

# 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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