

## Questions from May 17

- No known copyright and copyright undetermined seem so similar. It would be helpful to have some examples of when each has been used.
  - We anticipate No Known Copyright being used when an institution reasonably believes that the item is not protected by copyright, but the institution lacks some conclusive evidence or information that would allow them to use a No Copyright statement. We anticipate Undetermined being used when the institution has investigated the status of an item, but is unable to form even a reasonable belief about the copyright status of the item.
- If the rights holder of a photo is a business - a newspaper how does the time of copyright apply if published before 1923. Does it depend then on life of the photographer who worked for the newspaper?
  - Generally, works published with the authorization of the rightsholder prior to 1923 are in the public domain, regardless of whether the work is a work made for hire. Check Cornell's [Copyright Term and the Public Domain in the United States](#) for more information.
- At the beginning it was said that you can't claim copyright just for scanning an item. How then did Google manage to do it?
  - As far as I know, Google does not assert a copyright in their scans. Instead, they rely on agreements to limit how scans can be used. Remember that copyright law sets the default rules, but agreements can change the defaults.
  - If you are referring to the statement about Google and some of the Europeana libraries, that agreement was made under a contract, so it would be contract law that affects that particular statement.
- Can you please briefly go over again what the rules are on unpublished archival papers in the US are? They would have to have been published before 2003 in order to be currently in copyright?
  - In chapter 3 of his [book](#), Peter Hirtle has a great review of the duration of copyright for material in archives.
- In regard to the South Carolina map of 1830-ish, what about cases (I'm not sure this is the case here) where cartographic work is considered a work of art? If that were the case here, and the University owned the map, or the original had been given to them, wouldn't a Creative Commons "no commercial use" application be appropriate?
  - If the entire work is in the public domain, then a Creative Commons license should not be used because there are no copyrights to license. See the [Creative Commons FAQ](#) for more about how a Creative Commons license are intended to be used.
- What does "really old" mean when it comes to using the CC Public Domain Mark?

- [Creative Commons recommends](#) using the Public Domain Mark only for works that are free of known copyright restrictions worldwide. Short of researching the copyright laws of every country, institutions that want to use the Public Domain Mark may want to develop their own internal guidelines on when they will apply the mark.
- "in copyright" - is that in a the country where it is found, or in copyright somewhere in the world.
  - In Copyright is not limited to a specific country.
- It seems to me that we should all be thinking about rights statements as we add materials to our collections. For example, we have theses in print and on CD, but we hope to digitize in the future. I think we need guidance on how to work with authors so that 5 or 10 or 20 years down the road, we will have something in writing and don't have to guess.
  - In his [book](#), Peter Hirtle has some good advice on how to approach rightsholders, discuss licensing, and documenting that agreement.
- If a creator assigns non-exclusive copyright in her photographs to my archives. She dies in 2000 and has no spouse or children. I want to make those photographs available as widely and freely as possible (commercial or non-commercial use), what statement could/should I assign?
  - Without knowing the details of your agreement with the rightsholder, it's hard to say how you might be able to use the photos, or even which statements to apply. Review your agreement to understand how you can use the photos.
- the blue categories fit most of our archival digitized content. when can we expect direction about those categories?
  - You're referring to the statements in the "Other" category. You can find more about two of those statements on [RightsStatements.org](#). The third statement, Undetermined, is under review now. We expect the statement to be added in the near future.
- Emily, Can you give me an example of a system that doesn't handle URIs? What is the failure point from an ingest perspective?
  - At this point, many systems can have any values in their fields, but it doesn't mean that they actually process URIs. If you put a URI in a number of vendor-based systems, you will only have that URI a string of text that describes the rights status as a results of that URI being in the field.
- is the dc.rights field going to remain repeatable (one for DPLA and another for a more "local" rights statements?

- As I indicated in the workshop, implementation guidelines are being worked out for the network, but yes, we do anticipate that local rights or additional rights information could be made available in the dc.rights field. We have another field known as EDM.rights that we will also use. We will provide guidance to the network regard the use of these fields VERY soon once we have the chance to test things with a few partners.
- Should we stack these statements? C-Education use permitted AND C-non-commercial use permitted. Or does non-commercial include educationl use?
  - Only one statement should be applied to an item. If the rightsholder has granted the institution the power to permit both non-commercial and educational uses, it will be up to the institution to select which statement to use. If both statements are valid, then I might select the statement that provides the broadest permission. In this situation, it will be important for the institution to clearly spell out the scope of the rightsholder's permission on its site so that users understand how the item can be used.

### Questions from May 10

- Can you talk a bit about the distinction/s between licensing and permissions? If an archives is the rights holder (and so in a position to license material), is it still relevant/necessary to get permission from estate linked to a given collection to use archival items in (for instance) a digital humanities project that lives online?
  - Remember that physical ownership does not automatically mean copyright ownership. If an institution has acquired rights to items because the institution was assigned the rights by the rightsholder, then the institution becomes the rightsholder and can exercise the exclusive rights owned by the rightsholder. If you have an agreement that requires you continue to contact the donor or author before you use an item, then you should comply with those terms.
- How about digital photography of objects and artifacts (3 dimensional) held by GLAMS? Can institutions claim copyright for those representations?
  - On pages 34-35 of his [book](#), Peter Hirtle discusses the *Bridgeman Art Library v. Corel* case that I mentioned. He also discusses the photography of three-dimensional public domain objects and when institutions can claim new rights in that photography. If your mission is to increase access to materials, your institution might consider waiving those rights by utilizing a [Creative Commons Public Domain Dedication](#) so that your institution can eliminate as many barriers as possible to reuse.
- We scan a lot of old books. There is a significant amount of copyright abuse in our space from publishers in Asia. Can we interpret the law and apply a rights to the digital record and digital copy in our digital library, even though the publisher claims copyright? In other words, publishers are falsely claiming copyright.

- Anyone can claim anything. If a work is in the public domain under the laws of the United States, merely reprinting the book does not necessarily grant new rights to the publisher. If someone adds new, protectable expression to a public domain work, then they own a copyright to that new portion.