

Issue 1: Limited reuse

Background: During our meetings with representatives from the Agencies they expressed uncertainty as to which license to use. Their reasoning was most often that they wanted to retain control of how the material was reused or adapted. Restrictive licensing severely limits the possibilities to reuse the material in new and innovative ways by the creative industries.

Suggested approach: We recommend that the Ministry in its Action Plan clearly suggest which licenses Agencies should use. The most suitable licenses for images are the Creative Commons Attribution (CC BY) or Creative Commons Attribution-Share Alike (CC BY-SA) licenses as they are well developed, clearly formulated and widely used including Wikipedia which only accepts content that allows further reuse and changes to the work. This would also be in line with the European Commission's [re-use decision](#)[1], making Georgian and EU institutions' licences perfectly compatible.

Issue 2: Unstandardised licensing across Agencies

Background: We found that the different Agencies used different licenses and usage restrictions from each other, often through using non-standard licenses. Non-standard and restrictive licenses make material harder to reuse for innovators and increase the cost of implementation for agencies. It is often unclear to them what is permissible and whether the license is compatible with another resource. As a result they often choose not to use the collection or dataset.

Suggested approach: We recommend a solution similar to that for issue 1. Namely that the Ministry makes a clear recommendation that, where possible, standard licenses are used and suggests a set of free licenses (e.g the CC BY-SA and CC BY Creative Commons licenses) to use as a default.

Issue 3: Uncertainty about copyright of collections

Background: Many of the Agencies told us that they manage collections with unknown or unclear copyright status. This was most common with collections which had been donated or inherited from other organisations. This unclear status means that it is difficult for the institutions to share these collections with the public even when they wish to do so.

Suggested approach: As a first step we recommend that Agencies should be encouraged to survey their collections and identify any collections unclear statuses and publish the results. To clarify the status of such collections staff time would need to be allocated. We recommend when further analysing the copyright of the collections that priority is given to collections where there are specific requests from civil society or the creative industries.

Issue 4: Proactive public labeling of copyright statuses

Background: When asking the Agencies we could very often get information on the copyright status or usage restrictions of a collection of tiles or a dataset. However this information was most often not stated clearly and publicly in connection to the files and/or the data. To facilitate reuse of digital resources it is important that entrepreneurs can quickly determine under which conditions they can use them, if no information is available the assumption must be that the resource is not free to use.

Suggested approach: We recommend that the Ministry creates a set of best practices for the Agencies to clearly mark digitally available resources with the license/reuse conditions. This would save time for both entrepreneurs and for the Agencies that would no longer need to process individual requests and license questions regarding particular resources.

Issue 5: Data licenses unclear and potentially limiting

Background: While copyright implications of image collections are well understood data licensing is less well understood. Often agencies have not considered licences for their data for the simple reason that they have not thought it necessary (since individual facts are not copyrightable). Different rules in different jurisdictions can lead to combined datasets becoming copyrighted however. A clear markup that the data can be used without restrictions makes these datasets more attractive to innovators and creative industries.

Suggested approach: For data we would recommend the Creative Commons Public Domain Dedication (CC0) is used for all data. Choosing CC0 ensures that barriers for reuse are removed thereby maximizing the social and economic gain for datasets which are made available to the public. Information about CC0 and why it is preferable to CC BY can be found in [our pamphlet\[2\]](#).

Issue 6: Unnecessary limitations of what data to include

Background: We found some Agencies preferred to remove certain data when they make datasets or metadata related to images available publicly. The reason given was they did not believe there would be any public interest in this particular data. Our experience from previous projects shows that it is often this data which enables entirely new ways of making use of these digital resources.

Suggested approach: We suggest a clear recommendation from the Ministry that all the information be made available with exceptions for identified legal, technical or security issues. This creates more possibilities for innovation even when the utility of the data it is not clear to the Agencies producing it.



WIKIMEDIA
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Issue 7: National Legislation around Freedom of Panorama limits Creative Industries and Tourism

Background: During our meeting with the Wikimedia User Group Georgia they raised the issue that there is currently no Freedom of Panorama in Georgia.

Laws prohibit photographing works of architecture and fine arts permanently displayed in public places for online or commercial purposes (Copyright law of Georgia, §24). One result of this law is that it is illegal to share images of some of the more modern Georgian monuments on Wikipedia.

Suggested approach: We recommend updating the Freedom of Panorama rules so that they are suitable for a digital world. In April 2013 Armenia introduced an [amendment](#)^[3] to their copyright law which removed Freedom of Panorama restrictions which were very similar to those in the Georgian law. In Europe we are seeing a trend with countries, most recently Belgium, clarifying their laws on Freedom of Panorama.

Links:

[1] <https://ec.europa.eu/digital-single-market/en/news/rules-re-use-commission-information>

[2] <http://bit.ly/CC0vsCC-BY>

[3] <http://www.parliament.am/legislation.php?sel=show&ID=4717&lang=arm&enc=utf8>