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CreativeMediaBusinessAlliance

The Creative Media Business Alliance (CMBA) is an informal group gathering Europe's top media and creative businesses and industry associations. It was launched in November 2004 to give its members a strong and united voice at the level of the European Union.

The European Commission has released a questionnaire on behalf of the Comité des Sages on the "Digitisation of European Cultural Heritage". The sectors represented by CMBA members are directly concerned with the issues raised in this questionnaire. Indeed, publishers, broadcasters, producers and distributors, together with their authors and other creative and financial contributors, are the ones generating and disseminating cultural and scientific works.

Digitisation of copyright works for preservation purposes is a main function for many public and national, museums and film archives, and is also vitally important for society at large. As for the making available of those works online, this needs to be done taking into account the interests of all stakeholders, and be carried out in accordance with applicable laws. The making available online of copyright works by cultural institutions requires prior authorisation by right holders in order to determine in particular whether or not such making available would interfere with the commercial exploitation of their works.

While several of our members submitted individual responses, we felt that the concepts referred to in the questionnaire, some of which were ambiguous, coupled with the restricted options for replies prevented CMBA as a group from expressing its views in a sufficiently nuanced manner. The majority of the responses required more developed and elaborated options than the one proposed.

The CMBA wishes also to insist on the methodology that the Commission will use to process the responses received. The analysis should not be limited to a quantitative approach but a thorough analysis of the comments added below the questions and based on representativeness should be carried out.

The CMBA is in favour of finding balanced solutions to support the digitisation of our European cultural heritage. To preserve and protect the cultural heritage, we continue to believe that voluntary agreements and public-private partnerships are the way forward. Should an archive/library wish to provide access to copyright content online, it should do so through licensing arrangements with right holders in the same way as is common practice for physical content, and always in a manner that does not interfere with the normal exploitation of the work by the right holders, as foreseen by European and international law.

We hope to be able to express our views at the hearing on 28 October, 2010 so as to further the necessary dialogue between all the parties concerned.

<http://www.cmba-alliance.eu/>