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Turning Wrongs into Rights: Implementation of RightsStatements.org at Washington University

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BACKGROUND

Ambiguous rights info impacts use of collections.

Our “rights” fields are often inaccurate, misleading, incomplete, or redundant. Categorizing the contents of your collections benefits users and your institution.

RightsStatements.org comes from DPLA + Europeana.

The initiative establishes simple, standardized, and machine-readable terms that organizations may use to communicate the copyright status of digital materials.

The goal is to enable and enhance access to our works.

We want to facilitate appropriate use and reuse of objects made available online. The statements are not licenses and don’t replace more detailed local rights info.

At WashU, we’ve implemented for Omeka and DLXS.

Washington University Libraries hosts thousands of digital objects and contributes metadata to aggregation platforms like DPLA via participation in Missouri Hub. We began re-assessing materials and updating rights information in 2016.

There are three categories and 12 statements to apply.

The statements are high-level summaries of the underlying object’s rights status. You store the URI in a metadata element or property associated with the item.

No foolproof approach—but can establish parameters.

Organizations vary in staffing, holdings, and priorities. It can be difficult to find and interpret the relevant law. But the statements serve an informational purpose, and it’s possible to draw lines that shape your basic decision-making process.

OUR PROCESS

First pass: student (2L) worker

[Start broad → go narrow]

• Review exhibit homepage, descriptions, curatorial notes, news stories about the collection, finding aid for source materials, etc.
• Ask same questions of each item:
  • creation date
  • creator death date
  • country of creation
  • publication status

Second pass: copyright analyst

[Judgment calls: context matters]

• Consider curatorial info, knowledge of collection and its donor(s), deeds of gift, license or deposit terms, physical copies, etc.
• If assigning by collection with mixed materials, choose more prohibitive statement. Apply at item-level to extend protection.

Third step: digital library services manager

[Default to more restrictive]

• [> 1 recommendation is OK]
• Judgment calls: context matters

Fourth step: digital library services manager

[Decision-making authority]

• Important to know who and under what circumstances can approve
• Revise assessment if need be

CHALLENGES

Institutional capacity to apply at the item-level

Works need be evaluated individually. But it may not be practical to assess every object in a collection before assigning a rights statement.

Foreign works governed by different rules

Our focus is U.S. copyright law, where duration may differ from country of origin. Most materials published abroad after 1923 still protected.

Status determinations—preparing for future

Copyright terms expire. E.g. On January 1, 2018, works by authors who died before 1948 become public domain. How will you update records?

Limiting “\(\_\_\_\_\)\_”

There are many resources to help you understand, interpret, and apply the law to specific facts. Be advised: certainty is nearly impossible.

RESOURCES

Peter B. Hirtle,
Copyright Term and the Public Domain in the United States


Society of American Archivists,