

# ***Construction of Copyright Open Access Rules under the Digital Inheritance Mode of Cultural Heritage***

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**Abstract:** Cultural heritage needs to be used digitally. The copyright system hinders the cultural inheritance function of cultural heritage institutions. The open glams movement advocates building more flexible copyright authorization rules and sharing mechanisms. The concept of open glams is in line with the strategic planning of cultural digital development and has certain reference significance. To sum up, we should ensure that works in the public domain achieve high-quality, comprehensive and open sharing. Fair use of orphan works is permitted. Open traditional knowledge sharing under the premise of fully informed usage norms.

## **1. Introduction**

The Budapest Open Access Initiative (BOAI) defines open access as: "freely accessible via the Internet, where any user can read, download, copy, and disseminate full-text content, with no technical, legal, or economic barriers to public access." <sup>[1]</sup> The concept of open access has also influenced and transformed the digital preservation model of cultural heritage. The Open Knowledge Foundation, established in the UK, was the first to propose the "Open Access" (Open Glams) movement in the field of cultural heritage dissemination, aiming to promote "free and open access to digital cultural heritage preserved in museums, libraries, archives, and other cultural institutions." <sup>[2]</sup>

## **2. Development of open access movement under the digital inheritance model of cultural heritage**

### **2.1 Open access requires the deep involvement of cultural heritage institutions**

Cultural heritage is a shared treasure of humanity and a source of inspiration for creation. It is also the new starting point for cultural inheritance and development. Outstanding cultural heritage should not only be collected and preserved in venues but must also be shared to ensure the continuity of its cultural value. During the COVID-19 pandemic, the focus on digital inheritance of cultural heritage in the cultural and museum sector has become more urgent, emphasizing that public access to high-quality cultural resources should be ensured even when venues cannot be visited normally. The promotion of open access (Open Glams) movements in cultural heritage institutions aligns well with the needs for digital cultural heritage inheritance. The positive

experience gained from the open access movement in academic publishing shows that resource sharing requires balancing the interests of publishing institutions, authors, and the public. For the public, open access facilitates the dissemination of scientific knowledge and promotes high-quality academic research. Authors, driven by the need to enhance their academic impact, do not oppose the implementation of open access policies. The open access publishing model helps boost the influence of publishing institutions. Considering all these positive factors, publishing institutions have promoted the development of open access movements in academic publishing by resetting publication costs and adopting knowledge sharing license agreements (CC).

From the perspective of balancing interests, achieving open access to cultural heritage resources requires attention to the needs of cultural institutions, authors, and the public. First, excellent traditional culture needs to be popularized and passed on to the public; digital dissemination models are more efficient and align with current learning habits. The primary visitors to cultural heritage institutions are the 'digital natives,' who are more accustomed to learning and accessing cultural resources through digitization. Second, an increasing number of authors believe that works should be widely disseminated and shared to inspire new creative ideas, rather than being confined by copyright systems. In 2005, contemporary artist Jasper Rigole collaborated with some filmmakers to establish IICADOM, which studies and shares 8mm films using Creative Commons (CC) licenses and archive.org. Currently, IICADOM has become a significant film archive. Managers of [3], which supports the Open Glams movement, argue that implementing open access in cultural heritage can promote the dissemination and sharing of collections, while also significantly enhancing the brand value and influence of cultural heritage institutions. It is evident that open access to cultural heritage resources not only meets the public's demand for cultural products but also fulfills authors' desire for sharing their creations, while aligning with the mission of cultural heritage institutions to preserve and promote culture. In fact, cultural heritage institutions are also actively exploring effective ways to inherit cultural heritage digitally and implementing the concept of open sharing. However, due to the limitation of copyright factors, cultural heritage institutions have been unable to deeply participate in the promotion of open access movement.

## **2.2 Copyright constraints do not conform to the development vision of digital inheritance of cultural heritage**

To prevent large-scale dissemination of works from causing irreparable losses to copyright holders, copyright legislation imposes strict restrictions on how cultural heritage institutions can use these works. China's "Regulations on the Protection of Copyright in Information Network Transmission" stipulates that digital collections of cultural heritage institutions should be works that have been damaged or are at risk of damage, lost or stolen, or whose storage format is outdated, and which cannot be purchased on the market or can only be bought at significantly higher prices than their listed value. Works reproduced for these reasons are not allowed to be disseminated outside the venue. The U.S. "Copyright Act" restricts the reproduction and distribution by libraries and archives, allowing use only for non-profit purposes, reproduction for preservation purposes, and limiting the use of digital versions of works to "within the premises." [4] Due to copyright limitations, large-scale digital dissemination of cultural heritage resources remains impractical, leading to Open Glams's promotion being less successful. A consensus has emerged that public domain works with expired copyrights should be orderly promoted for digital dissemination, but different institutions adopt varying open strategies. The Metropolitan Museum of Art in the United States has committed to making all digital versions of works with expired copyrights available after 2017, with nearly 400,000 works expected to be made accessible. These works are permitted for public use only for educational and academic research purposes. The Indianapolis Museum of Art

has pledged to make all works with expired copyrights available for public use for educational and academic research purposes, but requires visitors to fill out a detailed form specifying the purpose of their use when downloading the works.<sup>[5]</sup> With the increasing demand for digital utilization of cultural heritage resources, cultural experts criticize the cultural heritage institutions that still adopt conservative cultural communication strategies, saying that these cultural heritage institutions monopolize cultural resources and hinder cultural inheritance."<sup>[6]</sup>

Some institutions are fully implementing the open access philosophy advocated by the Open Access movement. The National Gallery of Denmark provides all works whose copyright has expired to the public for free use, with only the requirement to credit the source as the National Gallery of Denmark. The National Gallery of Poland, Zacheta, addresses digital utilization issues through the use of Creative Commons licenses and reiterates that educational use is unrestricted. Although some progress has been made, the ongoing advancement of open access remains fraught with obstacles. The industry believes that merely opening up the public domain is insufficient; all works should be open access, ensuring that the public can use them within reasonable usage rules. However, current copyright legislation does not provide adequate support, and users feel that open access to public domain works does not meet their usage requirements. These reasons result in a severe lack of cultural heritage institutions that participate in and ensure the full implementation of the open access philosophy<sup>[7]</sup>.

### **3. Disputes over the implementation of open access copyright rules in cultural heritage institutions**

#### **3.1 Open sharing of works in the public domain cannot meet the requirements of use**

Although there has been an initial consensus on the open public domain, some cultural heritage institutions still advocate for rights retention, prohibiting the free use of digital versions of public domain works and seeking legal recognition of their copyright over these digital versions. In the *Schwartz v. Berkeley Historical Society* case,<sup>[8]</sup> the Berkeley Historical Society (Berkeley Historical Society) authorized Schwartz to use a photograph from its collection, which had expired and was in the public domain. However, the licensing agreement stipulated that Schwartz could not reproduce the photograph. Schwartz argued that since the photograph was no longer protected by copyright law, its use should not be restricted by contract, and thus reproduced the photograph. The Berkeley Historical Society sued Schwartz. The dispute centered on whether cultural heritage institutions could impose restrictions on the use of public domain works. The case was eventually settled out of court, with the court not providing a full explanation of the contentious issues. However, this case sparked academic attention to the issue of using public domain works. It wasn't until the *Bridge Man Art Library, Ltd v Corel Corp* case that a clear ruling was made regarding the use of public domain works.<sup>[9]</sup> defendant Keri Company developed a painting software suite that included over 120 works already in the public domain, sourced from digital editions of the Bridgman Art Library's collection. Korei Company used the library's collection without informing Bridgman Art Library, leading to a copyright infringement lawsuit filed by Bridgman Art Library. Bridgman Art Library believes it should own the digital versions of the collections because they have invested a great deal of innovative work into digitizing these items, meeting the originality requirement. The Bridgman case resolved long-standing disputes over the use of public domain works; the court ruled that precise reproduction of public domain works does not constitute infringement and that using works in the public domain should not be subject to contractual restrictions. The legal reasoning behind this ruling is impeccable, but cultural heritage institutions generally reject its outcome, primarily due to concerns about limiting their profit channels. *National Portrait Gallery v. Derek Coetzee* marks the beginning of cultural heritage institutions accepting the

general view of courts regarding the use of public domain works and attempting to freely disclose the digital copyrights of their public domain collections.<sup>[10]</sup> Defendant Derek Cutcher (Derek Coetzee) uploaded a large number of digitized public domain works from the National Portrait Gallery (National Portrait Gallery) to the Wikimedia Commons (Wikimedia Commons). The National Portrait Gallery sued for copyright infringement, demanding the removal of these images. Ultimately, the National Portrait Gallery chose to proactively disclose the digital versions of these collections, no longer asserting copyright. In short, the exact reproduction of a work does not conform to the principle of originality, and neither the legislative nor the judicial authorities support the claim for copyright over a work in the public domain.

Despite the legal disputes having been settled, cultural heritage institutions remain hesitant about fully opening up public domain works. Although they have pledged to make all public domain works available, they only provide low-resolution versions. Cultural heritage institutions can rely on their collections to develop cultural and creative products for profit, which helps sustain daily operations. The cost of digitizing collection resources is extremely high. If they were to offer high-definition works for free and allow users to use them freely, some institutions believe it might affect the sales of cultural and creative products and reduce revenue. High-definition digital resources are necessary to meet user needs. Providing low-resolution digital resources is merely a temporary measure taken by some institutions to balance openness and profitability, but its effectiveness is poor and does not align with the comprehensive open access requirements proposed by the Open Access movement. This approach may also increase potential copyright infringement risks. For example, if the work itself is rich in color, providing a low-resolution version can lead to color distortion and image loss, reducing user experience or even causing misinterpretation, which could easily result in the misrepresentation and alteration of artistic works, infringing on the author's moral rights<sup>[11]</sup>.

### 3.2 The digital utilization of orphan works is not good

The ultimate goal of the Open Access Movement is to achieve digital open sharing of all library collections, with orphan works being the greatest challenge in realizing this goal. According to statistics from the U.S. Copyright Office, orphan works account for as high as 70% of the holdings in some American libraries. The British Library estimates that 43% of its collection consists of orphan works. In the British Museum's photographic collection, the proportion of orphan works reaches as high as 90%. Industry experts point out that the existence of orphan works actually blocks cultural dissemination and hinders cultural heritage institutions from fulfilling their public service functions. The EU's Orphan Works Directive provides a reference for addressing the issue of digitizing orphan works. The directive stipulates that after a cultural heritage institution has conducted a "due diligence search" confirming that a specific item in its collection is an orphan work, it can digitize, index, catalog, preserve, and restore the orphan work without requiring authorization from the rights holder or approval from administrative bodies, and make it available to the public. Cultural heritage institutions must use orphan works for non-commercial purposes. When the rights holder of an orphan work appears, the institution must provide reasonable compensation to the rights holder for using their work.<sup>[12]</sup> Denmark, Sweden, Norway, Iceland, and Finland have relatively mature collective management systems for copyright extensions, allowing cultural heritage institutions to utilize orphan works through these extended collective licensing mechanisms, significantly simplifying the authorization process for large-scale digitization of orphan works. The UK adopts a statutory licensing model to address the use of orphan works. Users must submit an application for orphan works to the Intellectual Property Office and pay a fee if they cannot diligently locate the rights holder. The license for using orphan works can last up to 7 years.

<sup>[13]</sup> The key to resolving the issue of using orphan works lies in the applicant's obligation to conduct "due diligence." The Copyright Act of 1988 in Canada stipulates a due diligence clause, requiring users to apply to the Copyright Board of Canada (hereinafter referred to as the Board) if they fail to locate the rights holder through diligent efforts. The Board then grants licenses to those who meet the statutory conditions, and the use of orphan works is based on this principle. <sup>[14]</sup>

In fact, countries that have passed legislation to address the digital utilization of orphan works have not achieved satisfactory results. According to statistics, from 2014 to 2018, fewer than 2,000 orphan works were registered in the EU, with about one-quarter of these works registered by the British Library or the British Film Institute. After the UK's official exit from the EU in 2020, the number of registered orphan works significantly decreased<sup>[15]</sup>. Canada's orphan works provisions have been criticized for being time-consuming and involving unnecessary government involvement, with very low application frequency. The fundamental reason lies in the lack of clear standards for "due diligence," and the high cost of digitizing collections, compounded by the cost of "due diligence," making it difficult for many institutions to bear. As a result, they prefer to let orphan works remain "asleep" in their collections. Current legislative solutions for the digital utilization of orphan works also conflict with the principles of open access. From a content perspective, the research value of orphan works far outweighs their commercial value, and usage should take precedence. To achieve the basic goal of open access, changes to the rules governing the use of orphan works are needed. In 2019, Israel enacted legislation on the use of orphan works, detailing the criteria for due diligence. The longer the creation time of a work, the lower the standard for due diligence. For example, the due diligence standard for finding an author of a photograph created in 1950 is much lower than that for finding a film work created in 1990. At the same time, it is stipulated that the non-profit use of orphan works by cultural heritage institutions does not constitute infringement, and the use of works can be stopped when the right holder appears. <sup>[16]</sup> The legislative exploration of the digital utilization of orphan works is still continuing, and it is an inevitable trend to build a more flexible and simplified utilization procedure.

### 3.3 The digital utilization of traditional knowledge needs attention

The Australian cultural sector has focused on the digital inheritance of traditional knowledge in its research into how to promote open access and innovation. It believes that these cultural heritage resources should be digitized for preservation, but the design of related usage rules must be carefully considered. The copyright status of works related to traditional knowledge is more complex. On one hand, most traditional knowledge is passed down from generation to generation and has entered the public domain, but some traditional knowledge content is sensitive, and whether it can be made public requires careful deliberation. On the other hand, traditional knowledge often has characteristics of intergenerational transmission and collective creation, and there is a lack of operational rules for obtaining authorization after digitization. "Regarding the digital inheritance of traditional knowledge, Australian archival management experts have conducted specialized research and pointed out that when digitizing and utilizing documentary resources containing traditional knowledge, the tolerance level of the communities or groups that traditionally hold this knowledge should be fully considered." <sup>[17]</sup> The National Archives of New Zealand's principle for handling traditional knowledge is not to publish content containing private information online, but to allow researchers to access it for academic purposes. To address the issue of digital resource inheritance and utilization of traditional knowledge by ethnic minorities, the Auckland Museum has specifically formulated the "Guidelines and Procedures for Using Maori Images," serving as a user guide. <sup>[18]</sup> According to the requirements of this document, if users request to use traditional knowledge, the



corresponding cultural heritage institution needs to prepare a "Knowledge Sharing Treaty (Aotearoa) Notice for Indigenous New Zealand Knowledge" to inform users of the precautions during use.

#### **4. Ways for cultural heritage institutions to implement open access to copyright**

##### **4.1 High-quality and comprehensive open sharing of works in the public domain**

The development of new technologies is easing and gradually resolving the contradiction between the profitability of cultural heritage institutions and their openness for sharing. The Palace Museum, Dunhuang Academy, and National Library have progressively opened up high-definition images of a large number of collections for user access, which not only disseminates traditional cultural knowledge but also sparks public interest in traditional culture, thus driving a craze for cultural and creative product consumption and achieving dual goals of profitability and sharing. With the implementation of concepts like "wireless museums" and "smart libraries," new business models are also taking shape. Users can enjoy high-definition collections through "cloud viewing" and purchase favorite cultural and creative products via online customization services. According to estimates, institutions that open online e-commerce platforms can earn \$10 per transaction, with an average of \$1,000 in profit from 5,000 visitors. Nearly half of registered users will accept personalized customization services. Industry insiders point out that if comprehensive open access is achieved through open access, it can further enhance the profitability of cultural heritage institutions. The manager of Rmn-GP, the French National Museum Alliance, stated that the operational risks long feared by cultural heritage institutions have been overestimated. In fact, achieving comprehensive open access does not affect institutional operating income; instead, it further enhances the reputation of cultural institutions, and even makes some research projects more likely to secure funding. <sup>[19]</sup> The application of new technologies provides technical support for cultural heritage institutions to achieve full open access to copyrights. It is entirely feasible for these institutions to provide high-definition digital versions of public domain works to the public, which also complies with copyright law requirements.

##### **4.2 Establish copyright information disclosure system and change copyright licensing mode**

The open access movement advocates for open storage, which is essentially an inevitable requirement for the extension of cultural heritage institutions' functions in a networked environment. During this transformation, copyright legislation needs to be reformed, and the operational models of cultural heritage institutions should also be adjusted. The EU's Single Digital Market Copyright Directive no longer imposes excessive restrictions on the reproduction activities of cultural heritage institutions, stipulating that these institutions can reproduce any works they permanently collect in any format or medium for preservation purposes. <sup>[20]</sup> grants cultural heritage institutions broader rights to reproduce, enabling more collections to be digitized and preserved. From the perspective of fulfilling dissemination functions, cultural heritage institutions need to clarify the copyright status of their collections and legally comply with regulations for the information network dissemination of works.

At the beginning of the open access movement, there was no unified standard for openness. Institutions voluntarily opened their digital collections of cultural heritage resources, but the development was slow and limited in scale. As the concept of open access gained attention and promotion, copyright legislation also underwent continuous review and revision, creating conditions for large-scale online sharing of cultural heritage resources. The National Museum of New Zealand (Te Papa) firmly supports the development philosophy of the open access movement, advocating for enhanced cooperation among cultural heritage institutions to achieve more comprehensive open

sharing. In 2019, the National Museum of New Zealand launched the Open Access Programme (Open GLAM Aotearoa), which, on the basis of fully disclosing copyright information, clearly informs users how to legally use the works. From the perspective of open content, while orphan works have yet to be legislated and thus cannot be digitized, public domain works and those with clear copyright status have established open channels, and the open access to traditional knowledge is also being put on the agenda.

Open GLAM Aotearoa<sup>[21]</sup>

Copyright status	Rights statement	Open access
The work is still under copyright protection	Works can only be transmitted over the Internet with the author's consent; The author agrees to use the work under a Creative Commons agreement;	No downloading or use (including profit-making use) without permission
The work enters the public domain	Use freely	Can be downloaded and used (including for profit)
Cultural heritage institutions own the copyright of the works	The work is freely available through a Creative Commons (CC-BY) license	Can be downloaded and used (including for profit)
Traditional knowledge	Consult with the heritage community to develop new knowledge sharing licenses	Not to be downloaded or used (including for profit)
The copyright status is not certain	Works whose authors or other rights holders cannot be determined after reasonable searches are considered to have an unclear copyright status	Not to be downloaded or used (including for profit)

As guardians of cultural heritage resources, institutions should play a bridging role, facilitating dialogue between authors and the public, and disseminating excellent cultural knowledge. In the online environment, it is necessary to establish more proactive "dialogue-based" copyright licensing to achieve information network dissemination of cultural heritage resources. The Creative Commons license agreement is an effective model for flexible copyright authorization driven by the open access concept. The promotion of the sharing concept in open access also requires the application of the Creative Commons license agreement. Currently, cultural heritage institutions that support open access generally adopt the CC BY-NC-ND 4.0 protocol to achieve open access for works with clear copyrights, thereby enhancing the efficiency of work dissemination.

## 5. Construction of open sharing mechanism for digital inheritance of China's cultural heritage

### 5.1 Open sharing is the basic goal of digital inheritance of China's cultural heritage

The "14th Five-Year Plan for the Construction of Public Cultural Service System" released by the Ministry of Culture and Tourism in 2021 pointed out that efforts should be made to continuously promote the construction of digital resources in public cultural institutions, showcasing Chinese culture, telling Chinese stories, promoting fine traditional Chinese culture, and facilitating its creative transformation and innovative development. It also proposed strengthening the protection of copyright for digital cultural resources. The concept of "sharing" cultural resources was

mentioned multiple times in the plan. In 2022, the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council issued the "Opinions on Promoting the Implementation of the National Cultural Digitalization Strategy," which clearly stated that by the end of the "14th Five-Year Plan" period, a basic framework for cultural digital infrastructure and service platforms would be established, forming an interactive, multi-dimensional cultural service supply system both online and offline. By 2035, a national cultural big data system with physical distribution, logical association, rapid linking, efficient search, comprehensive sharing, and key integration will be built, presenting a panoramic view of Chinese culture and ensuring that the fruits of Chinese cultural digitization are shared by all citizens. <sup>[22]</sup> The report of the 20th National Congress of the Communist Party of China made important arrangements for the prosperity and development of cultural undertakings and industries, explicitly proposing to "implement the national cultural digitalization strategy."

Open sharing has become a fundamental goal of China's cultural digitalization strategy. However, both the provisions of China's Copyright Law and the copyright management and protection plans of cultural heritage institutions lack institutional support for promoting the "open sharing" concept in digital public cultural services. Although the academic community pays considerable attention to large-scale digitization of collections by cultural heritage institutions and issues related to fair use under digital dissemination models, as well as copyright protection and utilization of orphan works, a unified perspective and effective measures have yet to be established. The open access concept of open storage is somewhat instructive. First, it can meet the demand for disseminating excellent traditional culture. Second, by integrating copyright management information, the efficiency of utilizing cultural heritage resources can be improved. Finally, open access also enhances the capabilities and standards of cultural heritage institutions in participating in the development of the creative industry.

## **5.2 Further improve legislation to build more flexible copyright licensing rules**

The third amendment to the Copyright Law did not revise the fair use provisions for cultural heritage institutions. In conjunction with the relevant provisions of the Regulations on the Protection of the Right of Communication Through Information Networks, the digital utilization of collections by China's cultural heritage institutions remains strictly restricted, prohibiting dissemination outside the premises without authorization. This means that cultural heritage institutions still need to adhere to stringent copyright licensing standards when promoting digital dissemination, significantly impacting the efficiency and scale of open collections. In the future, reliance should be placed on the construction of digital cultural public service platforms to address the licensing of digital artifacts through knowledge sharing agreements.

The Copyright Law of our country still does not specify the utilization of orphan works. In the context of the comprehensive promotion of cultural digitalization, addressing the issue of digital utilization of orphan works is an urgent priority. The research value of orphan works dictates that their open sharing is more meaningful than strict copyright protection. It should be considered to allow cultural heritage institutions to digitize and disseminate orphan works under the framework of fair use, with the digital versions provided by these institutions being for non-profit use only. Our country places great emphasis on the development and utilization of traditional knowledge and cultural resources, but systematic research on the rules for digital dissemination of traditional culture remains to be perfected. Especially for the utilization of culturally significant products, the professional functions of cultural heritage institutions should be leveraged to provide guiding suggestions for users' reasonable use.



## References

- [1] Li Wu. *Two ways to implement open access--OA journals and OA knowledge bases* [M]. Shanghai: Shanghai Jiao Tong University Press, 2012:10
- [2] Open GLAM. [EB/OL]. [2022-12-22]. <https://openglam.org>
- [3] Eva Van Passel, Jasper Rigole . *Fictional institutions and institutional frictions: Creative approaches to open GLAMs*, *Digital Creativity*. [EB/OL]. [2023-01-03]. <http://dx.doi.org/10.1080/14626268.2014.904363>
- [4] Li Mingde. *American Intellectual Property Law* [M]. Beijing: Law Press, 2014:324
- [5] Foteini Valeonti. Melissa Terras. Andrew Hudson-Smith. *How Open is OpenGLAM? Identifying Barriers to Commercial and Non-Commercial Reuse of Digitised Art Images*. [EB/OL]. [2022-7-05]. <https://discovery.ucl.ac.uk/id/eprint/10088438/1/how-open-is-openglam.pdf>
- [6] Foteini Valeonti. Melissa Terras. Andrew Hudson-Smith. Chrysanthi Zarkalid. *Exploring New Business Models For Monetising Digitisation Beyond Image Licensing To Promote Adoption Of OpenGlam*. [EB/OL]. [2022-6-17]. <https://discovery.ucl.ac.uk/id/eprint/10075085/>
- [7] Samuel Coad. *Digitisation, Copyright and the Glam Sector: Constructing a Fit-for-Purpose Safe Harbour Regime*[J]*Victoria University of Wellington Law Review*,2019,50(1):10
- [8] Elizabeth Joan Kelly. *Digital Cultural Heritage and Wikimedia Commons Licenses: Copyright or Copywrong?*[J]. *Journal of Copyright in Education and Librarianship*,2019,3(3):4.
- [9] *Bridgeman Art Library, Ltd. v. Corel Corp.*, 36 F. Supp. 2d 191 (S.D.N.Y. 1999).
- [10] Francis Davey. *After the National Portrait Gallery: Can There Copyright in Exact Photographic Copies?*[EB/OL]. [2023-01-28].[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2610714](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2610714)
- [11] Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on Certain Permitted Uses of Orphan Works, 2012 O.J. (L 299) 5, 7, 9– 10.
- [12] Zhao Li. *Research on Legal Issues of Digital Orphan Works* [M]. Beijing: Economic Daily Press, 2015:38
- [13] Wu Gao. *Research on the Design of Rational Use Rules for Orphan Works in Libraries under Digital Environment* [J/OL]. *Library Construction*. <https://kns.cnki.net/kcms/detail/23.1331.G2.20211209.2034.008.html>
- [14] Chen Xiaoping. *Study on the compulsory licensing system of orphan works in Canada* [J]. *Library Construction*, 2020(2):32
- [15] Eden Sarid,Omri Ben-ZviA *Theoretical Analysis of Orphan Works*[J].*Cardozo Arts & Entertainment Law Journal* , 2022,40(12):6.
- [16] Eilat Kahana, 'Copyright? It Depends on Who You Ask, [EB/OL].[2022-12-8]. <https://www.makorrishon.co.il/magazine/245773/>
- [17] Foteini Valeonti, Melissa Terras, Andrew Hudson-Smith *How Open is OpenGLAM? Identifying Barriers to Commercial and Non-Commercial Reuse of Digitised Art Images*. [EB/OL]. [2022-12-12]. <https://discovery.ucl.ac.uk/id/eprint/10088438/1/how-open-is-openglam.pdf>
- [18] Fieldsend, F. and Sleight, T. 2015. "Reflecting on Open GLAMs in Aotearoa New Zealand." *A Quiet Revolution – Growing Creative Commons in Aotearoa New Zealand*. [EB/OL].[2022-12-26]. <http://resources.creativecommons.org.nz/a-quiet-revolution/>
- [19] Foteini Valeonti, Melissa Terras, Andrew Hudson-Smith, Chrysanthi Zarkali. *Examining Mobile Print-on-Demand as an Alternative to Image Licensing for Monetising Digitisation to Promote OpenGLAM*. [EB/OL]. [2023-01-07]. <https://mw19.mwconf.org>
- [20] Cao Jianfeng, Shi Daiwen. *Chinese translation of the EU Copyright Directive on a Single Digital Market* [EB/OL].[2023-01-29].<https://new.qq.com/rain/a/20190411A0JEFI>
- [21] Sarah Powell. *Towards a Connected Commons: Two case studies examining New Zealand collecting domains establishing Open GLAM practices for digital collections*. [EB/OL]. [2022-06-15]. [https://www.academia.edu/download/49725885/Towards\\_a\\_Connected\\_Commons.pdf](https://www.academia.edu/download/49725885/Towards_a_Connected_Commons.pdf)
- [22] *Opinions on Promoting the Implementation of the National Cultural Digitization Strategy (full text)* [EB/OL]. [2022-05-27]. <http://www.chinacer.com.cn/zhengcefagui/2022052318622.html>.