



Recommendation for the Implementation of the Berlin Declaration of 2003 at Signatory Cultural Institutions

Under the following conditions, the signatory institutions support the continued development of the open access paradigm, with the goal of maximizing utility for scholarship and society in the spirit of the Berlin Declaration of 2003.

They are aware that the process of transition to a culture of open access has legal and financial consequences for the dissemination of knowledge. For that reason, they also support the continued development of existing legal and financial frameworks to create the conditions for optimal use of open access.

Open access as a desirable system ideally presumes the active participation of every author of scholarly works and every administrator of cultural heritage. Publication in accordance with the open access principle should be the rule for original results of scholarly research and every kind of original data, metadata, source material, digital representation of visual and graphic materials, and scholar material in multimedia form.

Open Access publications in the realm of culture must, in the view of the undersigned, fulfill the following requirements:

1. A complete version of the publication and all supplementary materials, including a copy of the applicable legal provision must be included in an appropriate standard electronic format or at least included in an online archive (and thereby published). The online archive must employ suitable technical standards (such as the Open Archive Rules) and be operated and maintained by a scholarly institution, a scholarly society, a public institution, or another established organization in order to ensure as far as possible public access, unlimited dissemination, interoperability, and long-term archiving.

2. Among the primary tasks entrusted to public cultural institutions are ensuring that its holdings are preserved for the future and making them accessible to the public. Considerable financial resources are necessary to achieve these goals. It would otherwise not be possible to preserve and digitize holdings. This is in turn the basic condition for providing open access to the materials. The authors and copyright holders of the publications in question provide all users with free, worldwide right to access to these publications to the extent that is possible with regard to the relevant tasks and obligations entrusted to public cultural institutions and the rights of the copyright holders. On condition that the authorship is correctly indicated according to the rules of copyright law and the usual practices of the scholarly community, they permit the users to copy, use, disseminate, broadcast, and publicly communicate - in any digital medium and for any legal purpose - the publications and digitized materials of cultural institutions as well as to create and disseminate work based on them.

3. This principle is restricted under the following circumstances: Digitized materials should not be made available for free when such data are being used for commercial purposes. If that were to be done, third parties would profit from the investments of cultural institutions. It is incumbent on the authors and copyright holders to charge such users appropriate fees demanded by the corresponding tasks and obligations and legal interests of the copyright holders. The degree to which restrictions are necessary and justifiable in such cases must be decided in each case by every institution.

In order to ensure that the granting of rights to digitized materials remains transparent and does not create new barriers in the form of inconsistent and confusing legal clauses, the signatories agree to use in the future the system of Creative Commons licenses as a uniform

system that is recognized worldwide. All holdings thus identified can be used freely with the aforementioned restrictions.

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