IPR

Kate Fernie, 2Culture Associates

This tutorial covers:

- 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"

Licences

- 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.

Context for end-users

Europeana currently holds around 40 million items, the metadata is CC0 and there are 14 rights statements for users to interpret

europeana
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

+31 70 314 0952

Phone:

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 (PDM)

- No Copyright - non commercial re-use only (NoC-NC)

- No Copyright – other known legal restrictions (NoC-OKLR)

- Creative Commons:

  - Public domain dedication (CCO)

  - 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

- In Copyright (InC)

- In Copyright – Educational Use Permitted (InC-EDU)

- In Copyright – EU Orphan Work (InC-EU-OW)

- Copyright Not Evaluated (CNE)

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

https://archaeologydataservice.ac.uk/advice/guidelinesForDepositors.xhtml

Choosing rights statements

1. If the work is in the Public Domain it should be labelled with a 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.
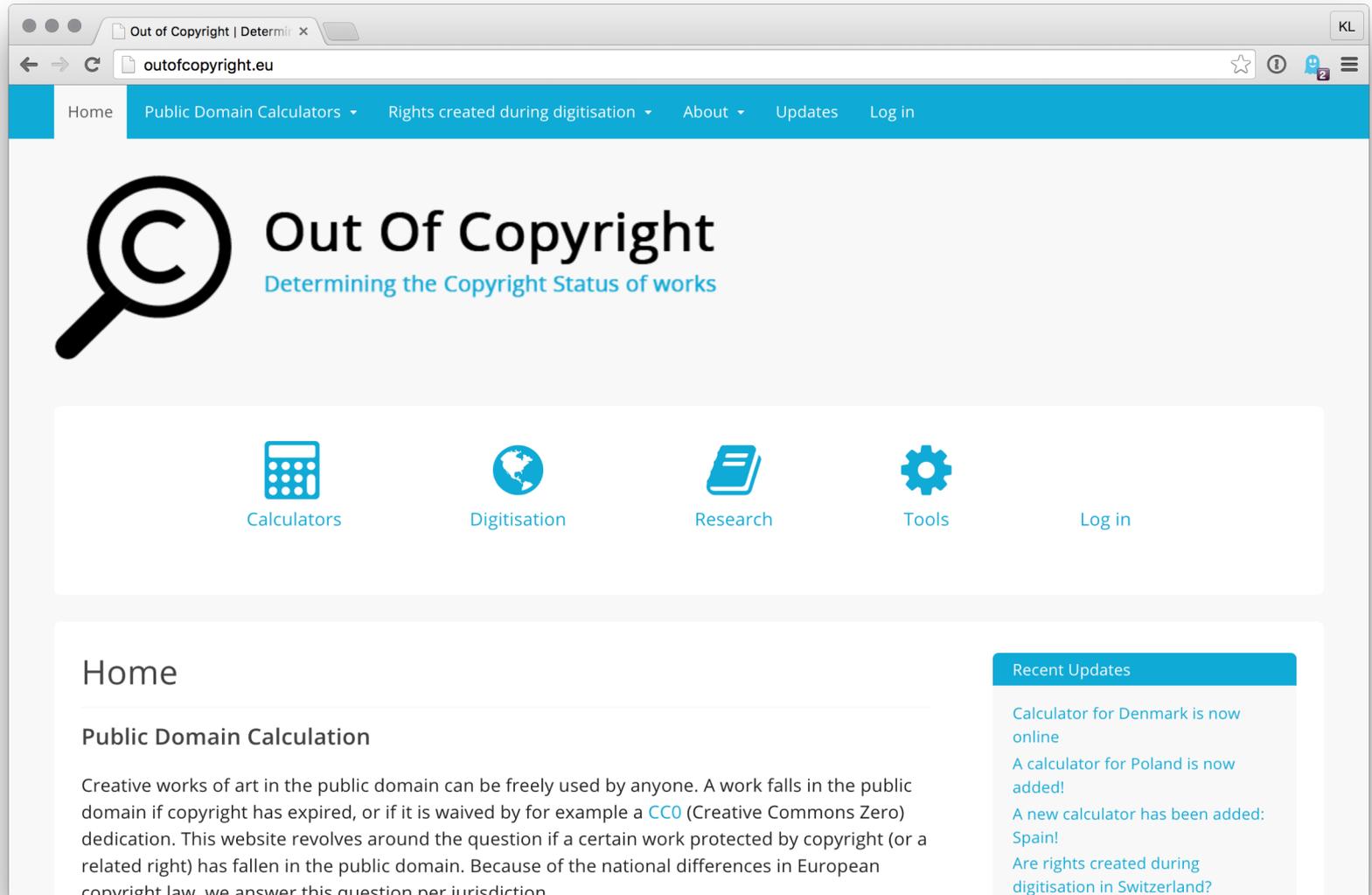
Rights can be layered

digital post-processing
of the photo
Ⓒ

photo of
the sculpture
Ⓒ

a sculpture
Ⓒ
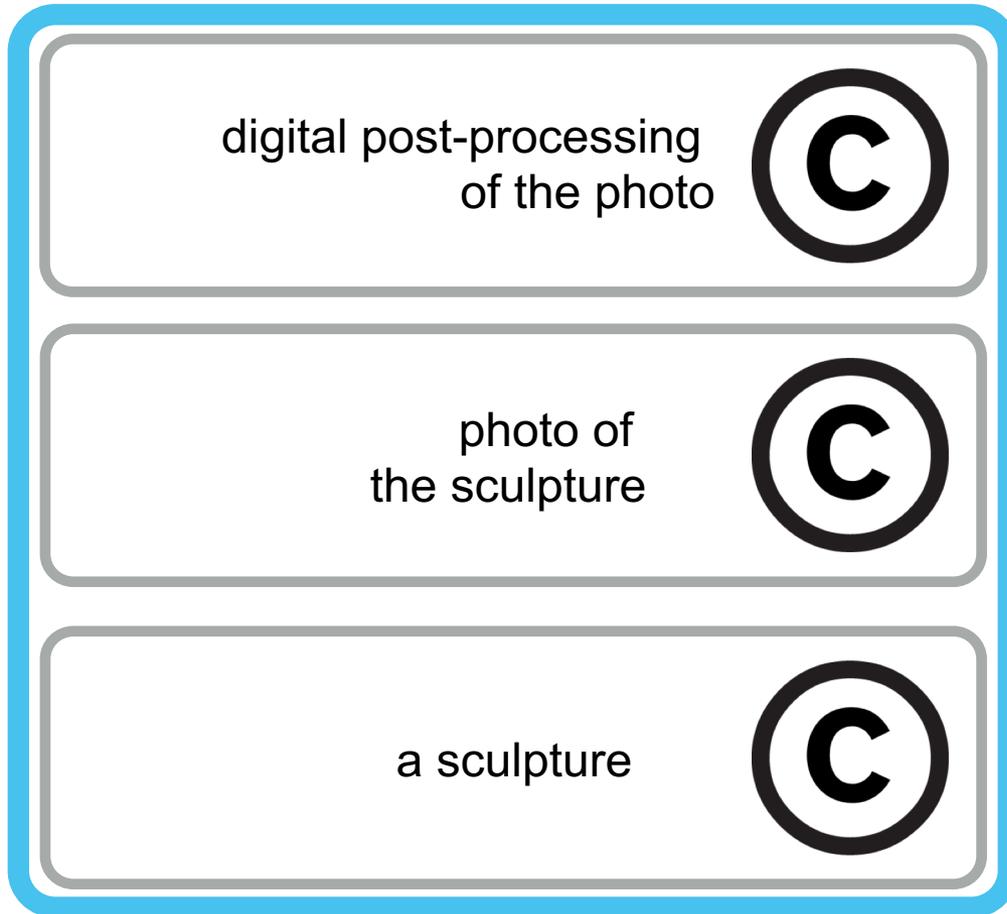
**example of layers of rights present in
a digital resource.**

Is the original work out of copyright?

http://outofcopyright.eu/

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.

Digitization

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 deposting 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 for a period of time.

Possible issues

➔Data providers sometimes think that the DEA requires them to specify CC0 as the value of EDM:rights

➔Museums, Libraries and Archives often don't hold the rights in the works in their collection;

- applying CC licenses requires the permission of the rights owner

➔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

kfernie27@gmail.com

Acknowledgements: These slides are produced with thanks to Kennisland and Europeana