Implementing RightsStatements.org at the University of Miami Libraries

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Overview

• Introduction to Rightsstatements.org
• Legacy collections project
• Challenges
• Risk assessment
• Moving forward
• Helpful resources
RightsStatements.org
Project of DPLA and Europeana
Designed specifically for cultural heritage institutions, to cover the most common situations encountered
Simple and flexible
Informational statements about copyright status, not licenses
Only describe copyright status, not other legal restrictions (e.g. privacy) or possibilities (e.g. fair use)
Human- and machine-readable. Published as linked data, and each statement has a URI
Why implement RightsStatements.org?

• Inconsistent approach to rights in the past
• Rights statements provided a framework to get started
• Part of ongoing metadata cleanup and evaluation
• Prepares us for DPLA harvesting

Image from Pan American World Airways Records, University of Miami Libraries.
Rights landscape in our metadata beforehand

• 52,000 items in 120 distinct digital collections
• Less than 5,800 items with specific rights information in the metadata
• Two fields, no consistency:
  • URL of our copyright page
  • URL of an old version of our copyright page
  • © to specific person
  • © University of Miami, 2006. (Inaccurate!)
  • Blank...

Image from Swingle Plant Digital Archives, University of Miami Libraries.
Project steps for legacy digital collections

• Spreadsheet for project tracking and documentation
• Review deeds of gift
• Create rights matrix to standardize and simplify decision making
• Examine metadata for each collection, often at item level
• Update metadata records in CONTENTdm
<table>
<thead>
<tr>
<th>Published or Unpublished?</th>
<th>Country of Creation</th>
<th>Creator</th>
<th>Date of creation</th>
<th>Rights Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unpublished</td>
<td>U.S. or Cuba</td>
<td>Any</td>
<td>Before 1896</td>
<td>Public Domain</td>
</tr>
<tr>
<td>Unpublished</td>
<td>U.S. or Cuba</td>
<td>Creator is known, and died after 1946</td>
<td>Any</td>
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<td>Creator is known, but dates of death aren’t known</td>
<td>1946 or after</td>
<td>In Copyright</td>
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<tr>
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<td>U.S. or Cuba</td>
<td>Creator is known, but dates of death aren’t known</td>
<td>1896 to 1945</td>
<td>Rights Undetermined</td>
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<tr>
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<td>U.S. or Cuba</td>
<td>Creator is unknown</td>
<td>1946 or after</td>
<td>Rights Undetermined - Copyright Owner Unlocatable or Unidentifiable</td>
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<td>Unpublished</td>
<td>U.S.</td>
<td>Corporate body (or work for hire) - still in existence</td>
<td>1896 or after</td>
<td>In Copyright</td>
</tr>
<tr>
<td>Unpublished</td>
<td>U.S.</td>
<td>Defunct corporate body (organization or business)</td>
<td>1896 or after</td>
<td>In Copyright - Copyright Owner Unlocatable or Unidentifiable</td>
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<tr>
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<td>Defunct corporate body (organization or business)</td>
<td>1923 or after</td>
<td>In Copyright - Copyright Owner Unlocatable or Unidentifiable</td>
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<tr>
<td>Either</td>
<td>Cuba</td>
<td>Corporate body (organization or business) - still in existence or defunct</td>
<td>1896 or after</td>
<td>In Copyright - Copyright Owner Unlocatable or Unidentifiable</td>
</tr>
<tr>
<td>Either</td>
<td>U.S.</td>
<td>Created by an officer or employee of the US or Florida government as part of their official duties</td>
<td>Any</td>
<td>Public Domain</td>
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<tr>
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<td>Cuba</td>
<td>Cuban government</td>
<td>Before 1959</td>
<td>Public Domain</td>
</tr>
<tr>
<td>Either</td>
<td>Cuba</td>
<td>Cuban government</td>
<td>1959 or after</td>
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<tr>
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<th>Copyright Notice</th>
<th>Date of Creation</th>
<th>Rights Status</th>
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<td>Any</td>
<td>Before 1923</td>
<td>Public Domain</td>
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<tr>
<td>Published</td>
<td>U.S. or Cuba</td>
<td>No</td>
<td>1923 to 1977</td>
<td>Public Domain</td>
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<tr>
<td>Published</td>
<td>U.S. or Cuba</td>
<td>Yes</td>
<td>1923 to March 1, 1989</td>
<td>In Copyright</td>
</tr>
<tr>
<td>Published</td>
<td>U.S. or Cuba</td>
<td>Unknown</td>
<td>1923 to 1977</td>
<td>Rights Undetermined</td>
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<tr>
<td>Published</td>
<td>U.S. or Cuba</td>
<td>No</td>
<td>1978 to March 1, 1989</td>
<td>Rights Undetermined</td>
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Technical bits…. Or how we did it

• Took a little over a year to complete
• Side project done in addition to our regular work
• Level of assessment based on nature of the materials
• Split the work but met frequently to hash out challenges
• Manual process, working within the technical constraints of CONTENTdm, so very little was automated
Two fields: Local rights language & URIs

• Allows us to specify copyright holder when known, and provide link to copyright information page
• CONTENTdm can’t use URIs, but include them for DPLA (and future systems)
• Make sure that local field follows DPLA best practices

## Local and Standardized Rights Statements

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<tr>
<th>Status</th>
<th>Local Rights Statement</th>
<th>Standardized Rights Statement</th>
</tr>
</thead>
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<tr>
<td>In Copyright</td>
<td>This material is protected by copyright. Copyright is held by the creator.</td>
<td><a href="http://rightsstatements.org/vocab/InC/1.0/">http://rightsstatements.org/vocab/InC/1.0/</a></td>
</tr>
<tr>
<td>In Copyright</td>
<td>This material is protected by copyright. Copyright is held by [...].</td>
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<tr>
<td>In Copyright</td>
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</tr>
<tr>
<td>In Copyright</td>
<td>This material is protected by copyright. Copyright was originally held by [...], but was transferred to the University of Miami.</td>
<td><a href="http://rightsstatements.org/vocab/InC/1.0/">http://rightsstatements.org/vocab/InC/1.0/</a></td>
</tr>
<tr>
<td>In Copyright - Rights-holder(s) Unlocatable or Unidentifiable</td>
<td>This material is protected by copyright. The copyright owner is unknown or unidentifiable.</td>
<td><a href="http://rightsstatements.org/vocab/InC-RUU/1.0/">http://rightsstatements.org/vocab/InC-RUU/1.0/</a></td>
</tr>
<tr>
<td>No Copyright - United States</td>
<td>This material is in the public domain in the United States.</td>
<td><a href="http://rightsstatements.org/vocab/NoC-US/1.0/">http://rightsstatements.org/vocab/NoC-US/1.0/</a></td>
</tr>
<tr>
<td>Copyright Undetermined</td>
<td>The copyright and related rights status of this material is unknown.</td>
<td><a href="http://rightsstatements.org/vocab/UND/1.0/">http://rightsstatements.org/vocab/UND/1.0/</a></td>
</tr>
<tr>
<td>No Known Copyright</td>
<td>No copyright or related rights are known to exist for this material, but conclusive facts may be missing or ambiguous.</td>
<td><a href="http://rightsstatements.org/vocab/NKC/1.0/">http://rightsstatements.org/vocab/NKC/1.0/</a></td>
</tr>
<tr>
<td>Any</td>
<td>Copyright status as noted on the item: “[...]”</td>
<td>Any</td>
</tr>
<tr>
<td>Copyright Not Evaluated</td>
<td>The copyright and related rights status of this item has not been evaluated.</td>
<td><a href="http://rightsstatements.org/vocab/CNE/1.0/">http://rightsstatements.org/vocab/CNE/1.0/</a></td>
</tr>
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Challenges – Limitations of existing metadata

Tampa Life cigar box label, undated. Tobacco Art Collection, Cuban Heritage Collection, University of Miami Libraries.
Challenges – Orphan works

Tower Hotel by Miami River, ca. 1920s. Floyd and Marion Rinhart Collection, Special Collections, University of Miami Libraries.
Challenges – Who owns copyright?

Footbridge over canal on W.J. Matheson Estate, 1917. Finlay B. Matheson Collection, Special Collections, University of Miami Libraries.
Challenges – What counts as publication?
Challenges – International copyright issues

Model for bronze lion sculpture to be installed on the Paseo de Martí, 1928. Herman Beller Collection, Cuban Heritage Collection, University of Miami Libraries.
Challenges – Copyright changes over time
Where we are in 2017

Rights Statements by Percentage

- InC: 50.45%
- InC-RUU: 18.52%
- NoC-US: 10.89%
- UND: 20.03%
- NKC: 0.10%

No. of Statements per Collection

- Collection 1: 50
- Collection 2: 26
- Collection 3: 37
- Collection 4: 13
Risk assessment

- Our emphasis is on access under fair use and all material is available for download
- Err on the side of being more conservative
- Worked with our Associate Dean for Digital Strategies
- Risk assessment on a collection basis: high-profile collections receive more detailed assessment. For Pan Am we worked with the university’s legal counsel
Copyright Guidelines webpage

- Copyright page with more information and take-down policy
  [http://merrick.library.miami.edu/digital_projects/copyright.html](http://merrick.library.miami.edu/digital_projects/copyright.html)
- Provide context and use cases
- Emphasize that final obligation to investigate rights lies with user

Image from Cuban Refugee Center Records, University of Miami Libraries.
Moving forward with new digital collections

• More emphasis on rights assessment during project planning
• Integrate copyright evaluation into metadata workflows
• Develop project-specific matrices to aid decision making
• Accept some level of variability in how intensely we assess materials, and focus on what would benefit from more attention
• Coordinate with other Florida institutions to standardize practices and develop resources for DPLA service hub
Rights assessment for the Pan Am grant

• Rights history of Pan Am; acquiring the materials and rights in bankruptcy court
• Copyright review done as items are prepped for scanning
• Very thorough level of assessment since this is a high-profile, high-use collection
• Published materials from the mid-20\textsuperscript{th} century, when copyright registration and renewal was important
Rights assessment for the Pan Am grant

• Examination of copyright renewal (1923-1963) and registration (1978-1989) for published materials
• Specific rights statements for the collection (with the mention of the Pan Am brand)
Helpful resources...

Or how two librarians without a background in copyright law taught ourselves

- Peter Hirtle, “Copyright Term and the Public Domain in the United States”  
  http://copyright.cornell.edu/resources/publicdomain.cfm
- Peter Hirtle, Emily Hudson, and Andrew T. Kenyon. *Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums*  
  http://www2.archivists.org/standards/guide-to-implementing-rights-statements-from-rightsstatementsorg
- University of Pennsylvania, “The Online Books Page: Copyright Registration and Renewal Records”  
  http://onlinebooks.library.upenn.edu/cce/
- Stanford Copyright Renewals Database  
  https://exhibits.stanford.edu/copyrightrenewals
Questions?

Thank you!

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