

Rights Management for Licensing and Digitizing Resources

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Licensing Resources: The DLF Electronic Resource Management Initiative (ERMI)

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- ERMI Goals
- Deliverables
 - Roadmap
 - Functional Specifications
 - Workflow Diagram
 - Entity Relationship Diagram (ERD)
 - Data Elements and Definitions
 - Prototype XML Schema



Basic Usage Rights and Concerns

- Display
- Print Copy
- Digitally Copy
- Scholarly Sharing
- Fair Use



Licensing/Terms Elements

- Parties
- Terms of Use
- Restrictions
- Perpetual Rights
- Mutual Obligations, Rights, Remedies



ILL Data Elements

- ILL: Print/Fax
- ILL: Secure Electronic Transmission
- ILL: Electronic
- ILL: Record Keeping



Reserves, CoursePacks, etc.

- Library Reserves, Print
- Library Reserves, Electronic / Cached copies
- CoursePacks
- DistanceEducation



Perpetual Access and Archiving Rights Elements

- Perpetual Access Rights
- Perpetual Access Coverage
- Archiving Rights
- Archiving Format



Examples of the (many) other licensing elements that may need tracking

- Electronic Links
- Intellectual Property Warranty
- Indemnification
- Confidentiality of Agreement
- Governing Law & Jurisdiction
- Notice Requirements & Periods



Dilemmas 1

- Variability in License Language
- Confidentiality
- “Shareability” of License Descriptions



Dilemmas 2: “Conditionality” of Practice

- License Language
 - Permitted
 - Prohibited
 - Silent
- Local Action
 - License permits, but
 - Recordkeeping required, so
 - Electronic not used for ILL



Purposes, Models and Metadata for Digitization Agreements

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How We Got Here

- Called for samples from membership
- Obtained samples from other libraries and organizations
- DLF hosted two Birds of a Feather sessions on digitization agreements
- Talked about what is needed and how DLF can help



What We Discovered

- Few libraries have developed agreements
- Don't know what each other is doing
- Within our institutions there may be different practices
- Agreements are needed to cover different purposes
- Every one is making it up from scratch
- Sharing models and samples would be helpful



Types of Agreements

- Informal/Implicit
 - Handshake
 - Expectation of the relationship
- Formal/Explicit
 - Written agreement/contract
 - Memoranda of understanding
 - Policies
- Click to accept



Purposes of Agreements

- Digitize material:
 - Acquired from a donor with intent to digitize or with possibility of digitizing in the future
 - Borrowed from another institution to add to digital collection
 - Scan all or parts of copyrighted works (images, TOC, articles)
 - Digitize selected parts of collections



Purposes of Agreements

- Digitize material continued:
 - Pay someone else to digitize their material or to digitize your material
 - Digitize for different purposes such as open access, sale, research or teaching
 - Partnerships/collaboration such as grants or consortia



Purposes of Agreements

- Acquire digital material
 - Institutional repository materials
 - ETDs
 - Electronic records for the archives
- Archive, host or digitally publish material



Parties

- Internal
 - Faculty, staff, departments
 - University Press
 - University museums
 - Computing
 - Publications/copying services



Parties

- External
 - Donors, visiting researchers or faculty, other copyright holders
 - Institutions (libraries, museums, historical societies, organizations, TV and radio stations, etc.)
 - Journal and book publishers, newspapers, etc.
 - Digitizing companies



Parties

- Other
 - Within and across institutions
 - International and transnational
 - Ad hoc consortia/partnering



Content Of Agreements - examples

- Parties involved
- What is included
- Rights for distribution, sale or charging for access
- Permissions, restrictions, access rights, users, site
- Expectations of delivery of services
- Length of time agreement is in force
- Venue
- Signatures



Sample agreements

- Va. Tech ETD agreement
- Va. Tech policy on use of collections
- UNC loan agreement
- UW partnership agreement
- UW individual donor agreement
- DSpace repository license



In the meantime...

- Tim Jewell leading DLF initiative on metadata and electronic resource management
- UW and others working with III to develop a ERM module
- Other ILS vendors interested in developing modules



Collaboration

- Two efforts should be collaborating
 - Both intend to manage information about contracts/agreements
 - Need to document and track status, adherence, etc.
 - Share many common data elements such as ownership, rights, users, etc.
 - We're only going to have more of each kind of license/agreement
 - Why invent something new



Challenges

- Situations and collections are often unique
- Libraries not responding to and working with the same license and licensor
- More individualized and customized
- Differences based on local needs
- Local counsel might insist on institution specific language and approaches
- Wouldn't map completely



Potential DLF Role

- Facilitate discussion, sharing, developing templates and modular elements
- Provide server space or pointer to samples and models
- Develop DLF sponsored model agreements
- Pattern after LibLicense model
- Explore synergy with ERM initiative on metadata schemas and concepts



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