

Mr. Dario Franceschini,  
Minister of Culture

Mr. Massimo Garavaglia,  
Minister of Tourism

Mr. Giancarlo Giorgetti,  
Minister of Economic Development

Mrs. Mariastella Gelmini,  
Minister for Regional Affairs

Mr. Vittorio Colao,  
Minister for Technological Innovation and  
Digital Transformation

Mrs. Floriana Venera Di Mauro,  
Head of Legislative Office, Ministry of Culture

Mrs. Annalisa Cipollone,  
Head of the Cabinet, Ministry of Culture

Mrs. Laura Moro,  
Director of Digital Library

Milan, 15<sup>th</sup> June 2022

**Subject: Open letter - Participation in the consultation on the National Plan for the Digitization of Cultural Heritage (PND) by Wikimedia Italia**

The Italian digital cultural heritage can greatly benefit from the visibility and the documentation on Wikipedia and Wikimedia projects. However, the national plan for the digitization requires that the images of the Italian cultural heritage on Wikimedia projects are subject to a fee for commercial reuse. The commercial reuse of the contents of the Wikimedia projects is free: for this reason, Wikimedia Italia demands the Italian government not to add restrictions to images released with a free license of assets into the public domain on the largest free platform in the world.

**Wikimedia Italia, Wikipedia and the Wikimedia projects**

Wikimedia Italia is the association officially recognized by the Wikimedia Foundation and OpenStreetMap Foundation and which supports Wikipedia, the Wikimedia and OpenStreetMap projects in Italy. For over sixteen years Wikimedia Italia has been committed to the dissemination and



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production of free knowledge, working side by side with cultural institutions to foster collaboration with communities of volunteers and the online upload of content and data open to all. The activities of Wikimedia Italia include the training of cultural operators, teachers and students in the use of shared projects for the enhancement of cultural heritage, as well as the organization of Wiki Loves Monuments, which is the largest photographic competition in the world, entirely dedicated to monuments and their online documentation.

Wikipedia and the Wikimedia projects are used by everyone: teachers, students, citizens of all ages and social backgrounds, as well as by numerous cultural professionals, including the same officials of the Ministry of Culture and numerous cultural entities. These projects involve the largest and most extensive co-creation community in the world. They register over 20 billion accesses per month, are available in over 300 languages, are the most consulted source of information globally, both through direct access to platforms, and thanks to the open and structured data made available on Wikidata, used for the development of numerous third-party services.

Wikimedia Italia participates in the consultation on the National Plan for the Digitization of Cultural Heritage (Piano Nazionale di Digitalizzazione del Patrimonio Culturale, PND) so that it can be the representant for the point of view and needs of these communities of volunteers and users of collaborative projects. There are several reasons why Wikimedia Italia believes it can and should contribute to this important consultation. In the first place, because the Wikimedia projects are explicitly mentioned in the PND: the association therefore is held responsible for the requests of the communities of volunteers who, within these projects, devote themselves free of charge to the documentation and enhancement of digital cultural heritage to the Italian institutions. Furthermore, the PND refers to the benefits of collaborating with Wikimedia projects; it is therefore essential that the guidelines identified by the PND allow interoperability with Wikipedia and Wikimedia projects.

**We commend the National Plan for the Digitization for the spirit of service, for the establishment of this consultation process, but above all for the adherence to the principles of Open Access, Open Government, FAIR data and the Faro Convention, with the aim to involve and activate communities, as well as for the explicit reference to the reuse, including commercial one, of content and data.** These principles are the same at the basis of Wikipedia and Wikimedia projects, rigorously applied in the developed infrastructures, in the free licenses and tools used, in the formats and metadata adopted and in the ways chosen to collaborate with people and institutions, including numerous museums, archives and libraries (MAB), throughout the national territory.

**However, the current PND guidelines undermine Wikipedia and Wikimedia projects.** Wikimedia Italia stresses that it is necessary to stay in compliance with the free licenses and tools of Wikipedia and Wikimedia projects, without adding restrictions such as the introduction of fees or prior authorization for commercial reuse of the Italian cultural heritage. It is in the interest of Italy that our cultural heritage is on Wikipedia and on Wikimedia projects, that cultural institutions can collaborate with our projects, and that volunteers can easily contribute to documenting Italian heritage by making it available to everyone. Compliance with the licenses chosen by the global community for over twenty years has favoured the free sharing and circulation of knowledge and this is a fundamental aspect to ensure such collaboration, with positive effects for everyone: citizens, institutions, the Italian state and the global community.



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## The position of Wikimedia Italia on the National Plan for the Digitization

The **timely requests of Wikimedia Italia within the regulatory framework of the Code of cultural heritage and landscape (articles 107-108)** and based on the **principles of Open Access and FAIR data** included in the PND are:

- Automatically exclude from the fee, without authorization request and without exception, all paper publications, as already provided for by the PND.
- Automatically exclude from the fee, without authorization request, all commercial reuses of individuals, sole proprietorships and companies with an annual turnover below a threshold to be defined, which includes paid apps, services and commercial products made by start-ups that use the multimedia contents of the Wikimedia projects to spread the knowledge of the Italian cultural heritage.
- Automatically exclude from the fee, without authorization request, all commercial reuses that adopt Share-Alike licenses (SA, share in the same way). According to the international standards codified by Creative Commons, these licenses guarantee that the contents used also for commercial purposes remain free and always available to all, thus excluding exclusive transfers.
- Exclude from the fee, without authorization requests, all reuses of the contents produced within collaborative websites with free licenses. Websites like Wikipedia and Wikimedia Commons are free platforms, created and supported by communities of volunteers and run by non-profit organizations. To be truly free and available to everyone, the content uploaded to our projects shall be published with free licenses that authorize all reuses, including commercial ones. The demand for a commercial reuse fee clashes with the free licenses and the tools used by our websites and clashes with the spirit in which these websites and our volunteer communities operate.
- Limit the prior authorization to a list of exceptional cases, such as NFT, reuse of large companies, uses that limit the function of cultural heritage. These cases do not allow free use of the content: the application of a fee therefore does not undermine the sharing of knowledge.
- Exclude the exclusive transfer of commercial use of Italian cultural assets in the public domain to third-party companies.
- Adopt the CC0 tool on cultural data and datasets.
- Exclude the obligation of attribution for data and works in the public domain, suggesting the acknowledgement of the source and provenance.
- Explain the possibility of cancelling the fee for the authorities who take delivery of cultural; clarify and facilitate the procedure for all museums and cultural institutions.

## The legitimacy of the requests of Wikimedia Italia



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For over 10 years Wikimedia Italia has been collecting free license authorizations from the Italian heritage management bodies so that it is possible to photograph cultural assets and release images with a free license (CC BY-SA, Creative Commons attribution share in the same way); this authorization for the commercial use of cultural assets without fee applied to all through free licenses has been used and supported by municipal administrations, provinces, dioceses, regions and cultural institutions, including, by way of example, the special superintendency of Pompeii, Herculaneum and Stabiae which already joined in 2015 with the signature of the then superintendent Prof. Massimo Osanna and the Regional Directorate of Museums of Calabria which joined in 2022 with the signature of the interim director Dr. Filippo Demma.

Authorization for publications - which allows the use of images of cultural assets for commercial purposes (such as publications) with no fee - is a practice currently present in our legal system, also envisaged in the PND; this example can then be easily replicated by extending the free license authorization to other uses, such as that for share-alike images and uses for other services and products. It should be remembered that the main purpose of the PND must be the digitization of our cultural heritage for its conservation and use by anyone, avoiding or overcoming the hindrances that distance us from this purpose.

Underlining the willingness of Wikimedia Italia to collaborate with the institutions for the full realization of the valid premises of the PND, we await feedback on the observations presented above and we are available to provide any additional information that may prove useful.

Best regards,

Maria Iolanda Isabella Pensa, PhD  
Chairperson of Wikimedia Italia



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