

BDRC License and Access Policy

The core license and access guidelines for Buddhist Digital Resource Center were developed by E. Gene Smith and documented in BDRC's Digital Library Management System in 2004. The Board of Directors made clarifications in 2012 (instituting a CC BY 4.0 license), and further clarifications were made in 2014 after review by Harvard counsel Kyle Courtney in the attached memo.


The policy and guidelines set forth are intended to serve two distinct purposes.

1. Maximize access of Tibetan works to sustain the living traditions
2. Protect the legal and cultural rights of Tibetan authors and publishers

License Policy

There are two types of licenses used in the BDRC Library:

1. CC BY 4.0
2. Copyright as defined by international copyright law.

1. CC BY 4.0	
	<p>BDRC applies the Creative Commons Attribution 4.0 International (CC BY 4.0) license to all works not under direct copyright. Under CC BY 4.0, (or simply CC-BY) readers are free to, for any purpose, even commercially:</p> <ul style="list-style-type: none">• Share — copy and redistribute the material in any medium or format (such as printing paper texts from scans).• Adapt — remix, transform, and build upon the material <p>Under the following terms:</p> <ul style="list-style-type: none">• Attribution — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use. □

	<p>The complete details of the CC-BY license are found here</p> <p>http://creativecommons.org/licenses/by/4.0/</p>
2. Copyright	©
	<p>BDRC applies section 108 copyright analyses to its works. Copyright protects works from being copied and distributed 70 years after the death of an author in the US and 50 years after the death of an author in China.</p>

Access Policy

In addition to the license policy, BDRC assigns access designations to works published on its online library at tbr.org based on Tibetan cultural commitments. The following access designations are used:

1. **Open Access** – texts with open access according to the CC-BY license.
2. **Fair Use** – works protected by copyright, made available according to fair use.
3. **Restricted Sealed** (tib: rgya can) – Some works of the following types are restricted because of the nature of their content. The owners of the traditions request these restrictions.
 - a. Sealed Texts (tib: bka' rgya ma)
 - b. Esoteric Collections (tib: be'u 'bum and sngags 'bum)
 - c. Secret Practice or Oral Instruction (tib: mkhyud dpyad)
 - d. Tantric Sex (tib: thabs lam)
 - e. Secret Sealed (tib: gsang ba rgya can)
 - f. Secret Biographies (tib: gsang ba'i rnam thar)
 - g. Ear-Whispered Lineage (tib: snyan brgyud)

h. Esoteric Instructions (tib: khrid yig)

Please note: if these works appear in the collected works (tib: gsung 'bum) of the author, they are not restricted as they appear in context.

4. **Temporarily Restricted** – works marked as temporarily restricted, until at some time BDRC is instructed to release the restriction. Unless otherwise specified, the time duration is 3 years from the date of publication.

5. **Restricted by Quality** – works marked restricted by quality in cases where the scanned source is of poor quality. BDRC reserves the right to restrict access to these works and may direct users to a better quality edition.

6. **Restricted by BDRC** – works marked generally as restricted by BDRC for whatever purpose BDRC deems necessary.

7. **Restricted in China** – works marked restricted where heightened sensitivity in China precludes access in China. Note: these works will be available on BDRC.org outside of China.

Guidelines

1. **Scanned manuscripts and woodblock prints** – original sources dating from the 8th century from India, China, Mongolia, Bhutan and Nepal.

CC BY 4.0

2. **Scanned facsimile editions of original manuscript and woodblock prints dating from the 8th century** - original sources that appear as phototypeset facsimile volumes, but with newly composed front and back matter. For example, the PL-480 collection published by Gene Smith at the Library of Congress.

CC BY 4.0

Explanation: The newly composed front and back matter of these works can be under copyright protection, but the body contained in these works is not under copyright. We have been advised to remove the front and back matter during our scanning and archiving process and remove the copyright designation.

3. **Scanned reprints of original manuscript and woodblock prints dating from the 8th century** – works that appear as newly published volumes (either bound or in traditional pecha format), but are input electronically from original sources.

CC BY 4.0

Explanation: The only portion of these works that are under legitimate copyright protection is the front and back matter, such as prefatory material, and not the original work, whether it's manually input or reproduced as a facsimile. Therefore, we will remove the sections from these works that are possibly under copyright and mark the work CC-BY.

4. Scanned works of contemporary authors - newly published volumes in Tibetan, Chinese and Mongolian language from India, China, Mongolia, Bhutan and Nepal.

Copyright ©

Explanation: According to US Copyright law, works remain under copyright protection for 70 years after the death of the author. In China, works remain under copyright protection for 50 years after the death of the author. In both cases, works under copyright protection require a section 108 analyses. If no restriction is marked on the work, BDRC interprets this as no restriction is desired. In the case of copyright restricted works, we will continue to scan for preservation purposes and continue to make available under fair use.

5. Born-digital texts – electronic full-text files of any of the above that come from optical character recognition (OCR) or manual input.

CC BY 4.0 or Copyright ©

Explanation: The license of these resources pass through the license of the source from which they are derived.

Examples

The following examples from the BDRC Library illustrate how the license and access policy is applied.

RID	Title	License	Access
W1KG5997	khyab bdag rdo rje 'chang chen po ngag dbang bshad sgrub dpal gyi rnam thar dang ngag dbang brtson 'grus kyi rnam thar	Copyright	Fair Use
W1KG14466	bod kyi nang pa sangs rgyas pa'i chos theg pa che chung sngags	Copyright	Fair use

	dang bcas pa cha tshang ba'i nyams len byed stangs kyi ngo sprod mdor bsdus/		
W1KG14982	bod kyi dpe mdzod khang gi phyag dpe'i dkar chag	Copyright	Fair use
W22084	bka' 'gyur (sde dge par phud)	CC-BY	Open
W23743	gsung 'bum/_'jig rten mgon po	CC-BY	Open
W1KG12954	be'u bum sngon po'i 'grel pa/ (zhol par ma/)	CC-BY	Open
W1KG1790	yi ge'i 'jug sgo	Copyright	Open
W30438	mes po'i zhal lung	CC-BY	Open
W30023	rtsis rig	CC-BY	Open
W15724	'bri gung gso rig gces bsdus	CC-BY	Open
W1GS66286	gsung 'bum/_ a ti sha/	CC-BY	Open
W22393	sgam po pa'i gsung 'bum	CC-BY	Restricted by Quality
W1KG18290	dam pa'i chos kyi thob yig bstan pa'i nor rdzas/	CC-BY	Restricted by Quality
W1KG9285	gcod yul nyon mongs zhi byed kyi bka' gter bla ma brgyud pa'i rnam thar byin rlabs gter mtsho	CC-BY	Restricted by BDRC
W2CZ7990	mdzad rnam rgya chen snying rje'i rol mtsho	Copyright	Restricted in China
W29042	gzhung zhabs mi sna khag gcig gi lo rgyus phyogs bsdebs/	CC-BY	Restricted in China
W24881	mkhas dbang bar zhi yab chen phun tshogs dbang rgyal gyi rnam thar	Copyright	Restricted in China

W00EGS1016282	sngags kyi be'u bum/	CC-BY	Restricted Sealed
W1CZ1073	mgon po'i be'u bum snying thig bka' rgya ma/	CC-BY	Restricted Sealed
W1CZ1990	sgrol ba'i mgon po'i gsang ba'i rnam thar thabs lam gsal byed/	CC-BY	Restricted Sealed
W29199	'jigs byed them skas bco brgyad/	CC-BY	Restricted Sealed
W00KG03595	thabs lam zhal gdams/	CC-BY	Restricted Sealed
W1CZ1981	pad+ma'i snyan brgyud yang gsang bla med	CC-BY	Restricted Sealed
W1KG11935	rdzogs chen dgongs pa zang thal gyi khrid yig	CC-BY	Restricted Sealed
W4CZ7445	li thang bka' 'gyur	CC-BY	Temporarily Restricted
W2MS2239	'phrin las dbang mo'i rnam thar gsang ba'i ye shes/	CC-BY	Temporarily Restricted
W4CZ20868	bka' thang zangs gling ma/	CC-BY	Temporarily Restricted