Copyright Metadata based on DPLA Rights Statements

Developed for the Frick Art Reference Library DAMS

What We Talk About When We Talk About “Rights Management” session at the ARLIS/NA+VRA 3rd Joint Conference, Seattle, WA, 2016

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(IANAL)
I am not a lawyer
...
and I am not giving legal advice
I am not affiliated with the DPLA
The Frick Collection and Frick Art Reference Library

One institution consisting of:

★ A famous art museum that supports the study of European fine and decorative arts.

★ A library, including a photoarchive, an institutional archive, and the Center for the History of Collecting. We have notable programs and policies dedicated to the history of art collecting, digital art history, web archives, digital collections, education, conservation, and preservation and access.

The library has an on-site Digital Lab where materials in many different formats have been digitized and made available. Materials include: photographs, blueprints, archival material, scrapbooks, rare books, auction catalogs, and historical film.
Frick Contributors to our DAMS

Currently 3 groups at the Frick Art Reference Library submit resources to be digitally reformatted = 😊

All digitized resources are stored in our Digital Asset Management System (DAMS), among other locations for preservation and access.

The museum group will be contributing to the DAMS, but was not part of the copyright metadata decision group.
Steps in the development of our current “rights” policy

★ Project based digitization - safe, pre-1923 publication date materials
★ Moving towards continual digitization including foreign published and post-1922 US published materials
★ Study copyright and look at copyright information pages from other institutions
  ○ CopyrightX
  ○ HathiTrust - Copyright
  ○ Durationator
  ○ CAA - Fair Use _ Code of Best Practices
  ○ Cornell - Public Domain doc
★ DPLA rights statements white paper release, 2015
★ The Frick DAMS metadata working group formed to harmonize fields and data
★ DPLA update to white paper, 2016
Risk free US materials
Pre-1923 US published
No Copyright - United States
The DAMS public interface in beta development
The DAMS Metadata

★ Harmonize metadata fields and vocabulary where possible between the contributing groups.
★ Tried to use Dublin Core fields when possible for future data sharing.
★ All of our fields relating to copyright are shared between groups.
★ All of our rights status labels are based on DPLA suggested rights statements and are used by the groups. Working spreadsheet below:

<table>
<thead>
<tr>
<th></th>
<th>DPLA statement</th>
<th>DPLA statement tag</th>
<th>Use</th>
<th>Notes</th>
<th>Xinet Display Drop-down menu</th>
<th>Archives</th>
<th>Book Dept</th>
<th>Photo Archives</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>In Copyright</td>
<td>InC</td>
<td>Indicates that the item is in Copyright</td>
<td>The item may still be copied and made accessible if it qualifies for limitation or exception of the law</td>
<td>In Copyright</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>3</td>
<td>Public Domain</td>
<td>PD (mark from CC)</td>
<td>Indicates that the item is in the Public Domain globally. It’s so old that it has to be in the Public Domain.</td>
<td>Use for materials published before 1800</td>
<td>Public Domain</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>4</td>
<td>Public Domain -</td>
<td>PD-x (coming from</td>
<td>Use for materials that are in the Public Domain, somewhere x = the jurisdiction</td>
<td>Public Domain-US</td>
<td></td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>jurisdictional</td>
<td>GD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>No Copyright-United</td>
<td>NoC-US</td>
<td>Shows we are making determinations based on US copyright law</td>
<td>This Rights Statement should be No US Copyright</td>
<td></td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>States</td>
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</tr>
</tbody>
</table>
DPLA list of suggested rights statements

2. Detailed information per Rights Statement

2.1 In Copyright
2.2 In Copyright - EU Orphan Work
2.3 In Copyright - Rights-holder(s) Unlocatable or Unidentifiable
2.4 In Copyright - Educational Use Permitted
2.5 In Copyright - Non-Commercial Use Permitted
2.6 No Copyright - Non-Commercial Use Only
2.7 No Copyright - Contractual Restrictions
2.8 No Copyright - Other Known Legal Restrictions
2.9 No Copyright - United States
2.10 No Known Copyright
2.11 Copyright Not Evaluated


= DPLA statements being used by The Frick Collection DAMS, plus Public Domain.
Statements Explained

- ★ In Copyright
- ★ Public Domain = So old it has to be in the Public Domain globally
- ★ Not in Copyright - United States > Not in US Copyright = In the Public Domain in the United States (altered)
- ★ No Known Copyright > No Known US Copyright = Most likely not in Copyright in the United States, but missing some factors to say for sure (altered)
- ★ Copyright Not Evaluated = Unknown, or Inconclusive

Creative Commons Public Domain Mark
Why this is important

★ The DPLA statements allow users/patrons to know how they may re-use what we share.
  ○ simple and clear statements

★ Global guidelines - interoperability
  ○ Statements can be used globally and can be comprehended globally with jurisdictional additions to the statements.
  ○ Adding rights statements make it easier to share your assets. Easier to share with DPLA - require rights field and want to use these statements.
  ○ Centralizing the language also makes statements easier to update when things change - the statements are in flux and copyright is dynamic.

★ My view - allows us as cultural heritage institutions, to have more confidence when making digital materials accessible.
  ○ Allows us to provide broader access to our collections
More Copyright Information in our Public Interface

As a group we also are drafting a Copyright Info and Terms of Use page that will go to our lawyer. It includes:

★ “Take Down Policy and Procedures” contact information
★ What our statements mean
★ User responsibility

All of our copyright decisions are to be finalized by The Frick Collection lawyer.
The End

Thanks for your interest.

Please contact me for further discussion on this ever changing topic. I would love to know more about your copyright metadata.

Victoria Pilato

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