The legislative agenda of the past two decades—both in Europe and further afield—has been about adapting copyright to the requirements of the information society. The administration means to make out of these new opportunities by conforming all of the right sources and allocating revenues to the right recipients. In a world of interconnected and interwoven content, we have set upon the path of the copyright industries of the 21st century, metadata are the greater required to make the engine of copyright run smoothly and peacefully for the benefit of creators, copyright industries and users alike.

What is the problem?

The challenge is greater than it appears at first sight. Imagine a user who wants to do something as simple as using a photo of a piece of music for his or her website. How can he or she get the rights holder for the photo? If he or she is to stick it per request of the Collective Management Organizations (CMOs) or an individual rights holder? How, if a CMO and which rights holder? If you find the right person, will they have a way to get licenses for exactly the rights you need, or do you need to pay them for the rights you don’t need? And how many databases do you need to search?

The analysis

If centralised databases are not the answer, what else could solve the problem? Even though this issue is common throughout all copyright industries, this post will use examples from the music industry. This field has shown to be the most complex of all, so it might be justified to say that “if we can solve it there, we can solve it anywhere.”

Helping a trusted operator.

There are plenty of proprietary databases everywhere in the music business, each CMO owns one and each label and music publisher does as well. There are also public institutions running non-profit databases of metadata that are often of superior quality. However, almost none of the database owners are likely to allow searches of their databases, let alone extraction of their data, even in part.

A possible solution

If the central “super database” across solves the problem, and direct exchange of larger sets of metadata among the holders of proprietary databases does not seem feasible, how can we emerge from this deadlock? A possible solution could be a metadata network and enforcement tool that could safeguard the elements of the various proprietary databases. They would not let out either sides who are not willing to cooperate and in exchange from their stock of information. That is what the new approach can achieve instead of allowing everyone in each of them to sell their metadata (and to let others copy their copied content). It would be a centralised trustworthy system operating a new set of trust-and-reasonable rules in all databases connected to it, making the data base a highly sophisticated transparent algorithm.

To see the above example of a catalogue of works that is built from one music publisher to another, the algorithms would suggest that the newer owner is more likely to be the actual owner than the earlier one. In the network, this would be granted to anyone who is willing to contribute with their respective databases. Only those who are willing to join are allowed to benefit from the network. The “evidence search” of the system thus in combination with the data available in that clear network’s base, trusted on a trusted operation.

The study

Based on a thorough analysis, the study arrived at a number of premises needed to make the concept a success.

- Transparency

As an independent entity, the platform should stay neutral. In order to attract the broadest possible circle of participants, it must avoid even the impression that it is biased either toward or against the market status of any stream of parties that take part in it. Most stakeholders regard for the system with a commercial agenda, and the platform should therefore aim at non-effectivity in any way that brings the market advantage towards different stakeholders.

- Respecting the decentralized structure and the independence of all databases concerned

The platform must always be free to the participants to decide whether or not to be part of it. Participants should have the option of deciding whether to give up access to their metadata to the network. They have the right to stop using the network at any time. They also have the right to stop the network to other parties.

- No monetary transactions: payment by mutual provision of data

The currency in this system is metadata. If metadata were bought with money, users would no longer have the incentive to provide their metadata to the system. To ensure the quality of the data, all the users with less money as a resource would be disadvantaged. The platform should be a neutral space for all.

- Protection against creating a data pool outside the system

If centralised databases are not the answer, what else could solve the problem? Even though this issue is common throughout all copyright industries, this post will use examples from the music industry. This field has shown to be the most complex of all, so it might be justified to say that “if we can solve it there, we can solve it anywhere.”

- Transparent algorithm and non-commercial setup of the platform

The platform must be a neutral entity. The platform must not create a data pool outside the system. Only a non-commercial setup of the platform and not transparency of the algorithm will guarantee the neutrality of the platform.

The side of the EU

Since the Revenue 2012 Council Presidency of the EU took office in 2018, issues like these discussed above have...
been dealt with so far has been in more detail than before. However, in the 
Conclusions of the Romanian presidency, reference is still to be made to a "validation of databases" that could provide for the reliability and 
sustainability of the data collected.

Over the course of the Finnish EU Council presidency in the second half of 2019 and the Croatian Presidency of the first half of 2020, the issue of data economy has gained a high rank on the priority list of the EU. This led to the study, which was commissioned in preparation for the German Council Presidency that is due to 
end this year.

Conclusion

Only recently, the EU Commissioner’s Directorate-General for Education, Youth, Sport and Culture issued a 
"Feasibility study for the establishment of a European Music Observatory" that might be open to 
accommodating a test run of a "Metadata search and enhancement tool."

Moreover, the scope of the idea goes far beyond the music industry alone and can be applied throughout the 
copyright sector (and even beyond). In light of all that has been said, it seems obvious that large international 
public organisations or NGOs would be ideally suited to set up a project like that outlined above.