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This is a Digital Standards Team recommendation.

This best practices document recommends the implementation of a core set of rights management guidelines. These guidelines will help to preserve the ownership of the items as well as assist in securing the items for use in the repository. The document reviews author's rights, rights statements, withdrawal policies, license agreements, and other rights management concerns.

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Rights Management Guidelines

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This document is meant to serve as a set of guidelines for planning, developing, and managing the various levels of use rights and conditions involved with digital collections.

Non-Exclusive License Agreement

A standard non-exclusive license agreement should be drafted and signed for each collection/contribution to the repository that is not directly owned or managed by the library, archives, or special collections of the host institution. The license agreement is meant to give permission to the library to present the items openly in the repository and to preserve the items over time. The author or creator still owns the rights for the materials. This license is strictly granting permission to display the items in the repository, preserve the materials, and stating that the contributor has checked that the materials are currently not under any restrictions.

A Creative Commons License can also be attached to the item stating exactly how the patron can use the item. This is different than the above mentioned license because it strictly focuses on how the patron can use the item and does not include preservation and permission to host the materials. Both licenses are equally important and should be considered for use with the materials. The Creative Commons License would be displayed with the record where the Non-Exclusive License Agreement would be hidden from the patrons view and only used on the administration side.

The Non-Exclusive License Agreement is important for the long term preservation of the materials. The license will allow the library to store multiple copies of the items in various places to guarantee that the digital material is not lost due to equipment failure or human error. The license allows the library to continue to save the files in a current format so that the information can be accessed over time.

Author's Rights

As collections are contributed to the repository various papers, presentations, and articles will be reviewed in order to be included. Frequently the contributor will not have the time to review their rights as the author or they may misunderstand their rights. As a result the library staff will be charged with the task to review the materials to make sure that the author has the rights to post the materials in the institutions repository.

Sherpa-romeo (<http://www.sherpa.ac.uk/romeo/>) is an online database of various publishers and their requirements and restrictions for putting items into a repository. The well known journals are usually easy to find in this database but the smaller and lesser known journals tend to be left out at this time. You can send them a journal's information and they will review it to be included in the future but that doesn't always give you the information you need immediately. The database uses a color coded system so that the viewer can quickly determine what their rights are with that specific journal. They also detail the differences in publications that can be put in the repository. The database explains the color coded system, differences between pre and post print articles, and open access articles here:

<http://www.sherpa.ac.uk/romeo/definitions.php?la=en&fIDnum=|&mode=simple&version=#colours> To explain the differences briefly a pre-print article is commonly considered as the first draft that is sent to the editor before peer review. The post-print article is commonly the published article that is not set to the formatting of the journal and has undergone peer-review. The journal's pdf is the actual article from the journal itself with all formatting identical to the printed version. The open access journals will commonly allow the original journal's pdf to be placed in the repository for self archiving.

If the journal that is being reviewed is not represented in Sherpa-romeo then the staff member will need to review the journal's website or printed publication to find out about the terms of use for the article. Most journals will reveal any restrictions or rights information in the author's rights section. This section of the journal will spell out what the author can do with the article once it has been published by the journal. Frequently you will be able to find the link to the author's rights page by looking at the journal's permissions or rights page. The journal's rights or permissions should not be considered for the use in a repository because frequently these rights are for printing or distributing the article in different ways through someone other than the author. The author's rights are for their personal use of their article as part of their personal collection in their institutions repository. The author will hold different rights for their materials compared to a librarian wanting to use the same materials as an example in a workshop. If for some reason the information can not be found on a journal's website then you will have to contact the journal's editor or staff to determine the rights. This may be the case as well if the journal is only in print form. If the journal has been bought by a larger journal or compiled with other journals then the new owner of the journal should be consulted for restrictions to the archived content.

Presentations at conferences can be reviewed at the conferences website or in their documentation. If a website or brochure on the conference is not readily available then the contributor should be contacted to see if they have any information about the conference that can be reviewed. Rights permissions should be sought out carefully. If no restrictions can be found then it should be determined if the materials could be placed in the repository and the institutions legal counsel should be consulted if there appears to be a risk.

Some author's may use a Creative Commons license with their work as well. If a creative commons license is attached to the work the various restrictions can be reviewed at: <http://creativecommons.org>

Rights Statement

It is important to include a statement about who holds the rights of the materials and how they can be used by the patron. The Rights Statement is generally added to the descriptive metadata that can be viewed by the patron. The name and contact information of the rights holder should be readily available so that patrons can easily determine who they need to contact if they want to print or use the materials. If there are restrictions on the item then the rights statement could include information about those restrictions. A general set of rights statements could be drafted and posted on the institution's website if possible. In this circumstance the link to the specific statement for that collection could be put in the metadata rather than spelling out restrictions in the field. However, the holder of the copyright should still be identified if possible. This field is important to include for preservation purposes as well so that restrictions on the item, where the item is stored, and original ownership can be determined easily.

The use of a Creative Commons License is a good way for the contributor to declare who can use the material and how they can use it. A set of usage rights for the patron viewing the materials will identify how the patron can use the repository as a whole and what rights they have to the materials that they access.

Withdrawal Policy

There are times when it may be necessary to remove items from the repository. If circumstances dictate that an item must be removed from view, users following previously published links to the item will receive an “Item Withdrawn” message, letting them know that the item has been withdrawn, and links to contact the repository institution. The administrators can reinstate a withdrawn item at any time.

The repository is meant to be a permanent scholarly record. Posting updated versions along with the original materials is the preferred way to show the progression of research.

Other Considerations for Rights Management

If an author contributes multiple items at one time and it is determined that some articles are embargoed then the collection should be processed by the digital program as normal with a hold on the embargoed items. Once the embargoed items have been cleared the items will already be processed and clear for immediate ingest into the repository automatically when the embargo clears.

If a large collection is being considered for the repository and it is determined that some of the materials are clear for copyright due to age and the rest will be clear in the near future the entire collection should be processed with notes added to hold the restricted items until they are clear for future ingest.

If a request is made for a digital copy and the item is made available on the institution's website the length of time the item will be made available needs to be determined.

Once an item has been contributed and posted in the repository the item should not be removed or altered if possible. This requires that typos be left in the print and formatting issues be left. The process should be documented carefully for preservation purposes to show why, when, how, and by whom the item was altered. The altered item should be posted a version of the first submission. The first version that has errors can be suppressed so that there is no confusion about which version is correct.

A weeding policy could be considered which will clearly state in the rights management section what the terms and conditions are for items being removed and for what reasons.

Patent Rights

As soon as a patent application is submitted to the United States Patent and Trademark Office it becomes a public record. As a result any patent that has been submitted to the United States Patent and Trademark Office is an open resource and can be published in the repository.

For more information concerning patent rights please review the United States Patent and Trademark Office website:

http://www.uspto.gov/patents/resources/general_info_concerning_patents.jsp#heading-3

Artists Rights

For information concerning artist's rights please review the following resources:

A R S Artists Rights Society

<http://www.arsny.com/>

Artists Rights Society (ARS) is the preeminent copyright, licensing, and monitoring organization for visual artists in the United States. Founded in 1987, ARS represents the intellectual property rights interests of over 50,000 visual artists and estates of visual artists from around the world (painters, sculptors, photographers, architects and others).

Google Art Project

<http://www.googleartproject.com/>

The high resolution imagery of artworks featured on the art project site are owned by the museums, and these images may be subject to copyright laws around the world. The Street View imagery is owned by Google. All of the imagery on this site is provided for the sole purpose of enabling you to use and enjoy the benefit of the art project site, in the manner permitted by [Google's Terms of Service](#). The normal [Google Terms of Service](#) apply to your use of the entire site.

V A G A

<http://vagarights.com/>

VAGA represents visual artists' copyrights worldwide. When a publisher, museum, television or movie producer, advertiser, author or any type of image user seeks to reproduce a work of art by one of our members, VAGA issues a license document, which details and limits the rights granted, contains clauses protecting the integrity of the licensed work, and ensures payment of a fee commensurate with the nature of the use.

The Film Foundation

<http://www.film-foundation.org/common/11004/artistsRights.cfm?clientID=11004&sid=4&ssid=10>

The Artists Rights Foundation, a non-profit organization founded by the DGA in 1991 and quickly bolstered with an alliance including the Writers Guild, the American Society of Cinematographers, the American Cinema Editors, the Screen Actors Guild, the Society of Composers & Lyricists and the International Photographers Guild.

Creative Commons

<http://creativecommons.org/>

Creative Commons is a nonprofit organization that enables the sharing and use of creativity and knowledge through free legal tools. Our free, easy-to-use [copyright licenses](#) provide a simple, standardized way to give the public permission to share and use your creative work — on conditions of your choice. CC licenses let you easily change your copyright terms from the default of “all rights reserved” to “[some rights reserved](#).” Creative Commons licenses are not an alternative to copyright. [They work alongside copyright](#) and enable you to modify your copyright terms to best suit your needs.

Flickr Creative Commons

<http://www.flickr.com/creativecommons/>

Many Flickr users have chosen to offer their work under a Creative Commons license, and you can browse or search through content under each type of license.

College Art Association

<http://www.collegeart.org/guidelines/rights>

Standards and guidelines for a quick guide to Artists’ Rights under the new Copyright Law

Copyright Crash Course – University of Texas Libraries

<http://copyright.lib.utexas.edu/>