Chapter 41
The Project of the Ancient Spanish Cartography E–Library: Main Targets and Legal Challenges

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ABSTRACT
The Council of the European Union is developing some strategies about the European Digital Libraries considered as a common multilingual access point to Europe’s digital cultural heritage. Our project of a digital cartographic database accessed through GIS looks for the integration of digital technologies with the cartographic heritage providing new approaches to, and new audiences for the history of cartography. The online presence of this cartographic material will be a rich source of raw material to be re-used in different sectors and for different purposes and technological developments; but we must also afford some legal challenges because digitisation presupposes making a copy, which can be problematic in view of intellectual property rights (IPR). As the transparency and clarification of the copyright status of works is very relevant to us, those legal challenges and their solutions will be the main subjects of this chapter.

INTRODUCTION
According to the strategies of the Council of the European Union about the European Digital Libraries (Commission, 2005) considered as a common multilingual access point to Europe’s digital cultural heritage, and assuming that the ancient maps and plans are important cultural materials, in the last decade several cartographic databases have been created to allow an efficient online accessibility.

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These libraries are defined as organised collections of digital contents made available to the public, and are composed of analogue materials that have been digitised as well as of born digital materials. They must also follow several main strands as are:

- The online consultation, stressing the importance of exchanging information and publishing the results, in order to maximise the benefits that users can draw from the information (Council Conclusions, 2006).
- The preservation and storage of these digital collections to ensure that future generations can access the digital material, and to prevent losses of contents.

Maps represent an important part of the richness of Europe’s history and its cultural and linguistic diversity, and can be increasingly accessed through local libraries websites based on open-access models settled on the principles of free, worldwide access to the information, following the trend of voluntary sharing.

Our project of a digital cartographic database accessed through GIS is related to, but distinctive from the history of cartography, and looks for the integration of digital technologies with the cartographic heritage providing new approaches to, and new audiences for the history of cartography (Chías & Abad, 2006).

To define the contents of our cartographic database we have decided to apply the ICA’s Working Group broad definition of cartographic heritage as “anything of cultural value inherited from maps and accessible to a broad public community”, as well as the wide sense concept of a cartographic document of Harvey (1980, p. 7) and Harley and Woodward (1987, vol. 1, p. xvi) that includes all kinds of maps, plans and charts at different scales (architectural, urban and territorial scales), as well as pictures and bird’s-eye views (Kagan, 1986, pp. 18-26; De Seta, 1996), with no restrictions due to techniques, functions or origins.

As we must also restrict the temporal and the geographical subject of the contents of the cartographic databases, we firstly decided to include all historic documents drawn before 1900, mainly because along the 20th century the cartographic production and techniques have very much increased in many senses and its study should be carried separately. Secondly, the spatial restriction has been imposed to the search and we decided that the cartographic database should concern the actual Spanish territories and Latin America (Chías & Abad, 2008; 2008a).

 Ancient cartography, as well as old pictures, drawings and photographs, has not been used traditionally as a reliable source of information about the history and the evolution of the land- and the townscape. Those graphic materials have been usually considered as ‘second order’ documents, mainly because of the difficulties that their interpretation can sometimes involve (Harley, 1968) due to the different conventions that are applied in each case by the cartographer.

But this is not the only reason why cartography is so seldom used in the historical searches; other problems, mainly related to the difficulties of their localisation and visualisation have to be considered.

Obviously, it is not easy to access to an original big size and small-scale map that is sometimes composed by several printed sheets; and it is also complicate to see properly the symbols present in the map and read its texts when it is imposed to handle a reduced hardcopy or a low resolution digital image.

 Although we find it is not essential to have an exhaustive knowledge of the context of each map to get a meaningful interpretation of it (Skelton, 1965: 28; Andrews, 2005), it is necessary to achieve some basic specific concepts on the theory of the cartographic expression and design (about map projections, symbols or representation of relief, for instance), because the lack of them can difficult the right interpretation of the document and twist
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