



BACKGROUND

Ambiguous rights info impacts use of collections.

Our <rights> fields are often inaccurate, misleading, incomplete, or redundant. Categorizing the contents of your collections benefits users and your institution.

RightsStatements.org comes from DPLA + Europeana.

The initiative establishes simple, standardized, and machine-readable terms that organizations may use to communicate the copyright status of digital materials.

The goal is to enable and enhance access to our works.

We want to facilitate appropriate use and reuse of objects made available online. The statements are not licenses and don't replace more detailed local rights info.

At WashU, we've implemented for Omeka and DLXS.

Washington University Libraries hosts thousands of digital objects and contributes metadata to aggregation platforms like DPLA via participation in Missouri Hub. We began re-assessing materials and updating rights information in 2016.

There are three categories and 12 statements to apply.

The statements are high-level summaries of the underlying object's rights status. You store the URI in a metadata element or property associated with the item.

No foolproof approach—but can establish parameters.

Organizations vary in staffing, holdings, and priorities. It can be difficult to find and interpret the relevant law. But the statements serve an informational purpose, and it's possible to draw lines that shape your basic decision-making process.

OUR PROCESS

First pass: student (2L) worker

[Start broad → go narrow]
Review exhibit homepage, descriptions, curatorial notes, news stories about the collection, finding aid for source materials, etc.

[Keep notes of key factors]
Ask same questions of each item:

- creation date
- creator death date
- country of creation
- publication status

[> 1 recommendation is OK]
We want accuracy, and we want evaluation to reflect best info available—but it's ultimately a good-faith attempt to communicate with our users.

Second pass: copyright analyst

[Judgment calls: context matters]
Consider curatorial info, knowledge of collection and its donor(s), deeds of gift, license or deposit terms, physical copies, etc.

[Default to more restrictive]
If assigning by collection with mixed materials, choose more prohibitive statement. Apply at item-level to extent feasible.

[CC > RS; don't add layers of ©]
License if able. Waive scan rights.

[Decision-making authority]
Important to know who and under what circumstances can approve risk. Revise assessment if need be.

Third step: digital library services manager

[Omeka exhibits]
Add Dublin Core Rights field using bulk metadata editor plug-in, or do manually.
<dc:rights><http://rightsstatements.org/vocab/InC/1.0/></dc:rights>

[DLXS collections]
Edit rights information in TEI XML header.
Include local rights info *after* the property containing the standardized statement.

CHALLENGES

Institutional capacity to apply at the item-level

Works need be evaluated individually. But it may not be practical to assess every object in a collection before assigning it a rights statement.

Foreign works governed by different rules

Our focus is U.S. copyright law, where duration may differ from country of origin. Most materials published abroad after 1923 still protected.

Status determinations—preparing for future

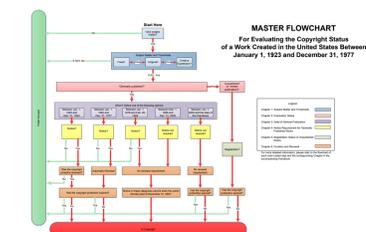
Copyright terms expire. *E.g.* On January 1, 2018, works by authors who died before 1948 become public domain. How will you update records?

Limiting _(ツ)_/

There are many resources to help you understand, interpret, and apply the law to specific facts. But be advised: certainty is nearly impossible.

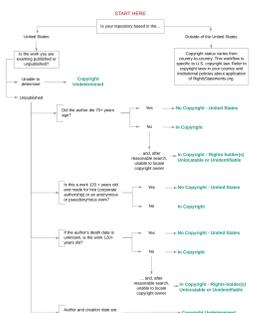
RESOURCES

Peter B. Hirtle, Copyright Term and the Public Domain the United States. <http://copyright.cornell.edu/resources/publicdomain.cfm>.



Manesha A. Mannapperuma, Brianna L. Schofield & Andrew K. Yankovsky, et al. Is it in the Public Domain? [https://www.law.berkeley.edu/files/FINAL_PublicDomain_Handbook_FINAL\(1\).pdf](https://www.law.berkeley.edu/files/FINAL_PublicDomain_Handbook_FINAL(1).pdf).

Society of American Archivists, Guide to Implementing Rights Statements from RightsStatements.org. http://www2.archivists.org/sites/all/files/RightsStatements_IPWG%20Guidance.pdf.



Visit www.rightsstatements.org for guidelines and documentation.

RIGHTS STATEMENTS



These are what we have used so far.

DECISION POINTS

Publication, notice, and registration

Unpublished, "generally published," and "limited publication" are legal distinctions relevant to assessing the status of works created in the United States between 1923 and 1977. Some of this material is subject to requirements of notice (1923 to March 1, 1989) and registration renewal (1923 to 1964), in order to be protected.

PDM vs. NKC vs. NoC-US

Can you use public domain mark for very old, unpublished works, if protection potentially persists in other countries? What is appropriate pre-1923 publication date for assigning "No Known Copyright" instead of "No Copyright - U.S.?"

1835 | 1850 | 1896 | 1909 | 1923 | 1946 | 1964 | 1977 | 1989

Creation/publication date determines the law(s) to apply, so successive Copyright Acts and Treaties may need to be considered when analyzing a work's status.

Reconciling with repository-level notes

More granular local rights info on provenance, rightsholders, desired citation, etc. should be consistent with the statement chosen—and may entail additional review.

