



Building a Rights Framework for a Digital Preservation Repository

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Building a Rights Framework: 4 topics

- Digital is Different
- Need for Enterprise-wide solution
- Conceptual Framework-A Work-in Progress (overview, context, concepts, stages)
- Descriptive Metadata for Copyright

Private to Public



- Libraries and archives on both sides of issue
- What do you own?
- Once digitize what are rights?
- Stewardship and service
- Code as Control (digital work)
- Orphan Works

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

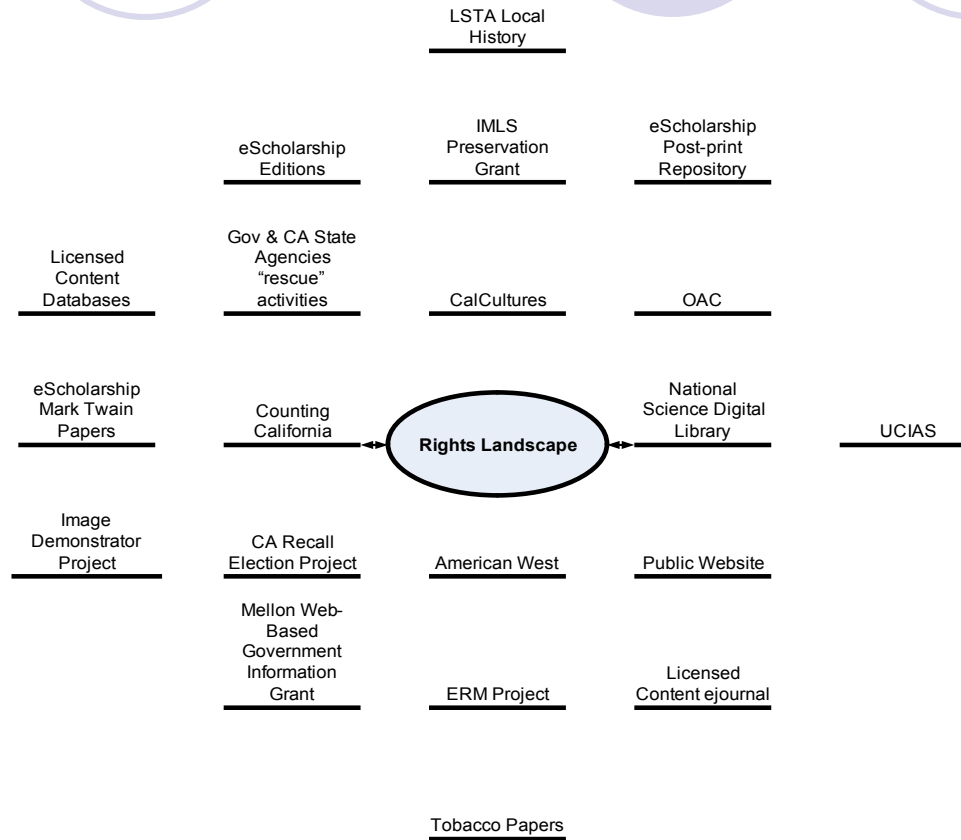
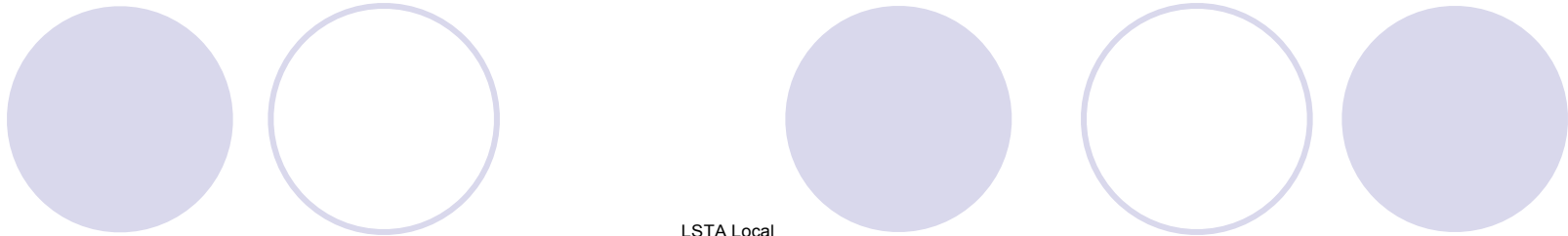


- “It is possible only to preserve the ability to reproduce the electronic record, rather than to preserve the electronic record ‘itself’.”

- 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





Planning

Selection



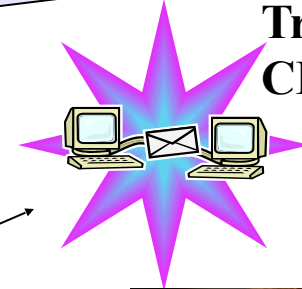
Crawling or digitization



Metadata creation



Transfer to CDL



Ingest



Access



(c) information

Training guidelines

Scenarios

Permission & notification templates

Data elements

Records requirements

QC policies

Access policies

(c)

== Rights in the Digital Library Workflow ==

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

Principles and Goals

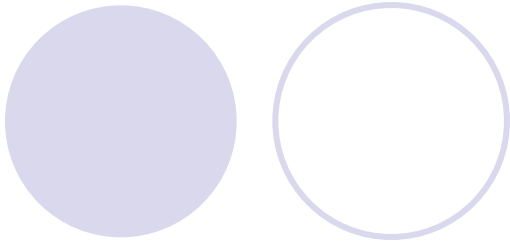


- Provide the broadest set of services to the greatest number of users
 - Layered service model
 - Interoperability
 - Generalizable, scaleable solutions
 - Preserving cultural heritage resources
-
- *Rights Framework Overview: California Digital Library*



“Save the time of the reader”

S R Ranganathan
5 Laws of Library Science
1931



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The Historic Map Collection at the University of Illinois, Urbana-Champaign
 This historic map collection contains 1,000 historical maps of Illinois and surrounding areas for the period 1763-1900. The collection includes maps of Illinois and surrounding areas for the period 1763-1900. The collection includes maps of Illinois and surrounding areas for the period 1763-1900. The collection includes maps of Illinois and surrounding areas for the period 1763-1900.

The Digital Map Collection
 This collection contains 1,000 digital maps of Illinois and surrounding areas for the period 1763-1900. The collection includes maps of Illinois and surrounding areas for the period 1763-1900. The collection includes maps of Illinois and surrounding areas for the period 1763-1900.

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archive Online



When was this created?

?

Who created it?

Was it ever published?

**Were rights transferred
to the archive?**

?

?

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

Policy Creation



- Recognition of rights/education
 - Copyright training
- Assertion of rights
 - Tools to record copyright decisions
- Expression of rights
 - Data elements to support rights determination

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

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.

[Introduction and Overview](#) / [Expiration of Works into the Public Domain](#) / [Section 108 Library Exception Fair Use and Salami](#) / [Permissions, Good Faith Efforts and Disclaimers](#) / [Pickle Jars and Other Restrictions](#)

Please choose the specific topic from the list above, which will lead you to the related Table of Contents.



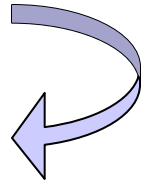
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Published or unpublished?

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)

A decorative graphic consisting of six circles arranged in a horizontal line. The first circle is solid light purple and contains the text 'Creator(s)'. The second circle is an outline. The third, fourth, and fifth circles are solid light purple, outline, solid light purple, outline, and solid light purple respectively.

- 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

Dealing with Unknowns

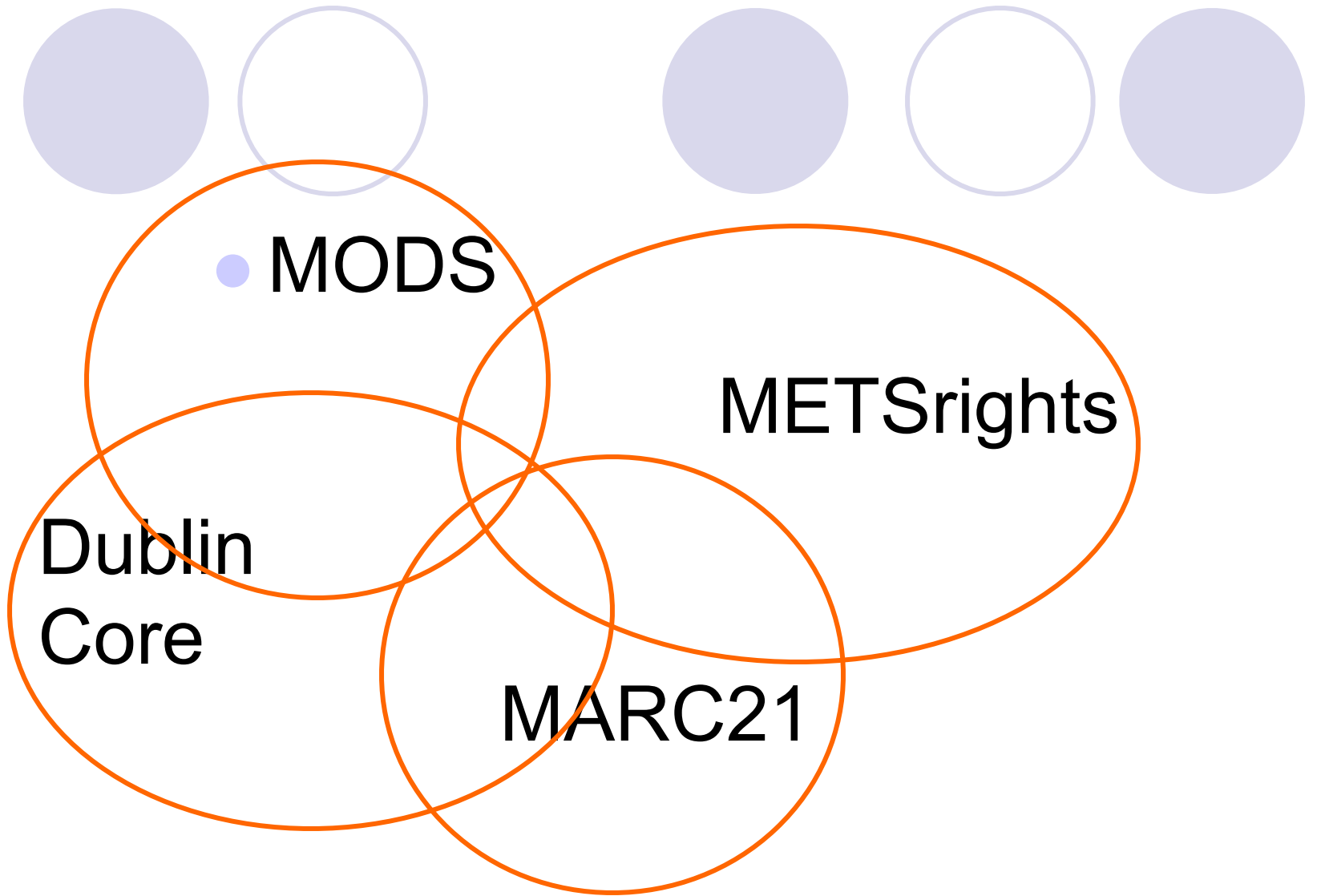


- Information is unknown
 - E.g. photo with no information about photographer, location, date
- Information is not provided
 - E.g. archive was unable to examine each piece
- Contact archive for information
 - Information exists, but is not included in public displays

Dealing with Uncertainty

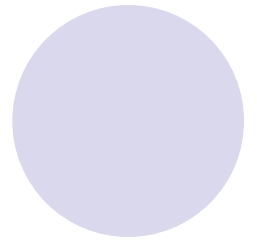
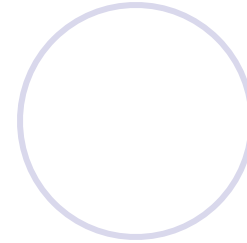
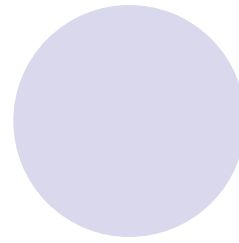
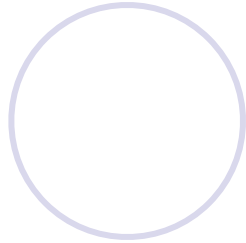
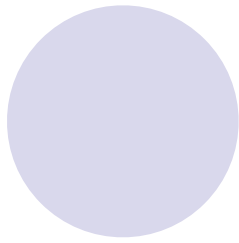


- Date is...
 - Exact
 - Approximate
 - Unknown
- Information is ...
 - Recorded on the piece
 - Known
 - Uncertain



“The usual suspects”

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2005



Goal:

“Save the time of the reader”

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