Rights Management for Licensing and Digitizing Resources

DLF Spring Forum
May 16, 2003
Joyce Ogburn
Tim Jewell
University of Washington Libraries
Licensing Resources:
The DLF Electronic Resource Management Initiative (ERMI)

Tim Jewell
tjewell@u.washington.edu
• 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

Joyce L. Ogburn
jlogburn@u.washington.edu
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
Rights Management for Licensing and Digitizing Resources

Tim Jewell
tjewell@u.washington.edu

Joyce Ogburn
jlogburn@u.washington.edu