

# SHORT INTRODUCTION TO AND OVERVIEW OF THE KUNSTVALLEI (ART VALLEY) PROJECT

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**The Kunstvallei (Art Valley) project proposes a new functional and comprehensive network connecting professional Artists (authors as well as performing artists), Producers, Stages and Audiences through the management of user-data, restricted to and controlled by these stake-holders, in accordance with the new European laws regarding privacy and data-management<sup>1</sup>, and making use of the protection provided by laws on Intellectual Property (IP).**

Since the upheaval following the Facebook/Cambridge Analytica scandal, awareness has grown on the risks of unrestrained collection of user-data and its manipulation. At the same time, however, we have grown aware of our new dependence on networks such as Facebook and, more important, the lack of credible alternatives.

The world of Culture and Art has been thoroughly transformed by the Internet and by the discovery of Intellectual Property (original content) as the ‘new gold’. In the last two centuries the exploitation of labour defined the core of power; this core is being replaced by a new industry consisting of the exploitation of ‘original content’ on the one hand, and user-data on the other.

Not unlike workers in the old days, artists find themselves, in general, on the wrong end of the stick when it comes to reaping the benefits this industry generates.

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<sup>1</sup> General Data Protection Regulation GDPR (AVG in Dutch).

Examining the new world generated by these changes, the attention is often focused on extreme, shocking, examples of exuberant prices, fraud and profits on the one hand, or on dystopic views of overproduction in art and a race to the bottom<sup>2</sup> on the other.

Mechanisms ruling art marketing as shown in research by Ben Lewis<sup>3</sup>, Anita Elberse<sup>4</sup> and Georgina Adam<sup>5</sup> imply unescapable laws one has to adhere to in order not to perish.

Yet this focus on the extremes seems to ignore the real, daily, world of art, in which art and culture are omnipresent, in which artists create and audiences are permanently immersed in music, images, experiences and in a steadily growing body of cultural heritage.

In this world audiences struggle with an excess of choice, and artists and producers struggle to find the right niche in which they can exist and work as well as the means to communicate with their audiences.

This is the world in which Kunstvallei proposes to put the modern internet-network capacities to work as an intermediate between artists, producers, stages and audiences – not for the profit of data-collectors as Facebook, Alphabet (Google), Amazon and Apple – but in our own interest. Kunstvallei proposes regaining control over the data we generate when producing and consuming art and culture, and organizing these data according to the principles of ‘Privacy by Design’<sup>6</sup>.

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<sup>2</sup> Recently the Social and Economic Council of the Netherlands (SER) published such a report on the state of the ‘labour market’ in art: [“Passie gewaardeerd”](#)

<sup>3</sup> Ben Lewis, “So who put the ‘Con’ in Contemporary Art?” The Evening Standard, November 16, 2007.

<sup>4</sup> A. Elbers, “Blockbusters: Hit-making, Risk-taking, and the Big Business of Entertainment” Henry Holt and Co, New York, 2013

<sup>5</sup> G. Adam: “Dark Side of the Boom: The Excesses Of The Art Market In The 21st Century” Lund Humphries, London, 2017

<sup>6</sup> “Privacy by design places the user's privacy and the protection of his/her personal data as a basic principle in the early stages of the design and decision-making process. In 2018, Privacy by Design will become a mandatory provision for any entity across the world which collects and processes European residents' personal data. In other words, more than a methodology, Privacy by Design is soon to become

a legal requirement, the infringement of which may be subject to fines up to 2% of a company's total worldwide annual turnover.” Guilda Rostama, Alexandre Bekhradi, Bernard Yannou. From privacy by

In this we find strong support by the new rules regarding privacy in Europe, the use of Authors Rights and Moral Rights as laid down in the Berne copyright convention<sup>7</sup>, the Beijing treaty<sup>8</sup>, and the report on a coherent EU policy for cultural and creative industries<sup>9</sup>.

In this introductory paper, first, we'll focus on the Data that the network will deal with. Much more information than we are normally aware of is stored in the 'work of art'. Places around the work of art, the four groups of stakeholders: artists, producers, stages and audience, each of them generating their own data.

The next paragraph will deal with the primary goal we aim to reach by creating this network: a marketing tool that connects niches in the cultural world.

After that we'll introduce some other possible yields of the network, initially seen as collateral profit, like being a better way of channelling (financial) authors rights directly from the audience to the artists (A2A), and the creation of a dependable system that connects works of art with the audience, a system of 'hard provenance', for instance providing protection against many forms of fraud

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design to design for privacy.- International Conference on Engineering Design (ICED), Aug 2017, Vancouver, Canada.

<https://hal.archives-ouvertes.fr/hal-01673578/document>

zie ook: Stimulerende en remmende factoren van Privacy by Design in Nederland, TNO 2012

[https://www.noraonline.nl/images/noraonline/5/5c/Stimulerende\\_en\\_remmende\\_factoren\\_van\\_Privacy\\_by\\_Design\\_in\\_Nederland.pdf](https://www.noraonline.nl/images/noraonline/5/5c/Stimulerende_en_remmende_factoren_van_Privacy_by_Design_in_Nederland.pdf)

<sup>7</sup> [http://www.wipo.int/treaties/en/ip/berne/summary\\_berne.html](http://www.wipo.int/treaties/en/ip/berne/summary_berne.html)

<sup>8</sup> [http://www.wipo.int/treaties/en/ip/beijing/summary\\_beijing.html](http://www.wipo.int/treaties/en/ip/beijing/summary_beijing.html)

<sup>9</sup> P. 13: Digitisation of the cultural and creative industries <https://tinyurl.com/digitaleurope>

We will shortly explain why the Netherlands and Belgium offer a perfect biotope to start this platform.

Next, we'll introduce awareness on the inherent dangers that platforms as these present, and consequently the ways to govern Kunstvallei by the stakeholders themselves, and finally we'll shortly discuss the steps to be taken in order to bring Kunstvallei into being.

For the purpose of this introductory paper, the main aspects of this project are only touched upon, and not further elaborated upon here.

This paper was written on request of Mr. Gijs Scholten van Aschat, chairman of the Dutch Academy of the Arts, for the purpose of re-introducing the concept of Kunstvallei in the discussions concerning policy development for Arts and Culture in The Netherlands and Belgium.

THE DATA:

*THE WORK OF ART.*

Each work of art is a connector between artist(s), producers, stages (or platforms), and audiences. When we consider contemporary art, whether simple or complex, material or immaterial, all such works have in common that they are carriers of copyrights, and that the identity of the author(s) is essential in this respect. Authentication is a combination of identifying the author(s) and documentation of provenance: the chain of ‘ownership’ connecting the artist with the audience, and current owner or caretaker of the work of art. The ‘moral right’ of the artist – the right to be known as the author of a work - is a right that cannot be transferred<sup>10</sup>.

Kunstvallei proposes that these moral rights will be embedded in, or with, each work, in the form of a digital code that contains all the artists involved, the URR<sup>11</sup> This URR identifies unambiguously all rightsholders<sup>12</sup>. The code can be compared with the existing ISBN as we know it for books. The unambiguous (digital) identification of authors is currently<sup>13</sup> being organised by a cooperation of central libraries in the form of ISNI<sup>14</sup> and designed to be of service for all artists in need of being correctly identified.

Once this URR is connected to works of art, it will produce a way of detecting illegal copies and falsifications; anything without URR is by definition either free of copyrights, or illegal. The work itself therefore

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<sup>10</sup> ‘Moral rights are an often underestimated aspect of authors rights. An important essay discussing the importance of Moral rights in the modern, digital, times is “The attribution Right: Authorship and beyond”, By Dr. M.T. Sundara Rajan, in conference report "Moral Rights in the 21st century" 2016 Brussels, Belgian Copyright Association (BVA-ABA).

<sup>11</sup> Universal registration of rights, or, in Dutch, Universele Rechten Registratie.

<sup>12</sup> As well as the percentage and the modality of the rights they have on the work.

<sup>13</sup> ISNI as a standard was published in 2012.

<sup>14</sup> International Standard Name Identifier (ISO 27729) – [www.isni.org](http://www.isni.org): The mission of the ISNI International Authority (ISNI-IA) is to assign to the public name(s) of a researcher, inventor, writer, artist, performer, publisher, etc. a persistent unique identifying number in order to resolve the problem of name ambiguity in search and discovery; and diffuse each assigned ISNI across all repertoires in the global supply chain so that every published work can be unambiguously attributed to its creator wherever that work is described.

also opens, through the URR, the way to information on the authors – as is obligatory under the law on Moral rights<sup>15</sup>.

*THE ARTIST, OR CREATOR.*

The creator of a work is not only the owner of copyright, but also in his or her own right, a source of essential data providing a background as well as a definition of a work of art. Each artist is also defined, not only by any specific work of art, but by the collection of all the works he or she has previously created, or by being part of the creating team thereof.

Each artist is also defined by context: other artists he or she has been working with (through all disciplines) or artist he or she has been inspired by, again through history and all disciplines of art. Therefore any artist can be understood as the centre of a unique cloud of defining information consisting of colleagues and references to other works of art.

Historically, artists were considered as belonging within one discipline, e.g. visual arts, literature, dance, theatre, music, audio-visual arts, etc. However, in modern times they are less and less defined by a single discipline, and less defined by one or another economic status; they have a hybrid existence<sup>16</sup>.

Many artists maintain a database containing followers, fans, as well as producers, that they reach by e-mail. Usually they also reach their audience through intermediaries, i.e. the mailing lists of producers and stages. None of these lists, although containing personal information, are organized conform the new laws. Nevertheless these lists demand

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<sup>15</sup> This law has an exception to the provision that the name of the artist should remain connected to the work, namely in the event that the nature of the performance does not make that possible. With the introduction of URR the grounds for this exception do no longer exist.

<sup>16</sup> C. v. Winkel, P. Gielen en K. Zwaan: "De Hybride kunstenaar" AKV/St.Joost 2012

<http://www.bamart.be/files/eindrapporthybridisering.pdf>

Also: Reinventing the Art school, 21<sup>st</sup> century, Willem de Kooning Academy, 2013, Rotterdam.  
[https://www.wdka.nl/storage/2017/05/WdKA\\_Re-inventing-the-art-school.pdf](https://www.wdka.nl/storage/2017/05/WdKA_Re-inventing-the-art-school.pdf)



a lot of attention, if only to keep them up to date. Artists publish data concerning their work on web-sites, and via platforms like Facebook, although the effect of these have become to a large extent illusory, due to recent changes in the algorithms that are used.

#### *THE PRODUCER.*

Producers, as defined by Kunstvallei, are artists in their own rights, organizing the emergence of a work of art, through understanding of its importance, planning performances, exhibitions and other manifestations of the work, constructing a bridge to the audience<sup>17</sup>. An artist can be his or her own producer, however most artists, and certainly those who inherently work in interdisciplinary groups, feel producers as intimate friends and colleagues. Producers, like artists, are therefore centres of their own cloud of references into the art world and the history thereof. Like artists, Producers maintain databases of different kinds: of artists, of stages, and of audiences. Larger producers at the moment are working to get their databases organised in compliance with the new laws, usually at relatively high costs – for smaller producers compliance with the new law is usually beyond their means, but they proceed in the expectation that the authority implementing the law is lacking personnel.

#### *STAGES AND PLATFORMS*

Stages and platforms can be understood as the ‘user-interface’ between art and audience.

Again historically, ‘Stages’ were designed for specific disciplines: Musea and galleries for visual arts, Theatres for dance and performing arts, Concert halls for music, Cinema’s for movies, Libraries and book-stores for Literature, Cities for Architecture.

Yet, since the development of Opera<sup>18</sup> (the combination of literature, visual arts, music and acting) interdisciplinary forms of art have

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<sup>17</sup> This definition is therefore excluding marketeers considering art as ‘market value’ for profit only.

<sup>18</sup> 800 A.D. in China, 700 A.D. in Japan and 1650 A.D. in Italy

become mainstream. Even in this 21<sup>st</sup> century many artistic projects still carry the characteristic of interdisciplinarity as something special<sup>19</sup>.

As we shall see, the administrative division into disciplines that still persists, has become one of the main hurdles preventing uninhibited access of audiences to works of art and vice versa.

Apart from the traditional stages there is the development of festivals and temporary venues for extra-ordinary events.

Stages usually have an artistic identity, designed through , for instance, programmers or curators, who know the world of art through their own network, as well as their audiences. Stages and platforms provide geo-data (location) and data-data (times) of performances, manifestations etc. They are important agents of the agenda's of the art and cultural world, their work can be compared to that of flower arrangers; creating cultural bouquets to attract audiences over time, as well as on short notice (e.g. for blockbusters).

Nowadays other platforms arise, through Internet, extending these user interfaces for existing disciplines: Amazon sells books (and everything), Spotify sells music, YouTube and Netflix sell movies, and new platforms like multi-user games and virtual worlds are opening venues for digital art and artists that did not exist before.

These stages gather data on their audiences, and these days mostly have data-gathering as their main business model. Historically, stages inform the audience on their activities through mailing lists. These data however were gathered rather without concerns about privacy and were probably never really fully legal. None of these databases are designed to be usable by the performing ensembles and artists themselves, for economic, but also for practical, legal and organisational reasons.

Under the new laws these databases will all have to be revised.

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<sup>19</sup> <http://www.boei.nl/agenda/holland-festival-2018-markthal-amsterdam>

Another aspect related to stages is that a new industry has emerged, namely the ticketing services that have taken over ticket-sales from venues insofar these are sold through the internet. These services offer their software for low fares or even for free, in return for user-data, and become more and more pervasive, since they are capitalized by the advertising markets.

Until recently very few realised the value of these audience data, or, contrariwise, guarded them in small and relatively useless databases, as private property.

#### *THE ONE AUDIENCE VS AUDIENCES*

Audiences, people that buy tickets, books and paintings, are the users of the data that are provided by artists, producers and stages. They receive art-agenda's in many forms after they have once visited a performance, museum, bought a book, or ticket on-line. However, never they are able to access, check and use or edit these data themselves – although this is a requirement under the new laws. In reality they have been transformed from 'users' of data into 'providers of data'. The most important data they provide to a manifold of stages and platforms (again and again) are: geolocation (address) , artistic preference, as well as financial (bank account) and personal (gender, age).

Audiences, until recently, were defined in terms of disciplines as 'literary', 'theatre', 'opera', 'music', 'cinema' 'art' - audiences and have been addressed as such. However, producers and stages have 'discovered' that these audiences are no longer 'loyal' to certain theatres or disciplines, but have started to wander rather aimlessly through the whole field of artistic and cultural production, have in a way become as hybrid as the artists, and suffer from an 'overdose of choice' under the ever widening range of events on offer<sup>20</sup>.

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<sup>20</sup> See, for instance a report on Dutch theatre and audience (2015) : <https://www.theaterkrant.nl/wp-content/uploads/2015/12/Rapport-Over-het-voetlicht-4-december-2015.pdf>

The reality is that there is *only one* ‘*cultural audience*’, people that read, visit performances, exhibitions and concerts, go to the movies, as well as play games and enjoy the experience of virtual worlds.

All the separate databases that cover these ‘audiences’, therefore cover by and large, the same actual people – and these people are no longer interested in information on just books, exhibitions, dance or theatre performances, if ever they were. However, time and time again, research concludes that the potential audience for art and culture is much larger than it seems when measured for instance by ticket sales<sup>21</sup>.

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<sup>21</sup> Most recently we see this conclusion in “Alles beweegt” (P.51), the ‘Sector analysis for Dance in the Netherlands’, RvC, 2018

Kunstvallei proposes to integrate all these data into one network. In fact the Kunstvallei project wants to make it clear that such a network is inevitable, because the alternative is the dysfunctional and unreliable downwards slope of commercial projects that we are currently spiralling into, bleeding our data into the worlds of Cambridge Analytica and its successors.

Taking our fate in our own hands, means that we need to regain control over these data and put them in our service. We will show that this is not only feasible, but also more easy than the current 'representative' bodies that govern the cultural world want us to believe.

What are the results that we may expect when we integrate our data in a comprehensive network designed according to the principles of 'Privacy by design'?

To begin with, all participants keep their own data up to date; all collected data are stored in personal profiles, in such a way that they alone can access, update and edit them. Nobody and no ensembles, groups, needs to assemble 'mailing lists' any more<sup>22</sup>. Before data are fed into the system usually they need to be confirmed by at least one other partner; after that the data search their own way through the system, finding the people that have opened a gate for them. Audience, buying tickets, books, works of art, store the URR of all involved artists in their profile. As soon as one of these artists or a producer or any stage programmes a new project into the system, data find their way to these audiences, and check if they are planned anywhere within their area; only then this information is shared with that specific audience.

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<sup>22</sup> And therefore they are also discharged from the time consuming and expensive obligations under the new privacy-laws.

As a result, audience receives only information about events to which they have opened some kind of line of interest. The audience can ‘play’ with their variables as they wish: they can enlarge or diminish the distance they wish to travel in order to receive more or less info on each of the artists that are stored in their profile. They can add artist or shows to their profiles even if they have not yet purchased tickets yet, just by adding the URR of a painting, movie, or concert to their database. If they are specifically interested in a specific artist, they can also search in this artists ‘cloud’ in order to find performances, exhibitions or movies that are out of their personal ‘bubble’. They can be informed if they wish so, when any of the artists they are interested in teaches in their area.

Producers collect not only artists for their projects, but by doing this, they add all the audience that have ever shown some interest in each of these artists to the potential audience for this specific new project. They no longer need to worry how to publish a playing list of the project through media that are not interested, because the information finds its own way, and the same goes for stages and musea that program performances or events.

Producers and stages will gain, through this system a much more precise insight in the potential interest for their projects in a much wider circle of audience than hitherto they considered to be ‘their own’ audiences.

This kind of data management was described by Chris Anderson in “The long Tail”<sup>23</sup>. His analysis showed how via the internet an endless number of offers will eventually find their own niche of customers. Later, however, Anita Elberse showed how profit-oriented marketers developed the concept of ‘Block busters’ to work against this effect, and pull back audiences from finding niches back to the middle of the

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<sup>23</sup> Chris Anderson, The Long Tail: <http://www.longtail.com/about.html>

road<sup>24</sup>. The key to this all is control over the management of the data: we'll come to that.

For now, we'll leave the sketch of the possibilities of the integrated cultural network to this first impression. There are many more, and this wealth of potential results is not only a strong argument for establishing it, but it also hosts challenges and dangers that we will discuss in a later paragraphs.

*ON USUFRUCTUARY RIGHTS TO DATA IN THE CULTURAL FIELD.*

It may be clear that one of the essential incentives for artists, producers and stages alike, to take part, will be the access to the one big pool of data that opens the complete audience to all participants without infringement of their privacy, and that, conversely, for each member in the audience the agenda of all artists is made accessible and searchable. The legal base for this use of these data was recently analysed by Nine Bennink<sup>25</sup>, and she concludes:

“The digital world offers many possibilities and opportunities. The fact that personal details and data represent value is a logical consequence. However, there is still a great deal to discover and to regulate, as current legislation contains loopholes. This is unavoidable, because social developments are always ahead of the development of legislation. In conclusion, artists should realise that they themselves have rights and interests in the personal details and data collected from their audience and that the time has arrived to set up a well-organised, fair and transparent system where artists, audiences, venues and producers have access to and can manage the personal details and data which have been shown to be so valuable.”

This sets out the task for Kunstvallei.

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<sup>24</sup> A. Elbers, “Blockbusters: Hit-making, Risk-taking, and the Big Business of Entertainment” Henry Holt and Co, New York, 2013

<sup>25</sup> Mr. N. D.L . Bennink: “usufructuary rights to data”, Kunstvallei 2016  
<https://tinyurl.com/userfructuary>

COLLATERAL PROFIT

Apart from the, by now obvious, results for the marketing of all artistic projects, be they big or small, be their targets large or small audiences, be they popular or targeted far in the fringe, from artists to Audience and vice versa (A2A), other uses of this network emerged.

*MANAGING INCOME FROM AUTHORS RIGHTS DIRECTLY FROM AUDIENCES TO ARTISTS (A2A)*

One of the first eye-catching new possibilities is the use of the URR to host not only the ISNI of all related authors of a project, but at the same time, the financial rights to the income this project generates. Historically the collection of rights has been organised through legally recognized bodies officially designated to handle collection, and after that, distribute copyrights (Reproduction Rights Organisations, RROs<sup>26</sup>, in Dutch: Collectieve BeheersOrganisaties CBO's<sup>27</sup> like for instance BUMA/Stemra). These organisations were divided according to disciplines and these divisions persist to this day. Copyrights were defined in each field separately, and vary: composers do not get the same revenues as playwrights, for instance. In the old days administration of income from artistic products was very complex, calculated and handled by many different standards, causing the need for simplification in payouts to the artists, The system therefore is opaque and generally distrusted, since the general opinion is that too much of the rights are channelled to giant producing companies who are represented in and have gained control over RROs and CBOs<sup>28</sup>. When payments would visible be channelled directly from the Audience to the Artists, the repulsion in audiences against copyrights<sup>29</sup> would certainly disappear. Well, in the age of computers it is no longer necessary to simplify matters of collecting and dispersing rights. Through addition to the URR of agreements on financial remuneration for authors as well as for performing artists, these remunerations can simply be calculated each time, and precise.

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<sup>26</sup> See, for instance: <https://www.rightsdirect.com/international-copyright-basics/#licensing>

<sup>27</sup> See: <http://www.cvta.nl/faq/wat-is-een-collectieve-beheersorganisatie/>

<sup>28</sup> See Simon Napier-Bell: "Ta-Ra-Ra-Boom-De-Ay", 2015, Cornerstone / Cornerstone Ras

<sup>29</sup> For instance: [https://www.youtube.com/watch?time\\_continue=295&v=tk862BbjWx4](https://www.youtube.com/watch?time_continue=295&v=tk862BbjWx4)



Of course, the thought alone has caused panic with the CBO's. In the paragraph 'Inherent Dangers' we will come back on this subject.

*REAL TIME INFORMATION ON WHATEVER HAPPENS IN THE WORLD OF ARTS*

Information on audience participation will be available instantly and complete. This is not only important for governmental bodies, but also for venues and ensembles. At the moment, this kind of information is only available for a rather small part of cultural experience, but also relatively slow. It takes one to two years on average to become available. The same could, if we choose to do so, be realized for the registration of Audience approval rates.

*THE CREATION OF HARD PROVENANCE*

Another collateral profit is the fact that in the network, any work can be followed, from the hands of the artists, via producers and stages/venues, to members of the Audience, and after that, when sold to other audience through a system like block chain, or a trustworthy track-and trace system. In this way the whereabouts of any work of art (or the entry to it) can always be traced and verified.

Black markets for tickets will automatically disappear when all the revenues caused by ticket-sales will directly be channelled to the artists.

Discussions on authentication can also be stored under the ISNI of an artist, as to guarantee that a prospective buyer oversees all discussions in this field: another safeguard against fakes or fraudulent Provenances.

*BRINGING CULTURAL HERITAGE TO FRUITION*

Large parts of information on our cultural heritage are stored in so called 'Catalogues Raisonnés', dedicated to historical artists. By integrating these catalogues under the ISNI-system, they can be made accessible as sources of inspiration for contemporary artists. In doing so, these artists identify themselves, and create an extra way for audiences. These catalogues exist for Visual Arts as well as for music, and, of course, in Libraries.

In doing this, contemporary art will also always refer to its historical sources, and for instance war-game adepts will be notified when an ensemble performs any kind of Wagner-rendition in their area.

THE NETHERLANDS AS BASE

Obviously, a network such as Kunstvallei proposes, can not be confined to one nation. As soon as the system is working, upscaling will take place and will necessarily need to be facilitated.

The International (ISO) character of ISNI is, for instance, a perfect base for this.

The Netherlands and Belgium have some specific characteristics that make them into a perfect environment for the genesis of the network that is proposed by Kunstvallei. To name some of them:

-The Netherlands leads Europe in Internet access. In 2017, 98 percent of Dutch households had internet access against a European average of 87 percent. In terms of high-speed broadband connectivity as well, the Netherlands ranks at the top. This is based on an analysis of Eurostat figures by Statistics Netherlands (CBS)<sup>30</sup>.

- The Netherlands and Belgium have a wide network of venues for performances, concerts, musea, galleries, Art-markets, and festivals. As a consequence, artists and ensembles are in the habit of travelling and usually have long lists of shows and performances, staying in one place relatively short.

-Since the media in the Netherlands and Belgium suffer under the influence of the internet, they have less and less space to publish correct agenda's. As a result there is hardly any member of the audiences that does not have experience with performances or shows they regret to have missed.

- The Netherlands and Belgium offer a great spectrum of culture for children and young adult audiences by professional artists. Kunstvallei (which originated as an initiative from within one of the Netherlands main professional children theatre companies) will therefore recognize

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<sup>30</sup> On statistics: <https://www.cbs.nl/en-gb/news/2018/05/the-netherlands-leads-europe-in-internet-access>

children as audiences in their own rights. (Of course, this calls for specific safety provisions.) Since these cultural programs find an important part of their audience in schools, automatically all schools will be integrated as venues. While growing up, young adults usually disappear as audience for the classical arts, into subcultural spheres that permanently evolve. A network as Kunstvallei will have no problem in continuously connecting audiences of all ages with their own niches in the cultural world: this is its reason for existence.

- Given the wide array of small cultural initiatives and the remnants of strong national support systems for the arts, the Netherlands and Belgium have a large group of artist-friendly producers, venues and stages. The large majority of these producers work not (primarily) for profit, and are therefore open for collaboration in a network as proposed by Kunstvallei.

#### INHERENT CHALLENGES AND DANGERS

##### *BIG DATA PROJECTS: FUNCTION CREEP*

One of the first challenges that should be at the forefront in our minds is that this will be a rather large Big-Data project. Many lists are available on-line on 'the ten biggest mistakes' with Big data projects, and instances abound where these projects fail to deliver results, or deal with setbacks and problems for users. However, in our modern daily lives we are surrounded by these projects<sup>31</sup> (without us even noticing them) without which we would be severely handicapped. Failure therefore is no absolute Karma.

One main lesson is that before we put coders<sup>32</sup> to work, we must agree on the results we wish, and the way these results will communicate with the public.

A first analysis of feasibility was done; the results are available on request. This analysis was based on a set of program requirements as

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<sup>31</sup> Airlines, public transport, telecommunication, to name a few: we only start to notice them when they deal with glitches.

<sup>32</sup> Coders: those that do write the actual language in which computer programmes are written.

developed by the initiators, with experience in theatre and visual arts. However, obviously, Kunstvallei will require a complete new list of requirements, before it can proceed.

Care must be taken that these requirements do not try to cover every wish, stakeholders can imagine: the basic program needs to be a core, in line with the legal requirements, be practical for all users, and be ‘antifragile’ in the sense as N. N. Taleb describes<sup>33</sup>.

It also means that we must make the main body of the program usable for external applications through a clear API<sup>34</sup>, under a transparent legal system designed by the users: this ( and not only this) implies good Governance. Among other aspects, it means that, once the project is under way, we can no longer add demands, or, as it is called, we need to prevent function creep<sup>35</sup>.

And – before we do put the coders to work we must be aware that thinking about coding (programming languages) is developing quickly. We start to realise that some big programs, many of us use daily, are no longer understood<sup>36</sup> or understandable.

Furthermore, not only should the coders write software that will remain understandable after they leave, but also their writing needs to be based on an overall understanding of the project, its technical and legal requirements<sup>37</sup>, as well as of the world of culture. This will probably mean that additional training for them will be needed, and that an inclusive policy is followed regarding gender and cultural background within the team<sup>38</sup>.

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<sup>33</sup> “Ten principles for a Black Swan-proof world” by Nassim Nicholas Taleb , Financial Times APRIL 7, 2009, <https://www.ft.com/content/5d5aa24e-23a4-11de-996a-00144feabdc0>

<sup>34</sup> Application programming interface; rules, protocols, for developers that wish to use the data generated by the project.

<sup>35</sup> “Software scope vs. Software requirements”, Mohamed Sami.

<https://melsatar.blog/2017/05/14/software-scope-vs-requirement-specifications/>

<sup>36</sup> “The Coming Software Apocalypse” James Somers, The Atlantic, sept. 26, 2017,

<https://www.theatlantic.com/technology/archive/2017/09/saving-the-world-from-code/540393/>

<sup>37</sup> In other words: The coders will need to be a team that is able to communicate, instead of a group of photogenic, but autistic, male, geeks.

<sup>38</sup> See, for instance, “Reset” Ellen Pao, 2017, Spiegel and Grau, New York, Usa.

*SAFETY*

It is probably obvious, but also not many people realise all the safety concerns that surround big data projects. Of course any system has to be safe from burglars, physically as well as from hackers and natural catastrophe. That means that data are stored in buildings that actually look like fortresses, and that also all data that are stored and that are transferred are monitored and protected by firewalls anti-virus software, etc. All data will also be stored in a mirror-facility, elsewhere, and all of that within Europe, as to be functional under and protected by the new European Laws. This also means that no software is used that stores data in an uncontrolled cloud, creating the risk, for instance, that these data become accessible under some less privacy-friendly jurisdiction.

Finally of course, the software has to be protected against misuse or even sabotage by the intended users. This means that 'trust' is not a concept in this software. Users must be aware that they are not trusted, in a friendly but strict way. Only then, paradoxically as it may seem, will the system be worth the trust that is needed for all stakeholders to participate.

One of the key elements of Kunstvallei is that it offers Artists a new level of identifying themselves for the public, in a way much more complete than was possible before. This implies, however, a risk of identity theft, that they must be structurally protected against, through arrangements that allow verification in and outside the project.

In general, the project must allow artists to continue 'to exist', even while or after the (digital) system completely breaks down.

Finally Kunstvallei must also be concerned with aspects of sustainability. Huge data-bases, and technology like block-chain unexpectedly turn out to be huge energy consumers as well.

*SUCCESS.*

It may seem counter intuitive, but one of the great risks of a project like this is that it unforeseen becomes successful (as we have seen, for instance, with Facebook). As said, data, and certainly personal data, are the new gold in the digital world. As soon as Kunstvallei shows signs of even coming into being, the big companies that currently deal with data will want to buy, or in whatever way, try to take over the database. A chilling example is the IMDb<sup>39</sup> (Internet Movie database), originally fed with data by movie-enthusiasts on the usenet (pre-internet), and then suddenly bought by Amazon from one of the initiators. This was possible, because there was no clarity on who 'owns' the data in such a database. Amazon now uses this database in order to sell more movies (using the commercial laws that also reign the blockbuster-economy) , and allows users to add data, but demand payment when users wish to use the database in a more professional way, and the data are not stored systematically, so that searches are problematic.

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Success also may imply large financial revenues, which may corrupt any organisation, if the use of these revenues is not transparently regulated beforehand. Experience shows that in such cases suddenly managers manage to gain control and secure absurd remuneration for themselves/each other.

Again, the answer to this danger lays in systematic governance.

*DISRUPTION AND EXISTING BODIES THAT CONTROL THE WORLD OF ARTS AND CULTURE.*

The idea alone that Kunstvallei might be successful has already been enough to show another danger that looms: the fact that the existing world of art and culture is controlled by outdated, and to a large extend, dysfunctional organisations that are controlled by professional staff that are completely disconnected with the people they represent, and to a large extend are ignorant about the changes that internet is causing in the field.

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<sup>39</sup> <https://en.wikipedia.org/wiki/IMDb>

These organisations have historically acquired positions as ‘middle men’ in the field of organisation of the world of art and culture, and are not about to let go. However, a project as Kunstvallei, based on network, rather than nodes, turns out to have disruptive effects, and this knowledge is obviously did land within the core of these organisations. As a result the Dutch Artists Union<sup>40</sup> has explicitly, and without substantiation, forbidden all discussion on the Kunstvallei project, internally as well as externally<sup>41</sup>. Even the name is declared taboo.

Another proof of this ignorance can be found in the recently publicised analysis of the labour market, and an agenda based on this analysis, by joint governmental institutions SER and RvC<sup>42</sup>, and their complete silence/helplessness when facing critique<sup>43</sup>.

This ignorance is not only significant for those in power, but, in general, also for an older generation of artists, apprehensive for the effects of digitalisation, and presuming themselves not any longer in direct need of new structures that will serve a new generation of young, and therefore sometimes perceived as threatening, artists. And indeed it must lucidly be recognized that a project like Kunstvallei will take several years to be implemented, and therefore in essence will serve next generations of Artists.

#### GOVERNANCE

It has been mentioned before, that Governance of the Kunstvallei project will represent the main innovation, maybe even more than new ways of coding.

Important innovations in the field of Identity Protection (The new European laws) and ISNI have been achieved. The data that we will manage are well known and are, today, already collected in many

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<sup>40</sup> Previously KIEM, recently reorganized into ‘Kunstenbond’

<sup>41</sup> Hard proof available upon request.

<sup>42</sup> “Passie gewaardeerd” SER/RvC, 2017, <https://www.ser.nl/nl/publicaties/adviezen/2010-2019/2017/passie-gewaardeerd.aspx>

<sup>43</sup> “Comments on Passie Gewaardeerd » M.J. Trapman 2017, <https://tinyurl.com/SERPAssieCriticized>

ways, the chaotic character of which is, by the way, one of the obstacles.

However, in order to prevent the emergence of a new data-devouring monster, we will need to be very innovative in the creation of the legal structure that will take the place of the 'owner' and processor of the data.

The legal form will probably be that of a union, but the problem with large unions is that members tend to lose real control once a professional staff is employed. Such staff tend to gather some expertise, and once that happens, becomes quickly bored by members wishing to take part in policy-development, for instance.

The problem before us is how to organize a union in a really democratic way, without paying the price of becoming ungovernable. The design of such a union is, therefore, step one, and this step needs to be taken before this Union is legalized; already in this phase, representatives of the stakeholders need to be involved.

Once the union is statutorily in place, governance needs to be integrated in the structure of 'privacy by design', meaning that the concept of governance will be central is the design of the Program requirements, and, as a consequence in the writing of such documents as TOS (terms of service) and the Privacy statement, documents that will be closely related to the statutes of the Union- in order to achieve this strong and expert legal advice and coaching will be necessary.

#### HOW TO PROCEED FROM HERE

As described, at the moment the discussion on the development of Kunstvallei has been frozen by the Dutch artists union, and the question, now presented to the Dutch Academy of the arts and other involved agents, is how to re-present the concept again into the discussion.



The first step needs to be to create a graphic, and maybe interactive, version of the document before you, The problem of the subject is that it needs a variety of interest, knowledge and experience, not very common, on Big Data, and inherent technical knowledge, Privacy, Legal insight in matters of Intellectual property and copyrights, , Governance, and experience in the organisation of the artistic and cultural world, not alone in the Netherlands and Belgium, but also in other European countries. Last but not least, we'll need people that have some time and are willing to spend it in a first phase.

Probably we'll need to find about 1.000 of such people, representatives from within the for stake-holders (Artists, Producers, Stages and Audiences ) in order to fund a union that can respectably claim access to and governance of the data that we'll wish to manage.

As an earlier experiment to reach such a group by crowdfunding showed, these people are not so closely connected that information spreads automatically. Some form of accessible publication will be necessary to reach this goal.

With this group, a first version of the governance can be designed, and a Union can then be founded, within which basic requirements as risk-analyses and a business-plan can be established

CONCLUSION.

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As we hope to have shown, the Kunstvallei project is essential for the future of a new and healthy relation between audiences, stages, producers and Artists independent from a division in disciplines. If we wish to prevent our world to drift off into a world where artists and culture can only exist in the middle of the road with blockbusting techniques, or perish into an existence without income where artist are structurally expected to perform for free ‘because that is good for their public relations’.

Kunstvallei promises to be, in essence, a marketing tool that relates viable niches in the artworld with complementing niches in the audience, at the same time allowing for a transparent financial tool that enables the artists to generate a professional income directly from their own audiences.