



Building a Rights Framework for a Digital Preservation Repository

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Building a Rights Framework

- Libraries and archives exist in a complex digital environment
- Need for enterprise-wide solution
- Conceptual framework—a work in progress (overview, context, concepts)
- Descriptive metadata for copyright

“Our aim is to develop a single framework that can be applied (perhaps with slightly different instantiation) to the already large and growing streams through which CDL acquires digital information. A further aim is to ensure that the framework explicitly secures for the CDL the rights it needs to manage and distribute the digital information it acquires in a manner that meets our needs, and to protect the rights of its content suppliers (no small order)”
Dan Greenstein, CDL



Building a Rights Framework: Principles and Goals

- Provide the broadest set of services to the greatest number of users
 - Layered service model
 - Interoperability
 - Generalizable, scaleable solutions
 - Preserving cultural heritage resources
-
- *Rights Framework Overview: California Digital Library*

Private to Public

- Libraries and archives issue
- What do
- Once dig
- Stewards
- Code as Control (digital work)
- Orphan Works

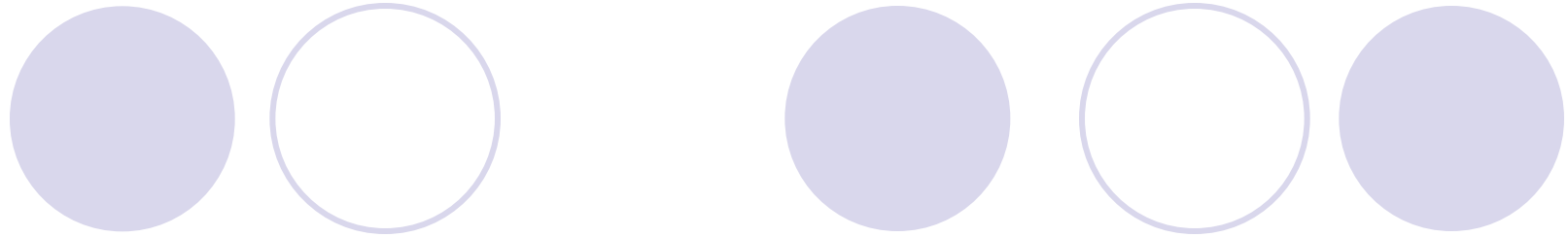
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Digital is Different

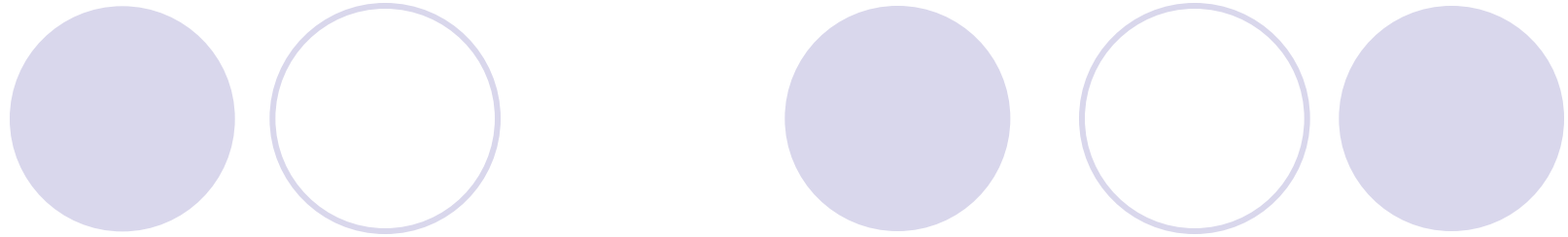


- Legal issues
- Analog to digital requires “copy”
- Reading and rendering require “copy”
- Posting on web require “copy” and “display”, “distribution”
- Ease and ubiquity of copies
- Rights change over time
- Recordkeeping (documenting) rights



- “Digital copies are *perfect* copies of the original. For digital content, production is reproduction.”

- Varian, H., Shapiro, C. (1999) *Information Rules*. Boston, MA: Harvard Business School Press



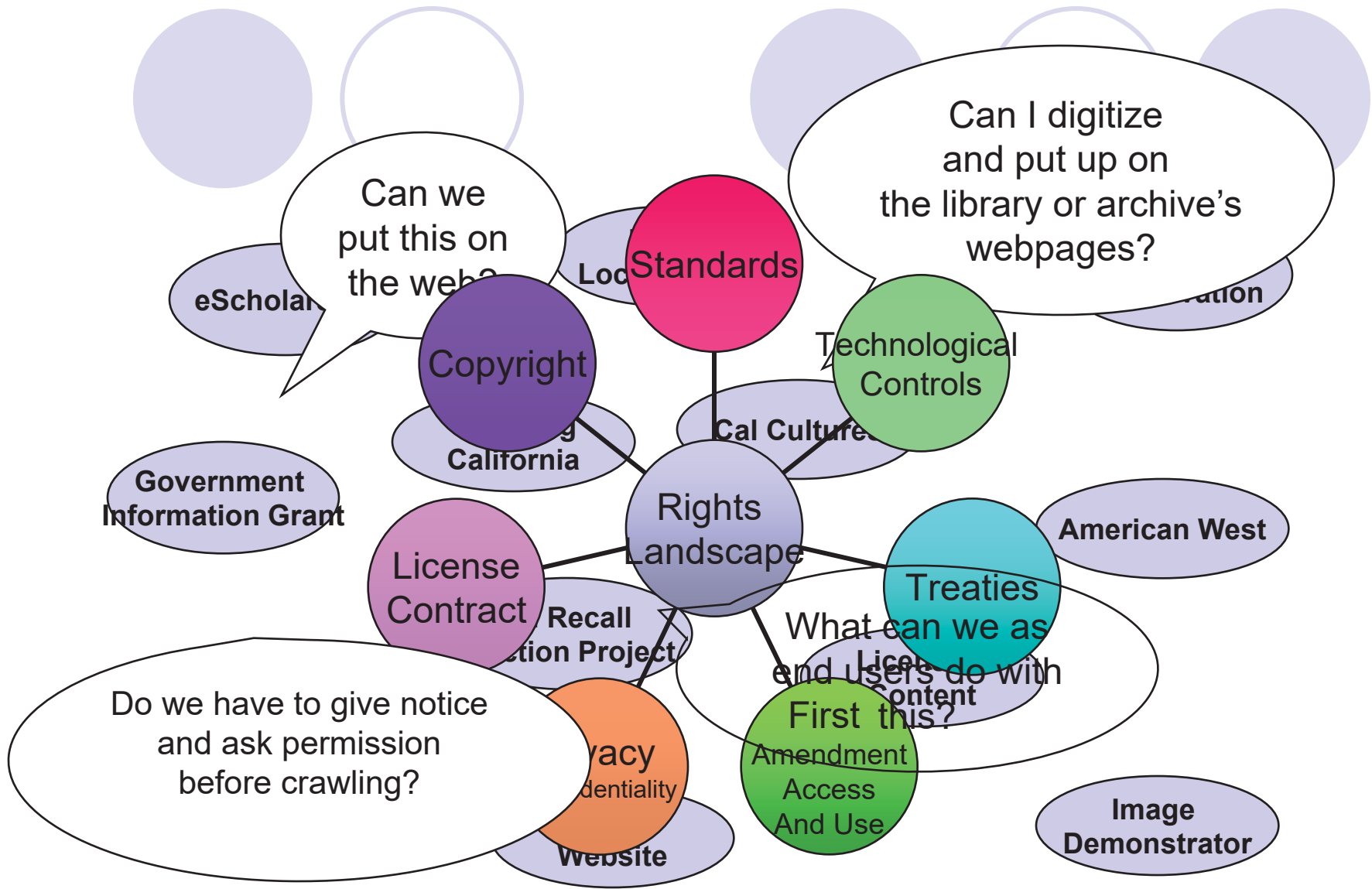
- “It is possible only to preserve the ability to reproduce the electronic record, rather than to preserve the electronic record ‘itself’.”

- Ken Thibodeau, InterPARES Preservation Task Force



Need for an Enterprise Solution

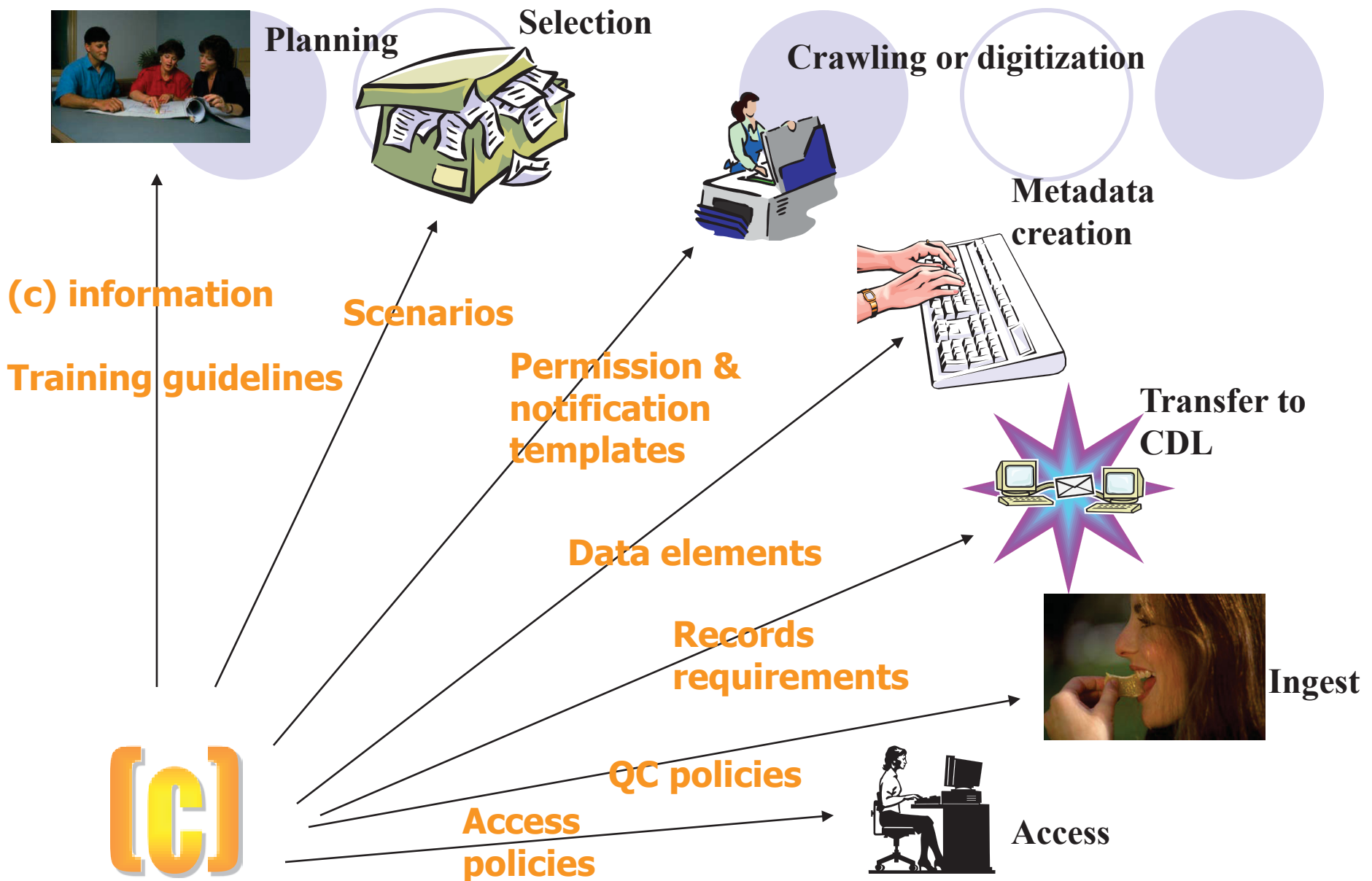
- California Digital Library multiple roles in the creation of digital services
- Digital libraries appraise, select, acquire, describe, manage, preserve and make available materials to users over time
- Rights issues arise throughout processes, workflows, services from appraisal, selection, ingest, preservation and access
- Acquired and built content





Rights Management Implementation Criteria

- Indeminifiable
- Manageable
- Maximally Accessible
- Transparent
- Well Documented
- Affordable
- Effective



== Rights in the Digital Library Workflow ==

When Private Becomes Public: Legal Issues
 Society of American Archivist Annual Meeting,
 2005

Rights Framework



Policy Creation

- Recognition of rights/education
- Assertion of rights
- Expression of rights

Policy Projection

- Dissemination of rights
- Exposure of rights (to user)
- Enforcement of rights

"Digital Rights Management" by Intrallect for JISC

When Private Becomes Public: Legal Issues
Society of American Archivists Annual Meeting,
2005

<http://www.jisc.ac.uk>

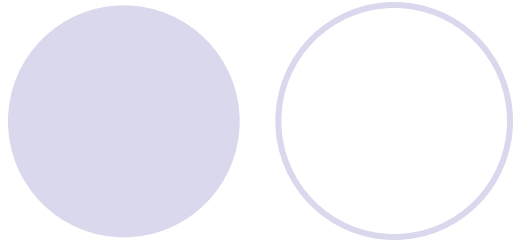


Policy Creation

- Recognition of rights/education
 - Copyright training
- Assertion of rights
 - Making and recording copyright decisions
- Expression of rights
 - Data elements to support rights determination

“Rights”

- Copyright
- Licenses, generally access rights



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The Historic Map Collection at the University of Nevada, Las Vegas
The historic map collection at the University of Nevada, Las Vegas spans from the 17th century to the present including significant collections concerning the exploration of the American West, the American Southwest, Nevada, and Southern Nevada. This collection contains the original and best copies of the general 18th century U.S. government surveys of the West, as well as the work of major mapmakers of Nevada, Oregon, Nevada, Idaho and Montana that accompanied the pioneers westward. Special Collections also houses historical maps including panoramic, wall and topographic maps, and 19th century maps of the Nevada Territory and the Nevada Territory. The maps collection contains a comprehensive set of 19th century US sheet maps, maps produced by US Army agencies and departments, the original U.S. Land Office survey maps and the various copies of maps from the United States Geological Survey and other agencies and departments.

The Digital Map Collection
The digital map collection is the digital version of the original maps and contains the original maps and copies of the original maps. The maps were scanned to highlight the collection, and to make it available to the public. The maps were scanned to highlight the collection, and to make it available to the public.

These maps provide an early history of the region through the changing political boundaries, and also a history of the mining and the development of the contemporary knowledge of the area. They also demonstrate the general pattern of settlement of the region, and the role of the various agencies and departments of the government in the development of the area. The maps also provide a historical perspective on the region, and the role of the various agencies and departments of the government in the development of the area.

The maps were scanned using a variety of search strategies. To include, among "Nevada" and "Nevadensis" in the search box will return maps according to the geographic region. Other suggested search strategies might be "Nevada Exploration," "Nevada Territory," "Nevada," "Las Vegas," "Nevada," "Nevada County," "Nevada County," "Nevada," and "Nevada County." To name a few.

Related Digital Products at University of Nevada, Las Vegas:
[Digital Collections](#)
[Digital Library](#)
[Digital Library](#)
Web and Digital Services
University of Nevada, Las Vegas
Contact: [David Eason](#)

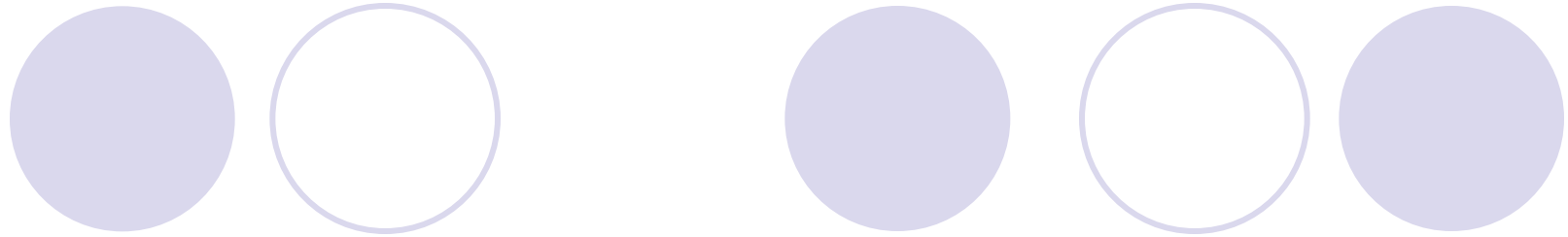
Online archive

When Private Becomes Public: Legal Issues
Society of American Archivist Annual Meeting,
2005



Copyright status is not static

- Circumstantial
 - Depends on user and uses
- Changes over time
- Assessment needs to be made for each use



What are the metadata elements that can support the copyright status of the item?

Copyright Term and the Public Domain in the United States 1 January 2005

UNPUBLISHED WORKS

<i>Type of Work</i>	<i>Copyright Term</i>	<i>What was in the public domain in the U.S. as of 1 January 2005²</i>
Unpublished works	Life of the author + 70 years	Works from authors who died before 1935.
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1885.
Unpublished works created before 1978 that were published before 1 January 2003	Life of the author + 70 years or 31 December 2047, whichever is greater	Nothing. The soonest the works can enter the public domain is 1 January 2048
Unpublished works created before 1978 that were published after 31 December 2002	Life of the author + 70 years	Works of authors who died before 1935.
Unpublished works when the death date of the author is not known ³	120 years from date of creation ⁴	Works created before 1885. ⁴

WORKS PUBLISHED IN THE US

<i>Date of Publication⁵</i>	<i>Conditions⁶</i>	<i>Copyright Term²</i>
Before 1923	None	In the public domain
1923 through 1977	Published without a copyright notice	In the public domain
1978 to 1 March 1989	Published without notice, and without subsequent registration	In the public domain
1978 to 1 March 1989	Published without notice, but with subsequent registration	70 years after the death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation ²

http://www.llrx.com/features/digitization.htm

http://www.llrx.com/features/digitization.htm#introduction

Library Digitization Projects and Copyright

By Mary Minow, J.D., A.M.L.S.*

Mary Minow is an attorney, a former librarian and library trustee, and a library law consultant with librarylaw.com. She has taught library law at the San Jose State School of Library Science. She received her B.A. from Brown University, her A.M.L.S. from the University of Michigan, Ann Arbor, and her J.D. from Stanford University. She is currently [writing a book](#) with Tomas Lipinski on legal issues for librarians for the [American Library Association](#).

Published June 28, 2002

Editors' Note (SP): This article is divided into six parts. You may link directly to each one of these parts using the chart directly below. In addition, for your reference, the article's complete Table of Contents appears in the first section of the article.

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When Private Becomes Public: Legal Issues
Society of American Archivist Annual Meeting,
2005



Published or unpublished?

Country of creation?

Creator – person or corporate
body?



Creator's death date

Name of rights holder

Date of creation

Data Elements



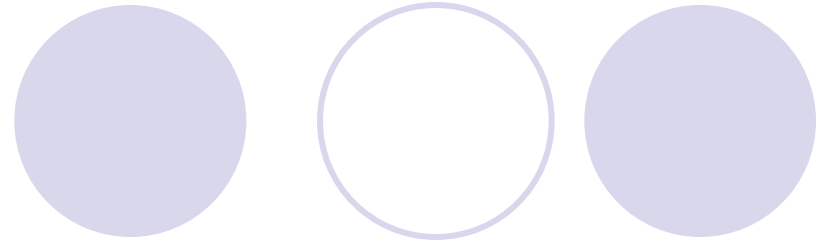
- Creator(s)
- Rights holder(s)
- Publishing information

Creator(s)



- Creator name
 - Personal or corporate?
- Personal creator death date
- Contact information (if appropriate)

Rights Holder(s)

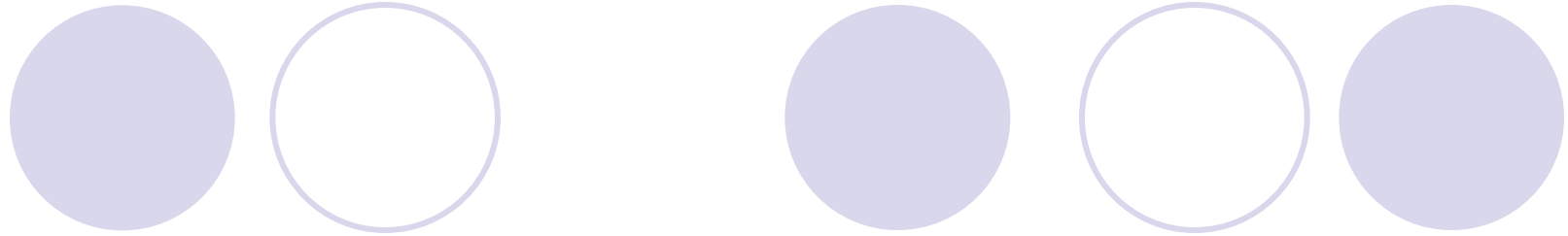


- Rights holder name
- Rights holder contact (holder or agent)
- Rights statements from work



Publishing Information

- Published/unpublished?
- Publisher name
 - Publisher contact information
- Date of publication
- Country of creation or publication



Goal:

“Save the time of the reader”

S R Ranganathan
5 Laws of Library Science
1931

Dealing with Unknowns



- Information is unknown
 - E.g. photo with no information about photographer, location, date
- Information is not provided in metadata
 - E.g. archive was unable to examine each piece
- Information exists but is not for public display
 - “Contact archive for more information”



Dealing with Uncertainty

- Date is...
 - Exact
 - Approximate
 - Unknown
- Information is ...
 - Recorded on the piece
 - Known
 - Uncertain

Data Elements



- Creator(s)
- Rights holder(s)
- Publishing information

- Contact information

Available Metadata Formats



“The usual suspects”

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2005

Contact Information

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🌐 <http://www.kcoyle.net>

California Digital Library, Rights Management Group

🌐 <http://www.cdlib.org/inside/projects/rights>