual material to be made accessible for educational and research purposes;

12.3. invite its competent steering committee to develop guidelines for ensuring access to audiovisual heritage for people with disabilities, for instance by adding subtitles or sign language for the hearing impaired and additional sound tracks for the visually impaired;

12.4. having regard to the Memorandum of Understanding signed between the Council of Europe and the European Broadcasting Union, invite the latter to develop, in partnership with the Council of Europe, joint strategies and concrete action for the protection of, and access to, audiovisual material held by public service broadcasters in Europe.

B. Explanatory memorandum by Ms Fiala, rapporteur

1. Introduction

1.1. Background to the report

1. This report has been prompted by the fact that public service broadcasters and commercial broadcasters have accumulated a huge volume of audiovisual material which is not always systematically archived to ensure its preservation. As digital technologies now allow audiovisual material to be copied onto new media, there is a need for States to support this type of preservation, while at the same time devising policies for public access. The motion for a recommendation which gave rise to this report[3] calls on member States to sign and ratify the European Convention for the Protection of the Audiovisual Heritage (ETS No. 183) and recommends that States and media companies co-operate in projects by Internet companies and libraries to make books and print media accessible on the Internet, in order to effectively protect the audiovisual heritage of Europe.

2. This report aims to review the situation with respect to the preservation of the audiovisual cultural heritage and how practices in this area correlate to fundamental values by ensuring equal access to audiovisual resources, information and freedom of expression and the observance of legal frameworks. Examples of good practices in member States are examined with a view to making recommendations that could be implemented in a wider context.

1.2. Approach

3. This explanatory memorandum is largely based on a background report by Dr Catherine Saracco (expert, Strasbourg), which was drawn up according to questions and issues identified by me. I am very grateful to her for her commitment.

4. The first part contains a description of the challenges facing the preservation of the audiovisual heritage and an explanation of the European Commission's projects on digitisation of the audiovisual heritage as well as its work on the film heritage. There follow three examples of good national practices, highlighting the work of the French National Audiovisual Institute (Institut National de l'Audiovisuel (Ina)), the Swiss network for the preservation of audiovisual archives "Memoriav" and the German "Deutsche Kinemathek: Museum für Film und Fernsehen". Lastly, I examine the implications and challenges of the "Internet revolution" and the responses to these challenges, including the role of public policies in the organisation of audiovisual knowledge on the Internet. The conclusions provide some pointers for future national policies and international co-operation in this field.

2. Challenges for the preservation of the audiovisual heritage

5. The digitisation of cultural material is currently a central concern of many institutions traditionally responsible for preserving audiovisual collections (broadcasters, research institutes, libraries, museums, archives, etc.). These institutions now face organisational, technical and legal challenges in taking on the migration from analogue to digital formats.

6. Digitisation projects are driven by major concerns related to the practice of democratic culture: preserving whole swathes of audiovisual history[4] endangered by technical obsolescence and the physical deterioration of collections, increasing the quantities preserved and enhancing the value of the audiovisual heritage by guaranteeing wider public access. In this study we will be looking at the strategies employed by audiovisual archives in France, Germany and Switzerland to meet the challenges of digitisation. What does it mean to switch from a deteriorating analogue memory to a new, "everlasting" memory, which is more exhaustive and lacks any real selection criteria? How do these institutions ensure the sustainability of their archives and rethink access to their resources?

7. Furthermore, since 2006, with the advent of "technological convergence"[5] digitisation has been accompanied by an all-out battle of content. With the proliferation of audiovisual content on the Web, servers and the Internet now find themselves at the very heart of the archive system. This means a significant change

3. Doc. 12077 of 29 October 2009.
4. The 20th century created a new type of cultural heritage based on audiovisual technologies. UNESCO estimates the number of hours of audiovisual documents worldwide at 200 million, including around 50 million in Europe.

in the scope of audiovisual archive activities, which hitherto were confined to the storage, conservation and indexing of resources and the provision of – often restricted – access to them. Today, audiovisual archives are moving from a "stocks" system to a "flows" system. We are therefore seeing the emergence of new activities such as the putting online of television archives or the targeted production of educational and cultural content. We will be showing how these developments meet increasingly specific image-related uses where dynamic interfaces between users and audiovisual content play a growing role.

8. Lastly, given the extremely volatile nature of audiovisual content, it is more than ever essential to institutionalise policies on memory. The audiovisual memory of the Web now possesses a heritage value which warrants an extension of legal deposit-type rules. A knock-on effect of this is the need to establish a cultural organisation for audiovisual knowledge, something which only public policies can ensure.

3. Review of European initiatives to preserve the audiovisual heritage

9. The first moves to create a legislative framework facilitating access to the audiovisual heritage were made in the 1970s. The preservation of audiovisual sources as an integral part of the cultural heritage was established as a primary objective of international organisations such as UNESCO or the International Federation of Television Archives (FIAT/IFTA).[6] One of the key provisions of the recommendation for the safeguarding and preservation of moving images adopted by the General Conference of UNESCO in 1980 calls for the institution of mandatory deposit systems for national production of moving images.

10. Since the 1990s, the European Union and the Council of Europe have in turn included audiovisual sources in the European cultural heritage and have jointly established special rules for the application of a system of legal deposit.[7] In 2001, the Council of Europe adopted the European Convention for the Protection of the Audiovisual Heritage (ETS No. 183), which came into force on 1 January 2008. Organised around the principle of obligatory legal deposit of moving images, the convention stresses the need to make deposited material available for consultation for scientific or research purposes while complying with international and national copyright laws. This convention and its Protocol on the Protection of Television Productions (ETS No. 184) are the first binding international instruments to provide for the systematic archiving of audiovisual works.

3.1. The European Commission's projects on digitisation of the audiovisual heritage

11. Launched on 1 February 2004, PrestoSpace[8] is an ambitious European project co-ordinated by the French National Audiovisual Institute. The research carried out by the 34 partners from nine countries has made it possible to accelerate large-scale preservation of the world's audiovisual heritage based on criteria of quality, speed and cost reduction.

12. The emphasis has been on incorporating economic factors into the implementation of preservation services. In view of the fact that both the main archive holders and broadcasters had already begun to digitise their huge holdings, with very high costs and the use of complex technology, it was necessary to move towards a concerted overall "preservation factory" approach: this approach is around 50% cheaper than the "on demand" approach.

13. The project has made it possible to develop integrated systems and technical solutions for the preservation in digital format of audiovisual collections of all kinds, ensuring wider exploitation and distribution to specialists and the general public.

14. Following in the wake of PrestoSpace, the PrestoPRIME project[9] was recently set up, focusing on the sustainability of assets once they are digitised.

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5. Technological convergence is a result of digital technology which enables different types of content (audio, video and text) to be disseminated via multiple technologies such as computers, mobile phones and television. The Internet is a mix of all the earlier media, which it hosts and disseminates. Up until the early 2000s, the Web was 95% hypertext, but it was soon inundated by the successive arrival of sound, music and, lastly, animated images with the video share sites YouTube and Dailymotion.

6. http://fiatifta-pilot.org/.

7. In 1994, the Council of Europe launched the draft European convention for the protection of the audiovisual heritage which, for the first time, introduced obligatory legal deposit. Preparatory work for a draft protocol to this convention started in 1998, dealing for the first time with the protection of television productions.

8. http://prestospace.org/.

9. PrestoPRIME is a research project of the 7th European Union Framework Programme for Research and Development. This project is managed by Ina SUP and its 15 partners include the BBC, RAI, Technicolor and the universities of Liverpool, Innsbruck and Amsterdam.

15. PrestoPRIME develops practical solutions for the long-term preservation of digital media collections and improved access to digital content, bearing in mind that the information technology which contains and distributes this content is constantly evolving (this applies to both the data and the access technology).

16. Where long-term preservation is concerned, PrestoPRIME relies on international comparison of strategies for audiovisual preservation, including multivalent, emulation and migration approaches, and the creation of a standard data model for audiovisual content preservation. To ensure long-term access, PrestoPRIME is developing services for tracking audiovisual content, using fingerprinting techniques and documenting the provenance of audiovisual content items. Modelling rights associated with audiovisual content and developing standard-compliant services for archive rights management are two further priorities. Consideration is also being given to the possibility of integrating collections with online digital libraries such as Europeana,[10] the European public digital library launched in 2008.

17. One outcome of this work was a European networked competence centre for digital preservation and migration (PrestoCentre) which delivers advanced digital preservation advice and services in conjunction with the European Digital Library Foundation.

3.2. The European Commission's work on the film heritage

18. Where the film heritage is concerned, the European Commission's Directorate-General for the Information Society and Media published in 2010 a report[11] on digital strategies relating to the film heritage.

19. This report highlights the danger facing not only this heritage, since 80% of silent films are estimated to have been lost already, but also new digital era films, because of media obsolescence. The European Union therefore recommends wider use of techniques for migrating content to new formats or media for conserving and consulting the film heritage. Interoperability of European film databases and catalogues and greater standardisation of practices regarding access to this heritage are also strongly encouraged.

20. The "European Film Gateway" (EFG) project should be stressed in this context. This project is the continuation of the MIDAS (Moving Image Database for Access and Re-Use of European Film Collections) programme[12] which the European Commission ran from 2006 to 2009.

21. The main aim of the MIDAS project was to create a single "gateway" providing access to the databases of 18 film archives while seeking to standardise the film catalogues and document retrieval systems. However, with the growth of the Internet, users (programmers, students, researchers, festival directors, etc.) are no longer content with access to catalogues: they want access to digitised films or film excerpts, if possible free of charge and from their own homes. "In contrast to the MIDAS project, the EFG project aims at giving users worldwide the possibility to research and view digitised archival material from their home via the Internet. Also where MIDAS was focused on film collections, EFG has a wider scope, including not only moving images but also other materials held by film archives, like text documents, and images or lower quantity sound files. So other than MIDAS, EFG aims at building a digital showcase for collections of European film archives and cinematheques."[13]

22. As a web portal for the digital content of European film archives, the EFG project is also a content aggregator for Europeana.

23. It should be noted, however, that one stumbling block to the viability of the EFG project is still the issue of the waiver of rights, because most European film archives at present hold the rights to only a minute proportion of their holdings. In 80% to 90% of cases, only agreements with the rights-holders will allow access to films for cultural purposes. In most European countries, the director, the director of photography and the scriptwriter are considered as creators of a cinematographic work and accordingly hold the rights to the film. In addition to this, in Europe[14] copyright generally lapses seventy years after the death of the last surviving author, which considerably restricts access to cinematographic works. Furthermore, proper documentation of rights, often a long and costly process owing to the multitude of holders of the rights to a cinematographic work, is not a practice shared by all European archives or film libraries.

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10. www.europeana.eu.
11. See http://ec.europa.eu/avpolicy/reg/cinema/index_en.htm.
12. http://www.midas-film.org/index.htm.
13. Julia Welter, "The latest achievements of the EFG project" in: *Actes du colloque Archimages: Recherche/Archives: numériser les images, et après?*, Institut national du patrimoine, Paris, 2009.
14. In contrast to the United States, where all films made before 1923 are considered as being in the public domain, the European rules relating to compensation for rights-holders are more restrictive.

24. European recommendations on copyright are therefore essential: legal arrangements allowing the producer of a film to grant rights of use for non-commercial purposes to a public institution[15] responsible for the film heritage are under consideration.

4. The multidimensionality of audiovisual archives: putting practices and ideas into perspective

4.1. The French National Audiovisual Institute (Ina)

4.1.1. Consequences of digitisation projects

25. Starting from the late 1990s, a number of changes took place within Ina. The most significant of these was the colossal project to transfer one and a half million hours of radio and television from analogue to digital format, thus preserving and ensuring access to these unique assets. Over 50% of the holdings have now been digitised.

26. This huge digitisation project first of all raised technical issues: given that digital media offer poor long-term storage prospects,[16] Ina switched its priorities from preservation and restoration of the media to safeguarding of the content. Because, in the digital era, survival of content no longer depends on sustainability of the medium,[17] Ina set its sights on technological migration. Because data can be transferred and duplicated at will without suffering any damage, it is sufficient to migrate them from one medium to another to ensure their survival. However, even if data migration is still the most commonly adopted solution to the long-term conservation of digital data, "it is advisable only to resort to migration when a large technological leap is involved, to conserve the hardware and data for one or two technological generations and to ensure tight management of systems and formats".[18]

27. The logical outcome of this digitisation project was the putting online of Ina's archives in 2006 on the website www.ina.fr. These archives, which had previously been restricted to professionals and researchers (under the legal deposit arrangements for audiovisual media enacted in 1992), are now accessible to the general public. Ina[19] is now the world's leading digitised image and sound bank. Over 100 000 broadcasts (or a total of 10 000 hours[20] of programmes) selected from among the great moments in the history of radio and television can now be downloaded and viewed free of charge on the Internet.

28. Since 2006, over 20 million Internet users have visited this site, which offers referenced and catalogued resources that can be looked up by keyword and a personal and shared work space: the success of this site shows that this digitised heritage meets a desire among the general public to preserve these memories.

29. It should be noted that 80% of the content can be viewed free of charge. The remainder can be viewed on a rental basis or permanently downloaded, with charges ranging from €1 for short programmes to €12 for the longer programmes or series. Of the revenue generated in this way, 46% will be paid on to the rights-holders and 32% reinvested by Ina in digitisation and enhancement of the audiovisual heritage, and the remaining 22% will be used to cover various costs (VAT and other taxes).

30. Regarding copyright protection on the Internet, Ina uses digital tattooing together with a digital rights management (DRM) system to secure content. When a file is purchased, a special code containing the user's order number is inserted in the images. This tracing system prevents distribution of content on peer-to-peer networks.

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15. Spain and Denmark may be mentioned as examples: the Danish Film Institute has the right to screen subsidised films in its own cinemas and to put subsidised documentaries and short films online without paying royalties. In Spain, screenings of subsidised films for cultural purposes can be organised two years after their release.

16. According to varying estimates, a CD-ROM has a life expectancy of only ten to twenty-five years, and a burnt CD only five to ten years. As for hard disks, optical disks and flash drives, a survey by Google of its own computer facilities revealed that 8% of disks between two and three years old were faulty and needed to be replaced.

17. In fact, many data are no longer stored in a specific place: they circulate constantly on different networks and servers. The medium may no longer be important at all in future.

18. Gauthier Francine, "L'impact des technologies numériques sur la préservation", p. 85, in: *Les archives audiovisuelles:politiques et pratiques dans la société de l'information*, Editions Françoise Hiraux, 2009.

19. Within Ina, the Rights and Archives Department now manages and runs a heritage consisting of some 500 000 hours of television, 600 000 hours of radio and over a million photos. These holdings represent 2.5 million documents covering 80 kilometres of shelving. Under legal deposit arrangements, the Inathèque de France holds and provides access to assets consisting of 700 000 hours of television and 400 000 hours of radio, or over 2 million documents.

20. To which another 5 000 hours of programmes will be added each year.

31. Thanks to its research and development programme, Ina has accompanied its digitisation policy with very advanced research into audiovisual standardisation: the development of the MPEG-7 standard enabling the automatic indexing of audiovisual documents guarantees greater coherence in access to documents. The same concern for document quality is found in the development of software for extracting information from large quantities of data, structuring and browsing in audiovisual documents and shared annotation of documents. This is a whole series of lines of work in which the digital medium represents a gateway to new image-based uses.

4.1.2. Diversification of activities to develop the audiovisual heritage

32. The rapid expansion of networks prompted Ina to shift its focus from preserving its archives to the provision of services. In general, this reflects a repositioning of heritage institutions, which no longer focus on storage, but increasingly on making their holdings available to users.

33. Ina is therefore an institution that is involved in the whole digital chain: from the conservation of its archives – its principal mission – to the enhancement and dissemination of its heritage.

34. With regard to enhancement, Ina has increased its vocational training and research activities. Thanks to Ina SUP,[21] the European centre for research, training and education on digital media, Ina plays a key role in the transmission of audiovisual knowledge.

35. As part of the expansion of its research role, in 2010 Ina launched a web review *InaGlobal*, whose aim is to focus on the media and creative industries from a long-term and in-depth perspective. With a team of more than 400 specialists from 30 countries, this review seeks to analyse developments in the content industries in the broad sense, from cinema to manga, covering the Internet, television, video games, publishing and the press.

36. Moreover, Ina has developed a number of projects, and has made available 440 programmes of the cult *Apostrophes* television show on www.babelio.com, a collaborative website for literature enthusiasts. Ina has also entered into a partnership with the LCP-AN television channel for two new programme concepts: *Ça va, ça vient*, dealing with how a subject has evolved over the years, and *Filigranes* on the relationship between culture and politics as seen by personalities from the world of the arts. Ina is also involved in production activities, participating in some 60 films a year, primarily documentaries.

37. Lastly, it should be noted that Ina has made the most of technological convergence by signing a partnership agreement with Dailymotion, enabling Internet users to access over 50 000 videos from their archives, in particular all the French television news broadcasts from 1971 to 2008, along with extracts from other programmes (fiction, comedy, game shows, current affairs programmes, etc.). By enabling the host to showcase videos, Ina is clearly seeking to diversify its audiovisual services and products, given that, as a result of this agreement, these Ina videos are now attracting a younger audience. These video holdings are accessible on the dedicated Ina section of the Dailymotion site, and on its version for mobile telephones.

4.2. Memoriav: a national network for the preservation of the Swiss audiovisual heritage

4.2.1. State of play regarding digitisation plans

38. Unlike Ina, Memoriav[22] is a national network for the preservation of the Swiss audiovisual heritage, set up as an association in 1995 by the largest production and archive institutions in the country. The seven founding member organisations are the Federal Archives, the National Library, the National Sound Archives and the Swiss Film Archives, the Federal Office of Communications, the Swiss National Broadcasting Corporation (SRG SSR) and the Swiss Institute for the Conservation of Photography. These initial founding members were subsequently joined by a further 160 institutional members such as archives, libraries and museums from the 26 cantons of the Swiss Confederation.

39. Memoriav was given the role of preserving and enhancing the Swiss audiovisual heritage by the confederation by means of a service contract from the Federal Office of Culture.

21. www.ina-sup.com/en.
22. www.memoriav.ch.

40. Funding is governed by the Federal Memoriav Funding Act of 2006. The association's task is to initiate projects to preserve, restore, index, digitise (in certain cases) and enhance audiovisual holdings with its partners (public and private institutions with audiovisual holdings). Memoriav describes itself above all as a skills and co-ordination network for heritage institutions and specialists in the restoration and preservation of audiovisual documents.

41. Regarding the compilation of and accessibility to the Swiss audiovisual collections, the legal bases are at this stage still rather undeveloped: Switzerland as a whole has no legal deposit requirement and only three cantons in French-speaking Switzerland have such a legal deposit, of which only one expressly includes audiovisual material. In order to promote the preservation of television archives, Memoriav has, since its foundation, been working in close co-operation with the three public television archives (French, German and Italian) in order to preserve the main Swiss television news programme (the *Téléjournal*) archived on 16 mm and U-matic tape.

42. It was not until 1990 that the news broadcasts were recorded and archived in their entirety. Until 1980 a single television news programme was produced in three languages; from 1981, the Swiss Romande television channel produced its own news programme, followed in 1987 by the Italian-language channel. Two copies of the 16 mm films and U-matic tapes were copied onto Digibeta cassettes, one of which was kept in the television archives and the other in the Federal Archives[23] in Bern, together with a metadata file.

43. Memoriav provides access to the archives via the Memobase database,[24] which offers viewers a thematic search engine for the collections and also gives access to the descriptions of more than 200 000 audiovisual documents. However, so far the documents themselves can only be consulted in the viewing room of the Federal Archives.

44. The news programmes produced on BetaSP and Digibeta after 1989 are currently being digitised under the "Beta-Suisse" mass digitisation project, organised and financed by the three television corporations without any Memoriav involvement.

45. Memoriav's project with the television channels is focused primarily on regional news and current affairs programmes such as *Temps Présent* and *Carrefour*, two of the most well-known programmes on the French-language channel.

46. At present, Memoriav is continuing its collaboration with the three Swiss television corporations, with the priority placed on the digitisation of the historical holdings on 16 mm, focusing on news and culture. Having abandoned copies on cassette, the MPEG files are stored on the television corporations' servers and only the metadata are transferred to Memobase. These metadata include a link to the server enabling user access in a protected environment, in specially arranged work spaces in public institutions.

4.2.2. Presentation of heritage dissemination projects

47. In line with its remit to disseminate and promote the Swiss audiovisual heritage for cultural purposes, Memoriav runs commented screenings of non-fiction films from the past and representatives regularly attend specialist events.

48. It was also behind the major project ("Political information") to digitise the daily news programmes and political affairs programmes of Swiss television's three language channels. The aim of the project is to digitise all these programmes from 1950 until the present. They can be seen in a viewing room in the Federal Archives. In addition the metadata have been reviewed, supplemented and made freely available.

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23. Governed by the Act of 26 June 1998, the Federal Archives are responsible for keeping the archives and documents of national importance from private-law or public-law entities. They may conclude contracts governing the preservation of such archives. Broadcasters are under no obligation to deposit programmes with a heritage conservation institution. The 1991 Radio and Television Broadcasting Act simply refers to the possibility of the Federal Council introducing such an obligation, although there are no accompanying concrete provisions regarding funding. When the act was reviewed, the situation improved as a result of a paragraph mentioning the possibility of financing from federal funds, but the relevant section of the act still does not make deposit a legal obligation. In 2006, a framework agreement was signed between Memoriav and the SRG SSR regarding joint projects to preserve and make available the radio and television archives. The management of copyright (the SRG SSR is unwilling to take on any responsibility) and the difficulties in defining common technical standards have proved to be stumbling blocks.

24. http://fr.memoriav.ch/memobase/introduction/default.aspx.

49. Furthermore, Memoriav uses its site to document its activities and make its services available. It sets great store on organising public events to make its work better known among policy makers. One of its best-known activities is undoubtedly the events entitled “Swiss realities” in which each year Memoriav shows, in different Swiss towns and cities, audiovisual documents on a topical political/cultural issue with experts and witnesses on hand to comment on the historical documents.

4.3. The wealth and complexities of the audiovisual heritage in Germany

4.3.1. Revisiting the question of digitisation and access to archives

50. Unlike France, Germany has no legal deposit system. Given that the audiovisual sector is independent of the State, the permanent preservation of audiovisual archives is the direct responsibility of the public and private channels. The audiovisual heritage is divided between the two German broadcasting archives (Deutsches Rundfunkarchiv (DRA)), one in Frankfurt (primarily sound recordings) and the other in Potsdam Babelsberg, which holds the television archives of the former GDR.

51. However, the public television archives dating from 1949 have been kept by the public broadcasting corporations of the ARD. ZDF manages its own channels, as do the private channels (RTL, Pro Sieben).

52. Some features of the German audiovisual heritage follow:

Creating a national German audiovisual archive is a challenging task

53. This is because the German cultural model makes it very difficult, not to say impractical, to set up centralised cultural institutions. Consequently, Germany promotes a more horizontal and decentralised archiving approach. The fact that, for historical reasons, the audiovisual field is separate from the political field is also an obstacle to the creation of a national archive.

Legislation difficulties concerning access to archives for cultural purposes

54. The public broadcasting corporations’ claims of independence have acted as a brake to access to the television archives: the channels see their primary role as one of keeping production archives (*Produktionsarchive*) to be used to contribute to their own programmes rather than one of a service provider.

55. Although the German television channels have accepted the obligations of the Council of Europe European Convention on the Protection of the Audiovisual Heritage and guarantee access to their collections for cultural and academic purposes, the convention has not, thus far, been ratified by the German Parliament.

56. This is how Edgar Lersch, Director of the SWR television archives, describes the situation from a copyright point of view:

> *“The present conditions of access to German TV archives are characterised by the fact that it is not yet possible to watch historical TV programmes via the Internet. Even the German copyright law forbids Internet distribution of programmes without the permission of each copyright owner. Until contracts between authors, producers and others and the broadcasting institutions grant a licence for it, each copyright owner has to be asked. The new copyright law that came into force in January 2008 allows distribution without permission. That means that the copyright owner may object to Internet distribution for a number of months, then it becomes free. In any case there is a charge for Internet distribution.”*[25]

57. At present, new approaches to distribution via the Internet are being looked at, but only for current programmes and not programmes with historical value.

Digitisation plans focusing on key collections

58. The preservation/digitisation policy of the public broadcasting corporations is guided by the technological needs relating to the preservation of content threatened by the obsolescence of playback equipment and of the mediums on which the content is stored. In addition, the public channels place a greater

25. Edgar Lersch, Director of the SWR TV-Archiv (Stuttgart) at the Archimages/INP colloquy on European digital archives for cinema and the audiovisual sector (“Cinéma et audiovisuel: quelles mémoires numériques pour l’Europe?”), INP, Paris, 2008

emphasis on digitising iconic radio and television collections. Decisions on digitisation are taken more on the basis of production format than type, given the financial cost of any digitisation procedure. As a result, programmes made up of short sequences, such as news and current affairs programmes, are given priority.

59. Lastly, digitisation plans concentrate on programmes which are often reused either in new digital productions or in response to new means of distribution such as video podcasts and video on demand.

4.4. Optimising the audiovisual archives in the Television Museum (Berlin)

60. Inaugurated in 2006, the Television Museum in Berlin supplements the Deutsche Kinemathek and is the first "house of moving images" in Europe. Inspired by the Museum of Television and Radio in New York, the museum has a permanent exhibition on the history of German television, thematic exhibitions, seminars and a viewing room with audiovisual equipment. The "programme gallery" offer visitors a choice between some 3 400 programmes.

61. In order to compile the collection, the Television Museum signed an agreement with the public and private channels (ARD, ZDF, RTL, Pro Sieben) enabling it to copy programmes in line with criteria defined jointly with them. These are programmes which have had the highest viewer ratings or have received awards (such as the Adolf Grimme Award). In addition, there are political and current affairs programmes, iconic programmes in the field of culture and the arts, and the complete run of well-known series such as *Tatort*, given their value as a reflection of German sociocultural history.

62. There are two projects which are worthy of particular mention among the key initiatives taken by the museum, whose role is to transmit the audiovisual heritage for cultural purposes:

– "Moments in Time 1989/1990" (Wir waren so frei) – This project is a centralised archive accessible on the Internet[26] which is devoted to the 1989 revolution. The museum was able to obtain, free of charge, films by private authors and witnesses from this historic period for non-commercial use. There are plans to expand the archive with programmes from public and private television channels from the same period, if the museum can obtain licences for use for non-commercial purposes.

– "First we take Berlin/Archivierung '24h – Berlin'" – Since 2010, the museum has been archiving all the rushes resulting from the twenty-four hour footage from 11 teams scattered throughout Berlin. The museum has also obtained the rights to use the accompanying sound recordings for non-commercial purposes. In partnership with various national and international cultural institutions, the museum is seeking to constitute a living archive of the reality of social and cultural life in Berlin. For the time being, this project is still being developed and the images collected have yet to be indexed in the relevant search engines.

5. The Internet revolution and putting audiovisual archives online

5.1. Internet legal deposit at Ina: challenges and prospects

63. Further to the audiovisual legal deposit of 1992, the French Parliament has given Ina and the Bibliothèque Nationale de France responsibility for implementing an Internet legal deposit. This task, provided for in the Law of 1 August 2006, helps expand the holdings of radio and television material. For its part, Ina trawls, indexes and provides access to the relevant French audiovisual media sites, while the Bibliothèque Nationale de France has responsibility for archiving the other areas of the Internet. To date, from the whole Web media sector, over 7 000 sites have been inventoried, predominantly those published by broadcasters and media groups and the sites which document them (blogs, fan sites, etc.). The first experimental trawls in Ina's area of responsibility began in early 2009.

Technical implementation of the collection

64. The sites are captured using the WebCollecte crawler at varying frequencies and depths depending on their profile, which is determined in relation to how often they are seen to be updated and their size. For example, the homepages of the most active sites (TF1, France 2, etc.) are captured several times a day, whereas the deepest pages of the least active sites (Skyblog, etc.) are captured only once a year.

26. http://www.wir-waren-so-frei.de/index.php/Splash/Show/lang/en_US.

65. The difficulty lies in the fact that the Web is built on the concept of interaction, since consultation of a website involves an ongoing series of questions/responses and each page sent by the site is a response to a user's request. The complete collection of a website at a given moment therefore corresponds to all the responses received to each of the possible interactions.

Multi-crawler approach

66. In order to adapt to content involving a large amount of interaction, WebCollecte uses in parallel various types of robots that have different capacities. This makes it possible to increase the overall quality of the archive by playing on the strengths of each robot used.

Consultation

67. Consultation of the Web is now fully integrated into the audiovisual reading station of the consultation facility in the Inathèque and will be deployed to the French regions in the context of a move to decentralise consultation opportunities.

68. Creating the Internet legal deposit represents a real challenge since Web content has no stable documentary unity, whereas archiving is based on a fixed concept of content and documentary definition: content is archived in a reference version within a given parameter. The difficulty then lies in basing this documentary base on the type of content and the use to be made of it. Over and above the technical difficulties, this project is a response to the desire to "civilise" the Internet and digital culture by mapping it out, since the Internet is now a key player in our lives.

5.2. Web memory: status and new uses

69. Even though the Internet is an extraordinary tool for promoting knowledge, the primary feature of the Web is its ephemeral nature: new software, applications, writing formats and constant technological developments give vitality to the network but they also make the preservation of digital archives much more vulnerable. Without further processing, or migration, current e-content will be unreadable in ten years' time.

70. Given that this "digital amnesia" represents a social threat, it is essential the public interest be strengthened, as for example with the projects for legal deposit applied to the Internet. The American foundation "Internet Archive" which trawls content from the Web undertaking random captures is an example of the dysfunctioning of the privatisation of the collective memory. There should be co-operation between e-players to counterbalance the growth of private initiatives which are often synonymous with a search for financial gain.[27]

71. Furthermore, with the emergence of a generation of "user-generated contents" represented by YouTube and Dailymotion, the audiovisual culture that has been legitimised (by the public heritage institutions) is counterbalanced by consumers of images who have themselves become powerful memory producers. Although interesting, this should not lead us to forget that what differentiates this approach to Web content (which is often merely fragments) from those offered by archives and libraries is the quality of the documents and the levels of indexing.

5.3. The role of public policies in the organisation of audiovisual knowledge

72. Heritage institutions are today increasingly defined in terms of activities and no longer storage.

73. The example of Ina is instructive because, since 2005, this institution has ceased to be a repository of archives and has become an organisation that has substantially altered its image among all audiences.

74. In general, the emergence of networks has led heritage institutions to now focus more on users and their practices. This means that these networks have become the gateway to cultural content thanks to their development of dynamic interfaces between users and knowledge by means of collaborative tools and mediation possibilities.

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27. In the area of the written heritage, Google's announcement in December 2010 of the creation of the first universal library with 15 million books online is instructive. Instead of the philanthropic idea of a universal library what we have is "Google e-Books", an online bookshop offering 3 million books, with the remaining 12 million being orphan works, which have been digitised in defiance of copyright. This shows that digitisation also raises enormous legal challenges, in particular in the field of copyright.

75. The Research and Innovation Institute at the Pompidou Centre has developed “Lignes de temps” (Time Lines), a software that enables users to annotate a film and share those annotations while accessing what others have written on the same film. It is extremely likely that these mediation possibilities will be central to the way audiovisual archives will operate in the years to come.

76. Since history is now screen based rather than text based, it is essential to organise knowledge in order for it to be meaningful, and to combat the poor quality of certain content, especially in the moving image field (amateur videos, etc.), which is a feature of digital culture. This must lie at the heart of public policies: audiovisual archives must come up with new strategies for flagging up this audiovisual heritage as a key to understanding, and organise pathways to help people navigate through this heritage in order for them to acquire audiovisual knowledge. These new reference points must be cultural, organised and well thought out, and cannot be entrusted to search engines which classify knowledge in an often random way.

5.4. The way ahead

77. Even though the Internet is an extraordinary tool for promoting knowledge, the primary feature of the Web is its ephemeral nature: new software, applications, writing formats and constant technological developments give vitality to the network but they also make the preservation of digital archives much more vulnerable. Without further processing, or migration, current e-content will be unreadable in 10 years’ time.

78. The emergence of networks has led heritage institutions to now focus more on users and their practices. This means that they are the gateway to cultural content by developing dynamic interfaces between users and knowledge, by means of collaborative tools and mediation possibilities.

79. European “memory centres” could be set up in order to validate the state-of-the-art technologies and concepts resulting from research. These centres of excellence should be able to harness the knowledge of specialists from businesses, libraries, archives and universities. Efforts in the field of the long-term preservation of digital content require reinforcement: this preservation should be an integral part of any digitisation policy in order to be sustainable and economically viable.