Copyright and Digital Collections

A Data Driven Roadmap for Rights Statement Success, Working Group Updates, and Community Conversation

DPLAfest, Chicago Illinois
Wednesday, April 17th, 2019
Introductions

Sara Benson, Copyright Librarian, University of Illinois Urbana-Champaign
Greg Cram, Associate Director of Copyright and Information Policy, New York Public Library
Gabe Galson, Technology Projects Librarian, Temple University Libraries
Wendy Gogel, Manager of Digital Content and Projects, Harvard University
Molly Huber, Outreach Coordinator, Minnesota Digital Library
Hannah Stitzlein, Metadata Librarian, University of Cincinnati
Agenda

- Reasons to implement standardized rights statements and their importance
- Research into rights statement implementation and case studies
- Creation and charge of the DPLA Rights Statements Working Group (RSWG)
- Reports on RSWG projects
- Update from the international rightsstatements.org group
- Community discussion
Why do we need standardized statements?

- Rights field required by dp.la
- Over 100,000 unique rights statements in use (estimated)*
- More words in the rights field than in any other*  
- Ambiguity impedes reuse

*(Ballinger, Karl & Chiu, 2017)  
Cartoon: Bion Smalley
100,000+ unique rights statements
(one every 50 records)

Source: Top 575 rights assertions/licenses in a 3.2M record sample of the DPLA metadata corpus, by Dean Farrell, University of North Carolina. See: http://www.deanfarr.com/viz/rights.php
RightsStatements.org is an international standard that dovetails with Creative Commons

- 12 standardized, URI-based statements (not licenses)
  - 🤔 NO KNOWN COPYRIGHT
  - 🔒 IN THE UNITED STATES
  - 🎨 IN COPYRIGHT

- International and steadily expanding
  - Europe, Canada, India, Australia, USA

- Facilitates reuse and supports effective aggregators
Standardized statements support **tools** and integrations

- Europeana rights facet
- Google Image Search rights filter
- Integration with Wikipedia & Wikimedia Commons
DPLA & RightsStatements.org: Progress and opportunity

- In the US, the DPLA & Hubs have lead the way on rightsstatements.org implementation
- Today, 3.2+ million dp.la items bear standardized rights statements
- A rights/reuse facet on dp.la would allow users to benefit from this progress directly
Copyright and Digital Collections
A Data Driven Roadmap for Rights Statement Success

Sara Benson, Copyright Librarian, University of Illinois at Urbana–Champaign
Hannah Stitzlein, Metadata Librarian, University of Cincinnati
Copyright and Digital Collections: Why?

2017
Estell & Saunders survey:
95% self-ranked as having “strong familiarity with Digital Institutional Repositories . . . and copyright’s role in digitization.”

2018
Analysis of IDHH contributor rights statements:
32% included © status statement
Research methodology

Inquiry: Better understand SRS workflows and implementation

DPLA Member Hub Listserv

Thirty minute phone interviews

Atlas.ti coded applying grounded research methodology
Qualitative Interviews

- 21 Interviewees
- 19 institutions
- 14 questions

<table>
<thead>
<tr>
<th>Institution Type</th>
<th>Total</th>
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<tbody>
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<td>Academic Library</td>
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<tr>
<td>Public Library</td>
<td>3</td>
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<tr>
<td>Non-Profit</td>
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<tr>
<td>Research Library</td>
<td>1</td>
</tr>
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<td>State Library</td>
<td>1</td>
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Interview Design

● Digitization decisions
● Rights metadata
● Challenges & solutions
● Copyright knowledge
● Risk assessment workflows
● Boilerplate statement usage
Do physical and digital objects have the same copyright status?

Responses

No
21.1%

Yes
78.9%
Access to a copyright professional

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</thead>
<tbody>
<tr>
<td>No access to a copyright professional</td>
<td>11</td>
</tr>
<tr>
<td>Access to general council</td>
<td>4</td>
</tr>
<tr>
<td>Access to an attorney on limited term basis</td>
<td>2</td>
</tr>
<tr>
<td>Copyright librarian</td>
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What is “Risk Assessment”? Whether the copyright owner would object to the digital distribution of their work without permission
Managing Risk

1. Low risk collections
2. Takedown policies
3. Due diligence
Copyfraud

Getty Images has been accused of “tricking customers into buying fake copyright licenses for images in the public domain that can already be used freely.”

-Tiffany Hu, Law 360 re: CixxFive v. Getty Images
Using Standardized Rights Statements
Research Questions

- What would you need to begin implementation?
- Is there anything preventing you from using standardized rights statements?
- What is the biggest copyright challenge you face when developing digital collections?
- What is the biggest copyright challenge you face when adding rights information to digital collections?
Barriers to Implementation

1. Legacy issues
2. CMS/DAMS issues
3. Local buy-in
Structural and institutional challenges

1. Time
2. Staffing
3. Administrative buy-in
Where to next?
Successful workflows

1. Accession paperwork
2. Access to © professionals
3. Risk assessment from the start
4. Tools and charts
## Copyright Term and the Public Domain in the United States

(See footnote 1)

### Never Published, Never Registered Works

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<td>Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)</td>
<td>120 years from date of creation</td>
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<td>1924 through 1977</td>
<td>Published without a copyright notice</td>
<td>None. In the public domain due to failure to comply with required formalities</td>
</tr>
<tr>
<td>1978 to 1 March 1989</td>
<td>Published without notice, and without subsequent registration within 5 years</td>
<td>None. In the public domain due to failure to comply with required formalities</td>
</tr>
<tr>
<td>1978 to 1 March 1989</td>
<td>Published without notice, but with subsequent registration within 5 years</td>
<td>70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first</td>
</tr>
<tr>
<td>1924 through 1963</td>
<td>Published with notice but copyright was not renewed</td>
<td>None. In the public domain due to copyright expiration</td>
</tr>
<tr>
<td>1924 through 1963</td>
<td>Published with notice and the copyright was renewed</td>
<td>95 years after publication date</td>
</tr>
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This is an illustration of one possible approach to determining which rights statement to associate with a digital object. More than one rights statement may be appropriate for some objects, and organizations may choose among these based on a variety of factors. This illustration is not intended as legal advice.
Code of Best Practices in Fair Use for the Visual Arts

COLLEGE ART ASSOCIATION

Funded by the Andrew W. Mellon Foundation
Additional support provided by the Samuel H. Kress Foundation
Challenges and Possible Solutions
Challenges and possible solutions

“Where do I even begin?”
Challenges and possible solutions

“I hope that [the use of RightsStatements.org] is a requirement because I don’t feel that I have the stature on campus to make that happen.”
Some institutions implementing RS.org
Challenges and possible solutions

“We have our own internally developed blanket statement that we apply to nearly everything we put online unless it’s in the public domain...it always starts out by saying the copyright holder is unknown, which is not always true.”
Questions

Sara Benson
srbenson@illinois.edu

Hannah Stitzlein
stitzlhh@ucmail.uc.edu
References


References cont.


4. “Creative Commons License Properties,” https://wiki.creativecommons.org/wiki/License_Properties

Photo credits

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Slide 23
Photo by Patrick Hendry on Unsplash

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Creation of the Rights Statements Working Group
The Rights Statements Working Group is charged with supporting the network in the implementation of standardized rights statements by creating a place to share resources; coordinating training efforts; establishing and managing a process for review of RightsStatements.org statements; making and evaluating recommendations for additional statements or changes to existing statements; and, continuing regular open calls for all hubs to share information and have questions answered about rights statements implementation.
RSWG Reports

- Portal
- Training Curriculum
- Communications
Rights Statements Resources Portal

Tools and resources supporting RightsStatements.org and Creative Commons implementation

Get Started
In this section we'll put a basic 'what is this site' statement, a link to our 'introduction to copyright' pages, as well as links to RightsStatements.org, DPLA, and Creative Commons.

Get in Touch
In this section we'll include links to our communications forum, as well as list ways to reach out to other organizations with questions about rights statements, CC licenses, and cultural heritage copyright in general.

Resources, Tools, and Curriculum
In this section we'll put links to our full list of rights statements resources, as well as a link to our curriculum, which will structure this full list and provide novices with an overview of the issues.

Rights Related Announcement!
Welcome to the site! We couldn't be any happier to see you. Enjoy our first announcement. May it be the first of many.
<table>
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<tr>
<th>Rights</th>
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</tr>
</thead>
<tbody>
<tr>
<td>In Copyright</td>
<td>212,075</td>
</tr>
<tr>
<td>No Copyright - United States</td>
<td>200,816</td>
</tr>
<tr>
<td>Copyright Not Evaluated</td>
<td>49,769</td>
</tr>
<tr>
<td>In Copyright - Educational Use Permitted</td>
<td>45,656</td>
</tr>
<tr>
<td>Attribution-NonCommercial-NoDerivatives</td>
<td>6,029</td>
</tr>
<tr>
<td>Attribution</td>
<td>533</td>
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<tr>
<td>No Known Copyright</td>
<td>273</td>
</tr>
<tr>
<td>Copyright Undetermined</td>
<td>194</td>
</tr>
<tr>
<td>Attribution-NoDerivatives</td>
<td>108</td>
</tr>
<tr>
<td>Attribution-NoCommercial</td>
<td>95</td>
</tr>
<tr>
<td>No Copyright - Non-Commercial Use Only</td>
<td>68</td>
</tr>
<tr>
<td>In Copyright - Rights-Holder(s) Unlocatable or Unidentifiable</td>
<td>45</td>
</tr>
<tr>
<td>Attribution-ShareAlike</td>
<td>16</td>
</tr>
<tr>
<td>In Copyright - Non-Commercial Use Permitted</td>
<td>11</td>
</tr>
<tr>
<td>No Copyright - Other Known Legal Restrictions</td>
<td>7</td>
</tr>
<tr>
<td>Attribution-NoCommercial-ShareAlike</td>
<td>7</td>
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<tr>
<td>In Copyright - EU Orphan Work</td>
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Footnotes:

1. [footnote 1](#)
2. [footnote 2](#)
3. [footnote 3](#)
4. [footnote 4](#)
5. [footnote 5](#)
6. [footnote 6](#)
7. [footnote 7](#)
https://copyright.cornell.edu

https://fairuse.stanford.edu
Charts and Tools

Contents

1 Is it Still in Copyright?
2 Digital Images
3 Library and Archive Exception
4 Multimedia in the Classroom
5 Fair Use
6 Do I have Permission to Use a Work? How can I Give Permission?
7 Copyright Law Fundamentals Flowchart
8 Codes of Best Practices
9 Copyright Tutorials

Is it Still in Copyright?

University of California. Samuelsom Law, Technology and Policy Clinic. Flow chart and Handbook:
Is it in the Public Domain?

Copyright Term and the Public Domain in the United States by Peter Hirtle

Stanford's Copyright Renewal Database Check to see if select works (publ. 1923-1963) were renewed.
Assigning Rights Statements to Legacy Digital Collections

Laura Capell & Elliott Williams

BACKGROUND

The University of Miami Libraries’ friendly collaboration with the Electronic Library of Needless Rhetoric and Rituals (ELNRR) has resulted in the development of a Rights Assignment Algorithm (RAA) to assign rights statements to legacy digital collections. The algorithm is designed to assign rights statements to the content of digital collections based on the preservation standards established by RightsManagement.org.

The ELNRR’s Digital Library and Collections Department, in collaboration with the University of Miami Libraries, has developed a Rights Assignment Algorithm (RAA) to assign rights statements to the content of digital collections based on the preservation standards established by RightsManagement.org.

LOCAL AND STANDARDIZED RIGHTS STATEMENTS

The content of our digital collections is assigned local and standardized rights statements in the form of rights statements, which are designed to be visible and accessible to both humans and machines. The use of rights statements is intended to provide a standardized and automated method for assigning rights to digital collections. Rights statements are assigned to the content of digital collections based on the preservation standards established by RightsManagement.org.

WORKFLOW

Assigning rights statements to legacy digital collections is a complex process that involves several steps. First, the content is analyzed to determine the appropriate rights statement for each item. Next, the rights statement is assigned to the content. Finally, the rights statement is made available to the public. This workflow is designed to ensure that the content is properly protected and that the rights statements are accurate and up-to-date.

CHALLENGES

1. Local assignment statements. As a result, a structured, automated, and repeatable process for assigning rights statements to legacy digital collections is necessary. The process should be designed to provide an enduring solution to the problem of rights assignment.

2. Rights statements are not always consistent. One of the most common challenges is that rights statements are not always consistent across different collections or institutions. This lack of consistency can make it difficult to assign rights statements to legacy digital collections.

3. Rights statements are not always visible. Even in cases where rights statements are assigned to digital collections, they may not be visible to the public. This lack of visibility can make it difficult for users to determine the rights status of the content.

4. Rights statements are not always standardized. In some cases, rights statements are not standardized. This lack of standardization can make it difficult to assign rights statements to legacy digital collections.

5. Rights statements are not always durable. Even in cases where rights statements are assigned to digital collections, they may not be durable. This lack of durability can make it difficult for users to determine the rights status of the content in the future.

6. Rights statements are not always accessible. Even in cases where rights statements are assigned to digital collections, they may not be accessible to the public. This lack of accessibility can make it difficult for users to determine the rights status of the content.

7. Rights statements are not always up-to-date. Even in cases where rights statements are assigned to digital collections, they may not be up-to-date. This lack of up-to-date information can make it difficult for users to determine the rights status of the content.

COPYRIGHT DECISION MATRIX

Assigning rights statements to legacy digital collections is a complex process that involves several steps. First, the content is analyzed to determine the appropriate rights statement for each item. Next, the rights statement is assigned to the content. Finally, the rights statement is made available to the public. This workflow is designed to ensure that the content is properly protected and that the rights statements are accurate and up-to-date.

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The workflow for assigning rights statements to legacy digital collections is as follows: First, the content is analyzed to determine the appropriate rights statement for each item. Next, the rights statement is assigned to the content. Finally, the rights statement is made available to the public. This workflow is designed to ensure that the content is properly protected and that the rights statements are accurate and up-to-date.

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Standardized Rights Statements Implementers

The DPLA Rights Statements Working Group would like to list and share information about institutions that are implementing standardized rights statements using RightsStatements.org and/or Creative Commons.

If you would like to be listed on our rights portal, please complete the form. We will create a brief profile with whatever information you choose to share - there are only 2 required answers.


* Required

Institution *
Please provide if your institution is actively considering, planning, or using standardized rights statements.
Rights Statements Curriculum

- The site will contain a statements/licenses centered copyright curriculum
- Instructional design through aggregation of existing resources. It’s a challenge!
- We’ve divided resources into five categories. Each corresponds to a step in the implementation process
  - Risk Assessment
  - Statement Selection
  - Etc.
RSWG Reports - Community Communications
RSWG Reports - Community Communications

Listserv, Google Group, or Slack channel

- Quick response time
- Open discussion
- Low-bar for participation
- Archived conversations for reference
RSWG Reports - Community Communications

Other types of communications

- Archived FAQ’s with submission form
- Rights events announcements
RightsStatements.org: Around th...

Documenting members & implementers of statements provided by RightsStatements.org

92 views

All changes saved in Drive

Translations/ by translation partner

- Individual styles
  - German - by Prof Ellen Euler
  - Estonian - by Wikimedia Eesti
  - Finnish - by Käännöstoimisto
  - Spanish - by Museo del Cine
  - Finland-Swedish - by Käänno...
  - Polish - by Poznan Superco...
  - Swedish - by Digisam (Riksa...
  - French - National Library of L...
  - Lithuanian - by Martynas Ma...
  - Hindi - National Digital Librar...
The consortium in 2019

Steering Committee

Statements Working Group

Technical Working Group
Work Plan for 2019

- Translations Management
- Indigenous Cultural Property
- Creative Commons GLAM certificate curriculum
- Implementation Pilot in India
Thank You!
dpla-rights-statements-group@dp.la
Discussion

How can we help you?

Q & A

Lunch following this session