

OPEN HERITAGE STATEMENT

We the undersigned,

- a) *Acknowledge* that public domain heritage is an important public good that empowers people to engage in learning and creativity;
- b) *Recognize* that access to public domain heritage is a means for people to engage in the life of the community;
- c) *Affirm* that a diversity of cultures and languages provides the existential foundation of humanity;
- d) *Note* the important role that digital technologies play in promoting access to heritage;
- e) *Recognize* that the societal benefits of public domain heritage cannot be realized without the prerequisite first step of digitizing collections and the ability to connect and engage with heritage in the digital environment;
- f) *Recognize* that various legal, contractual and technical mechanisms are presently used to limit access and reuse of heritage materials that are rightfully in the public domain;
- g) *Consider* that copyright and related rights are sometimes granted or claimed in faithful reproductions (“non-original reproductions”) of public domain heritage;
- h) *Take into account* that other laws may also require permission or the payment of a fee for certain uses of non-original reproductions of public domain heritage in publicly owned or funded collections;
- i) *Stress* that contracts or other arrangements may impose unnecessary restrictions on the use of non-original reproductions of public domain heritage;
- j) *Consider* that restrictions such as digital rights management or technological protection measures may be unnecessarily imposed on non-original materials resulting from an act of reproduction of public domain heritage;
- k) *Emphasize* that accessibility is sometimes overlooked during the digitization of public domain heritage, resulting in inaccessible formats and neglecting other essential accessibility requirements for persons with disabilities;

- l) Further acknowledge* that the lack of standardized preservation practices and the absence of uniformity in metadata standards hinder the public's ability to benefit from digital heritage;
- m) Are aware* that the infrastructure necessary to make public domain heritage available requires significant resources;
- n) Also recognize* that there is asymmetric investment in and access to digital technologies, data, and infrastructures, as well as gaps in human and institutional capacities contributing to a digital divide and geographic inequalities;
- o) Are therefore convinced* that these obstacles conflict with the right to participate in the cultural life of the community, impede access to heritage, freedom of expression, and cross-border collaboration, and reduce the potential of public domain heritage for community building, new creativity and learning;
- p) Take into account* the absence of a clear and harmonized international legal framework governing digitization and access to public domain heritage;
- q) Recognize* that the lack of consistency and balance in copyright laws among countries, and lack of clarity on how to cooperate across borders, negatively affects efforts to preserve works, store them digitally, and give access to them;
- r) Also recognize* that openness advances cultural policy goals and reduces unfair socio-economic barriers to accessing public domain heritage, supporting more connected, resilient, and sustainable societies;
- s) Are attentive* to the challenges and opportunities brought about by emerging technologies, including artificial intelligence and future technologies, and the need for more ethical and responsible artificial intelligence with respect to access and reuse of public domain heritage;
- t) Note* that the intellectual property system is one system among many legal, cultural, and technological systems governing access to heritage;
- u) Respect* the rights, interests, protocols, practices, customs and traditions as recognized by international and community governance frameworks;
- v) Recognize* the importance of safeguarding privacy and ensuring robust data protection, data sovereignty and self-determination;
- w) Are convinced* that this statement can provide a constructive guiding framework for more equitable access to public domain heritage worldwide;

Adopt this Statement:

1. We agree that non-original materials resulting from an act of reproduction of public domain heritage should not be subject to new copyright or related rights.
2. We agree that non-original materials resulting from an act of reproduction of heritage protected by copyright or related rights should pass into the public domain upon the expiration of those rights.
3. We believe that no open licenses may be applied to public domain heritage in the absence of meeting legal requirements to support the application of that license.
4. We agree that, where it is lawful and appropriate to do so, public domain heritage should be shared using standardized public domain tools that are preferably machine-readable.
5. We emphasize that acknowledgment of the source is important and we support measures that improve the public's ability to reference institutions, creators and communities of origin.
6. We believe that freedom of expression and the development of new knowledge and creativity should not be unreasonably limited by moral rights that may survive in public domain heritage.
7. We encourage the removal of legal restrictions in national legislation that apply to heritage materials rightfully in the public domain.
8. We support the introduction of legal means for members of the public to clarify the copyright status of materials that may rightfully belong in the public domain.
9. We believe that contracts should not be used to override the freedoms associated with the public domain.
10. We support providing access to public domain heritage free from technical restrictions.
11. We support the creation and sharing of accessible-format versions of public domain heritage for persons with disabilities.
12. We emphasize the importance of developing the skills of heritage practitioners to effectively and confidently address legal and technological challenges, including barriers related to preservation and accessibility.

13. We encourage partnerships that foster openness, including for mutual capacity building and assistance, such as through knowledge exchange, training and equipment sharing.
14. We acknowledge the need for economic models that allow for the recovery of legitimate and reasonable costs incurred by institutions in the course of digitization and collections management without unduly restricting access to public domain heritage.
15. We believe in developing and maintaining open and sustainable digital public infrastructures which use robust preservation and access practices, protocols and standards, to ensure that digital heritage and metadata are accessible to enhance reuse and foster collaborative networks globally.
16. We acknowledge the need to transparently engage with, consult and involve communities of origin to enable free, prior and informed consent in decision-making processes involving both physical and digital heritage.
17. We recognize that there may be legitimate reasons not to digitize, allow access or openly share heritage, particularly where additional governance systems may apply.

We encourage policymakers and stakeholders to engage in a dialogue towards the promotion of equitable and open access to public domain heritage and for addressing the numerous undue and unfair barriers to such access.

See the complete list of signatories
at www.openheritagestatement.org/signatories.