



Hausa — Towards Better Sharing of Cultural Heritage — A call to action to policymakers  
Translation by Faisal Ali

*The original English version is the authoritative version on which this unofficial translation is based.*

[Towards Better Sharing of Cultural Heritage — A Call to Action to Policymakers](#)

# DOMIN INGANTACCEN RABON GADON AL'ADA KIRA ZUWA GA YAN SIYASA.

Jagoran Manufofin Creative Commons

“Shin za ku iya ba da izinin ... jama'a a hana su wani abu mai amfani da daraja?... Lokacin da aka yi wannan asarar, ba za a sami namiji a duniya ba... wanda zai iya gyara shi.” Gabriel Naudé (1600-1653)  
Ma'aikacin Laburaren Faransa da Masanin Ilimi

Gabatarwa

Kiyaye, samun dama, rabawa, amfani, da sake amfani da abubuwan al'adun gargajiya sune muhimman sinadirai na al'ummomin ci gaba da juriya kuma ana nuna su masu ba da gudummawa ga ci gaba mai dorewa. Amma rashin isassun, babu, ko bayyana manufofin jama'a— musamman haƙƙin mallaka da dokoki masu alaƙa — sau da yawa suna tayar da shinge mara amfani a kusa da abubuwan al'adu. A Creative Commons (CC), mun san wannan tun lokacin da muka fara kaddamar da lasisin haƙƙin mallaka sama da shekaru 20 da suka gabata don haƙaƙa raba abubuwan kirƙira iri-iri. A zahiri, an kirƙiri kayan aikin shari'a na CC musamman don daga waɗannan shingen manufofin, kuma yawancin cibiyoyin al'adun gargajiya (CHIs) sun sami nasarar amfani da su don sakin hotuna na dijital kusan miliyan biyar. Misali, a cikin 'yan shekarun da suka gabata kadai, gidajen tarihi irin su Paris Museumes a Faransa, da Smithsonian Institute, Metropolitan Museum of Art, da Cleveland Museum of Art a Amurka, Auckland Museum a New Zealand, da Egyptian Museum of Turin a Italiya, duk sun fitar da abun ciki ta amfani da kayan aikin CC ko lasisi. Dakunan karatu irin su National and University Library of Slovenia da National Central Library of Rome, Italiya, sun kuma sanya tarin su a karkashin kayan aikin CC. A gaban wuraren adana kayan tarihi, misalan sun haɗa da Archivo Histórico de la Provincia de Buenos Aires a Argentina, Queensland State Archive a Australia, Centro de Fotografía de Montevideo a Uruguay, da Archivo fotografico Ricordi a Italiya. Yayin da kayan aikin shari'a na CC ke haƙaƙa rabawa na duniya, ba a tsara su don zama magani ga duk matsalolin raba al'adun gargajiya ta hanyar dijital ba. Su ne mafi sauki hanyar masu kirƙirar kirƙira da dama don ficewa cikin tsarin raba-rubucen raba, amma ba su kafa tsarin raba wani abu da kowa ba. Hanyoyi kamar haƙaƙa "yankin jama'a na son rai" ta hanyar daidaitattun ka'idodin kamar CC jama'a kebewa (CC0) suna tafiya mai

nisa, amma ba za su taɓa samun cikakken musanyawa ga dokokin da suka dace ba da kuma ainihin yanki na jama'a na abun ciki kyauta da doka za ta iya amfani da su. Don haka, mutane da yawa har yanzu suna fuskantar kalubale masu girma a cikin yanayin dijital don samun dama, rabawa, da (sake) yin amfani da abubuwan da aka gudanar a cikin CHIs, duk da haɓaka amfani da kayan aikin doka na CC azaman ka'idodin duniya don rabawa. Don haka ana buƙatar sake fasalin manufofin don cike duk wani gifi da buɗaɗɗen lasisi “patch” ya bari zuwa matsala ta duniya, mai yawa. Ana buƙatar don cimma ingantacciyar raba abubuwan al'adun gargajiya a duniya, watau: • Rarraba wanda ya hada da, adalci da daidaito — inda kowa da kowa ke da faffadan zarafi don samun damar abun ciki, ba da gudummawar nasu kirƙira, da karɓar karramawa da lada don gudummawar da suka bayar. • Rabawa wanda yake daidai da juna — inda muke sake daidaita duniyar da muke rayuwa a cikinta a halin yanzu, wanda yaƙan kaɗan ke samarwa kuma suke cin riba daga ayyukan da mutane da yawa ke cin yewa. • Rabawa mai dorewa — inda bude baki a cikin jama'a shine tsoho, maimakon banda. Don magance wannan buƙatar, wannan Kira zuwa aiki yana ba da cikakkiyar ganewar kalubalen kuma yana ba da shawarwari masu dacewa, masu dacewa don kawo sauyi mai kyau na siyasa, ta yadda za mu iya yin amfani da ikon canza canji na mafi kyawun raba abubuwan al'adun gargajiya don amfanin cibiyoyi, daidaikun mutane, al'umma, da kuma al'umma gaba daya. Ina so in nuna godiyata ga duk wanda ya ba da gudummawa ga wannan muhimmin albarkatu. Don ilimin ku, gwaninta, sha'awar ku da sadaukarwa don ingantaccen rabawa, na gode.

Catherine Stihler, Shugaba, Creative Commons Disamba 2022

TAKAITAWAR ZARTARWA Fiye da shekaru ashirin, Creative Commons (CC) yana aiki a fagen al'adu, yana haɓaka buɗaɗɗen musayar bayanai, ra'ayoyi, da kayan tarihi don gina mafi daidaito, samun dama, da sabuwar duniya. Jagorar da hangen nesa namu don cimma ingantacciyar rabawa na al'adun gargajiya, CC tana tufi gyare-gyaren manufofin a kan sikelin duniya. Ta hanyar gabatar da takamaiman ayyuka guda biyar, manufarmu ita ce mu tallafa wa masu tsara manufofi a duniya wajen gyara manufofin — musamman dokokin haƙƙin mallaka — a ciki da kuma fadin yankunansu don cimma ingantacciyar rabon gadon al'adu don amfanin jama'a. Waɗannan ayyuka suna ba da tushe don hangen nesa ɗaya akan ingantacciyar rabawa, suna jaddada cewa kowace tsarin manufofin ana nufin hidimar masu ruwa da tsaki da yawa ta hanya madaidaiciya: daga masu kirƙiro zuwa (sake) masu amfani da kayan tarihi na al'adu har zuwa Cibiyoyin Al'adun Al'adu, da sauran 'yan wasan kwaikwayo. Masu tsara manufofin yakamata:

Kare Domain Jama'a daga Zartarwa • Dauki kaƙƙarfan tsari wanda babu shakka yana fadin cewa amintaccen sakewa na kayan jama'a ba dole ba ne ya kasance cikin kuntatawa na fasaha, kuɗi, doka ko kwangila. • Bayar da hanyar da za a kalubalanci da'awar haƙƙin mallaka ko hamayya da matsayin abu kamar yadda ya dace a cikin jama'a.

Rage Wa'adin Kariyar Haƙƙin mallaka • Rage wa'adin kariya. • Ba da kariya ta dogara da rajista (ko wasu ka'idodi). • Yi tsayayya da shawarwari don tsawaita sharuɗɗan haƙƙin mallaka fiye da yadda suke a halin yanzu. • Yi sauki kamar yadda zai yiwu don kayyade ayyuka a matsayin marayu.

Garkuwa Cibiyoyin Tarihi na Al'adu daga Alhaki • Cire alhaki ga cibiyoyin al'adun gargajiya da ke aiki da gaskiya. • Inda ba za a iya cire abin alhaki ba, iyakance takunkumi da magunguna ga cibiyoyin al'adun gargajiya. • Kirkirar tashar jiragen ruwa mai aminci don ba da damar cibiyoyin al'adun gargajiya su aiwatar da ayyukansu bisa doka, gami da samar da tarin tarukan kan layi ga masu amfani da su, da Karfafa su da su bi sanarwa da sauke hanyoyin idan an samu da'awar cin zarafi da masu hakki suka kawo.

Halatta Halatta Ayyukan Mahimmanci na Cibiyoyin Tarihi na Al'adu • Ba da damar cibiyoyin kayan tarihi na al'adu su sake haifuwa da samar da gatan da aka kare hakkin mallaka don amfani da sake amfani da jama'a don dalilai na kasuwanci. • Ba da izinin duk ayyukan da suka wajaba waɗanda ke ba masu amfani damar yin amfani da kayan gado don abubuwan da ba na kasuwanci ba kuma su yi amfani da gado don shiga cikin maganganun jama'a.

Tabbatar da Girmamawa, Daidaito, Bambance-bambance da Haɗuwa • yi la'akari, ban da matsayin yanki na jama'a na al'ada, karin hani na doka, dabi'a ko na kwangila wanda zai iya sarrafa yanayin samun dama, amfani da sake amfani; • yarda cewa iyawa da sake amfani da kuntatawa na iya zama barata saboda dalilai na dabi'a; • shiga da haɗin gwiwa tare da al'ummomin tushen don kayyade tsarin kididdigewa da samar da tarin; kuma • sadarwa a sarari da ilmantar da masu amfani da su game da sharuɗɗan amfani da sake amfani da su, da duk wani yanayi da aka kafa don yin rabawa cikin daidaito.

#### GAME DA WANNAN JAGORAN

Asalin Sama da shekaru ashirin, Creative Commons (CC) ya kasance yana aiki a fagen al'adu, yana habaka budadden musayar bayanai, ra'ayoyi, da kayan tarihi don gina mafi daidaito, samun dama, da sabuwar duniya. Gadon CC yana habaka shirye-shiryen al'adun mu na buɗe2 kuma yana ba da kwaɓɓwaran kokarce-kokarce ga kokarinmu na yanzu don habaka ingantacciyar rabawa ga al'adun gargajiya. A cikin Afrilu 2022, mun fitar da takardar manufar mai taken "Zuwa Ingantacciyar Raba Al'adun Al'adu — Agenda don Gyara Haɓɓin mallaka,"<sup>3</sup> wanda membobin Creative Commons Copyright Platform<sup>4</sup> da abokan CC suka habaka daga ko'ina cikin duniya. Takardar ta yi bayani kan mahimman batutuwan manufofin manyan mata kai don tallafawa ingantacciyar rabawa, tare da mai da hankali kan al'adun gargajiya da aka gudanar a cibiyoyin al'adun gargajiya (CHIs), irin su dakunan karatu, dakunan karatu, wuraren adana kayan tarihi da gidajen tarihi (GLAMs). Duk da yake takardar bayani ce da aka yi bikin, ba a nufin yin aiki a matsayin hanya mai sauƙi, taƙaitacciya, mai sauƙi. Na karshe shine manufar jagorar yanzu.

Manufa da Masu sauraro Wannan daftarin aiki na nufin tallafa wa masu tsara manufofi don sake fasalin manufofin — musamman dokokin haɓɓin mallaka — a ciki da kuma a cikin yankunansu don cimma ingantacciyar rabon gadon al'adu don amfanin jama'a. Yana ba da tushe don hangen nesa ɗaya akan mafi kyawun rabawa, yana mai jaddada cewa kowane tsarin manufofin yana nufin hidimar masu ruwa da tsaki da yawa ta hanyar daidaitawa: daga masu kirƙira zuwa (sake) masu amfani da al'adun gargajiya har zuwa CHIs, a tsakanin sauran 'yan wasan kwaikwayo. An yi nufin wannan jagorar ga masu tsara manufofi a duniya: mutanen da ke aiki a ma'aikatu gwamnati, ma'aikatu, majalisa, ko wasu

hukumomin jama'a, kuma wadanda ke da alhakin tsarawa da yanke shawara game da manufofin jama'a ko dokoki (misali, dokoki, dokoki, da dai sauransu) a matakan kasa, yanki, ko na duniya. Hakanan yana iya zama mai ban sha'awa ga kwararru da masu aiki wadanda ke aiki a cikin saitunan hukumomi a cikin al'adun gargajiya ko wasu sassa, musamman sassan kere-kere, ilimi ko bincike, da kuma duk wanda ke sha'awar kawo canji mai kyau don samun dama, rabawa, amfani da sake amfani da al'adu. gadon jama'a.

#### GAGGAUTA BUKATAR GANE BUDE AL'ADA GA KOWA

Wadanne kalubale al'adun gargajiya ke fuskanta? Canjin yanayi, rikicin lafiya, rikice-rikicen makami... da haƙƙin mallaka? A kodayaushe duniya ta san rikice-rikice, rikice-rikice, da manyan barazana ga wanzuwarta, kuma masu aiwatar da manufofin sun yi gaggawar daukar mata kai don kare rayuka da dukiyoyin wadanda ke cikin wahala. Daya daga cikin rikicin da sau da yawa ba a manta da shi ba, ko da yake ba shi da mahimmanci, shine asarar al'adun gargajiya da ba za a iya warwarewa ba - tarihin gida, zane-zane da kayan tarihi, da ilimin yanki, wanda sau da yawa yana da alaƙa mai zurfi da ainihin mutane kuma ba za a iya samun damar shiga da kuma raba su cikin sauki ba. balle a maye gurbinsu. A cikin 'yan shekarun da suka gabata kadai, duniya tana fuskantar kalubale masu yawa.

Rikicin lafiya, kamar cutar ta COVID-19, na iya yin tasiri sosai ga bangaren al'adun gargajiya. Misali, an tilasta wa dakunan karatu da yawa rufe kofofinsu yayin kulle-kulle kuma sun fuskanci shinge don ci gaba da ba da damar yin amfani da kayayyaki da ayyuka ga masu amfani da su a cikin yanayin dijital, kamar ba da lamuni na dijital da ba da labari kan layi. 5

Rikicin bil adama da na makamai, irinsu yake-yaken da ake yi a kasar Ukraine da kuma wasu sassan Gabas ta Tsakiya da Afirka, a takaice, ya zama wajibi a yi kokarin kiyaye al'adun gargajiya da suka dade a tsawon shekaru aru-aru kafin a yi hasarar su har abada, kamar a kokarin da ake yi na digitization da sake ginawa. Ana ci gaba da gudanar da shi a kasar Siriya bayan ruguza tsohon birnin Palmyra. 6

Habaka matakan teku saboda sauyin yanayi yana barazana ga abubuwa, shafuka, abubuwan tarihi, biranen gabaɗaya har ma da dukan kasashe. 7 Mun ga cewa gobarar daji - ko ta hanyar sauyin yanayi, rashin kulawar ɗan adam, ko rikice-rikice - sun yi mummunar illa ga wuraren tarihi da cibiyoyin al'adu a cikin 'yan shekarun nan, a wurare kamar Brazil, 8 Afirka ta Kudu, 9 da Easter Island (Chile), 10 tsakanin wasu. 11

#### GAGGAUTA BUKATAR GANE BUDE AL'ADA GA KOWA

Yana da wuya a iya adanawa, samun dama da raba gadon al'adu yayin fuskantar yake-yake, yunwa, da bala'o'i. Haɗaɗɗen kalubalen da ba a san shi ba shine dokar haƙƙin mallaka. Dokokin haƙƙin mallaka wadanda ba su ba da izinin cikakken amfani da yanki na jama'a ba, wadanda ba sa ba da izinin kebancewa da iyakancewa ga ilimi 12 da sauran halaltattun amfani, kuma hakan ba ya barin cibiyoyi su yi amfani da fasahar zamani don kididdige su, ya zama da wahala ga mutane su sami dama da jin dadin abubuwan al'adun gargajiya da cibiyoyin al'adun gargajiya 13 (CHIs) don cika mahimman ayyukansu. Wannan gaskiya ne musamman a cikin yanayin dijital, inda tare da zuwan intanet,

tsammanin jama'a sun canza sosai game da samun damar bayanai, ilimi, da al'adun da aka gudanar a cikin CHIs. Abubuwan da ke da alaƙa irin su kayyadaddun albarkatu suna taka rawa, amma tsarin manufofin sau da yawa suna da laifi: rashin iya ci gaba da ci gaban fasaha, a zamanin yau har yanzu bai dace da shekarun dijital ba, tare da mummunan tasiri a kan manufa daya don kara yawan ilimin duniya, haɓaka haɓaka ilimin haɗin gwiwa, da haɓaka shiga cikin kirƙira al'adu. Dokokin haƙƙin mallaka da ba su dace ba sun jefa tsarin al'adunmu na duniya gaba ɗaya cikin haɗari. Dole ne wannan ya canza. Kungiyoyi kamar Open Knowledge da Creative Commons (CC) sun gina daidaitattun kayan aiki don sauƙaƙa wa mutane da cibiyoyi iri ɗaya don saita abun ciki a matsayin kyauta gwargwadon yiwuwa. Waɗancan kayan aikin su ne haƙƙoƙin haƙƙin da ake nufi don sanya abun ciki a cikin abin da wani lokaci ake kira matsayin "yankin jama'a na son rai". Amma wannan hanyar tana da fayyace iyakoki, mafi shaharar ita ce hukunce-hukuncen da cikakken haƙƙin mallaka ba zai yiwu ba a karƙashin dokar haƙƙin mallaka ta ƙasa. Don har yanzu suna da tasiri ga/a cikin irin waɗannan hukunce-hukuncen, kayan aikin ketare na ƙunshe da lasisin faɗuwa mara kayyadaddun sharadi, ikirarin rashin tilastawa, da ƙari. Yawancin al'amuran da irin wannan haɗaddun gine-gine na iya gazawa, dokar kwangila ta gaba ɗaya tana ba da mafi bayyane, ta bayyana a fili cewa daidaitattun kayan aikin na iya zama faci ne kawai, ba gyara ga matsalolin tsarin haƙƙin mallaka ba.<sup>14</sup>

Menene gadon al'adu kuma menene ma'anar "ji dadin" shi? "Al'adun gargajiya, a mafi girman ma'anansa, samfuri ne da kuma tsari, wanda ke ba wa al'umma albarkatu masu tarin yawa waɗanda aka gada daga baya, an kirƙira su a halin yanzu kuma ana ba da su don amfanin al'umma masu zuwa."<sup>15</sup> – Shiga UNESCO a cikin rayuwar al'adu haƙƙin ɗan adam ne, kuma samun dama da jin dadin abubuwan al'adun gargajiya sune abubuwan da suka dace don shiga cikin rayuwar al'adu. <sup>16</sup> Samun dama da raba gadon al'adu wani haƙƙi ne na duniya kuma dole ne a kiyaye shi.

Dokokin haƙƙin mallaka da ba su dace ba sun jefa tsarin al'adunmu na duniya gaba ɗaya cikin haɗari. Dole ne wannan ya canza.

#### GAGGAUTA BUKATAR GANE BUDE AL'ADA GA KOWA

Me yasa yake da mahimmanci a ci gaba da samun dama da kuma raba abubuwan al'adun gargajiya? Abubuwan al'adu suna taka muhimmiyar rawa a cikin al'ummominmu. Samun damar shiga, nazari, da sake amfani da gado, da kuma bayanai masu alaƙa da ilimi, yana ba mu damar koyo daga kura-kuranmu da gina kan kirƙirar kakanninmu. Samun kayan tarihi na al'adu yana da mahimmanci ga al'ummomi su gina kan abubuwan da suka koya daga abubuwan da suka gabata don samun maƙasudin makomarsu. Wannan ya zama mafi mahimmanci yayin da ake ƙara samun dama ga gado a kan layi, inda dama don rabawa da haɗin gwiwa suna da yawa, amma dokoki, suna ƙuntatawa. Lokacin da mutane suka fuskanci irin waɗannan kalubale don samun damar gadon su, ta yaya za su fahimci halin da suke ciki kuma su gina makomarsu ta dindindin? Ta yaya za su koyi daga kurakuran tarihi, shiga cikin zagayowar kirƙira, kuma su more ainihin haƙƙinsu na samun al'adu? Idan muna son gina makoma mai ɗorewa ga kowa, muna buƙatar buɗe yuwuwar shekarun dijital don amfanin CHIs da masu amfani da su, da buɗe al'adun gargajiya don 'yantar da shi daga ƙuntatawa mara kyau.

Menene SDGs kuma yaya suke da alaƙa da buƙe al'ada? A matsayin Majalisar Dinkin Duniya Manufofin Ci Gaba mai Dorewa (SDGs) 17 da kuma Modiacult 2022 Sanarwa don Al'adu 18 ya jaddada, al'ada shine amfanin jama'a na duniya. Kayayyakin jama'a ana nufin su zama 'yanci don rabawa kowa ya ji dadinsa, a ko'ina. A cikin kalmomin UNESCO, "al'ada ita ce gada tsakanin mutane da kasashe... kuma mabuɗin buƙe fahimtar juna da karfafa ayyukan duniya da suka danganci 'yancin ɗan adam da mutunta bambancin." 19 Al'adu yana kulla dukkanin 17 na SDGs - musamman makasudin da suka dace sun haɗa da Manufofin 16.1020 kan samun damar jama'a don samun bayanai da 'yancin kai, da 11.421 kan kariya da kiyaye abubuwan al'adu. Ana yin kiraye-kirayen a mai da al'adu wani buri na ci gaba mai dorewa a kanta, kuma CHIs an san su ne wakilan ci gaba mai dorewa wanda zai iya taimakawa wajen cimma waɗannan manufofin.

Lokacin da mutane suka fuskanci irin waɗannan kalubalen don samun damar samun gadon su na baya, ta yaya za su fahimci halin da suke ciki kuma su gina makomarsu mai dorewa?

#### GAGGAUTA BUKATAR GANE BUDADE AL'ADA GA KOWA

Menene fa'idodin mafi kyawun raba abubuwan al'adun gargajiya? Rarraba abubuwan tarihi na al'adu ba wai kawai yana da mahimmanci don magance manyan matsalolin duniya da samun ci gaba mai dorewa ba.22 hakanan hanya ce mai kyau don haɓakawa da haɓaka rayuwar al'adunmu da yin tarin abubuwan da suka dace a cikin zamani na dijital, musamman akan manyan dandamali na rabawa. Misali, a cikin 2018, Metropolitan Museum of Art ya ga karuwar gani 385% akan Wikipedia, wanda ya kai mutane miliyan 10 a kowane wata godiya ga manufar samun damar shiga. 23 A cikin 2021, Wellcome Collection a Burtaniya ya sanar da hotunansa sun wuce ra'ayoyi biliyan 1.5 akan Wikipedia.24

Bude Al'adu na iya taimakawa CHIs da kungiyoyin jama'a: • ba da damar samun dama ga abubuwan al'adun gargajiya na duniya, gwargwadon iko kuma cikin adalci, • baiwa masu kirƙira da masu fasaha damar gano, raba, da sake haɗa kayan gadon al'adu, • tallafawa kerawa na zamani a cikin sararin dijital, • yi aiki a matsayin injiniya don ci gaban al'adu da zamantakewa mai dorewa, ta hanyar biyan kuɗi na gaskiya da buƙe ido, samfura masu dorewa na kuɗi, • ya zama mai taimakawa wajen yadawa da farfado da al'adu, • sauƙaƙe adana kwaƙwalwar ajiyar duniya, • inganta tattaunawa da fahimtar al'adu tsakanin al'adu, • ingantacciyar tasiri ga al'adun zamani da kirƙira a ciki da wajen mahallin hukumomi, • kirƙira, ɗauka da aiwatar da manufofin buɗaɗɗen al'adu waɗanda ke tallafawa duk waɗannan manufofin. Musamman ma, bikin al'adun gargajiya ta hanyar ingantacciyar rabawa na iya rage shinge ga gina ilimin haɗin gwiwa, taimakawa haɓaka fahimtar al'adu, da baiwa kowa damar shiga cikin ingantaccen tsarin kerawa.25

Me zai faru idan ba mu ɗauki mataki ba? Idan ba mu yi aiki don sake fasalin tsarin manufofin ba, muna haɗarin gaba ɗaya: • bata cibiyoyi' ayyukan sha'awar jama'a a cikin yanayin dijital, • gane rashin samun koma baya kan zuba jari ta yadda CHIs ke samun tallafin jama'a, • yana ta'azzara rashin daidaito ta hanyar rage yunkurin samar da ilimi da al'adu na duniya baki ɗaya. • sassaka baƙar rami26 a cikin al'adun dijital na duniya, • haifar da katsewa tsakanin ikon mallakar bayanai, samun damar

bayanai, da al'adun gargajiya; • nesantar jama'a daga tarihinsu, • ba da gudummawa ga al'ummomi' gajarta kwaƙwalwar ajiya da lokacin kulawa, • mafi munin tarihin mu yana maimaita kansa., • mutane kaɗan ne ke shiga tattaunawa ta al'adu, don haka suna barin damar kirƙirar wuraren koyo da haɓaka ilimi, • barin samun dama da rabawa a hannun keɓantaccen hannun masu zaman kansu, masu son cin riba, rage bambance-bambancen abubuwan da ke akwai da kuma sa kayan gadonmu su zama masu rauni ga son zuciyar masu hannu da shuni.

Lokacin yin aiki shine yanzu.

#### HANYOYI GUDA BIYAR DOMIN CI GABA BUHADE AL'ADU DA INGANTACCEN RABON GADO

Don samun ingantacciyar rabawa, cibiyoyin al'adun gargajiya (CHIs) suna buƙatar samun damar shiga cikin yardar kaina, girbi, kiɗiɗɗigewa, rarrabawa da kuma samar da abubuwan al'adun gargajiya ga mutanen da suke hidima a cikin cibiyoyinsu da kuma kan intanet. Wannan wani ɓangare ne na aikinsu na maslahar jama'a. Tabbas, bai isa ba ga CHIs don adanawa da kuma samar da kayan tarihi, idan mutane ba za su iya amfani da su don nazarin sirri ba, fasikanci, bincike ko zargi, da sauran ayyukan da ke ba da damar yin amfani da haƙƙoƙin asali. Don haka CHIs dole ne su sami ƙarin ƙarfi don baiwa kowane memba na jama'a damar morewa marar iyaka, faffadar dama da ikon rabawa da (sake) amfani da al'adun gargajiya gwargwadon yiwuwa. Don haka, buƙatu don fayyace manufofin tallafi game da gadon ya miƙe ga masu amfani da duk tsarin mahalli na rabon gado. Don cim ma waɗannan manufofin, dokokin haƙƙin mallaka, ka'idodin zamantakewa, da ayyuka da ɗabi'a (waɗanda duk suna iya zama wani ɓangare na ko alaƙa da "tsarin siyasa") suna buƙatar canzawa, yawancin waɗanda masu tsara manufofi za su iya tasiri kai tsaye.

Menene muke nufi da "tsarin siyasa" da "dokoki"? A cikin wannan daftarin aiki, tsarin manufofin shine saitin dokoki waɗanda ke tafiyar da cibiyoyi da damar mutane da amfani da abubuwan al'adun gargajiya gaba ɗaya — na gida, na ƙasa, yanki ko na duniya. Don samun mafita na gama-gari, mai dorewa, ana buƙatar la'akari da fannonin manufofin da yawa, waɗanda suka haɗa da: haƙƙin mallaka da haƙƙoƙin da ke da alaƙa, kariyar bayanai, sirri, ilimin gargajiya, ɗa'a, haƙƙin al'adu, al'adun gargajiya, bayanan jama'a, da sauransu. Domin haƙƙin mallaka yana da ginshikai ga yadda ake samar da al'adun gargajiya, rabawa da kuma amfani da su, wuri ne mai kyau don fara haifar da canji mai kyau zuwa mafi kyawun rabawa.

Anan akwai takamaiman ayyuka guda biyar don cimma wannan canji mai mahimmanci: 1. Kare yankunan jama'a daga zage-zage 2. Rage wa'adin kare haƙƙin mallaka 3. Ba da izinin ayyukan da suka dace na cibiyoyin al'adun gargajiya 4. Kare cibiyoyin al'adun gargajiya daga abin alhaki 5. Tabbatar da mutuntawa, daidaito, bambanta da haɗin kai

#### MATAKI NA 1: KARE YANKIN JAMA'A DAGA WUTA

Matsala: Barazana na Waje na Rusa Ƙimar Jama'a da Ƙarfafa shingaye kewaye da Abubuwan da ba na asali ba na Kayayyakin Domain Jama'a Na zamani na kayan aikin jama'a — waɗanda duk na cikin jama'a — ana kulle su a bayan shinge da iyakancewa da yawa, ta haka ne ke lalata jama'a. yankin.

Zaizayar kasa tana faruwa saboda barazana iri-iri. Fasaha: cibiyoyi, dandamali ko software suna amfani da sarrafa hakkin dijital (DRM), kamar alamar ruwa, akan abubuwa na dijital;27 Kudi: cibiya tana cajin kudade don zazzage hotuna ko tarin abubuwa kawai a bayan bangon biyan kudi; Shari'a: • Dokar hakkin mallaka - cibiya ta yi ikirarin hakkin mallaka na biyu akan hakkin mallaka na dijital wanda ba na asali ba; 28 • Dokar gadon al'adu — A wasu Kasashe (misali Faransa, Italiya, Bulgaria, Girka, da sauransu), kwafin dijital na ayyukan jama'a da aka gudanar a cibiyoyi ba za a iya sake amfani da su kyauta don dalilai na kasuwanci ba bisa ka'idar kariyar al'adun gargajiya; • Dokar alamar kasuwanci — cibiyar tana amfani da kariyar alamar kasuwanci akan al'adun jama'a don hana sake amfani da kyauta (ko kokarin yin hakan); 29 Kwangila: cibiyar tana amfani da hani na kwangila don iyakance sake amfani da sharuɗɗan sabis.

Gaskiya ne! → Gidan kayan tarihi na Biritaniya yana cajin kuɗin £179 don zazzage wani zanen zanen jama'a na ɗan wasan karni na 18 William Hogarth. 30 → A cikin 2019, Gidan Tarihi na Neues a Berlin ya fitar da hoton 3D na bust Nefertiti mai shekaru 3000 daga tsohuwar Masar wanda aka nuna a gidan kayan gargajiya a Karƙashin lasisin CC BY-NCSA.31 → A cikin 2022, Gidan Tarihi na Uffizi da ke Florence ya ɗauki matakin shari'a a kan mai zanen Faransa Jean Paul Gaultier saboda amfani da shafin jama'a na zanen Haihuwar Venus na ɗan wasan Renaissance Boticelli.32 → Sharuɗɗan sabis na Gidan Tarihi na Van Gogh sun taƙaita sake amfani da ayyukan jama'a na mawaƙin Dutch zuwa lokuta marasa kasuwanci kawai.33 → A cikin 2016, National Institute of Fryderyk Chopin ta ba da wata doka da ke kare sunansa da martabar jama'a kuma ta shigar da aikace-aikacen yin rajistar alamun kasuwanci guda biyu don kalmar "Chopin."34

## NASARA

Dole ne doka ta kiyaye yankin jama'a musamman kuma a sarari. Duk da yake sanin cewa akwai la'akari na al'ada ko ɗabi'a na lokaci-lokaci yayin rabawa da sake amfani da ayyukan jama'a (duba Aiki na 5),dole ne doka ta bayyana a sarari cewa za a iya sake amfani da kayan jama'a ta hanyar doka kyauta, gami da dalilai na kasuwanci. Kwafi na dijital na ayyukan jama'a yakamata kowa ya sake yin amfani da shi kyauta don kowace manufa, kuma kada a iyakance ta aikace-aikacen wasu dokoki, kwangila ko shingen kudi ko fasaha. Ya kamata masu tsara manufofi: • Ɗauki kaƙƙarfan kaƙƙarfan tsari wanda babu shakka yana faɗin cewa amintaccen haifuwa na kayan jama'a ba dole ba ne a cika shi da kuntatawa na fasaha, kuɗi, doka ko kwangila. • Kaddara cewa babu wani hakkin mallaka (ko hakƙokin da ke da alaƙa) da ya taso a cikin waɗanda ba na asali ba, amintattun sakewa na kayan gadon al'adun jama'a, ta yadda aiki a cikin jama'a ya kasance a cikin jama'a.35 • Hana amfani da kwangiloli, matakan fasaha ko hanyoyin kudi don taƙaita dama da amfani da kayan jama'a. • Bayar da hanyar da za a kalubalanci da'awar hakkin mallaka ko hamayya da matsayin abu kamar yadda ya dace a cikin jama'a. • Kirƙirar da'awar aiki (watau hakkin tushen mai amfani don kalubalantar da'awar hakkin hakkin mallaka ko kuskure) da kuma hukumar gudanarwa da aka ɗora alhakin bitar irin waɗannan kalubalen.36

## MATAKI NA 2: RAGE WA'AZIN KARE HAKKIN KYAUTA



Matsala: Hakkin mallaka yana dawwama ga dogon tarihi ana kulle shi a bayan bangon hakkin mallaka na dogon lokaci. Kuma yana ci gaba da yin tsayi. Bisa ga dokar kasa da kasa ta yanzu, kare hakkin mallaka dole ne ya kasance har zuwa akalla shekaru 50 bayan mutuwar mahallicci, amma dokoki sun bambanta sosai daga kasa zuwa kasa. A mafi yawan hukunce-hukuncen kalmar ita ce rayuwar marubucin + shekaru 70, a wasu, ya fi tsayi — rayuwa + shekaru 100 a cikin yanayin Mexico. Muna ganin yanayin damuwa na sharuɗɗan kariya koyausha, wanda ke yin hadarin kawar da al'adun gargajiya daga cikin jama'a.<sup>37</sup> Ayyukan marayu da ayyukan kasuwanci ba na kasuwanci suna haifar da Karin Kalubale, waɗanda ke tattare da dogon kariya.<sup>38</sup> CHIs sau da yawa ba su ne masu hakkin ayyukan a cikin tarin su ba, kuma ayyuka suna da irin wannan dogon lokaci na kariya wanda bayanin game da su wanene masu hakkin yanzu ko yadda za a tuntuɓar su sau da yawa ba zai yiwu a samu ba. Yana daukar lokaci sosai kuma yana da wahala a ayyana aiki a matsayin marayu bisa doka don cin gajiyyar tsarin ayyukan marayu. Dogayen hakkin mallaka suna aiki don kara ta'azzara waɗannan al'amurra yayin da ake ci gaba da jinkirin shigar ayyukan jama'a kuma ba za a taɓa iya faɗi ba. Ci gaba da tsawaita sharuɗɗan hakkin mallaka a yankuna da yawa ya sa ya zama da wahala matuƙar kayyadaddun hakkin mallaka na gaskiya na aikin.<sup>39</sup> Nazarin alakar da ke tsakanin fa'idodin tattalin arziki da ka'idodin kariya ya nuna a kai a kai cewa sharuɗɗan kariya ba su da kyau ga yawancin maganganun al'adu.<sup>43</sup> A cikin 2016, Australian Productivity Commission ta gano cewa "iyawarsa da kuma lokacin kariyar hakkin mallaka a Ostiraliya ya faɗaɗa kan lokaci, galibi ba tare da tantance tushen shaida ba, kuma yanzu an karkatar da shi sosai don goyon bayan masu hakkin mallaka. Yayin da mafi kyawun kalmar hakkin mallaka guda ɗaya ke da wuyar fahimta, mai yuwuwa zai yi kasa da shekaru 70 bayan mutuwa."<sup>44</sup>

Gaskiya ne! → Littattafai masu mahimmanci na al'ada ba su da yawa a cikin kashashe masu tsayi fiye da gajere.<sup>40</sup> → Ayyukan marayu (ayyukan da har yanzu suke cikin hakkin mallaka amma waɗanda ba za a iya gano ko gano masu hakkinsu ba) sun samar da wani babban yanki na tarin cibiyoyin al'adu. A cikin 2012, ɗakin karatu na Burtaniya ya kiyasta cewa kashi 40% na tarin hakkin mallaka (ayyuka miliyan 150 gabaɗaya) sun zama marayu.<sup>41</sup> → Hakkin mallaka ya haifar da baƙar fata a karni na ashirin na samun damar gado; Abubuwan gadon da aka kirkira tsakanin 1940 da 2000 ba su da wakilci a cikin ma'ajiyar da ake samu ta hanyar dijital ta Turai, ta haka za su karkata hangen nesa kan tarihinmu na baya-bayan nan.<sup>42</sup>

## NASARA

Masu tsara manufofi yakamata: • Rage wa'adin kariya. Ba da kariya ta dogara da rajista (ko wasu ka'idodi). Hana shawarwari don tsawaita sharuɗɗan hakkin mallaka fiye da yadda suke a halin yanzu. • Yi sauƙi kamar yadda zai yiwu don kayyade ayyuka a matsayin marayu.

## MATAKI NA 3: BAYANI A SHARI'A DOMIN WAJIBI AYYUKAN CIGABA DA GADO

Matsala: CHIs Ba Zasu Iya Cika Burinsu Ba Saboda Hakkin mallaka CHIs suna buƙatar yin sake fasalin ayyukan hakkin mallaka a cikin tarin su don dalilai na adanawa (misali, don magance hadarin lalacewa). Suna kuma buƙatar yin kowane nau'in amfani don samar da ayyuka ga jama'a, gami da nunin dijital, bita kan layi da zargi, lamuni na dijital, samun dama da sake amfani da 4, 46 da sauransu.

Bugu da kari, tsarin rubutu da haƙar ma'adinan bayanai (TDM), wanda ke da mahimmanci ga binciken al'adun gargajiya, yana buƙatar sake fasalin rubutu ko aikin da za a haƙa don bayyana alamu, yanayi, da alaƙa a cikin rubutu ko bayanai. Ba duk hukunce-hukuncen ke ba da izinin TDM a sarari ba. Bugu da ari, mafi yawan hukunce-hukuncen ba sa ba da izinin gabatar da kayan gado a sarari akan gidan yanar gizon da ba na kasuwanci ba don jama'a masu sauraro ba tare da izini ba da kuma biya ga (wakilin) mai haƙƙin mallaka. Wadannan amfani galibi ana iyakance su ta hanyar haƙƙin mallaka kuma, sai dai in kebantawa ko iyakancewa (E&L), galibi ana daukar ketare. E&Ls sun wanzu don daidaita haƙƙin masu yin halitta tare da buƙatun al'umma—sun haɗa da ra'ayoyi kamar haƙƙin mai amfani, buɗaɗɗen ka'idoji<sup>47</sup> (watau buɗe hanyoyin zuwa kebanta haƙƙin mallaka, kamar amfani da gaskiya da ma'amala na gaskiya) da takamaiman, kebancewar doka. Abin takaici, galibi ba su isa ba, tauye su ko ma babu su, suna sa haƙƙin mallaka bai dace ba don dacewa da manufar CHIs. Wannan yana nufin cewa, a haƙifanin gaskiya, ba za a iya jin daɗin al'adun gargajiya ta hanyoyi da wuraren da aka fi samun damar buɗewa a yau: a dijital da kan layi. Kuma wannan shi ne yanayin duk da cewa CHIs' amfani da su ne sau da yawa fiye da ba kasuwanci a cikin yanayi da kuma ba su shafi al'ada amfani da ayyukan. Ba wai kawai an tauye muhimman ayyukan CHIs ta hanyar haƙƙin haƙƙin mallaka ba, amma ana hana jama'a mahimmancin amfani da gadon gado don jin daɗi har ma a cikin maganganun jama'a, kamar sharhi, faci ko parody.<sup>48</sup>

Gaskiya ne! → A wasu lokuta ma'ajiyar ba sa iya yin kwafin takardun da suke riƙe da su duk da mummunar barazanar asara saboda sauyin yanayi.<sup>49</sup> → Laburaren sau da yawa suna iya ba da damar yin amfani da kwafin dijital na aiki a kan wuraren da aka kebe (ba a nesa ba).<sup>50</sup> → Yawancin kebanta haƙƙin mallaka na naƙasa na yanzu suna mayar da hankali ne kawai akan nakasar gani (zuwa ban da sauran nakasa ta jiki, fahimi, ko nakasa). Don haka kawai suna ba da damar samun dama ga nakasassu na bugawa (watau littattafai da mawallafi / manyan bugu / nau'ikan sauti) maimakon faɗɗan batutuwan kere-kere.<sup>51</sup> → An taƙaita bayani a cikin iyakokin jihohi lokacin da kebancewar haƙƙin mallaka ya tsaya a kan iyaka.<sup>52</sup> → Matakan kariya na fasaha (TPMs) 53 waɗanda ba za a iya bi da su ta hanyar doka ba, ana amfani da su akan ayyukan adabi da aka rarraba ta hanyar lantarki, kamar littattafan e-littattafai, 54 kuma suna sa ba zai yiwu ba ga daidaikun mutane su yi amfani da waɗannan ayyukan ta hanyoyin da ba za su kasance masu cin zarafi ba. Wannan yana hana binciken al'adun gargajiya wanda ya dogara sosai ga TDM.<sup>55</sup>

## MATAKI NA UKU: BAYANI A SHARI'A YARDA WASU WAJIBI AYYUKAN CIGABA DA GADO

### NASARA

Dole ne a kyale cibiyoyi su gudanar da dukkan ayyukan da suka wajaba don cim ma muradun jama'a da kuma hidimar masu amfani da su. Ya kamata masu tsara manufofi: • Ba da damar cibiyoyin kayan tarihi na al'adu su sake haifuwa da samar da gatan da ke da haƙƙin mallaka don amfani da sake amfani da jama'a don abubuwan da ba na kasuwanci ba. • Ba da izinin duk ayyukan da suka wajaba waɗanda ke ba masu amfani damar yin amfani da kayan gado don abubuwan da ba na kasuwanci ba da kuma amfani da kayan gado don shiga cikin maganganun jama'a. Wadannan ayyukan suna buƙatar a kiyaye su da kyau ta amfani da bayyanannen, harshe mara ma'ana a cikin sigar E&Ls (gami da haƙƙin

mai amfani, buɗaɗɗen ka'idodi kamar amfani da gaskiya, ko kebancewar doka) waɗanda suka dace da shekarun dijital da tabbataccen gaba. Irin waɗannan kebancewa da iyakoki dole ne su zama tilas, ba batun biyan kuɗi (misali, ba za a aiwatar da su a cikin samfuri mai kama da lasisin dole ba), kuma an kiyaye su daga ketare kwangila.<sup>56</sup> A kan wannan batu na karshe, yawancin CHIs suna kulle cikin yarjejeniyoyin lasisi waɗanda ke cire ikon su na dogaro da kebanta don gudanar da ayyukansu na yau da kullun, kamar kebancewar da aka ba da garanti a karkashin yarjejeniyar WIPO Marrakesh.<sup>57</sup> Babu wani sharuɗɗan kwangila da zai rage ko soke amfani da aka yarda a karkashin kebantacce.<sup>58</sup> Takamaiman ayyukan da CHIs ke buƙatar aiwatarwa aƙalla a yayin gudanar da ayyukansu kuma waɗanda ke buƙatar ba da izini a karkashin dokar haƙƙin mallaka an yi cikakken bayani a kasa. Don tabbatar da cewa irin waɗannan ayyukan na iya faruwa bisa doka, cikakke kuma mara kayyadaddun aikace-aikacen E&L dole ne a sami garanti a cikin dokokin haƙƙin mallaka.

Mafi kanƙancin buƙatun kebancewa da iyakancewa ga Cibiyoyin Al'adun Al'adu da Masu Amfani da su Cibiyoyin al'adun gargajiya dole ne aƙalla su sami: 1. Yi sake haifuwa na ayyuka a cikin tarin su: CHIs dole ne su sami damar yin sake fasalin ayyukan a cikin tarin su: • don dalilai na adanawa, • don biyan buƙatun masu amfani da nakasa, • don ba da damar haƙar ma'adinan rubutu da bayanai na tarin su. 2. Samar da ayyuka ga jama'a: Tsayar da gado yana da ma'ana lokacin da jama'a za su iya shiga, raba su da jin daɗin su. Don haka, CHIs dole ne su iya: • nunawa da baje kolin tarin su, gami da na dijital, • ba da rancen e-ayyukan dijital da ayyukan dijital, • ba da dama da ba da damar yin amfani da ayyukan (digitized) don dalilai na ilimi ko na sirri, kamar bincike da bincike na sirri, • ba da damar samun ayyukan. don dalilan da ba na kasuwanci ba lokacin da kasuwancin su ya kare a zahiri.

3. Ba da damar sake amfani da ayyukan: Baya ga samun damar ayyukan, masu amfani da CHIs' dole ne su iya: • samun dama da amfani da ayyuka don dalilai na ilimi ko na sirri, kamar bincike da binciken sirri, • yin rubutu da haƙar bayanai, • motsa jiki 'yanci na panorama. • Yi amfani da ayyuka a cikin mahallin maganganun jama'a da rahoton labarai. • Yi amfani da ayyuka don dalilai na zance, zargi, bita da fa'ida, caricature, da pastiche. Yi amfani mai canza canji, kamar remixes da sauran nau'ikan abun ciki na mai amfani.

Ingantacciyar Aiki da Buƙatun Aikace-aikace Duk waɗannan kebancewa ko iyakoki dole ne su kasance: • a maimakon bayyanannen, mai sauƙin fahimta, daidaituwa da daidaiton manufa. • Tabbatacciyar doka da rashin tabbas. • Sauƙi don jin daɗi da fa'ida. • Mai sassauka—don magance abubuwan da ba a zata ba ko a gefe. • Daidaita don shekarun dijital da hujja na gaba-misali. ya kamata su rufe ayyukan da aka haifa-dijital da na dijital da lissafin ci gaban fasaha. • Wajibi - kafa muhimmin sashi na dokar haƙƙin mallaka, watau, ba a matsayin wani ɓangare na shawarwari ko yarjejeniyar lasisi ba. • Ba kwangila ba za a iya yafewa ko kwangilar ta soke shi ba. Ba batun biyan kuɗi ba - babu buƙatun lasisi na doka ko na tilas. • Abubuwan da suka dace da daidaitawa a cikin yankuna - don ba da izinin amfani da iyakokin iyaka da haɗin gwiwar kasashen duniya. • Rashin kula da haƙƙin dijital da matakan kariya na fasaha.

MATAKI NA 4: GARKUWAN GADO GA AL'ADA DAGA CIGABA.

Matsala: Hakkin mallaka yana sanya nauyin Hakkin Hakkin Hakkin Hakkin mallaka a kan cibiyoyi Don cika ayyukansu na adana kayan tarihi da saukaƙe rabawa, shiga da haɗin gwiwa tare da kayan tarihi, CHIs dole ne su yi wasu amfani da ayyukan kare hakkin mallaka a cikin tarin su. Saboda ana iya ba da izinin waɗannan amfani ko ba za a iya ba su karkashin kaƙƙarfan dokokin hakkin mallaka ba, cibiyoyi suna aiki karkashin haɗari (na gaske ko tsinkaye) na keta hakkin mallaka. Takunkumi da diyya na keta hakkin mallaka na iya yin girma, kuma a wasu hukunce-hukuncen, ana iya fuskantar cibiyoyi da wasiƙun buƙatu ba tare da an kai karar kotu ba, inda za a iya kalubalantarsa bisa doka. Sakamakon haka, cibiyoyi sun dauki hanyar kin haɗari, da damuwa ta hakkin mallaka ta jawo su, kuma su guji yin ayyukan da suka dace don cika aikinsu.

Gaskiya ne! → Ga masu karatu da yawa, ana kallon hakkin mallaka a matsayin yanki mai “wuya” wanda zai iya karfafa halayen gujewa kuma yana iya haifar da damuwa. 59 → Shari'o'in kotu da yawa a cikin Netherlands sun iyakance jin daɗin al'adun Dutch na karni na 20. Laifukan uku musamman sun haifar da babban rigaƙafin kawar da kididdigan al'adun gargajiya daga dandamali na kan layi na jama'a.60 Wannan ya yi tasiri mai sanyi a kan cibiyoyi kuma ya hana samun kayan gado na kan layi. Har ila yau, ya haifar da kashe albarkatu masu mahimmanci don gano masu kirƙira da masu hakkin don amfani da ayyukansu, ko da inda rabon CHIs bai haifar da lahani ga cin gajiyar waɗannan ayyukan na yau da kullun ba.

#### NASARA

Kyakkyawar imani da cibiyoyi ke amfani da su yayin aiwatar da ayyukansu na sha'awar jama'a (musamman amfani da abubuwan da ba na kasuwanci ba) bai kamata a yi la'akari da keta hakkin mallaka ba, kuma bai kamata cibiyoyi su kasance masu alhakin ba. Masu tsara manufofi ya kamata: • Cire alhaki ga cibiyoyin al'adun gargajiya da ke aiki da aminci. • Inda ba za a iya cire abin alhaki ba, iyakance takunkumi da magunguna ga cibiyoyin al'adun gargajiya. • Kirƙirar tashar jiragen ruwa mai aminci don ba da damar cibiyoyin al'adun gargajiya su gudanar da ayyukansu bisa doka, gami da samar da tarawa a kan layi ga masu amfani da su, da karfafa su su bi sanarwa da sauke hanyoyin da aka yi na cin zarafi da masu hakki suka kawo.61

#### AIKI NA 5: TABBATAR DARAJA, DAIDAI, DA HADUWA

Matsala: Samun Dama da Aharinga cikin Al'adun Al'adu Ba Koyaushe Ba Daidai bane, Girmamawa ko Haɗuwa A wasu lokuta, cika aikin CHIs' don samar da tarin zai iya zama mai rikitarwa lokacin da tarin ya kunshi (1) kayan gado na al'ummomin da aka ware waɗanda aka ware daga samun dama da shiga cikin raba abubuwan al'adun gargajiya; (2) kayan da aka samu a yanayin mulkin mallaka (3) kayan yaƙan asalin kasar;62 (4) kayan da aka yi la'akari da su na sirri (musamman a lokuta masu amfani don gane fuska); (5) kayan da ke wakiltar yara ko wasu kungiyoyi masu rauni; tsakanin sauran m kayan.63 A irin waɗannan lokuta, kayyadaddun batutuwa masu rikitarwa da sarƙaƙƙiya sun taso fiye da abin da ke cikin hakkin mallaka vs. tsarin yanki na jama'a, wanda ke ba da tabbacin alhaki, daidaitacce, daidaitaccen tsari da mutuntawa, da buƙatar kawo girmamawa, daidaito, da haɗawa cikin "budewa". al'ada" daidaito. A Creative Commons, wannan ya zama wani ɓangare na hangen nesanmu don

ingantacciyar musayar al'adun gargajiya. Tattaunawa, amana da fahimta wasu ne daga cikin muhimman abubuwan da za a cimma wannan hangen nesa na raba wanda ya fi dacewa da da'a da daidaito.<sup>64</sup>

Gaskiya ne! → A cikin 1992, waƙar "Sweet Lullaby" (a cikin kundin kidan duniya Deep Forest) ta sake haɗa wani faifan bidiyo na tsohuwar lullaby da wata mata mai suna Afunakwa ta rera, wanda masanin ilimin kimiya na ƙasar Switzerland Hugo Zemp ya rubuta a cikin 1970 a Solomon Islands. An ɗauko shi daga ɗakin ajiyar kida na gargajiya na UNESCO, fasalin da aka sake haɗawa ya haifar da riba mai yawa, amma an kirƙira shi ba tare da izini ba, ko biyan diywa, ko kuma amincewar Afunakwa ko al'ummarta.<sup>65</sup>

## NASARA

Masu tsara manufofi ya kamata su ƙarfafa cibiyoyi su ɗauki tsarin da'a da adalci don raba abubuwan tattarawa da haɓaka manufofin da ke kira ga cibiyoyi su: • la'akari, ban da matsayin jama'a na wani yanki na al'adu, ƙarin hani na doka, da'a ko kwangila wanda zai iya sarrafa yanayin samun dama, amfani da sake amfani; • yarda cewa iyawa da sake amfani da kuntatawa na iya zama barata saboda dalilai na ɗabi'a; • Haɗa tare da haɗin gwiwa tare da al'ummomin tushen don ƙayyade tsarin ƙididdigewa da samar da tarin; da • sadarwa da ilmantar da masu amfani da su a fili game da sharuɗɗan amfani da sake amfani da su, da duk wani sharuɗɗan da aka kafa don yin rabawa cikin daidaito.

## BAYANI:

1. Gabriel Naudé, Labarai daga Faransa. Ko, bayanin ɗakin karatu na Cardinal Mazarini: kafin a lalata shi gaba ɗaya (London: Timothy Garthwait, 1652), kamar yadda aka nakalto a cikin The Library: A Fragile History, na Arthur der Weduwen da Andrew Pettegree, Profile Book, 2021, p. 206. 2. Creative Commons, "Bude Al'adu" shafin yanar gizon <https://creativecommons.org/about/program-areas/arts-culture/>. 3. Brigitte Vézina, "CC ta buga takardar manufofin mai taken Towards Better Sharing of Cultural Heritage — An Agenda for Copyright Reform - Creative Commons," Shafukan Creative Commons, Afrilu 2022, <https://creativecommons.org/2022/04/04/cc-publishes-policy-papertitled-towards-better-sharing-of-cultural-heritage-an-agenda-for-copyright-reform/>. 4. Dandalin Haƙƙin mallaka na CC <https://network.creativecommons.org/cc-copyrightplatform-activity-fund/>. 5. International Federation of Library Associations and Institutions (IFLA), "Request for contributions for the information session on the impact of the Covid-19 pandemic on the copyright ecosystem," WIPO, 2022, <https://www.wipo.int/export/sites/www/meetings/en/docs/ifla.pdf>. 6. See, e.g., Saving Ukrainian Cultural Heritage Online (SUCHO), <https://www.sucho.org/> and #NEWPALMYRA, <https://newpalmyra.org/>. 7. UNESCO, "UNESCO Highlights Climate Change Threats to Cultural Property in Kiribati," SDG Knowledge Hub | IISD, January 2012, <http://sdg.iisd.org/news/unescohighlights-climate-change-threats-to-cultural-property-in-kiribati/>. 8. Dom Phillips, "Brazil museum fire: 'incalculable' loss as 200-year-old Rio institution gutted," The

Guardian, Satumba 2018, <https://www.theguardian.com/world/2018/sep/03/fire-engulfs-brazil-national-museum-rio>. 9. Nora McGreevy, “Why the Cape Town Fire Is a Devastating Loss for South African Cultural Heritage,” *Smithsonian Magazine*, April 20, 2021, <https://www.smithsonianmag.com/smart-news/cultural-heritage-historic-library-destroyedsouth-africa-blaze-180977539/> 10. Agence France-Presse, “Easter Island fire causes ‘irreparable’ damage to famous moai statues,” *The Guardian*, Oktoba 2022, <https://www.theguardian.com/world/2022/oct/07/easter-island-fire-causes-irreparable-damage-to-famous-moai-statues>. 11. See also UNESCO, “Culture and Climate Change,” <https://www.unesco.org/en/culture-and-climate-change>. 12. Ana Lazarova, “The EU Copyright Reform’s great disservice to free use for educational purposes,” *Europeana Pro*, July 2021, <https://pro.europeana.eu/post/the-eucopyright-reform-s-great-disservice-to-free-use-for-educational-purposes>. 13. Office of the High Commissioner for Human Rights, Special Rapporteur in the Field of Cultural Rights, “A cultural rights approach to heritage,” <https://www.ohchr.org/en/special-procedures/sr-cultural-rights/cultural-rights-approach-heritage>. 14. Mahalarta taron koli na Creative Commons 2013 ne suka fara tsara wannan a Buenos Aires. Duba Timothy Vollmer, “Supporting Copyright Reform, Creative Commons,” Oktoba 2013, <https://creativecommons.org/2013/10/16/supportingcopyright-reform>. 15. UNESCO, “Culture for Development Indicators — Methodology Manual,” *Heritage*, 2014, p. 130, [https://en.unesco.org/creativity/sites/creativity/files/cdis\\_methodology\\_manual\\_0\\_0.pdf](https://en.unesco.org/creativity/sites/creativity/files/cdis_methodology_manual_0_0.pdf) [https://en.unesco.org/creativity/sites/creativity/files/cdis/heritage\\_dimension.pdf](https://en.unesco.org/creativity/sites/creativity/files/cdis/heritage_dimension.pdf) (PDF). 16. Farida Shaheed, Rahoton kwararren mai zaman kansa a fagen haƙƙin al'adu, UN Human Rights Council, UN Doc. A/HRC/17/38, 21 Maris 2011, <https://documents-ddsny.un.org/doc/UNDOC/GEN/G11/122/04/PDF/G1112204.pdf?OpenElement>. Duba kuma, Article 27(1), Universal Declaration of Human Rights (1948), United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>. Ana kuma bayyana wadannan haƙƙokin a cikin kayan aikin UNESCO da shirye-shirye daban-daban, musamman: World Heritage Convention (1972), article 5, <https://whc.unesco.org/en/convention/>; Convention for the Safeguarding of the Intangible Cultural Heritage (2003), article 23, <https://ich.unesco.org/en/convention>; da Memory of the World Program (1992), <https://www.unesco.org/en/memory-world>. 17. United Nations, The 17 Goals, <https://sdgs.un.org/goals>. 18. UNESCO, “MONDIACULT 2022 : States adopt historic Declaration for Culture,” press release, Satumba 2022, <https://www.unesco.org/en/articles/mondiacult-2022-statesadopt-historic-declaration-culture?hub=701>. 19. UNESCO, “Special Issue n°5 : Countdown to MONDIACULT,” Agusta 2022, <https://articles.unesco.org/en/articles/special-issue-ndeg5-countdown-mondiacult>. 20. SDG indicator 16.10.1, <https://unstats.un.org/sdgs/metadata/?Text&Goal=16&Target=16.10>. 21. SDG Indicators — SDG Indicators, <https://unstats.un.org/sdgs/metadata/?Text=&Goal=11&Target=11.4>. 22. UNESCO, “Cutting Edge | Culture: the bedrock of sustainable development,” Nuwamba 2021, updated April 2022, <https://www.unesco.org/en/articles/cutting-edgeculture-bedrock-sustainable-development>. (“Culture’s cross-cutting impact in contributing to sustainable development across policy domains has been recognized for over 40 years.”). Duba kuma: UNESCO, “Key Challenges,”

<https://www.unesco.org/en/keychallenges>. (“By sharing our common humanity, with increased knowledge and moral solidarity, we can find solutions to the pressing issues of our time”). 23. Loic Tallon, “Creating Access beyond metmuseum.org: The Met Collection on Wikipedia,” The Metropolitan Museum of Art, Fabrairu 2018, <https://www.metmuseum.org/blogs/now-at-the-met/2018/open-access-at-the-met-year-one>. 24. Alice White, “Images from Wellcome Collection pass 1.5 billion views on Wikipedia,” December 2021, <https://stacks.wellcomecollection.org/images-from-wellcomecollection-pass-1-5-billion-views-on-wikipedia-ee9663b62bef>. 25. See, e.g.: Melissa Terras, “Opening Access to collections: the making and using of open digitised cultural content,” Emerald Insight, Satumba 2015, <https://www.emerald.com/insight/content/doi/10.1108/OIR-06-2015-0193/full/html>; Sesana E, Gagnon AS, Bertolin C, Hughes J. “Adapting Cultural Heritage to Climate Change Risks: Perspectives of Cultural Heritage Experts in Europe.” *Geosciences*. 2018; 8(8):305. <https://doi.org/10.3390/geosciences8080305>, <https://www.mdpi.com/2076-3263/8/8/305>; da Mia Ridge, “From Tagging to Theorizing: Deepening Engagement with Cultural Heritage through Crowdsourcing,” Oktoba 2013, Curator: The Museum Journal - Wiley Online Library, <https://onlinelibrary.wiley.com/doi/abs/10.1111/cura.12046>, among many other examples. 26. Julia Fallon da Pablo Uceda Gomez, “The missing decades: the 20th century black hole in Europeana,” *Europeana Pro*, November 2015, <https://pro.europeana.eu/post/themissing-decades-the-20th-century-black-hole-in-europeana>.

27. Misali, Amazon ya goge e-books daga dakunan karatu na masu amfani, duba: Brad Stone, “Amazon Erases Orwell Books From Kindle Devices,” *The New York Times*, Yuli 2009, [https://www.nytimes.com/2009/07/18/technology/companies/18amazon.html?\\_r=0](https://www.nytimes.com/2009/07/18/technology/companies/18amazon.html?_r=0). In 2010, Sony discontinued the Broad Band eBook (BBeB) format, see: The National Archives, “Details for: Broad Band eBook LRF”, <http://www.nationalarchives.gov.uk/PRONOM/fmt/518>. In 2011, Microsoft discontinued the LIT format, see: Dan Price, “The Different Ebook Formats Explained: EPUB, MOBI, AZW, IBA, and More,” *Make Use Of*, Yuli 2018, <https://www.makeuseof.com/tag/ebook-formats-explained/>. A cikin 2012, Amazon ya dakatar da tsarin Mobipocket. A cikin 2020, Google ya ba da sanarwar cewa zai daina Radium, Radium, "Saki," <https://radium.org/development/releases/>. See also Amy Kirchhoff and Sheila Morrissey, “Preserving eBooks,” *DPC Technology Watch Report 14*, Yuni 2014, <https://www.dpconline.org/docs/technology-watchreports/1230-dpctw14-01/file> and Stefan Hein, Tobias Steinke. “DRM and digital preservation: A use case at the German National Library.” A cikin Serena Coates, Ross King, Steve Knight, Christopher A. Lee 0001, Peter McKinney, Erin O'Meara, David Pearson, editors, *Proceedings of the 11th International Conference on Digital Preservation, iPRES 2014*, Melbourne, Australia, Oktoba 6 - 10, 2014. 2014, <https://phaidra.univie.ac.at/view/o:378120>. 28. Duba, Judith Bleiden, “Research Paper: The Accuracy of Rights Statements on Europeana.eu,” *Kennisland*, Fabrairu 2018, <https://www.kl.nl/en/publications/researchpaper-the-accuracy-of-rights-statements-on-europeana-eu/>, wanda ke nuna karancin daidaiton matakin da ake amfani da lasisin CC da kayan aikin don sake fasalin ayyukan yanki na jama'a da mummunan tasiri akan yankin jama'a. (“...Binciken da aka yi a cikin

bayanan Europeana ya nuna cewa ana iya amfani da lasisin CC... don saita sharuɗɗan amfani da aikin da aka rigaya ya samu. Daga karshe kuskuren aikace-aikacen lasisin Creative Commons yana haifar da zamba wanda ke iyakance sake amfani da cutar da mahimman ra'ayoyin da ke bayan manufar lasisin Creative Commons"). 29. Duba, misali. Eleonora Rosati, "'Le Journal d'Anne Frank': wanda ya isa ya zama alamar kasuwanci, in ji OHIM Fourth Board of Appeal," The IPKat, 2016, <https://ipkitten.blogspot.com/2016/01/le-journal-danne-frank-sufficiently.html>. 30. Duba, misali, Doug McCarthy, Andrea Wallace and Tala Rahal, "William Hogarth - A playful excursion into the future of open access to digital collections in the UK," Keynote presentation to Icepops 2022, Satumba 2022, [https://docs.google.com/presentation/d/1tp8Yp3MIWZTFdXMmgNnhacv4w3sc0P0hVL9cQuimS4A/edit#slide=id.g9e7aee9d3b\\_0\\_4](https://docs.google.com/presentation/d/1tp8Yp3MIWZTFdXMmgNnhacv4w3sc0P0hVL9cQuimS4A/edit#slide=id.g9e7aee9d3b_0_4). 31. Duba, misali, Michael Weinberg, "Gidan kayan tarihi na Neues yana da'awar haƙƙin mallaka akan fayilolin 3Dprinting na Nefertiti bust," Slate, November 2019, <https://slate.com/technology/2019/11/nefertiti-bust-neues-museum-3d-printing.html> da Cosmo Wenman, "A German Museum Tried To Hide This Stunning 3D Scan of an Iconic Egyptian Artifact. Today You Can See It for the First Time," Reason, Nuwamba 2019, <https://reason.com/2019/11/13/agerman-museum-tried-to-hide-this-stunning-3d-scan-of-an-iconic-egyptian-artifacttoday-you-can-see-it-for-the-first-time/>, kamar yadda aka ambata a Claudio Ruiz da Scann, "Reproductions of Public Domain Works Should Remain in the Public Domain," Creative Commons, Nuwamba 2019, <https://creativecommons.org/2019/11/20/reproductions-of-public-domain-works/>. 32. Justus Dreyling, Teresa Nobre and Brigitte Vézina, "The Uffizi vs. Jean Paul Gaultier: A Public Domain Perspective," Communia, October 2022, <https://communiaassociation.org/2022/10/25/the-uffizi-vs-jean-paul-gaultier/>. 33. See, e.g., Van Gogh Museum, Use and Permissions of Collection Images, <https://www.vangoghmuseum.nl/en/about/organisation/terms-and-conditions/use-andpermissions-of-collection-images>. 34. Natalia Mileszyk, "Don't bury Chopin's legacy under a mountain of IPRs," Communia, August 2016, <https://communia-association.org/2016/08/04/dont-bury-chopins-legacy-mountain-iprs/>. 35. Duba misali harshen Mataki na 14 na Umarnin (EU) 2019/790 akan haƙƙin mallaka da haƙƙokin da ke da alaƙa a cikin Digital Single Market, <https://eur-lex.europa.eu/legalcontent/EN/TXT/HTML/?uri=CELEX:32019L0790&from=EN#d1e822-92-1>. See also Alexandra Giannopoulou, "The New Copyright Directive: Article 14 or when the Public Domain Enters the New Copyright Directive," Kluwers Copyright Blog, Yuni 2019, <http://copyrightblog.kluweriplaw.com/2019/06/27/the-new-copyright-directive-article-14-orwhen-the-public-domain-enters-the-new-copyright-directive/>. 36. Duba Wallace, Andrea da Euler, Ellen, "Revisiting Access to Cultural Heritage in the Public Domain: EU and International Developments (February 1, 2020)." IIC - International Review of Intellectual Property and Competition Law 51, 823-855 (2020), <https://ssrn.com/abstract=3575772> or <http://dx.doi.org/10.2139/ssrn.3575772>. 37. Duba, misali, Brigitte Vézina, "Our Response To Canada's Copyright Term Extension Consultation," Creative Commons, Maris 2021, <https://creativecommons.org/2021/03/09/our-response-to-canadas-copyright-term-extension-consultation/>. 38. Duba, misali, LIBER, "LIBER Statement Regarding Out-Of-Commerce Works," July 2022,



<https://libereurope.eu/article/liber-statement-regarding-out-of-commerce-works/> and Register of Copyright, “Orphan Works and Mass Digitization: A Report of the Register of Copyrights, Yuni 2015, <https://www.copyright.gov/orphan/reports/orphanworks2015.pdf> (PDF). For existing resources to address the issue of orphan works, duba misali, Europeana, ARROW: <https://pro.europeana.eu/project/arrow> and EnDOW Diligent Search Publications, <https://diligentsearch.eu/publications/>. 39. Cornell University Library, “Copyright Term and the Public Domain in the United States, karshe sabunta Janairu 2022, [https://guides.library.cornell.edu/ld.php?content\\_id=63800150](https://guides.library.cornell.edu/ld.php?content_id=63800150) and Christina Angelopoulos, “The Myth of European Term Harmonisation: 27 Public Domains for the 27 Member States,” IVIR, 2012, [https://www.ivir.nl/publicaties/download/IIC\\_2012\\_5.pdf](https://www.ivir.nl/publicaties/download/IIC_2012_5.pdf) (PDF). 40. Flynn, Jacob da Giblin, Rebecca da Petitjean, Francois, “What Happens When Books Enter the Public Domain? Testing Copyright’s Underuse Hypothesis Across Australia, New Zealand, the United States and Canada” (Yuni 10, 2019). University of New South Wales Law Journal, Vol. 42, No. 4, 2019, U of Melbourne Legal Studies Research Paper No. 878, <https://ssrn.com/abstract=3401684> . 41. European Commission, Orphan works – Frequently asked questions, October 2012, [https://ec.europa.eu/commission/presscorner/detail/en/MEMO\\_12\\_743](https://ec.europa.eu/commission/presscorner/detail/en/MEMO_12_743). 42. Julia Fallon and Pablo Uceda Gomez, “The missing decades: the 20th century black hole in Europeana,” Europeana Pro, Nuwamba 2015, <https://pro.europeana.eu/post/themissing-decades-the-20th-century-black-hole-in-europeana>. 43. See, e.g, Pollock, Rufus, “Forever Minus a Day? Calculating Optimal Copyright Term” (July 19, 2009). Review of Economic Research on Copyright Issues, Vol. 6, No. 1, pp. 35-60, 2009, <https://ssrn.com/abstract=1436186>; Clark, A., & Chawner, B. (2014). “Enclosing the public domain: The restriction of public domain books in a digital environment.” First NOTES 21 Litinin, 19(6). <https://doi.org/10.5210/fm.v19i6.4975>.

44. Australian Government, Productivity Commission, “Intellectual Property Arrangements - Inquiry report” (2016), Finding 4.1, p. 131, <https://www.pc.gov.au/inquiries/completed/intellectual-property/report/intellectual-property.pdf> (PDF). 45. On controlled digital lending, see Library Futures, <https://www.libraryfutures.net>. 46. Duba, misali, inDICES, “inDICES policy brief: Towards community-focused cultural heritage institutions in the digital realm,” Nuwamba 2022, <https://docs.google.com/document/d/1BJcqfdbB5LDHQ926YDNpAlwoNjWo8IniOM4PvzFz2k/edit#> (Recommendation area #3). 47. Knowledge Rights 21, “CIPPM to deliver research into open norms as part of the Knowledge Rights 21 Programme,” <https://www.knowledgerights21.org/news-story/cippm-to-deliver-research-into-open-norms-as-part-of-the-knowledge-rights-21-programme/>. 48. Duba André Houang, “Creative Commons Copyright Platform Working Group on User Rights’ Position Paper,” Nuwamba 2021, Creative Commons We Like To Share Medium, <https://medium.com/creative-commons-we-like-to-share/working-group-on-user-rightsposition-pape-r-9c5e589f1c9b>. 49. International Council of Archives, “Climate Change, Copyright, and Cultural Heritage,” Yuni 2020, <https://blog-ica.org/2020/06/12/climate-change-copyright-andcultural-heritage/>. 50. Duba misali, The British Library, “Why can't I access this resource online?,” <https://>

[www.bl.uk/help/explore-item-not-available](http://www.bl.uk/help/explore-item-not-available). Duba kuma, EIFL, “The 'TU Darmstadt' copyright case neatly explained,” Yuli 2016, <https://www.eifl.net/news/tu-darmstadtcopyright-case-neatly-explained>.

51. See, WIPO Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty), 2013, [https://www.wipo.int/marrakesh\\_treaty/en/](https://www.wipo.int/marrakesh_treaty/en/). 52. EIFL, “Statements to WIPO SCCR on how information is denied when copyright exceptions stop at the border,” Nuwamba 2016, <https://www.eifl.net/resources/statements-wipo-sccr-how-information-denied-when-copyright-exceptions-stop-border>. 53. Also referred to as “technological protection measures.” 54. See e.g., Dombrowski, Quinn, Rachael Samberg, and Erik Stallman. “DSC #14: Hello, DMCA Exemption.” The Data-Sitters Club, Mayu 2022. <https://datasittersclub.github.io/site/dsc14.html>. 55. Authors Alliance, “Authors Alliance Files Comment in Support of New Exemption to Section 1201 of the DMCA to Enable Text and Data Mining Research,” Disamba 2020, <https://www.authorsalliance.org/2020/12/15/authors-alliance-files-comment-in-support-of-new-exemption-to-section-1201-of-the-dmca-to-enable-text-and-datamining-research/>. 56. IFLA, “Protecting Exceptions Against Contract Override,” 2019, [https://www.ifla.org/wp-content/uploads/2019/05/assets/hq/topics/exceptions-limitations/documents/contract\\_override\\_article.pdf](https://www.ifla.org/wp-content/uploads/2019/05/assets/hq/topics/exceptions-limitations/documents/contract_override_article.pdf) (PDF). 57. Duba Giannoumis G.A., Beyene W.M. (2020) Cultural Inclusion and Access to Technology: Bottom-Up Perspectives on Copyright Law and Policy in Norway. In: Antona M., Stephanidis C. (eds) Universal Access in Human-Computer Interaction. Applications and Practice. HCII 2020. Lecture Notes in Computer Science, vol 12189. Springer, Cham. [https://doi.org/10.1007/978-3-030-49108-6\\_25](https://doi.org/10.1007/978-3-030-49108-6_25). 58. Misali, a Portugal, Montenegro, Belgium da Kuwait, dokar hakkin mallaka ta fadi cewa (kusan) duk ke bantacce da iyakoki ana kiyaye su daga rushewar kwangila (see IFLA, “Protecting Exceptions Against Contract Override,” 2019, [https://www.ifla.org/wpcontent/uploads/2019/05/assets/hq/topics/exceptions-limitations/documents/contract\\_override\\_article.pdf](https://www.ifla.org/wpcontent/uploads/2019/05/assets/hq/topics/exceptions-limitations/documents/contract_override_article.pdf), p. 3). Duba kuma matsayin siyasa na American Library Association, Copyright | Advocacy, Legislation & Issues (<https://www.ala.org/advocacy/copyright>) and Teresa Nobre, “Implementing the new EU protections against contractual and technological overrides of copyright exceptions,” Communia, 2019, <https://www.communia-association.org/2019/12/09/implementing-new-eu-protectionscontractual-technological-overrides-copyright-exceptions/>. 59. Wakaruk, A., Gareau-Brennan, C., Pietrosanu, P. (2021). “Introducing the Copyright Anxiety Scale.” *Journal of Copyright in Education and Librarianship*, 5(1), 1–38, at p. 3. <https://doi.org/10.17161/jcel.v5i1.15212> © 2021 (CC BY-NC 4.0). (Citations omitted)

60. For example: *Pictoright v Stadsarchief Rotterdam* (2014), <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHAMS:2017:523>; *Stichting Cors van Bennekom v. IISG* (2015), <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBAMS:2015:3231>; and *Voet/Roovers v. Erfgoed Leiden* (2020), <https://www.erfgoedleiden.nl/nieuws/1170-online-plaatsen-oude-foto-sgerechtshof-den-haag-vernieet-igtuitspraak#:~:text=Roovers%20overleed%20in%202000.,75%20per%20foto%20moest%20betalen>.

61. See e.g., Coad, Samuel, “Digitisation, Copyright and the GLAM Sector: Constructing a

Fit-For-Purpose Safe Harbour Regime” (September 6, 2019). (2019) 50 VUWLR 1, Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 13/2019, Akwai a SSRN: <https://ssrn.com/abstract=3449037> . 62. Callison, Camille et al. 2021. “Engaging Respectfully with Indigenous Knowledges: Copyright, Customary Law, and Cultural Memory Institutions in Canada.” KULA: Knowledge Creation, Dissemination, and Preservation Studies 5(1). <https://doi.org/10.18357/kula.146>. 63. For more information on the ethics of open sharing, see Josie Fraser, “CC Working Group 4 — Beyond Copyright: the Ethics of Open Sharing,” Creative Commons We Like to Share Medium, 2021, <https://medium.com/creative-commons-we-like-to-share/beyondcopyright-the-ethics-of-open-sharing-a495bb95569d>. See also, inDICES, “inDICES policy brief: Towards community-focused cultural heritage institutions in the digital realm,” Nuwamba 2022, [https://docs.google.com/document/d/1BJcqfdbB5LDHQt926YDNpAlwoNjWo8IniOM4PvzFz2k/edit#\(Recommendation area #5\)](https://docs.google.com/document/d/1BJcqfdbB5LDHQt926YDNpAlwoNjWo8IniOM4PvzFz2k/edit#(Recommendation%20area%20%235)). 64. CARE Principles for Indigenous Data Governance suna ba da damar daukar hanyar girmamawa da kulawa don buɗe tarin tarin da wadatar da su tare da ƙarin ma'ana mai zurfi dangane da yarda da bambance-bambancen iko da mahallin tarihi. Duba: <https://www.gida-global.org/care>. Matsalolin cikin gida, wanda aka yi wahayi daga Creative Commons, an ƙera shi don fadakar da masu amfani ga ka'idodin al'umma da ke tsara shiga, amfani da sake amfani da su, kuma yana ba al'ummomin yaƙan asalin 'yancin kai da yanke shawara don saita sharuɗɗan rabawa.. Manufofin da ke aiki a Auckland War Memorial Museum (An tattauna anan tare da Buɗe GLAM akan Medium), Museum of New Zealand Te Papa Tongarewa, the Smithsonian Open Access Values Statement, da Australian Museum of Applied Arts and Sciences misalai ne masu kyau na daidaitattun matakan cibiyoyi don magance batutuwan da ke kewaye da abun ciki masu mahimmanci. Duba kuma: [https://repository.ifla.org/bitstream/NOTES/22123456789/1720/1/ifla-journal-47-3\\_2021.pdf](https://repository.ifla.org/bitstream/NOTES/22123456789/1720/1/ifla-journal-47-3_2021.pdf). 65. Don cikakkun bayanai kan lamarin Deep Forest, duba Brigitte Vézina, “Are they in or are they out? Traditional cultural expressions and the public domain: implications for trade” in Christophe B Graber, Karolina Kuprecht & Jessica C Lai, eds, International Trade in Indigenous Cultural Heritage: Legal and Policy Issues (Cheltenham, UK: Edward Elgar, 2012) 196 at 197.

Hotuna (duk an yanke) • The Artist's Garden at Saint-Clair by Henri-Edmond Cross, The Metropolitan Museum; Public Domain, <https://images.metmuseum.org/CRDImages/dp/original/DP805782.jpg> • Hoto daga “Amérique du Sud. Trois ans chez les Argentins ... Illustrations de Riou, etc” by Romain d’Aurignac, p. 367, The British Library; Public Domain, [https://explore.bl.uk/primo\\_library/libweb/action/search.do?cs=frb&doc=BLL01014871143&dscnt=1&scp.scps=scope:\(BLCONTENT\)&frbg=&tab=local\\_tab&srt=rank&ct=search&mode=Basic&dum=true&tb=t&indx=1&vl\(fr eeText0\)=014871143&fn=search&vid=BLVU1nson](https://explore.bl.uk/primo_library/libweb/action/search.do?cs=frb&doc=BLL01014871143&dscnt=1&scp.scps=scope:(BLCONTENT)&frbg=&tab=local_tab&srt=rank&ct=search&mode=Basic&dum=true&tb=t&indx=1&vl(fr eeText0)=014871143&fn=search&vid=BLVU1nson); • Ballet Dancers ta Henri de Toulouse-Lautrec, Art Institute Chicago; CC0, <https://www.artic.edu/artworks/9148/ballet-dancers> • 12th Century Chess Set, The Metropolitan Museum; Public Domain, <https://www.metmuseum.org/art/collection/search/452204>

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