

## DPLA Board of Directors Call

February 14, 2013: 1:00 PM EST

**Participating Board members:** John Palfrey (President), Laura DeBonis (Secretary), Cathy Casserly (Treasurer), Paul Courant [*absent: Luis Herrera*]

**Additional Participants:** Rebekah Heacock (DPLA Secretariat), Kenny Whitebloom (DPLA Secretariat), Emily Gore (DPLA Director for Content)

### COMMITTEE IMPLEMENTATION PROPOSAL

The Board of Directors reviewed a proposal prepared by the Secretariat which articulates a plan and timetable for implementation of the DPLA Committees and Advisory Committee proposals, as approved by the Board of Directors in January 2013.<sup>1</sup> The implementation proposal is available [here](#).

The Board discussed the proposal and suggested that the Secretariat work with the Board to first send a general message to the workstreams outlining the implementation timetable, followed thereafter by a more specific message to workstream co-chairs seeking their continued involvement in the new committee system.

The Board unanimously approved the proposal and asked the Secretariat to continue forward as specified in the document.

### DISCUSSION OF DPLA LAUNCH AGENDA ITEMS

The Board discussed potential agenda items for the open Board meeting on Thursday, April 18, 2013 during the [DPLA Launch event](#). While the Board concluded that specific agenda items will be determined closer to the event itself, they agreed the meeting should serve largely as a means to engage the community in a face-to-face setting, and to receive feedback on what the Board should pay attention to going forward beyond April 2013.

### UPDATE ON METADATA LICENSING PROPOSAL

Based on previous conversations, the Board discussed a new draft proposal developed by the Berkman Center Cyberlaw Clinic and DPLA Secretariat concerning a metadata licensing policy for the DPLA. The draft policy is available [here](#).

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<sup>1</sup> “DPLA Advisory Committee: Purpose and Structure,” January 2013, [http://dp.la/files/2013/01/DPLA\\_AdvisoryCommittee.pdf](http://dp.la/files/2013/01/DPLA_AdvisoryCommittee.pdf) and [http://dp.la/files/2013/01/DPLA\\_CommitteesProposal.pdf](http://dp.la/files/2013/01/DPLA_CommitteesProposal.pdf). See also: <http://dp.la/about/board/january-17-2012-board-of-directors-call/>.

The Board discussed several comments raised by individual members:

- Cathy Casserly, pointing to the presently uncertain landscape around copyright in a digital environment, expressed concern that the policy conflated the aspirational with the reality of intellectual property. John Palfrey responded by saying that the policy is aspirational but not wrong or inconsistent with the view that the vast majority of metadata is not copyrightable, and that there is a reasonable basis in US copyright law to make that argument.
- The group discussed whether the draft policy was consistent with Europeana's metadata policy, which ascribes CCo license to its metadata. DPLA Director for Content Emily Gore stated that the draft DPLA policy was developed based on past experience and conversations with the Europeana team, and as a result is very much in-line with their existing policy.
- Cathy Casserly asked whether the proposed policy could account for disparate copyright systems in other countries. Casserly also asked whether the DPLA ought to strive toward setting a global standard on the issue of metadata licensing. The group agreed that the draft policy is not perfectly suited to all national law. Palfrey responded by saying that the policy succeeds in suggesting that, while the DPLA may not necessarily stand in a position to harmonize with all national law, it does strive to clearly not apply additional restrictions on the data indexed in its system. As such, the DPLA may not seek to become a global leader on the issue. Still, Palfrey pointed out that the DPLA is attempting to share as much data as possible without having to worry about the variations of copyright law in various countries. Toward that end, the group agreed that the next version of the policy should specify that the DPLA's position is legally defensible under US law.
- The group discussed whether the policy was consistent with its grants, and whether the policy would satisfy managers of large metadata-holding institutions who are interested in contributing metadata to the DPLA. Palfrey noted that the amount of knowledge around this space is limited, and that there's a need for some definition. Gore pointed out that in her experience working with prospective data-providers, most cultural heritage institutions are comfortable with the idea that the vast majority of metadata is not copyrightable. Museum managers tend to be a bit more concerned about attribution issues, she noted. Gore recommended that emphasis should be placed on the CCo component of the policy, since some institutions might not be confident about the status of their metadata and would feel more comfortable with a known license.

Courant said that he thinks CCo is still too restrictive of a license, which is why he likes using it as a 'backstop', which the policy does. Since the data provider agreements the DPLA content staff have executed with the various hubs contains a CCo license requirement, Courant asked that a preamble based, at least in part, on the policy be included in these and future agreements.

The Secretariat will incorporate the aforementioned suggestions in a new version of the metadata policy and circulate a copy of it to the Board.

## **UPDATE ON DPLA CHARTER AND BYLAWS**

The Board was reminded that it will review the charter and bylaws during its March 2013 call. Versions of these two documents, available [here](#) and [here](#), are open for comment by the public.

## **COMMENTS FROM THE PUBLIC**

Greg Cram of the New York Public Library, a storehouse of OCLC metadata, asked whether the DPLA had been in consultation with OCLC on its draft metadata policy. Cram pointed out that, as a manager of large amounts of metadata, he is not overly concerned about the idea of applying a CCO license. He is, however, less confident about whether he even has the right to issue statements over the metadata contained in that database. Cram recommended the DPLA collaborate with OCLC to develop some sort of statement saying that it's acceptable for large OCLC datastores to contribute to the DPLA.

The DPLA Secretariat was asked to pursue this topic.

The Board went into Executive Session at 1:40 PM to discuss the search for the DPLA's Executive Director and the Nominating Committee's progress in identifying additional Board members.

Members of the public are encouraged to share suggestions for the open Board seats via the following form: <http://dp.la/2013/01/28/nominating-committe/>.