



IPR

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- The context for archaeology data
- Introduction to Europeana Licencing framework
- Rights statements
- Choosing rights statements
- Layering of rights
- In or out of copyright?



The context for archaeology

Intellectual Property Rights can be generated at different stages of archaeological research

- The actors include:
 - Owners/managers of the monument, site or artefact, e.g. national heritage organisations, museums, archives and private persons.
 - Funding bodies who may specify conditions relating to the IPR and licences for its use.
 - Organisations involved in data capture and post-processing
 - Researchers and research institutions
- Access agreements can cover both physical access to the monument and both the IPR in the content and licences for its use



The context for your organisation

Some scenarios:

- Original data captured in a project
- Original data archive deposited by the creator
- Data produced by digitising analogue works

- The **content** includes text documents, images, 3D models, videos, research data
- **Metadata** is produced for discovery and to promote re-use of the content is generally openly licenced



Copyright

- Copyright protects the expression of an idea *not the idea itself*
- Copyright is assigned when a creative work is produced
 - *Funding bodies may request copyright is assigned to themselves*
 - *Employers may claim copyright of works produced by their staff.*
- Data is not covered by copyright
 - *but the arrangement of data in a spreadsheet or database is covered by database rights*
- How long copyright lasts varies according to the type of work and the country
- Copyright law varies from country to country.
- There can be rights from laws other than copyright.



“Intellectual property rights, very broadly, are rights granted to creators and owners of works that are the result of human intellectual creativity”

- Copyright protects your work
- Licences are your way of saying how people may use it and cover:
 - **Attribution** (of you as the author of the work)
 - **Permitted uses** (e.g. education, commercial uses, open access)
 - Limitations on use e.g. publication of an image in a journal article
 - **Derivatives** – whether people can make copies, remix or use the content to create new works
 - **Share alike** - a license condition that specifies that new works must be licensed under the same terms



the Europeana context



the Europeana Licensing Framework

aims to ensure that users of Europeana are provided with clear and easy to understand information on what they can and cannot do with metadata and content that they find via Europeana.



the Europeana Licensing Framework

ensures that all metadata aggregated can be published by Europeana under the same terms and used by anyone for any purpose without any restrictions.

To achieve this all metadata is made available under the terms of the CC0 Public Domain Dedication.



the Europeana Licensing Framework

Europeana has a list of standardized rights statements / licences. These must be used by data providers to describe the rights status of the digital objects that they make available via Europeana to users.



Context for end-users

Digital Public Library of America aggregates content from thousands of organisations. The metadata is licenced under CCO – but there are **87.000 different rights statements** for users to interpret.

The screenshot shows the DPLA homepage with a navigation bar at the top containing links for About, Hubs, For Developers, Get Involved, Help, News, Contact, Donate, Login, and Sign Up. The main content area features a large historical map on the left with the text "A Wealth of Knowledge" and "explore 11,354,515 items from libraries, archives, and museums", along with a search bar. On the right, there are three interactive sections: "Exhibitions" with a "View all" link and a photo of tractors; "Explore by Place" with a map of Clemson and a photo of a man; and "Explore by Date" with a photo of a horse race and a timeline from 1946 to 1952, where 1949 is highlighted.



Context for end-users

Europeana currently holds around 40 million items, the metadata is CC0 and there are 13 rights statements for users to interpret

The screenshot shows the Europeana website homepage. At the top, there are navigation links for "Home" and "My Europeana", and a "Choose a language" dropdown menu. The Europeana logo, featuring a stylized 'G' with a globe, is on the left, with the tagline "think culture". A search bar with a "Search" button and a "Help" link is on the right. Below the navigation, there is a promotional banner for "Europeana@Pinterest" with the text: "Discover a wide range of hand-picked treasures from Europeana on Pinterest. Explore the themes of Tapestry, Adam & Eve, Geishas, Renaissance Art and more." A blue "Explore Pinterest" button is located at the bottom right of the banner. The banner features three images: a tapestry, a woman in a white dress, and a painting of Adam and Eve. At the bottom left of the banner, it says "From the blog" with a small icon.





europæana
foundation

www.europeana.eu

Koninklijke Bibliotheek
Prins Willem-Alexanderhof 5
Postbus 90407
2509 LK Den Haag
Nederland

Europeana Data Exchange Agreement

Parties:

Europeana Foundation (formerly EDL Foundation)

Address:

Koninklijke Bibliotheek, Prins Willem-Alexanderhof 5,
2509LK The Hague, The Netherlands

Phone:

+31 70 314 0952

URL:

www.europeana.eu

Name of authorised Person:

Jill Cousins

Title/Role in organisation:

Executive Director

Work Phone:

+31 70 314 0952

Work Email:

jill.cousins@kb.nl

Hereafter named: 'Europeana'

And

Name of organisation:

Address:

Phone:

Email:

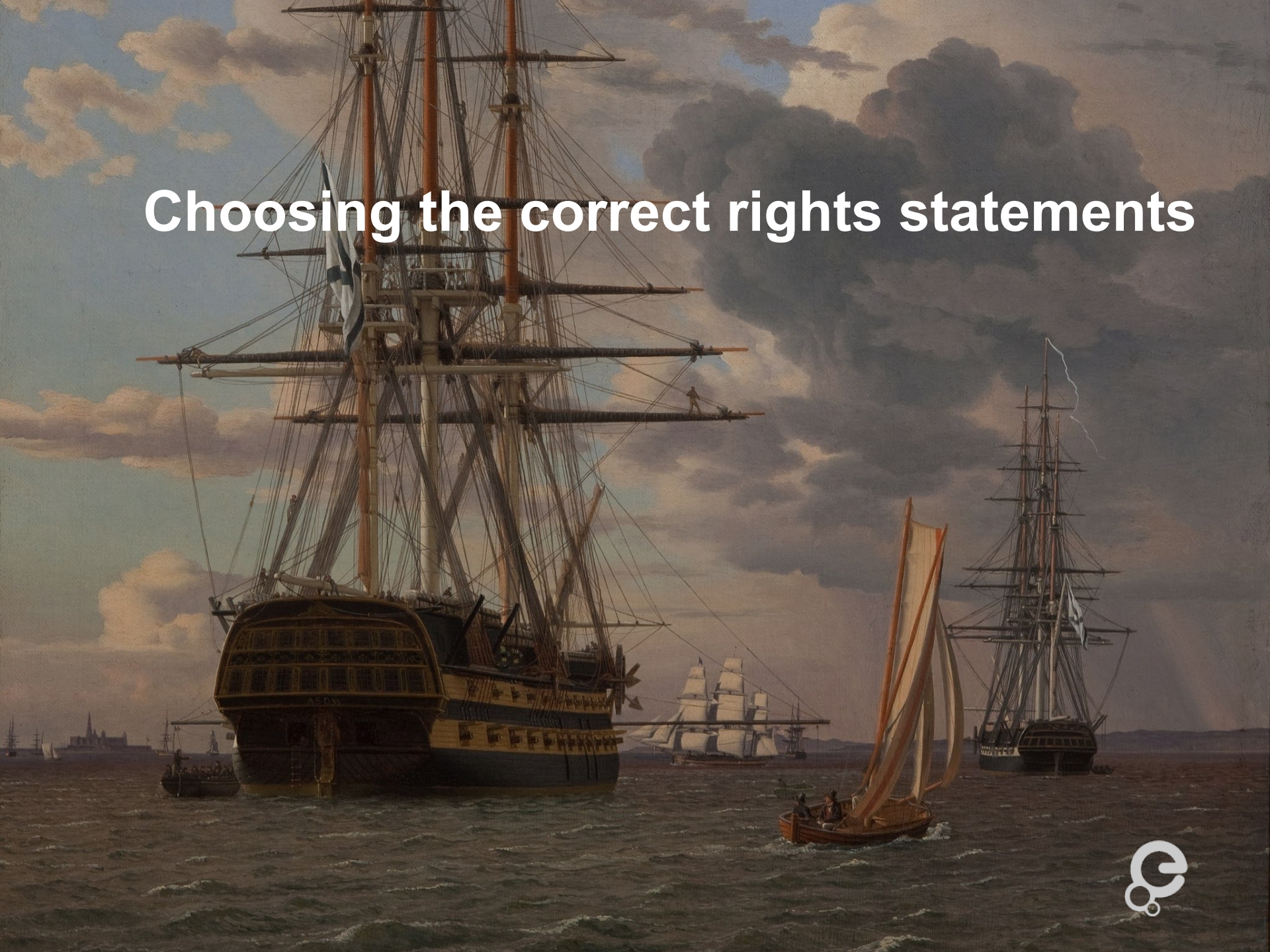


<http://pro.europeana.eu/available-rights-statements>

- Public Domain Mark
- Out of copyright – non commercial re-use
- Creative Commons:
 - CC0 public domain dedication
 - Attribution – CC-BY
 - Attribution ShareAlike – CC-BY-SA
 - Attribution No Derivatives – CC-BY-ND
 - Attribution Non Commercial – CC-BY-NC
 - Attribution Non Commercial ShareAlike – CC-BY-NC-SA
 - Attribution Non Commercial No Derivatives – CC-BY-NC-ND
- Rights Reserved Free Access
- Rights Reserved Paid Access
- Orphan Work
- Unknown



Choosing the correct rights statements

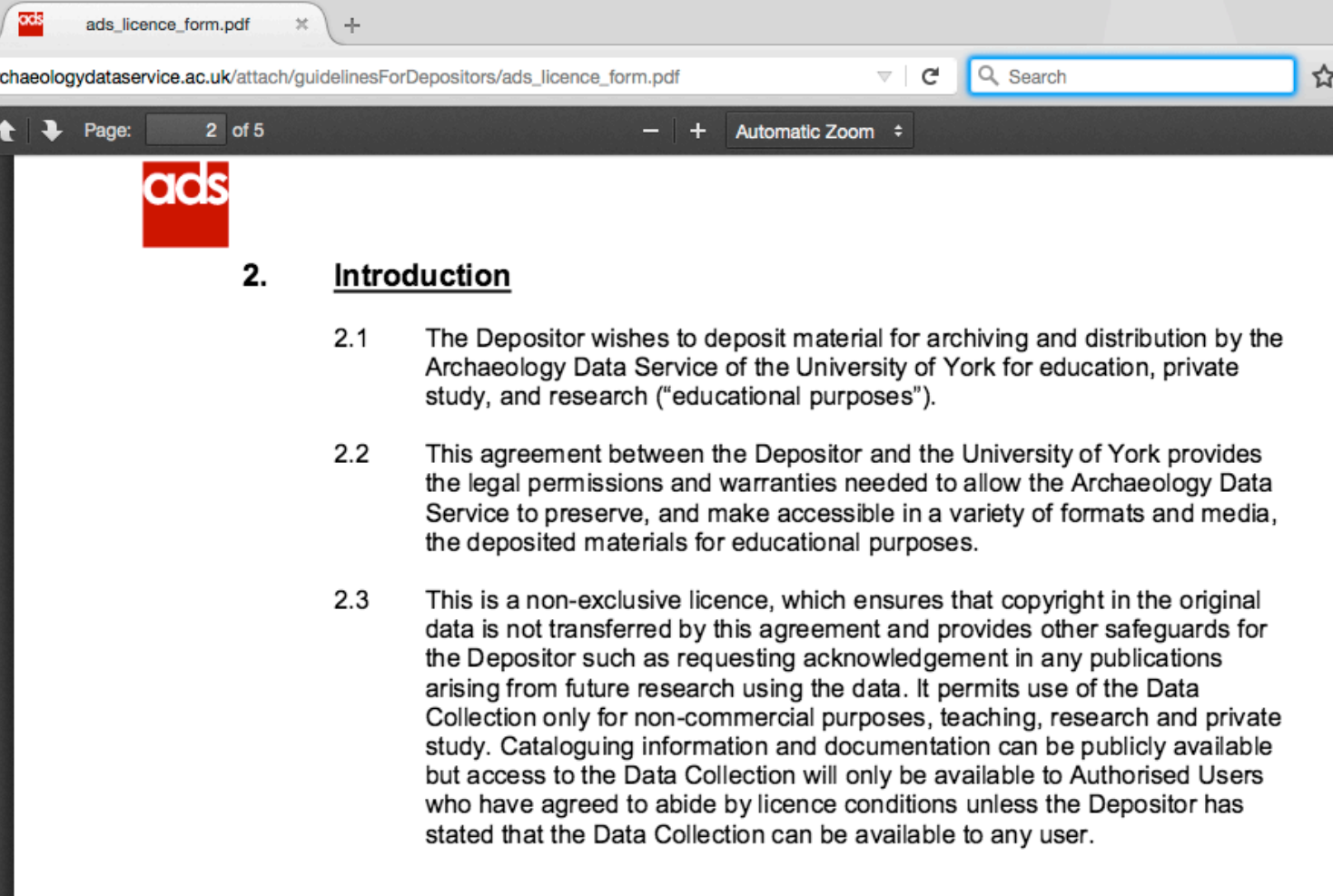


Applying rights statements: step-by-step

- The institution contributing the metadata and content to Europeana will make these publicly accessible online.
- The organization that has the original (analogue, digitized or born-digital) object in its collection should have access to detailed rights information about that object.
 - Ideally organisations that accept deposits would request rights information from the content creator and agree the access conditions with them at the time 😊
- This institution should choose the Europeana rights statement to apply when metadata is provided for harvesting.



For example: ADS Guidelines for depositors



ads_licence_form.pdf

archaeologydataservice.ac.uk/attach/guidelinesForDepositors/ads_licence_form.pdf

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ads

2. Introduction

2.1 The Depositor wishes to deposit material for archiving and distribution by the Archaeology Data Service of the University of York for education, private study, and research ("educational purposes").

2.2 This agreement between the Depositor and the University of York provides the legal permissions and warranties needed to allow the Archaeology Data Service to preserve, and make accessible in a variety of formats and media, the deposited materials for educational purposes.

2.3 This is a non-exclusive licence, which ensures that copyright in the original data is not transferred by this agreement and provides other safeguards for the Depositor such as requesting acknowledgement in any publications arising from future research using the data. It permits use of the Data Collection only for non-commercial purposes, teaching, research and private study. Cataloguing information and documentation can be publicly available but access to the Data Collection will only be available to Authorised Users who have agreed to abide by licence conditions unless the Depositor has stated that the Data Collection can be available to any user.



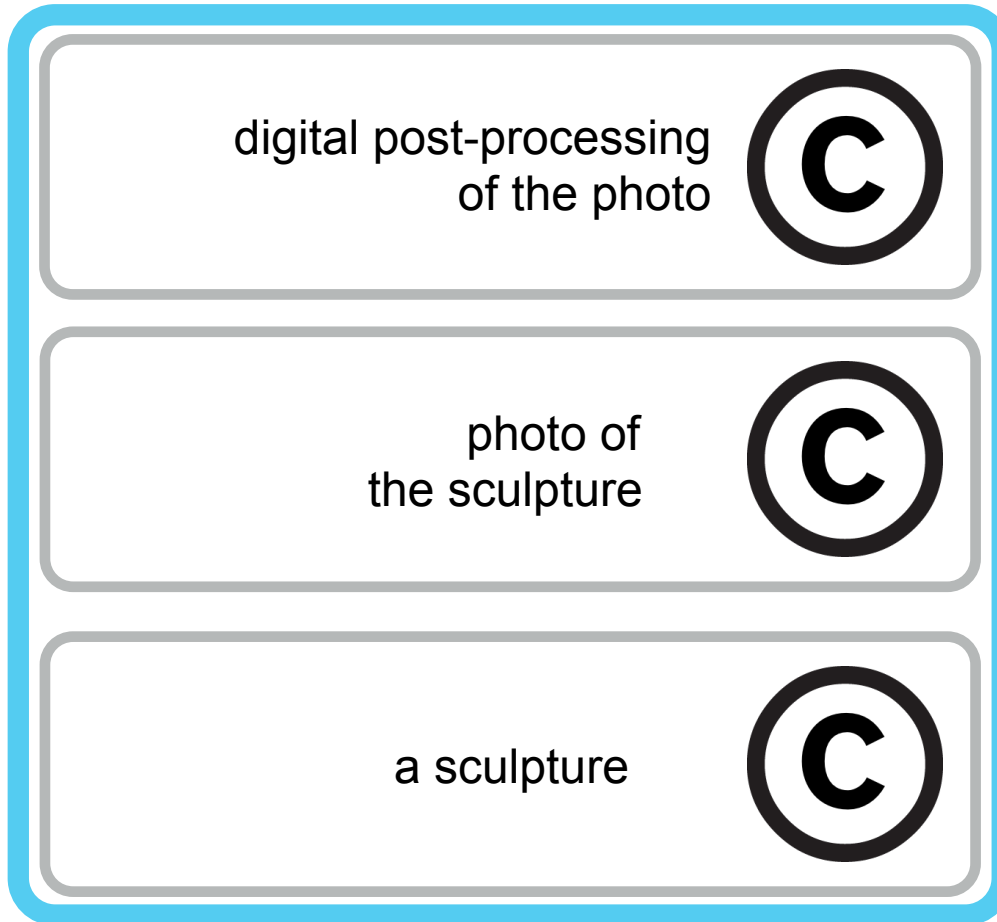
The ADS deposit agreement covers the permitted uses of the digital content, and the licence to be applied

Choosing rights statements

1. If the work is in the Public Domain it should be labelled with either the Public Domain Mark or CC0
2. If the work is in copyright and the rights-holder has chosen a Creative Commons license it should be labelled as such
3. If the work is in copyright and is held by an institution that isn't the rights-holder (and 2 doesn't apply) it should be labelled with one of the rights reserved statements.



Rights can be layered



example of layers of rights present in a digital resource.



Is the original work out of copyright?



The screenshot shows a web browser window displaying the homepage of 'Out of Copyright' (outofcopyright.eu). The browser's address bar shows the URL 'outofcopyright.eu'. The website has a blue navigation bar with links for 'Home', 'Public Domain Calculators', 'Rights created during digitisation', 'About', 'Updates', and 'Log in'. The main header features a magnifying glass icon with a copyright symbol (C) and the text 'Out Of Copyright' followed by the tagline 'Determining the Copyright Status of works'. Below the header is a row of five icons with labels: 'Calculators' (calculator icon), 'Digitisation' (globe icon), 'Research' (book icon), 'Tools' (gear icon), and 'Log in' (person icon). The main content area is divided into two columns. The left column is titled 'Home' and contains a section 'Public Domain Calculation' with a paragraph explaining that creative works in the public domain can be freely used and that the website helps determine this status based on national differences in European copyright law. The right column is titled 'Recent Updates' and lists several news items: 'Calculator for Denmark is now online', 'A calculator for Poland is now added!', 'A new calculator has been added: Spain!', and 'Are rights created during digitisation in Switzerland?'.

Out of Copyright
Determining the Copyright Status of works

Calculators Digitisation Research Tools Log in

Home

Public Domain Calculation

Creative works of art in the public domain can be freely used by anyone. A work falls in the public domain if copyright has expired, or if it is waived by for example a [CC0](#) (Creative Commons Zero) dedication. This website revolves around the question if a certain work protected by copyright (or a related right) has fallen in the public domain. Because of the national differences in European copyright law, we answer this question per jurisdiction.

Recent Updates

- Calculator for Denmark is now online
- A calculator for Poland is now added!
- A new calculator has been added: Spain!
- Are rights created during digitisation in Switzerland?



Is it in the Public Domain?

The original work is in the public domain if it is out of copyright...

- If the original work is in the public domain this does not automatically mean that the digital object is in the public domain.
- There can be rights in the digital reproduction or rights from laws other than copyright.
- Europeana's Public Domain charter encourages data providers to waive such rights (if they have them) by applying CC0, which dedicates in copyright works to the public domain.
- If the data provider does not want to waive these rights (or they are held by third parties) a rights reserved statement or CC license can be applied.



Creative Commons licenses

A cautionary note:

- Creative Commons licenses (including CC0) can only be applied by the rights holder or with their permission.
- This means that institutions (museums, archives, libraries, etc.) cannot apply a CC license to digital objects that they hold unless
 - They own the rights or
 - They have a deposit agreement with the rights holder
- Creative Commons licenses require an underlying copyright to be present, which means they can't be applied to content that is in the public domain.
- Europeana encourages data providers to use one of the 2 free CC licenses (CC-BY or CC-BY-SA) to enable maximum reuse.



Open access

- Openly licencing of copyright works allow the content to be used and derivatives to be created (e.g. CC-BY or CC-BY-SA)
- Important amongst the research community – there is move towards open access publication and to deposing research data under open access licences
- The benefits include – increases visibility of research results, stimulates new work, enabling re-use (for further research, education, interpretation, and other purposes)
- Remember to cite your own data!



Special circumstances

- Europeana has included two rights statements to cover specific situations:
 - **EU Orphan work** - this statement is intended to label digital objects that have been identified as orphan works in line with the EU Open Works directive
 - **Out of copyright - non commercial use only** - this rights statement is intended for use with works that have been digitized as part of private public partnerships where the partners have agreed to limit commercial use of the digital object.



Possible issues

- Large collections (especially when of 20th century works) with CC0.
 - Data providers sometimes think that the DEA requires them to specify CC0 as the value of EDM:rights
- Large collections with Creative Commons licenses
 - Museums, Libraries and Archives often don't hold the rights in the works in their collection; applying the CC licenses requires the permission of the rights owner
- Large collections of 20th century works with the Public Domain Mark
 - Most 20th century material is still covered by copyright



Discussion

- Are there any barriers to your organisation opening access to digital content?
- What steps will you need to do to carry this out?
- How might open access benefit your organisation?
- What else do you need to know?



Thanks for your attention

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