

Crowdsourcing diligent search

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Diligent search

- Expensive and time-consuming (est. £ 47 to £ 126 per item for books; 3.¼ to 6.5 hours per hour of TV/radio broadcasting material* – other costs? Fair compensation, Art. 6.(5)?)
- It can be outsourced (Rec. 13: “MS should be permitted to provide that such diligent search may be carried out by organisations referred to in this Directive or by other organisations.”)
- CHI are ultimately responsible for DS on items in their collections (Art. 3(1): “...the organization ... shall ensure that a diligent search is carried out in good faith ... by consulting the appropriate sources...etc.”)

* UKIPO, Orphan Works Impact Assessment, 2012

Crowdsourcing

= the practice of obtaining needed services, ideas, or content by soliciting contributions from a large group of people and especially from the online community rather than from traditional employees or suppliers (Merriam-Webster)

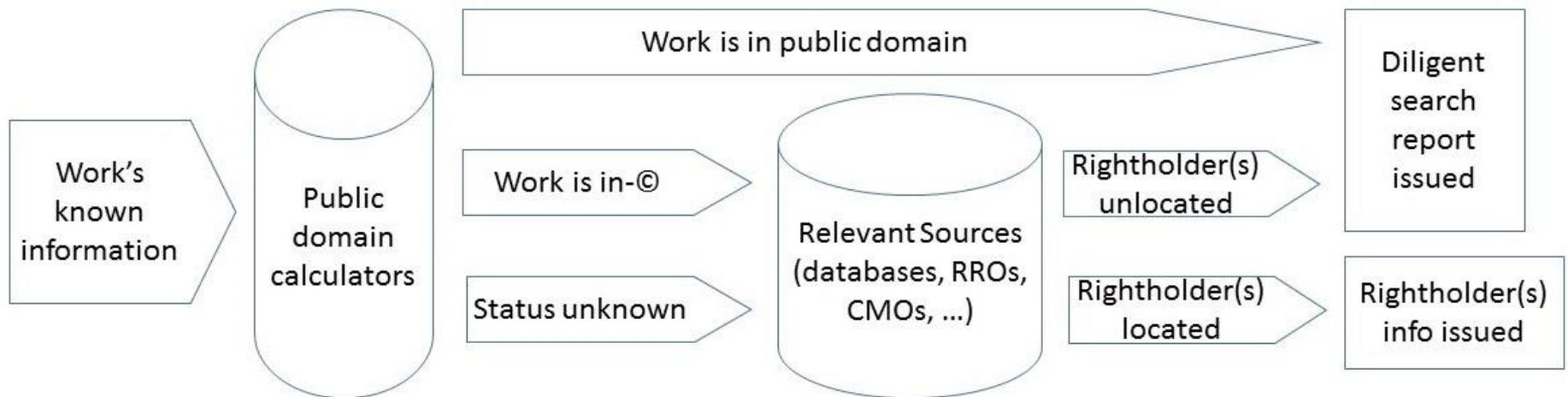
- Successfully experimented in the context of patent examination (e.g. 'Peer-to-patent projects', AU Patent Office, UKIPO*)
- CHI are well positioned to encourage public participation in projects related to their mission (e.g. [Europeana 1914-1918](#), untold stories & official stories of WWI; [Mechanical Curator project](#) of British Library)
- *Problem*: information coming from the crowd might be inaccurate, incomplete or mistaken

* B.S. Noveck 'Peer to Patent: Collective Intelligence, Open Review and Patent Reform' *Harvard J LT*, 2006

The DOW Clearance Platform project

- Online publicly accessible platform that enables end users to perform “guided diligent searches” on items contained in CHI collections

Summary flowchart of the operations



Scenario 1 - 'Bottom-up' use of the platform

- The user searching a specific resource online is unable to access the content (legally);
- Link to DOW platform to perform a diligent search;
- The result of the search is passed on to the CHI that possess the item

Examples...

<http://books.google.com/books?id=yXISAAAAYAAJ&oe=UTF-8>

http://it.wikipedia.org/wiki/Eduardo_Piola_Caselli

<http://www.archive.org/details/leoperedarteapp00piolgoog>

http://books.google.com/books?id=_CdAAAAAIAAJ&oe=UTF-8

<http://www.treccani.it/enciclopedia/tag/nicola-stolfi/>

<http://www.archive.org/details/laproprietintel00stolgoog>

Scenario 2 - 'Top-down' use

- CHI to issue a list of works to be cleared and solicit contribution by communities of users (incentives?)
- Registered users to submit results of their searches to the CHI for validation

Scenario 3 – CHI use

- Institutional users engaged in small-scale digitization projects (e.g. small- and medium-size CHI, public authorities or educational establishments operating research and scientific libraries/archives, ...)
- Use of the platform to clear rights on items in their own collections

Open issues

- Legal responsibility for false or inaccurate information
- Bad faith use of the platform
- Use of digitized items for indexing search (but not making available – Google Books model) – permitted in the US, but in EU?*
- Beneficiaries of the Directive: small-scale CHI – how small? Private collections? ...

* More on this issue in M. Borghi & S. Karapapa *Copyright and Mass Digitization* (Oxford University Press, 2013)