

WHAT ARE THE BARRIERS TO OPEN CULTURE?

A report by Creative Commons¹

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EXECUTIVE SUMMARY

Across the world, many cultural heritage institutions, such as galleries, libraries, archives and museums (GLAMs), face barriers to opening up their collections, and while the reasons are numerous and varied, the barriers can be clustered into three main categories: money, people and policy. Under “money,” the lack of resources and fear of losing revenue from licensing constitute the main barriers to going open. In terms of “people,” a lack of staff resources, a lack of applicable knowledge and skills, together with a host of generally unjustified apprehensions and risk aversion, contribute to erecting additional barriers. Last, when it comes to “policy,” a complex and outdated policy and legal framework — copyright in particular — and the absence of a positive policy framework encouraging openness, form yet another set of barriers. Globally, inequities and the digital divide fracture the GLAM landscape.

INTRODUCTION

Over the past decade, the open movement has gained incredible momentum in the cultural heritage sector, catalyzed notably by the creation of the Creative Commons (CC) [Public Domain Mark](#) and influenced by the ground-breaking publication of [The Problem of the Yellow Milkmaid](#). This has led to the emergence of “open GLAM,” a movement that promotes open access, sharing and reuse of the collections of cultural heritage institutions in the digital environment.² The [Open GLAM Survey](#), edited by Andrea Wallace and Douglas McCarthy,

² At CC we prefer the term “open culture “ over open GLAM, where “GLAM” stands for galleries, libraries, archives and museums. Open culture is not only more readily understandable (it does not include an acronym), it is also broader as it envisions open sharing of cultural heritage as a participatory experience in a system that includes

attests to this progress and records the institutions that openly release digital images of items in their collections. “[open culture](#),” At CC we prefer the term “[open culture](#)” over open GLAM, where “GLAM” stands for galleries, libraries, archives and museums. Open culture is not only more readily understandable (it does not include an acronym), it is also broader as it envisions open sharing of cultural heritage as a participatory experience in a system that includes GLAMs but also their users, their communities, commercial entities and non-profit sector institutions, as well as society as a whole. That said, we use the acronym GLAM in this document to collectively refer to cultural heritage institutions.

Two reasons might explain this fresh enthusiasm: (1) there is a growing realization that the mission of cultural heritage institutions to provide access to collections squarely aligns with the “open” ideal of free and unrestricted access to knowledge and culture and; (2) in order to remain relevant to 21st century audiences, GLAMs know they need to show a strong online presence as well as provide the means for users to interactively engage with collections in non-traditional ways.

While those strides are remarkable, in reality only a tiny fraction of the world’s GLAMs share their collections openly: one estimate puts this fraction at less than 1%.³ The vast majority continue to face a host of barriers to embracing open access and, as a consequence, to contributing fully to more equitable, diverse, and thriving societies.

In this document, we explore these barriers to open culture in order to gain a clearer understanding of the support Creative Commons might offer to institutions wishing to embark on their journeys towards openness and better sharing of cultural heritage. This document draws from the [CC Open Culture VOICES vlog](#), a series of interviews from experts in the open culture movement.⁴ All experts’ names, titles, affiliations and countries are listed at the end of this document for reference. It also draws and directly quotes from [Barriers to Open Access · Open GLAM](#) (part of “[Towards a Declaration on Open Access for Cultural Heritage](#)”) by Andrea Wallace. Based on previous research (see list at the end of this report under *Sources and further reading*) and through consultations and listening to experts in the field, we have identified three main clusters of barriers: money, people, and policy. This report may be of interest to members of the CC Global Network, the open culture / open GLAM community, GLAM practitioners, policymakers, and anyone interested in supporting open access and better sharing of cultural heritage around the world.

GLAMs but also their users, their communities, commercial entities and non-profit sector institutions, as well as society as a whole. That said, we use the acronym GLAM in this document to collectively refer to cultural heritage institutions.

³ Andrea Wallace, [Critical Open GLAM: Towards \[Appropriate\] Open Access for Cultural Heritage](#), 2020.

⁴ The vlog excerpts have been freely edited for brevity, flow and conciseness.

LACK OF FINANCIAL RESOURCES

As experts underlined, going open is expensive. From digitization equipment to infrastructure, all the way to data preparation and management, as well as licensing and rights management processes and workflows, costs add up. With most GLAMs suffering from insufficient funding and strained operating budgets, a lack of financial means is one of the prime barriers to sustainably maintaining open collections.

What the experts say

Andrea Wallace: *“Digitization is expensive and can hinge on the costs of technology, labor, expertise, internal and external digital infrastructure, and its storage, preservation, and management. **These costs are ongoing and require significant investment to keep up with advancements in new technologies** and forms of engagement. With decreasing funding streams, GLAMs are hesitant to give up any revenue (however small) that can support digitization programs, including licensing.”*

Jonathan Hernandez: *“One of these barriers is funding. **Financial resources are important to sustain digitization projects, because this process also involves data preparation and management, as well as maintaining a digital presence**, all of which can be costly, especially for smaller, under-resourced GLAMs. In addition, some institutions sometimes fear that publishing collections may end up affecting some business models.”*

Patricia Diaz Rubio: *“The Chilean context is not very different from the rest of Latin American countries where **resources for GLAMs and their practitioners are very limited**; digitization, dissemination and open access projects are very difficult to develop under those conditions.”*

Julia Pagel: *“**We’re clearly lacking** [...] **resources** to develop, update and build necessary infrastructure to support opening GLAMs.”*

Neal Stimler: *“There is a false perception that open GLAM is a project and not an ongoing program that requires ongoing activation, financial and labor investments from the institution to be successful. Open GLAM is not a “set it and forget it” one-time initiative. Plan for the future of your open GLAM program at launch and be prepared to **devote regular resources, time and people, to its continual health and sustainability.**”*

FEAR OF LOSS OF INCOME AND OF FREE-RIDING

Financial sustainability

Budget cuts, resource reallocation and the general low level of funding for the cultural sector all contribute to many GLAMs' dire financial situation. Some are under incredible pressure to generate revenue in order to remain in activity. Many resort to licensing the digitized content in their collections, even material in the public domain, as a way to ensure financial sustainability. However, according to experts and many studies,⁵ traditional licensing models are not cost effective and end up draining resources.

What the experts say

Douglas McCarthy: *“Since the COVID-19 pandemic, even more than before, **there is increasing financial pressure on institutions to generate revenue** from their digital collections, whether in the public domain or in copyright.”*

Katie Eagleton: *“**It’s very, very hard for institutions to give up even quite small amounts of income** if their financial situation means that they really need that and rely on it.”*

Neal Stimler: *“There is a false belief that open GLAM initiatives deter institutional participation and hinder revenue. **Open GLAM programs increase engagement and can enable new types of revenue generation** through collaboration partnerships and new product development that support the ongoing existence and service of the institution to its stakeholders.”*

Alwaleed Alkhaja: *“One of the issues that we have with **opening up GLAM is the balancing of commercial interests with public needs**. So institutions need to think about sustainability, about how to not necessarily be making profit but at least covering the costs.”*

Mariana Ziku: *“In the past [barriers] were more related to concerns such as losing profit for the commercial exploitation of rights over physical collections or **monetizing collections** to directly increase revenue. However, this is mostly not the case now because these **strategies really haven't created much revenue** at least for digital heritage and the majority of cultural institutions.”*

Dafydd Tudur: *“Another perceived barrier is that [GLAMs] are missing out on opportunities to generate income from the collections. We need to consider carefully what is the true cost of commercializing collections; the cost to us as organizations. And also: what is the net profit made from them. And then, after considering those things, we need to consider the value that we place on taking the other path and being open, and how the two compare. **We’ll often find that the benefits of being open with the collections outweigh the level of investment and cost, and the profit eventually made from***

⁵ See e.g. ([Tanner 2004](#); [Ballon and Westermann 2006](#); [Allen 2012](#); [Crews and Brown 2010](#); [Kelly 2013](#); [Collections Trust 2015](#); [Kapsalis 2016](#); [Denoyelle, Durand, Daniel and Doukaridou-Ramantani 2018](#)).

generating income, selling, and controlling the use of collections that could otherwise be open.”

Merete Sanderhoff: “I recently heard a quote from an environmental activist called Gus Speth [...] He said something about the main barriers to solving the climate crisis, and he said ‘well I used to think the big problems we have is a loss of biodiversity and ecosystem collapse [...]’ but he had come to the conclusion that the real problems are selfishness, greed and apathy [...]. For the cultural heritage sector, some of the same things are inhibiting good development. That is not to say in any way that cultural heritage institutions are selfish or greedy, but we are living under some very rigid economic structures that force us to make money off of our users whereas I think **there’s much bigger value in cultural heritage as an open resource. But we define value in monetary terms instead of looking at other types of value and impact.**”

Simon Tanner: “There’s also **the fallacy of lost income.**”

Martine Denoyelle: “There are many [barriers] on many levels. I would particularly emphasize the financial aspect, i.e., **the fear of a loss of income from the sale of reproductions.** However, we know from experience that the share of resources generated through paying images is minor and often does not cover the permanent staff costs of image rights management. In 2019, in France, a *Cour des Comptes* [Court of Audit] report stressed that the sale of reproductions ‘does not represent an important stake for museums.’ This is therefore less and less a valid argument.”

Stéphane Chantalat: “[**One barrier is**] **the strongly held idea that the sale of images could constitute a continuous and stable source of income that can balance the significant costs of digitizing and photographing the items.** This is most often a misconception which requires, before being supported, a very detailed preliminary analysis of the potential income generated by the sale of the images as well as a projection of their potential uses in publications, for exhibitions, etc. The public purchase price, which is often prohibitive, particularly for amateurs, students and researchers, also restricts the dissemination of research projects or publications which would make it possible to showcase entire sections of collections often not visible.”

Contractual lock-ups

As we’ve seen, digitization and open access dissemination entail very high costs. Experts worry that many GLAMs choose to enter into contractual arrangements with for-profit-sector entities (online platforms, commercial publishers, image licensing agencies and libraries, etc.) that bear such costs. More often than not, such agreements include restrictive clauses that bar GLAMs from releasing their collections in open access as part of the return-on-investment strategy of these third-party partners.⁶

⁶ On this point, see Recital 49 of the EU Directive 2019/1024 on Open Data and the Re-Use of Public Sector Information (the Open Data Directive): “...Where an exclusive right relates to digitisation of cultural resources, a

What the experts say

Philippe Rivière: *“Another barrier is how **many institutions still disseminate their data through photographic agencies or image banks that charge for access to certain content.** In France, we are still very much in this pattern. Despite significant progress made by institutions or photo agencies, it remains the second barrier to be removed in France.”*

Andrea Wallace: *“Because of digitization costs, **GLAMs sometimes form exclusive partnerships with companies that provide digitization and commercialization services.** While GLAMs typically receive copies as part of the agreement, the partnership contracts and third-party intellectual property rights claims typically prohibit GLAMs from releasing these copies under open access frameworks.”*

Martine Denoyelle: *“In France, we have a particular configuration for the management of collection images, centralized with a public entity created to pool the resources of museums, especially in terms of photographic campaigns: the Réunion des Musées nationaux Grand Palais, which markets the photo collections of many museums. **The income from the sale of images by the photographic agency declines each year and cannot be considered as significant in the overall budget;** but the system, based on multi-year contracts between the entity and museums, is currently preventing things from evolving: in my opinion, this is the main barrier in France.”*

Free-riding

Furthermore, many institutions are generally wary about open access enabling commercial uses and “free-riding.” This wariness, as Heidi Raatz highlighted during the review process, is often put forth as a justification for GLAMs only releasing low-resolution or lower quality image reproductions for open access. Andrea Wallace has pointed out that GLAMs fear that allowing anyone to use or reuse digital reproductions for any purpose will encourage unfair commercial exploitation of the collections. Yet where public domain materials are concerned, commercial use is lawful and in fact in the spirit of copyright law.⁷

What the experts say

Andrea Wallace: *“**Fears that releasing digital surrogates to the public domain will enable commercial photo libraries to freeride on GLAMs efforts** are legitimate and already happening. This practice is legal due to the data’s public domain status.”*

certain period of exclusivity might be necessary in order to give the private partner the possibility to recoup its investment...”

⁷ For an explanation in the context of the non-commercial clause of CC licenses, see [NonCommercial interpretation - Creative Commons](#).

Loss of revenue from physical visits

Many GLAMs will shun digital open access based on a fear that this will reduce tickets sales for physical visits and gift shop footfall, leading to a loss of revenue.

What the experts say

Biyanto Rebin: *“The biggest obstacle of the open GLAM movement is the misunderstanding of the movement itself. **A lot of institutions think when they open their collection, the visit rate will drop simultaneously. The public will not come to visit their institution anymore.** However, several studies prove otherwise, by opening their collection, institution visibility is increasing and it affects the visit rate.”*

George Oates: *“**There’s a lack of interest in digital sharing.** Some organizations are still prioritizing physical visits over digital interactions.”*

Andrea Wallace: *“**GLAMs without open access programs sometimes reference free onsite entry as a trade-off and justification for charging licensing fees.** These GLAMs equivocate this practice with open GLAMs that charge high entry fees as evidence for why the open access program is possible. However, data suggests the majority of the museums and galleries that release collections under open access frameworks charge nominal fees or provide free entry onsite (the data excludes libraries and archives as they typically provide free entry).”*

PEOPLE

HUMAN CAPACITY, KNOWLEDGE AND SKILLS

Going open requires significant human capacity and resources, knowledge and skills. For example, digital technologies require dedicated information and communication technology skills, such as user experience, data analysis, metadata management, software development, etc. A lack thereof can frustratingly sound the death knell for many open culture initiatives. Likewise, copyright management often requires legal expertise that is hard to access, expensive, or both. This is one of the main motivations for the [CC GLAM certificate](#), which aims to build practitioners’ capacity on matters related to copyright, open licensing, and the benefits and challenges of opening up GLAM collections.

What the experts say

Larissa Borck: **“Copyright can be perceived as really complicated** and also takes a lot of energy and resources from organizations and professionals to gain more skills and competence in.”

Douglas McCarthy: **“Open GLAM requires resources, expertise, and investment in rights management and copyright,** which are complex.”

Céline Chanas: **“The questions of training and competencies could be limiting. In the museum’s team, we did not have the profiles and the competencies necessary** for the implementation of such a project.”

Stacy Allison-Cassin: **“Resources are really a huge challenge and resources are not just money but people and knowledge.** So you might want to participate in open GLAM initiatives but you lack the knowledge at your institution to be able to understand how to use CC licenses, how to integrate licensing within a repository, or how to apply appropriate metadata to ensure that you have appropriate licenses on your materials. We know that it is relatively easy and cheap even in some ways to digitize but **it is much more resource intensive to apply appropriate metadata, to provide staff training, and to have those people on hand who can do the work.**”

Medhavi Gandhi: **“There’s a barrier for professionals to understand open GLAM as a process, as a value. In recent years and especially over the last two years of the pandemic, GLAMs have started to recruit people with digital professional backgrounds. So the barrier is more in terms of who will do it, do we have the right skills? Have we hired correctly? Who do we hire to do this?”**

Kristina Petrasova: **“A lack of resources in education and technology skills and institutional management priorities to open up** are the other barriers that can realistically be tackled in the near future.”

George Oates: **“There’s certainly a need for cataloging digitized materials** before they can be shared and that is an issue of time and resource.”

Julia Pagel: **“We’re clearly lacking** resources: human resources, people that support transition to an open museum, people who create, maintain and develop connections with their communities, resources for organizational transformation to an agile organization; and very importantly, **resources for capacity building to acquire knowledge and skills needed for new requirements** and to learn how to effectively steer change.”

Josée Plamondon: **“It is necessary to encourage the acquisition of new knowledge such as CC certification** or to encourage the repercussion of this knowledge and new openness practices among the various culture and information technology professionals. **This point is essential because it is a question of upgrading individuals, knowledge and practices.**”

Andrea Wallace: *“For many institutions, the lack of digital expertise or technology renders open GLAM participation impossible. Even GLAMs with digital support note difficulties keeping up with an area that evolves so rapidly.”*

Stéphane Chantalat: *“Another potential brake may be the apprehension linked to the ignorance of image rights and therefore of their status. It is a patient **work that requires training, legal aid and the assistance of specialists**, especially iconographers.”*

INTELLECTUAL BARRIERS: FEAR OF LOSS OF CONTROL AND OF MISUSE

Cultural heritage institutions are not always the most risk-taking. In fact, there seems to be some entrenched conservatism in the sector, where GLAM decisionmakers (within or outside institutions) are marked by traditionalist mindsets that view open access as a risk. This in turn triggers perceived (often unfounded) liabilities and poor risk management strategies that do not recognize the new realities of the digital world. Concerns around a lack of proper risk management practices remain important in a broader sense (health risks, organizational reputation, etc.).⁸ This calls for behavioral change led by coordinated advocacy efforts.

Lack of understanding, conservatism and risk aversion

Another barrier is a combination of aversion to risk and a lack of knowledge about the real threats and benefits of open access to cultural heritage content.

What the experts say

Melissa Terras: *“Often people do not quite get the message or understand what is happening and barriers are put in place from committees, from management, from boards, from funders, from politicians. **The level of “no” can be top down.**”*

Medhavi Gandhi: *“The bigger problem is digital literacy around it. A lot of times at institutions, **there's a lack of clarity on whose decision it is going to be to open up**, and what kind of, who all are going to be involved, and what kind of decision-making this is going to be.”*

Julia Pagel: *“Currently, the organizational setup of museums is often not really allowing for agile and flexible management, like established internal dialogue among staff and flat hierarchy in decision making. But these are the basic ingredients of open GLAM. Open GLAM means the courage to try new things, new approaches and to run the risk of failure. Through failing we learn to make it better. **But the mindset and the funding structures in and of museums is still very much rooted in traditional***

⁸ Jonathan Hernandez pointed this out in an email exchange.

structures, so we need to deal with a resistance to change, which is completely normal because us humans don't like to change.”

Josée Plamondon: *“On a strategic level, the main barriers are the thinking and value models from the industrial era. This is a knowledge economy based on retention, and we are moving towards pooling resources and collaboration [...] We need to have a change in the structure, in the processes, and in the roles. How are we going to immerse all the players in the organization? How are we going to mobilize them towards an information maturity where everyone contributes to the production of information and the sharing of knowledge?”*

Ariadna Matas: *“There are still many institutions for which the theoretical, or even practical, or moral arguments are not a sufficient reason to make that change as well. Then I wonder if there shouldn't be a stronger, more drastic and more coordinated push by users so that those who resist this change are left with no choice. [Users] are in the end the ones who suffer the consequences. Without some denunciation of this bad practice, those who put barriers to reuse can continue to do so as if nothing happened, without being questioned, as if it were part of the status quo, which I find very problematic. The status quo should be to allow reuse with no limitations.”*

Douglas McCarthy: *“A major barrier is something I call the ‘power of the status quo.’ This means, first of all, risk aversion and reluctance to change. **Museums tend to be rather conservative institutions for a number of good reasons.**”*

Patricia Diaz Rubio: *“You also must face the perceptions and reluctance of GLAM practitioners about what open access really means and how beneficial it can be to develop this type of project.”*

Fear of misuse

An additional widespread fear is that misuse will negatively impact the institution, its reputation or the collection itself.

What the experts say

Maja Drabczyk: *“Very often we see ourselves as custodians, as protectors of the collections. **Being scared that they might be misused holds us back from engaging in new collaborations in seeing and recognizing new opportunities [...] it's stopping us from growing.** We need to add new skills in our sector and see ourselves as facilitators, as experts or simply professionals willing to be engaged in a series of dialogues, being genuinely interested in the needs of our stakeholders and making sure that through our actions we really respond to their needs and we help them grow. We help them shape mindsets, we help them educate, and we help them entertain.”*

Philippe Rivière: *“There are still many barriers to opening GLAMs. The first barrier is mindsets. It is necessary to convince people that opening data does not mean giving it to anyone. Anyone is a citizen like any other, it is public data, **but above all, it is necessary to reassure people that their use will not contradict the public service missions of the institution** but on the contrary that we are going to give power, to give knowledge to citizens.”*

George Oates: *“**There’s a nervousness around the possibility that some of the things that you're sharing might be misused or mistreated even if they’re in the public domain.** As we are exploring some new territories around what digital public domain actually means, that is just going to be tested with use, so that is exciting. Hopefully it's not a fearful stance.”*

Fear of harming creators

Other GLAMs might fear that openness will harm artists and creators.

What the experts say

Rebecca Giblin: *“**Another big problem is that there are concerns that opening up collections could hurt creators and artists.** There are ways of doing it that might not work and there are ways of doing it that might be harmful, but there are also ways that we can think about this creatively and we can create laws that are actually working better for everybody so a possibility that you could do it wrong shouldn't mean that we don't try to do it right.”*

Culturally-sensitive and Indigenous content

Beyond copyright, the ethical, respectful, and equitable treatment of culturally-sensitive materials, such as the traditional cultural expressions of Indigenous peoples and local communities, must also be taken into account. A lack of awareness and understanding of the need for a respectful and careful approach to opening up collections may thus constitute another form of barrier to *better sharing* of cultural heritage. [As Victoria Heath and Scann stated on the CC blog:](#) “Open GLAM is not only about sharing cultural heritage by respecting copyright law, but also how to do it more responsibly, collaboratively, and equitably.”

What the experts say

Alwaleed Alkhaja: *“Around the globe [an] obstacle or barrier to open GLAM are sensitivity issues. **GLAMs need to think about whether by putting the content online, making it open, causes any issues from a sensitivity perspective.**”*

Andrea Wallace: *“Digitization is often framed as a neutral act and a desirable method of documenting collections for various purposes. However, an act of digitization automatically triggers property,*

contract, and intellectual property laws that can **extend systems of control, harm, and extraction to digital versions of cultural manifestations and the knowledge or identities they hold.**"

Mariana Ziku: "There can be fears over losing quality or other fears related to the monetary mission of the institution. **However, there is more value in expanding the capacity and capability for inclusive and accessible development than shying away since there are efficient practices** that deal with these issues, also with data rights and openness, for example the [CARE principles](#). So there are ways to overcome barriers and work it out and in the end opening cultural heritage and applying open GLAM is practicing culture as it has been often done throughout the ages."

Marco Rendina: "In open GLAM, we have a few risks rather than real barriers. If we set aside copyright, of course, which is a real conversation killer, the major risk I see for open GLAM is an ethical one, and it is to allow content to be superficially exploited, without acknowledging its origin and engaging with it. **The use of materials held in archives, museums and libraries, especially for commercial purposes, without recognizing historical roots, communities and, above all, without giving the right credit to those related to this content, is unfortunately a common practice**, especially in the fashion realm. Fashion is indeed one of the most powerful visual signifiers of identity - individual as well as of communities. So we need rules to overcome the tendency to "grab and go", not by hiding or locking up content, but placing it in the right context and recognizing **it is about "sharing for caring"**. This is the only way to protect open content and allow people to enjoy and learn from it."

Fear of loss of control

Insecurities linked to letting go of control are rife. As illustrated in the paper [The Problem of the Yellow Milkmaid](#), there are fears around what *others* will do with the collections: will works be misused or used in the wrong context? GLAMs sometimes consider themselves as temples and are reluctant to share because they fear their authority would be diminished.⁹ They want to be credited as the host institution and associated with every use of the work as a way to increase their visibility and enhance their reputation, but also sometimes to keep track of any downstream use and "protect" collections from different perspectives. A far greater risk, though, is the one GLAMs run by unduly restricting access to the collection and preventing people from engaging freely, ethically, sensitively and deeply with them. Such fears imperil GLAMs' role as facilitators of access to knowledge, as Shanna Hollich pointed out in the review process.

⁹ See, e.g., *The Museum: A Temple or the Forum*, Duncan Cameron, 1971.

<https://www.elmuseotransformador.org/wp-content/uploads/2021/06/The-Museum-A-Temple-or-the-forum.pdf>

What the experts say

Katie Eagleton: *“It is about control and about a preference to have a say in what happens to collections and some of that is really important because of the ethical requirements around looking after sensitive material, but some of it is to do with knowing what is being done with collections.”*

Larissa Borck: *“Professionals and cultural heritage institutions can sometimes see open access as risk and, in their views, **closed or restricted access to cultural heritage data and collections can be a way to protect cultural heritage collections**, especially from different perspectives. That is a barrier to the value that cultural heritage collections can have for their respective communities and societies.”*

Merete Sanderhoff: *“**The fear of loss of control is maybe a kind of habit that is also standing in the way of just embracing that people out there are ready and willing to do all kinds of wonderful things** with their heritage if we trust them and allow them to. We have great experience with users who just blow our minds with the things they do with our urban collection at SMK [Statens Museum for Kunst].”*

Andrea Wallace: *“**Fears around loss of control erect philosophical barriers** in terms of who should be able to interpret or generate knowledge around a collection, and for what purposes [...]. Fears around loss of control of a work and its educational context are often cited as why licensing models remain necessary. In these cases, claims to intellectual property rights are also used to protect the work, the artist, its context, and the host institution.”*

Dafydd Tudur: *“**One concern that organizations have is that they lose control of the collections if they release them openly.** The question that needs to be asked here is: why do we feel the need to control digital reproductions of the collections? Why do we feel that need to control? Because very often, the digital content is already out of copyright so it is not usually sensitive or problematic. So why do we feel that we need to control its use? I think that part of the reason is the concern that they are being used without us knowing how, and that we are missing out on the opportunity to understand how people discover, re-purpose and make use of the collections in which we have invested to make them available digitally at all. It is important that we see open access not as something that we append to our strategy as some peripheral addition, but that it is core to the entire way that we see our role and how it is fulfilled. We need to consider how we form a relationship with our users that enables us to collect information about how collections are used, and that users realize and are aware how valuable that information is to us, so that we can continue to access more collections in the future.”*

Simon Tanner: *“**There’s also the worry that losing control of the way images are used would in some way damage the holding institution’s reputation.** So, it comes down to institutional mission and to deciding what matters most as we respond to the most recent demands of our audiences and publics. Then, that mission will shift more into the digital realm and some of these policy and senior management attitudes will also have to shift.”*

Karin Glasemann: *“One of the greatest barriers to open GLAM is a wrong understanding of control. A lot of our institutions believe that we need to shield the collections from sort of abuse or wrong context that they appear in. But we need to understand that if we want the collections to be part of everyone’s life, we cannot keep them under control. **Closed licenses will often not really protect the collections from abuse, but they will always keep good people from doing good things with our collections** which means that educators or art enthusiasts will shy away from doing wonderful projects with our collections because they don't dare to do that.”*

Stacy Allison-Cassin: *“**Sometimes there is a feeling that making things openly available is harmful or will negatively impact the business**, so to speak, of the GLAM, that part of the value of GLAMs comes from the stewarding or the holding of unique collections and that, if we open up those collections for unfettered reuse, our value as an organization might be reduced. But the more something is open, the more interactions people have with your organization. The other problem is that when we keep things hidden or behind barriers, such as licenses, or hidden away on smaller organizations' websites, we do not have that interaction that we might need. And part of the barriers come from issues around grants or the consideration of collections being equated with a kind of capital and that your capital, i.e. the value invested in your collections, is somehow harmed by making those collections more available for reuse and that attitude needs to change.”*

Melissa Terras: *“People do not understand why we should be giving away the prime, beautiful, wonderful resources that we have for free. **There is a sense of ownership still**. We have to explore different meanings of value around digital cultural heritage, that it might not always be a financial transaction that people access these things for, but they are different types of values. So the barrier really is an understanding that there isn't really much money in digital open GLAM but we should be able to use them for different ways to encourage lots of people to engage and to encourage access.”*

POLICY

COMPLEX AND OUTDATED COPYRIGHT SYSTEMS

Copyright is often charged with standing in the way of GLAMs that wish to digitize their collections and make content openly available. Copyright is the main legal regime that governs the multiple ways in which creativity can be produced, distributed, shared, reproduced and transformed. It is therefore central to the digitization and making available of

culture on the Internet. Copyright rules may often determine what can be put online, by whom and for what purposes.

Alas, as noted in CC's policy paper, "[Towards Better Sharing of Cultural Heritage – An Agenda for Copyright Reform](#)," copyright laws are complex and often unclear, vary widely from country to country, and in the main have struggled to keep up with technological advancements in the digital age and are outdated as a result. GLAMs are often in the dark about what they can do legally because of the uncertainties permeating the copyright landscape, making it hard for them to navigate issues around:

- rights — who owns them and how long they last;
- exceptions and limitations — which activities can (or cannot) be done without explicit permission;
- public domain — what free uses can be done with [public domain](#) materials.

For example, determining whether a work is protected by copyright or is in the worldwide public domain can necessitate hours of research, multiple conversations, and meticulous documentation. Rights "clearance," a process by which institutions research a work's copyright status and negotiate use and reuse permission with rights holders, continues to plague open culture efforts, especially when collections comprise orphan works, in-copyright works whose rights holders are unknown or impossible to locate. This is leading to what some refer to as the "[20th century black hole](#)."

What the experts say

Ariadna Matas: "***[One barrier is] a rather complex legislative landscape** that makes it difficult to determine whether something is in the public domain or to obtain the necessary rights."*

Jonathan Hernandez: "***Another challenge is complex copyright laws**, so it is important to have a general understanding of how they apply to specific works or across jurisdictions. Ignorance of these issues can create uncertainty that can lead to conservative approaches to releasing works into the public domain."*

Rebecca Giblin: "*The elephant in the room of course is that **we do have in many countries really outdated copyright laws that are not doing a particularly good job of serving either creator interests or access interests** and we need to think about ways that those can be recalibrated to better suit the reality that we inhabit now. But there's a lot of potential if we stop thinking about copyright [as] a zero-sum game. We can think about ways of making the pie bigger ... through rights reversion."*

Alwaleed Alkhaja: *“The biggest obstacle is copyright. **There’s a lack of information to determine whether an item is in the public domain or not.** Unfortunately, we [in Qatar] don't have orphan works [legislation] and that makes it difficult for us to choose or put something online.”*

Iolanda Pensa: *“**One of the most common barriers is to think that open GLAM means deciding how to manage copyright and licenses.** It is clear that this is a very difficult decision. Which director, board or assembly can feel confident in choosing a license? And this is indeed the problem here. This is not the decision that an institution is called upon to make: the institution must decide to share its collections, its data and its contents. Copyright and licenses will then be the tools to be used to create this openness (with the communities of Creative Commons and Wikimedia who can support this).”*

Kristina Petrasova: *“The biggest barrier at this moment is the **highly restrictive and market focussed principle of copyright law.**”*

Douglas McCarthy: *“**Many smaller institutions struggle to carry out thorough copyright evaluation,** which is essential to going open and embracing open access.”*

Andrea Wallace: *“For many GLAMs, **the inability to determine whether works are in the (global) public domain versus in-copyright can override desires to prepare collections for open access release.**”*

LACK OF A POSITIVE POLICY FRAMEWORK

Currently, there is no positive policy framework offering a real vision for better sharing of cultural heritage. A positive policy framework would foster the public-interest activities of GLAMs, such as access to online collections, online exhibitions, promotion and engagement with collections, as well as access to and use of collections for educational and research purposes. Such a framework would ensure GLAMs’ needs are treated on equal footing with those of rightholders, in a fair and balanced manner. It would also enhance cultural diversity as well as protect, safeguard, and preserve cultural heritage on a global scale. There is a legal and policy gap for a supportive ecosystem that enables everyone to enjoy their fundamental right to access knowledge and culture.

What the experts say

Simon Tanner: *“**The major barriers to open GLAM for me have ceased to be technological, they are now often policy driven.** And the policy is often informed by concerns that relate to the intricacies*

| of intellectual property.”¹⁰

| **Medhavi Gandhi:** *“There is a big gap, a big missing policy push. In a country like India, where most of our museums are either under the state or central government, there has to be some kind of a policy arrangement or some kind of a conversation with the government to even enable this dialogue around opening collections and the possibilities around it.”*

RIGHT CLAIMS OVER DIGITAL COPIES

Copyright law should prohibit anyone from claiming rights over faithful (non-original) digital reproductions of public domain works. Several GLAMs still engage in the mistaken and, in certain jurisdictions, unlawful practice of claiming rights over such faithful reproductions. This is problematic, for it creates additional enclosures of the public domain and hampers reuse possibilities. Misadapted laws and inconsistent GLAM practices risk locking down collections behind a second copyright wall and create confusion among users and reusers.

What the experts say

| **Antje Schmidt:** *“A major obstacle is, when during digitization of works in the public domain, a new right to the digital copy has arisen. Because then, under certain circumstances, rights must be cleared for digital reproduction of works that are actually no longer protected by copyright and contracts for new uses in the digital space must be renegotiated retrospectively. This is, for cultural institutions, extremely complex and sometimes even impossible if the rights holders are no longer known.”*

| **Jill Cousins:** *“I don't believe that museums own their collections, they're custodians. They're often supported by public taxpayers' money, so **objects that are in the public domain should really remain in the public domain from analog to their digital forms.** [...] so fundamentally copyright is still not really fit for purpose as far as the the web is concerned.”*

| **Alwaleed Alkhaja:** *“There are also issues with institutions claiming copyright over digitized public domain, that's a big obstacle for making content online that is really open and available for commercial use.”*

CONCLUSION

¹⁰ This quote is derived from “[Open GLAM: The Rewards \(and Some Risks\) of Digital Sharing for the Public Good](#),” Simon Tanner, King's College London, in *Display at your own risk*, by Andrea Wallace and Ronan Deazley, <https://displayatyourownrisk.org/>.

For many GLAMs, opening their collection online is far from being a priority. Several of them in the so-called global south, and everywhere in the world with the COVID-19 pandemic, face considerable financial challenges, hence conversations and actions around opening up culture tend to fall by the wayside. This raises questions of equity and diversity in the open culture space, specific contexts and values, and brings up the far-reaching issue of the digital divide. Equitable access to culture, largely facilitated through openness, should be for everyone to benefit from, regardless of resources or location.

What the experts say

Giovanna Fontenelle: *“Unfortunately, open GLAM is still not such a strong reality outside the global north. We only have a few institutions in the global south that have actually joined or that are even aware of the movement. There’s also the fact that, with open GLAM, institutions need to look for platforms, like the Wikimedia projects, with Wikipedia, or even Flickr Commons, for example, to help improve their reach. And not every institution is on a platform like these, therefore, not reaching its full open GLAM potential and not reaching all the people it could reach.”*

Temí Odumosu: *“Another barrier to open GLAM is really to do with this notion of openness. We think that if something is digitized and is available on the internet, as we know it in western or northern Europe or in the USA, that this means that everybody has access to it. So **we need to consider what openness online really means and who the audiences are. Are they mostly privileged audiences? Are they mostly people who have access to very expensive laptops and mobile phones? Or is this truly an open culture that can be accessed anywhere anytime by all people around the world?**”*

Andrea Wallace: *“A number of imbalances related to power, priority, interests, and resources can facilitate or impede participation in digitization and open access initiatives, which can skew the open GLAM landscape, representations of heritage, online dissemination, and consumption. Left unchecked, these imbalances will lead to sustained and (re)engrained dominant understandings of culture, heritage, access, and inclusion, and their transplantation in digital environments.”*

Susanna Ånäs: *“There are privileged cultural memory institutions that can carry out that work, and those that are in a more disadvantaged position. There are many juxtapositions: the under-resourced versus the well-resourced, the canonical versus the common, etc.”*

Buhle Mbambo-Thata: *“There is a digital divide: infrastructurally, [around] skills and between the north and the south, and even within the south, between rural and urban, sociopolitically, between male and female. That digital divide gets in the way of a free flow. But that is not to say that it cannot be fixed we can work on removing the digital divide.”*

While some paths forward have already been hinted at by numerous experts throughout this report to overcome the barriers to open culture, we at Creative Commons will build upon

those hints and expand our search for options to help GLAMs take part in *better sharing* of cultural heritage.

Do you face these or other barriers? Do you know what kind of support CC could offer? **Reach out and let us know!** Write to us at info@creativecommons.org and share your ideas and opportunities to overcome these barriers.

SOURCES AND FURTHER READINGS

This report builds upon the significant research that precedes it, notably:

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- [Beyond Digitization: Planning for Open Access Collections](#), by Megan Paqua, 2018.
- [CARE Principles of Indigenous Data Governance](#)
- [Critical Open GLAM: Towards \[Appropriate\] Open Access for Cultural Heritage](#) by Andrea Wallace (Senior Lecturer, University of Exeter, England (UK)), in particular: [Barriers to Open Access · Open GLAM](#), 2020.
- [Display At Your Own Risk](#), by Andrea Wallace and Ronan Deazley, 2016.
- [Exploring new business models for monetising digitisation beyond image licensing to promote adoption of OpenGLAM](#). In: Bienert, A and Kaiser, T, (eds.) EVA Berlin 2018: Elektronische Medien & Kunst, Kultur und Historie. (pp. pp. 274-280). Staatliche Museen zu Berlin - Preußischer Kulturbesitz, Deutsches Zentrum für Luft- und Raumfahrt e.V.: Berlin, Germany, by Valeonti, F; Terras, M; Hudson-Smith, A; Zarkali, C, 2018.
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- [The Public Domain and 5 things not covered by Copyright](#) by Timothy Vollmer, 2017.
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- [Towards Better Sharing of Cultural Heritage – An Agenda for Copyright Reform](#) by Creative Commons, 2022.
- [Toward Open Research: A Narrative Review of the Challenges and Opportunities for Open Humanities](#), Journal of Communication, Volume 71, Issue 5, October 2021, Pages 827–853, by Paul Longley Arthur, Lydia Hearn, 2021.

CC OPEN CULTURE VOICES VLOG EXPERTS

[CC Open Culture Voices vlog](#) is a series of interviews from experts in the open culture movement.

- **Alwaleed Alkhaja**, *Senior Intellectual Property Librarian*, Qatar National Library and CC Qatar, Qatar.
- **Stacy Allison-Cassin**, *Assistant Professor*, Dalhousie University (formerly University of Toronto), Canada.
- **Susanna Änäs**, *GLAM Coordinator*, AvoinGLAM [OpenGLAM], Finland.
- **Larissa Borck**, *Curator and Digital Development*, Sörmlands Museum, Sweden.
- **Céline Chanas**, *Director*, Musée de Bretagne [Museum of Brittany], France.
- **Stéphane Chantalat**, *Chief, Computerization and Digitization Service*, Paris Musées, France.
- **Jill Cousins**, *CEO and director*, Hunt Museum, Ireland.
- **Martine Denoyelle**, *Curator/ Project Manager Digital Prospective*, Institut national d'Histoire de l'art [National Art History Institute], France.
- **Patricia Diaz Rubio**, *Executive Director*, Wikimedia Chile, Chile.
- **Maja Drabczyk**, *Head of Policy and Advocacy and Board Member*, Centrum Cyfrowe, Poland.
- **Katie Eagleton**, *Director of Libraries and Museums*, University of St Andrews, Scotland (UK)
- **Giovanna Fontenelle**, *Program Officer GLAM and culture*, Wikimedia Foundation and CC Brazil, Brazil.
- **Medhavi Gandhi**, *Founder*, The Heritage Lab, India.
- **Rebecca Giblin**, *Professor*, University of Melbourne, Australia.
- **Karin Glasemann**, *Digital Coordinator*, Nationalmuseum, Sweden.
- **Jonathan Hernandez**, *Researcher*, Instituto de Investigaciones Bibliotecológicas y de la Información of the Universidad Nacional Autónoma de México, [Library and Information Research Institute of the National Autonomous University of Mexico], Mexico.
- **Ariadna Matas**, *Policy Advisor*, Europeana Foundation, Netherlands.
- **Buhle Mbambo-Thata**, *University Librarian*, National University of Lesotho, Lesotho.
- **Douglas McCarthy**, *Collections Engagement Manager*, Europeana Foundation, Netherlands.
- **George Oates**, *Executive Director*, Flickr Foundation, USA.
- **Temi Odumosu**, *Senior Lecturer*, Malmö University, Sweden.
- **Julia Pagel**, *Secretary General*, Network of European Museum Organizations (NEMO), Germany.
- **Iolanda Pensa**, *Lead*, Wikimedia Italia, Italy.
- **Kristina Petrasova**, *Project Lead Digital Heritage and Public Media*, The Netherlands Institute for Sound & Vision (NISV), Netherlands.
- **Josée Plamondon**, *Librarian and Digital Information Consultant*, Canada.
- **Biyanto Rebin**, *Former Chair of the Board of Executive*, Wikimedia Indonesia, Indonesia.
- **Marco Rendina**, *Managing Director*, European Fashion Heritage Association (EFHA), Italy.
- **Philippe Rivière**, *Head of Digital Strategy*, Art Explora, France.
- **Merete Sanderhoff**, *Curator and Senior Advisor*, Statens Museum for Kunst [National Gallery of Denmark], Denmark.
- **Antje Schmidt**, *Head of Digital Strategy*, Museum für Kunst und Gewerbe Hamburg, Germany.
- **Neal Stimler**, *President*, Stimler Advantage, USA.
- **Simon Tanner**, *Professor*, King's College London, England (UK).
- **Melissa Terras**, *Professor*, University of Edinburgh, Scotland (UK).
- **Dafydd Tudur**, *Engagement and Digital Content*, National Library of Wales, Wales (UK).
- **Mariana Ziku**, *Co-Founder and Program Curator*, Biennale of Western Balkans, Greece.