



Copyright in digital environments

Conul: Copyright issues in academic libraries
23 October 2017

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Royal Irish Academy



An Roinn Post, Fiontar agus Nuálalochta
Department of Jobs, Enterprise and Innovation



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Programmes 2007 - 2013

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and the European Union

HEA | HIGHER EDUCATION AUTHORITY
AN tÚDARÁS um ARD-OIDEACHAS



About this presentation

Parts of this presentation are based on ‘Exploring CC Licences’ workshop given by Rebecca O’Neill of Wikimedia Ireland to DRI, which in turned is based on the [Change your mind workshop](#) by Barbara Fischer and licensed under Creative Commons Attribution-Share Alike 4.0 International

The Digital Repository of Ireland

DRI is a trusted digital repository for Humanities and Social Sciences Data

Linking and preserving the rich data held by Irish institutions, with a central internet access point at <http://repository.dri.ie>

From a copyright point of view, DRI preserves and publishes content, but does not **own** content.



What is copyright?

- Copyright is a property right
- Automatically applies to an original work. Exists from moment of creation of original work -no need to declare or register
- Permits the copyright owner to use and/or authorise others to use.
- Automatically prevents others from using the protected work without permission.
- Usually endures for life of author plus 70 yrs

Property rights versus Copyright

Property rights

The right of ownership serves to ensure material control of the **tangible** object.

The owner of an object can do as he or she wishes with the object and exclude others from exerting any influence.

FOR AN INDEFINITE PERIOD

Copyright

Copyright serves to protect the intellectual **intangible** content of objects.

An author can make decisions on the use of the intellectual content of an object (that can be characterized as a “work”) created by him or her.

FOR A FINITE PERIOD

Technical terms

Intellectual property touches upon many laws and regulations

- Public domain
- Creative Commons
- Re-useability
- Free licences
- Commercial purposes
- Copyright
- Intellectual property rights
- Image copyright
- Personal rights
- Data protection



Copyright law in Ireland

Copyright and Related Rights Act 2000 - Section 17

<http://www.irishstatutebook.ie/eli/2000/act/28/section/17/enacted/en/html#sec17>

- Original literary, dramatic, musical or artistic works
- Sound recordings, films, broadcasts or cable programmes,
- The typographical arrangement of published editions
- Original databases

Does not cover the full range of digital and web materials that have become available since 2000.

Legal framework in Ireland



According to **sections 24 and 35** of the **Copyright and Related Rights Act, 2000**, all literary, dramatic, musical or artistic works enter the public domain after seventy years counted from the beginning of the following calendar year (i.e. as of 2013, prior to 1943-01-01) after either the death of the author, or, if the author is unknown or pseudonymous, the date of publication.

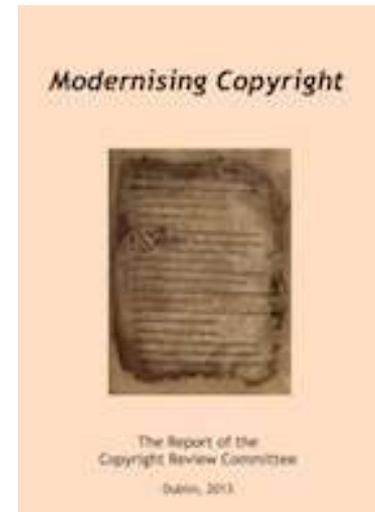


Copyright law in Ireland

In 2013, the Copyright Review Committee published 'Modernising Copyright', a report recommending updates to the 2000 Act.

Some main recommendations:

- Establishment of a Copyright Council of Ireland
- Introduction of some CR exceptions for innovation & fair use
- Improving technological protection measures for rightsowners.
- Match CR exceptions allowed under EU law*
- Extend legal copyright deposit provisions to digital publications



Copyright and digital content

- World Intellectual Property Organization Copyright Treaty (WIPO Copyright Treaty or WCT): 1996 treaty designed to cover digital content.
- EU Copyright Directive 2001: attempt to harmonise copyright law across EU to bring it in line with WIPO. However individual states can still have idiosyncratic laws.
- From Irish Times, February 2016:

EU copyright a 'web of complexity' for content providers

Conference hears online services such as Google face difficulties over user content

© Fri, Feb 12, 2016, 18:58 | Updated: Fri, Feb 12, 2016, 19:01

Some common rights & licensing issues

Does digitisation create new copyrights?

I own the physical copy but not the copyright

The original depositor requires “right-click” to be disabled

The object is still under copyright, but I can't contact the copyright holder

The copyright has probably lapsed, but I can't identify the creator

I have business records, but the business was sold

The depositor said I could digitise, but the depositor wasn't the creator

I recorded oral history interviews with permission, but I didn't ask whether I can put them online

Copyright and digital content

- For digital objects, there may be separate copyrights covering original work, the new digitised copy & any associated metadata.
- These separate copyrights are usually defined by the use of licences. Licences allow for various levels of republishing, modification etc.
- **Copyright is NOT relinquished by publishing a digital object openly online.**
- Copyright information must be included with every digital object in the Repository, allowing depositors to apply a licence, or state who owns copyright and how they may be contacted.

Open Access

Open access (OA) refers to online research outputs that are free of all restrictions on access and free of many restrictions on use (e.g. certain copyright and license restrictions).

Open Access implies that authors do not reserve all copyrights in their work, but ask only to have the work attributed to them.
(attribution rights)

Two main categories of OA: **Gratis OA** refers to free online access, and **libre OA** refers to free online access plus some additional re-use rights

Open Access

Open Access is preferable for publicly funded data.

DRI encourages publicly accessible data; Open Access where appropriate; CC-BY licensed metadata and CC licensed objects.

Even for non-OA material, how to manage reuse and attribution rights? Answer is **licensing**.

Freedom of Panorama

§93 of the Irish copyright law permits photographers to take pictures of sculptures, buildings, and works of artistic craftsmanship that are permanently located in a public place or premises open to the public, and to publish such pictures in any way.

Although not tested, this is generally interpreted to cover 3D works and *not* 2D works. Thus, murals, posters and other flat artworks are not subject to FoP.

Licensing and public access

- Licensing – giving permission for the use and reuse of copyrighted material – for specific purposes, people, territories or durations. Licensing a work does not relinquish or negate its copyright protection.
- Creative Commons provides standardised licences to allow reuse.
- All metadata in the Repository is given a CC-BY licence (Creative Commons Attribution 4.0).
- CC-BY is the licence that aligns most closely with the principles of Open Access.

In short

A licence is, for an intangible work, the functional equivalent to the property of a tangible piece of work.

Creative Commons Licences

About The Licenses



What our licenses do

The Creative Commons copyright licenses and tools forge a balance inside the traditional “all rights reserved” setting that copyright law creates. Our tools give everyone from individual creators to large companies and institutions a simple, standardized way to grant copyright permissions to their creative work. The combination of our tools and our users is a **vast and growing digital commons**, a pool of content that can be **copied, distributed, edited, remixed, and built upon**, all within the boundaries of copyright law.

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LICENSES

MOST FREE



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LEAST FREE

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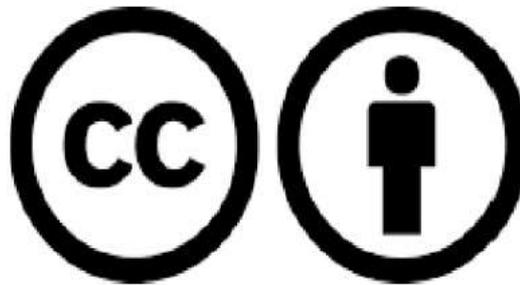
https://commons.wikimedia.org/wiki/File:CC_License_Freedom_Scale_Chart.png

Irish context

No legal recognition of **Creative Commons Licences** within legislation

This is in contrast to other EU states such as Germany

Licensing in application: 3 categories



Public domain

When is something in the public domain?

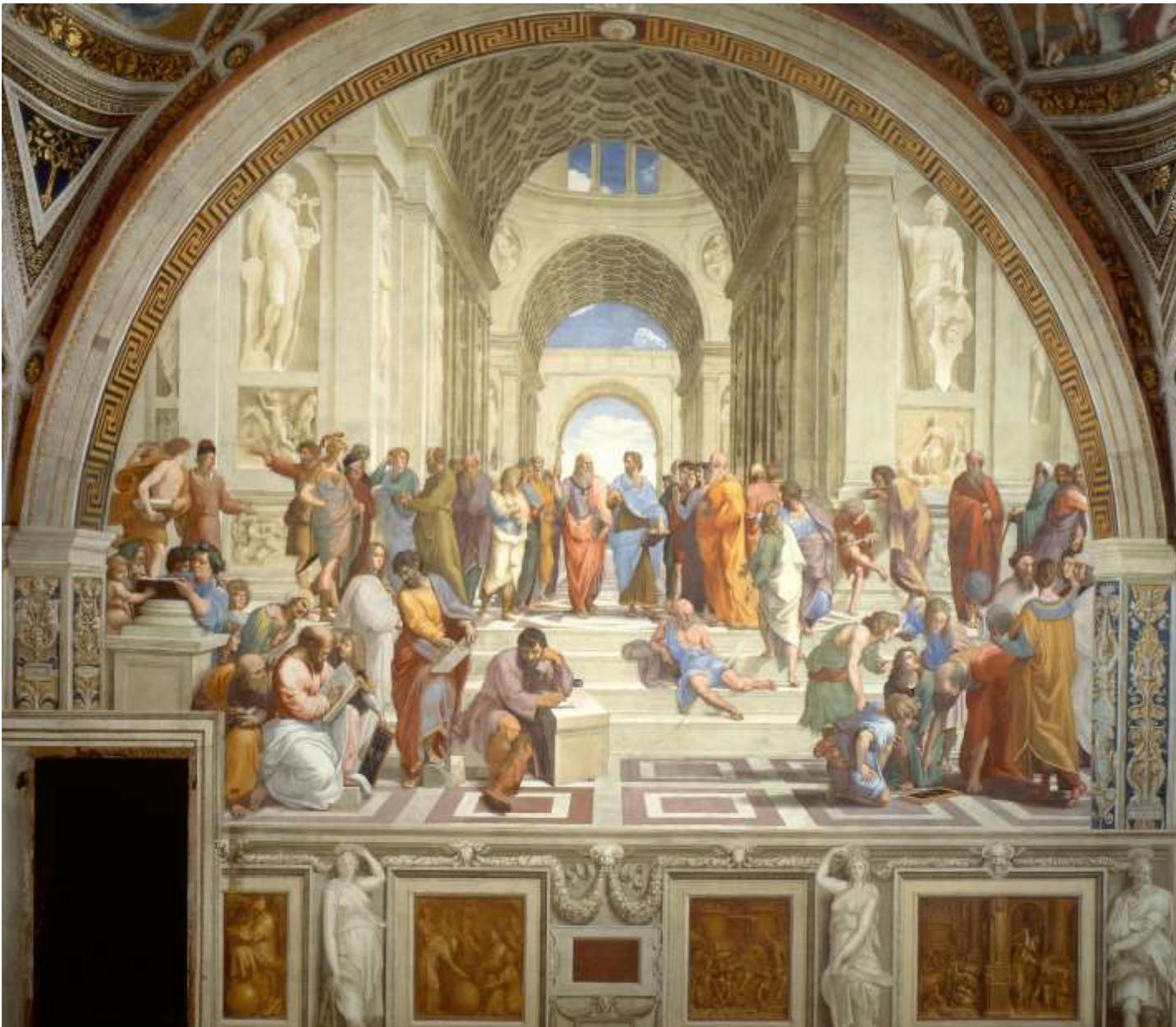
- Goods that are in the public domain can be used by anyone without consent or payment obligations for any desired purpose.
- In accordance with *lex loci protectionis*, legal protection is always determined by the particular national legal regulations in the context of which protection is desired.

In Ireland, a “work” will fall out of copyright on 1st January of the 71st year after its creation.

Assessing Public Domain when digitised

- The original digital work is not or **is no longer copyright protected**, or the starting work was in the public domain, or not copyright-protected, prior to digitisation.
- **No ancillary copyrights** arose through digitisation.

Artwork by Raphael,
The School of Athens
(1509), Public Domain
via Wikimedia Commons



Why is this work in the public domain?



- The starting work was no longer protected prior to the digitisation process.
- Digitisation was an automatic book scanning process and no new rights arose.

Image of the book *Twenty Thousand Leagues Under the Sea* by Jules Verne. Illustrations by Alphonse de Neuville and Edouard Riou

Public Domain via Wikimedia Commons

CC BY: What do I need to know?

1. I am the copyright owner of the digital or digitised work
2. The work is not Public Domain
3. No third-party rights are violated through the process of providing public access

Why may this photo be subject to CC BY?



- The author licenced the photo themselves and uploaded it to Commons.
- No third-party rights are violated.



If in doubt, shelve it

When is caution appropriate?

There are works for which caution with regard to free use is appropriate. This category includes all digital object representations that are not (or are not yet) in the public domain and also cannot be *legitimately* published under CC BY. It also includes digital object representations for which the institution does hold rights of re-use but other justified reasons speak against publication (e.g. objection by the donor/giver, unclear research findings, family members' need for reverence, etc.).

Pitfalls: What do I need to watch out for?

- Author is still living, or died after 1944
- More than one author is involved
- Author is unknown or not all authors are known
- The work's year of origin is after 1900
- Year of origin is uncertain
- Personal rights or rights of third parties
- Objection by lender or donor
- New ancillary intellectual property rights that arose, for example, through digitization (3D)

Copyright and DRI

DRI is a Trusted Digital Repository (TDR), a standard issued by the Data Seal of Approval guidelines.

These standards require that deposit agreements in DRI abide by copyright and intellectual property law.

The work of our Copyright and Intellectual Property Taskforce informed our main policy documents relating to copyright:

- Organisational Manager Agreement
 - Deposit terms and conditions
 - End user agreement
-
- All available at <http://dri.ie/publications#policy>

Applying copyright statements and licenses in the repository



Choose File No file chosen



Upload a cover image:

Licence:

CC-BY: Creative Commo ▾

- All Rights Reserved: Please see copyright statement
- CC-BY: Creative Commons Attribution 4.0 International License**
- CC-BY-SA: Creative Commons Attribution-ShareAlike 4.0 International License
- CC-BY-ND: Creative Commons Attribution-NoDerivatives 4.0 International License
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- CC-BY-NC-SA: Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License
- CC-BY-NC-ND: Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License
- CC0: Creative Commons Public Domain Attribution
- ODC-ODbL: Open Data Commons Open Database Licence 1.0
- ODC-BY: Open Data Commons Attribution License 1.0
- ODC-PPDL: Open Data Commons Public Domain Dedication and Licence

Access Master File? - If accessible then users with read access can download the master file(s)

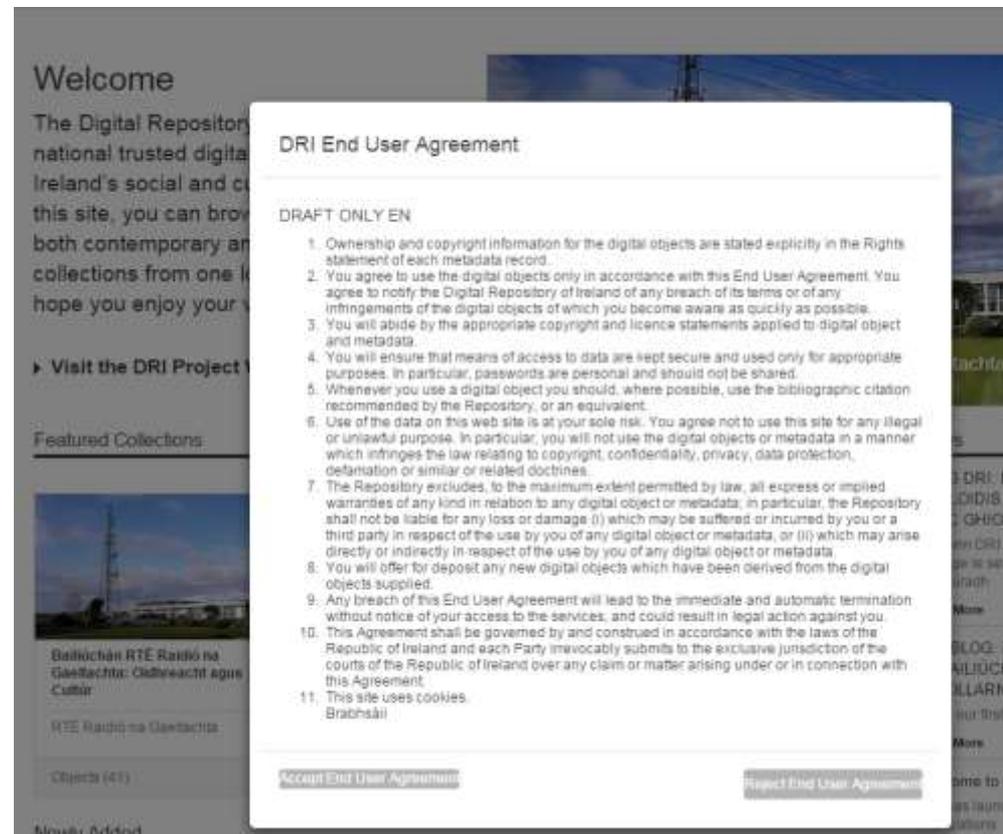
Inherit Accessible Master File(s) Private Master File(s)

Developing legal agreements

DRI can't respond to ad hoc queries on copyright issues, but we must facilitate deposit of content, protection of rights and encourage reuse where appropriate. Relevant policies:

- Organisational Manager Agreement
- Deposit terms and conditions
- End user agreement

- All available at <http://dri.ie/publications#policy>



The screenshot shows a web page with a 'Welcome' message and a 'DRI End User Agreement' modal window. The modal window contains a list of 11 terms and conditions. The background page shows a 'Featured Collections' section with a thumbnail for 'Beilíochán RTE Raidió na Gaeltachta: Oidhreacht agus Cultúr'.

Welcome

The Digital Repository of Ireland is a national trusted digital archive of Ireland's social and cultural heritage. On this site, you can browse both contemporary and historical collections from one place. We hope you enjoy your visit.

► Visit the DRI Project

Featured Collections

Beilíochán RTE Raidió na Gaeltachta: Oidhreacht agus Cultúr

RTE Raidió na Gaeltachta

Objects (41)

Monthly Added

DRI End User Agreement

DRAFT ONLY EN

1. Ownership and copyright information for the digital objects are stated explicitly in the Rights statement of each metadata record.
2. You agree to use the digital objects only in accordance with this End User Agreement. You agree to notify the Digital Repository of Ireland of any breach of its terms or of any infringements of the digital objects of which you become aware as quickly as possible.
3. You will abide by the appropriate copyright and licence statements applied to digital object and metadata.
4. You will ensure that means of access to data are kept secure and used only for appropriate purposes. In particular, passwords are personal and should not be shared.
5. Whenever you use a digital object you should, where possible, use the bibliographic citation recommended by the Repository, or an equivalent.
6. Use of the data on this web site is at your sole risk. You agree not to use this site for any illegal or unlawful purpose. In particular, you will not use the digital objects or metadata in a manner which infringes the law relating to copyright, confidentiality, privacy, data protection, defamation or similar or related doctrines.
7. The Repository excludes, to the maximum extent permitted by law, all express or implied warranties of any kind in relation to any digital object or metadata, in particular, the Repository shall not be liable for any loss or damage (i) which may be suffered or incurred by you or a third party in respect of the use by you of any digital object or metadata, or (ii) which may arise directly or indirectly in respect of the use by you of any digital object or metadata.
8. You will offer for deposit any new digital objects which have been derived from the digital objects supplied.
9. Any breach of this End User Agreement will lead to the immediate and automatic termination without notice of your access to the services, and could result in legal action against you.
10. This Agreement shall be governed by and construed in accordance with the laws of the Republic of Ireland and each Party irrevocably submits to the exclusive jurisdiction of the courts of the Republic of Ireland over any claim or matter arising under or in connection with this Agreement.
11. This site uses cookies. [Brabhsáil](#)

[Accept End User Agreement](#) [Reject End User Agreement](#)

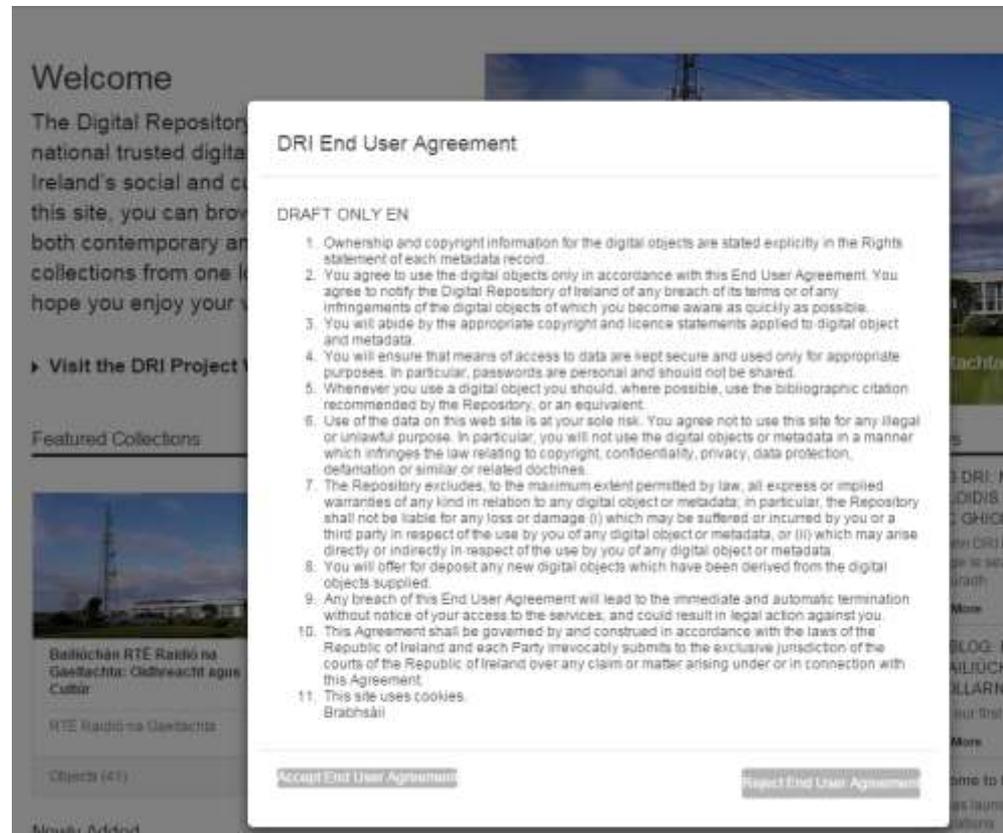
Developing legal agreements

End User Agreement: This was developed specifically to protect the interests of copyright holders.

This is why it appears automatically when new users access the Repository

Ensure that new users agree to not use data from Repository for unlawful purposes and will abide by stated copyright & licence rules.

Nothing controversial in EUA – simply states explicitly what is implicitly expected of most content consumers.



The screenshot shows a web page with a modal window for the 'DRI End User Agreement'. The background page has a 'Welcome' section, a 'Visit the DRI Project' link, and a 'Featured Collections' section with a thumbnail for 'Beilínchán RTE Raidió na Gaeltachta: Oidhreacht agus Cultúr'. The modal window is titled 'DRI End User Agreement' and contains the text 'DRAFT ONLY EN' followed by 11 numbered clauses. At the bottom of the modal, there are two buttons: 'Accept End User Agreement' and 'Reject End User Agreement'.

Welcome

The Digital Repository of Ireland is a national trusted digital archive of Ireland's social and cultural heritage. By using this site, you can browse and download both contemporary and historical collections from one location. We hope you enjoy your visit.

[Visit the DRI Project](#)

Featured Collections



Beilínchán RTE Raidió na Gaeltachta: Oidhreacht agus Cultúr

RTE Raidió na Gaeltachta

Objects (41)

Monthly Added

DRI End User Agreement

DRAFT ONLY EN

1. Ownership and copyright information for the digital objects are stated explicitly in the Rights statement of each metadata record.
2. You agree to use the digital objects only in accordance with this End User Agreement. You agree to notify the Digital Repository of Ireland of any breach of its terms or of any infringements of the digital objects of which you become aware as quickly as possible.
3. You will abide by the appropriate copyright and licence statements applied to digital object and metadata.
4. You will ensure that means of access to data are kept secure and used only for appropriate purposes. In particular, passwords are personal and should not be shared.
5. Whenever you use a digital object you should, where possible, use the bibliographic citation recommended by the Repository, or an equivalent.
6. Use of the data on this web site is at your sole risk. You agree not to use this site for any illegal or unlawful purpose. In particular, you will not use the digital objects or metadata in a manner which infringes the law relating to copyright, confidentiality, privacy, data protection, defamation or similar or related doctrines.
7. The Repository excludes, to the maximum extent permitted by law, all express or implied warranties of any kind in relation to any digital object or metadata, in particular, the Repository shall not be liable for any loss or damage (i) which may be suffered or incurred by you or a third party in respect of the use by you of any digital object or metadata, or (ii) which may arise directly or indirectly in respect of the use by you of any digital object or metadata.
8. You will offer for deposit any new digital objects which have been derived from the digital objects supplied.
9. Any breach of this End User Agreement will lead to the immediate and automatic termination without notice of your access to the services, and could result in legal action against you.
10. This Agreement shall be governed by and construed in accordance with the laws of the Republic of Ireland and each Party irrevocably submits to the exclusive jurisdiction of the courts of the Republic of Ireland over any claim or matter arising under or in connection with this Agreement.
11. This site uses cookies. [Brabhsáil](#)

[Accept End User Agreement](#) [Reject End User Agreement](#)

Responsibilities for DRI and Depositors

The Organisational Manager:

- Has authority, on behalf of their Organisation, to deposit material in the Repository.
- Will ensure that correct rights statements, and where applicable, licensing statements, are applied to the digital objects in the System.
- Will ensure that appropriate access permissions are applied to the digital objects in the System
- Grants to the Repository, and to any third party nominated by the Repository, a non-exclusive, irrevocable and perpetual licence to make available all digital objects deposited in the System, and all ingested metadata.

Responsibilities for DRI and Depositors

The Repository:

- Will take all reasonable and lawful steps to ensure that the permissions granted by the depositor will be enforced by the system.
- Will display the rights statements applied to digital object by the Depositor in the System.
- Will ensure that all metadata in the Repository is publicly accessible.

Example 1: Image of Pocket Watch – Digital Asset

Inspiring Ireland 1916 - Public Memorabilia / Dublin Collection Day, National Library, December 9th, 2015 / Po

Pocket watch Hopkins & Hopkins



[Download 1st](#) [Download master asset \(4.08 MB\)](#)

Title

Pocket watch Hopkins & Hopkins

Example 1: Image of Pocket Watch – Rights Statement

Rights

This item is no longer in copyright. It was donated to the Inspiring Ireland project by the owner, Caroline McGee, to be shared under a CC0 licence.

Licence

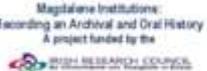
- CC0

CC0 indicates 'No Rights Reserved' and that the copyright owner has waived all rights in order to place it as fully as possible in the public domain.

Example 2: Magdalene Oral History Interview – Digital Asset

Magdalene Oral History collection / Magdalene Oral Histories: publicly available interviews /

Magdalene Oral History collection interview MAGOHP27 with Phyllis Morgan

  <p>Magdalene Institutions Recording an Archival and Oral History A project funded by the IRISH RESEARCH COUNCIL FOR THE HUMANITIES</p>	
Reference Code	MAGOHP27
Oral History of	Phyllis Morgan
Published?	No
Notes	See Abstract
Keywords	Includes Jack Brown's Seminary Support House, St. Wilfrid's Convent, Wilfrid, Convent, Convent, Convent, St. Patrick's Mother and Baby Home, Home Trust, voluntary efforts, discrimination because of religious belief, humanitarian, integration, women, women's groups, abolition of both institutions, female workers, long term impact of family separation, the Magdalene Institutions, Thomas Dwyer (1998), affiliation with abolition of RDS, Jack Brown, Seminary Support House, Wilfrid, Convent, women-institution self religious orders.
Date of Interview	27 April 2013
Duration	19 pages
Number of Sound Files	One audio file
Interviewer	Dr. David Fitzmaurice
Recorded Papers Included	No
Access Conditions	Interviews are freely available to the public. In addition release of transcripts will be requested under FOI.
Conditions Governing Reproduction	Interviews can be reproduced, from the date below, on the condition of attribution.
To cite this interview	O'Donnell, R., G. Fitzmaurice and C. McGinnis (2013) "Oral History of Phyllis Morgan" <i>Magdalene Institutions: A Project of the Irish Research Council, Government of Ireland's Cultural Heritage Research Program</i> .

2013 Research Council of Ireland
2013 Research Council of Ireland, Government of Ireland's Cultural Heritage Research Program

[Download 1st](#) [Download master asset \(752 KB\)](#)

Example 2: Magdalene Interview – Rights Statement

Rights

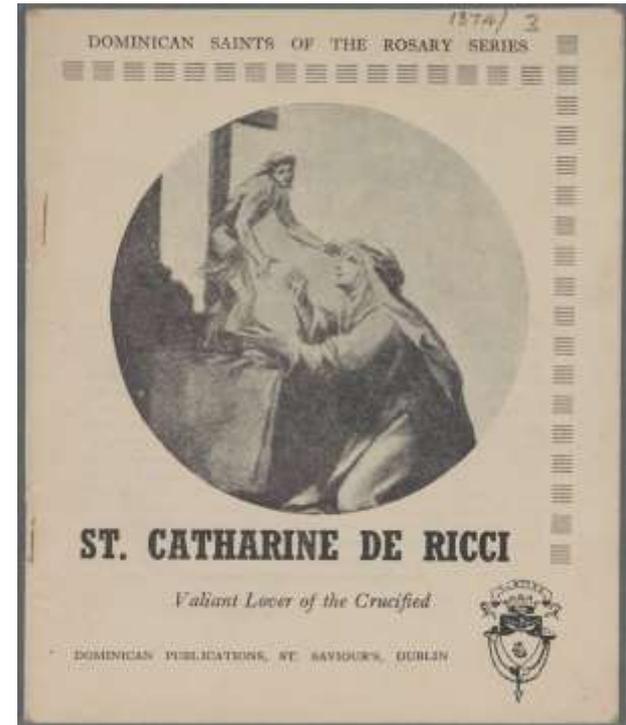
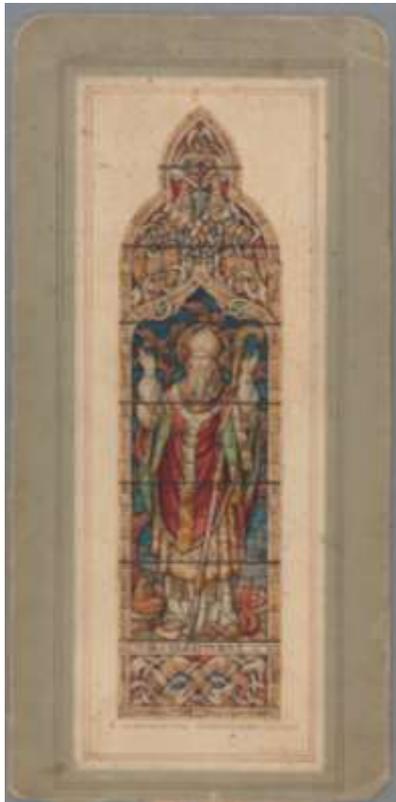
Katherine O'Donnell; Sinead Pembroke; Claire McGettrick; Irish Qualitative Data Archive. This work is licensed under a Creative Commons Attribution Non Commercial Licence.

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Example of different copyright statuses. DRI Collection: Harry Clarke Studios Archive, Trinity College Dublin



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the Board of Trinity College Dublin.

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Example of different copyright statuses. DRI Collection: Harry Clarke Studios Archive, Trinity College Dublin



Rights

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Depositing Organisation

- The Library of Trinity College Dublin, the University of Dublin

Orphan works

An orphan work is a **copyright protected work** for which **rightsholders are positively indeterminate or uncontactable**. Sometimes the names of the originators or rightsholders are known, yet it is impossible to contact them because additional details cannot be found.

A work can become orphaned through rightsholders being unaware of their holding, or by their demise (e.g. deceased persons or defunct companies) and establishing inheritance has proved impracticable.

In other cases, comprehensively diligent research fails to determine any authors, creators or originators for a work.

https://en.wikipedia.org/wiki/Orphan_works

Orphan works

Orphan works refers to an object that is protected by copyright but the copyright owner is not known. Orphan works cannot be licensed or reused unless the copyright owner is located and permission granted.

“The digitisation or dissemination of orphan works cannot take place without permission from the author or his/her heirs.”

- From EU Directive on Orphan Works

Can be registered at the Orphan Works Database – an EU-wide database.

<https://euipo.europa.eu/orphanworks/index.html>

Orphan works

When there are orphan works in your collection, you need to prove ‘due diligence’ in seeking out original copyright holder has been carried out before you can register it with the Orphan Works database .

The EU Directive contains clear guidelines on how to conduct due diligence in a search.

The European database is accessed via the Irish Patents Office:
<https://www.patentsoffice.ie/en/Copyright/Orphan-Works/>

DRI are working on setting up a process to help users register objects as Orphan Works. We hope to publish a factsheet on this subject in the future.

Orphan works

Due Diligence:

“An organisation should first consult the Orphan Works Database when carrying out a diligent search.

It should then consult any sources relevant to the category of work...e.g. in the case of a book: library catalogues, publisher and authors associations, ISBN databases etc should be consulted.

While the Diligent Search will primarily be focused on the State where the work first became available to the public, it may be necessary to also research sources in other States.”

From the Irish Patents Office website

Orphan works

- 2012 EU directive: “certain permitted uses of orphan works by cultural heritage institutions”
- Administered by The European Intellectual Property Office’s (EUIPO)
- Orphan Works Database
- Works are listed purely as numbered items with holding institution
- Works must be confirmed to be orphan through “diligent search”

Orphan works

Orphan works Database: <https://eupo.europa.eu/orphanworks/index.html>

Orphan Works Database

Category ▾

[Advanced Search](#)

10 ▾ records per page

File number	Title of work	Description	Category of work	Organisatio...	Right holder	Contains embedded	Actions
 39_001634696_31 embeds with this search	Hedin, Sven...	Hedin, Sven...	Illustration	The British ...	Name not known	✓	 
 44_183 embeds with this search	Junge Welt ...		Literary work	Stiftung Ha...		✓	 

Orphan works: problems

- No standardised definition of this “diligent search”
- Diligentsearch.eu
- Only cultural institutions can register orphan works, not individuals or other organisations
- Reparations can have a “chilling effect” on the use of such works
- Once copyright is claimed, an item is deleted from the Database
- EUIPO very open to consultation, suggestions, and feedback

Orphan works in DRI Organisational Manager Agreement

“M3. [The Organisational Manager] will ensure that, in the case of an Orphan Work, a diligent search is carried out in good faith in respect of each Work, prior to the use of the Work, by consulting the appropriate sources for the Work in question.

Will prepare a record of each diligent search in respect of an Orphan Work, and provide this record to the Repository.

Will ensure that, in the case of an Orphan Work, its status as an Orphan Work is noted in the metadata associated with the Work.”

Restricted data

Data protection law may be relevant to your data if it relates to people who are still alive and who may be identified by your dataset. This is particularly relevant to social science data.

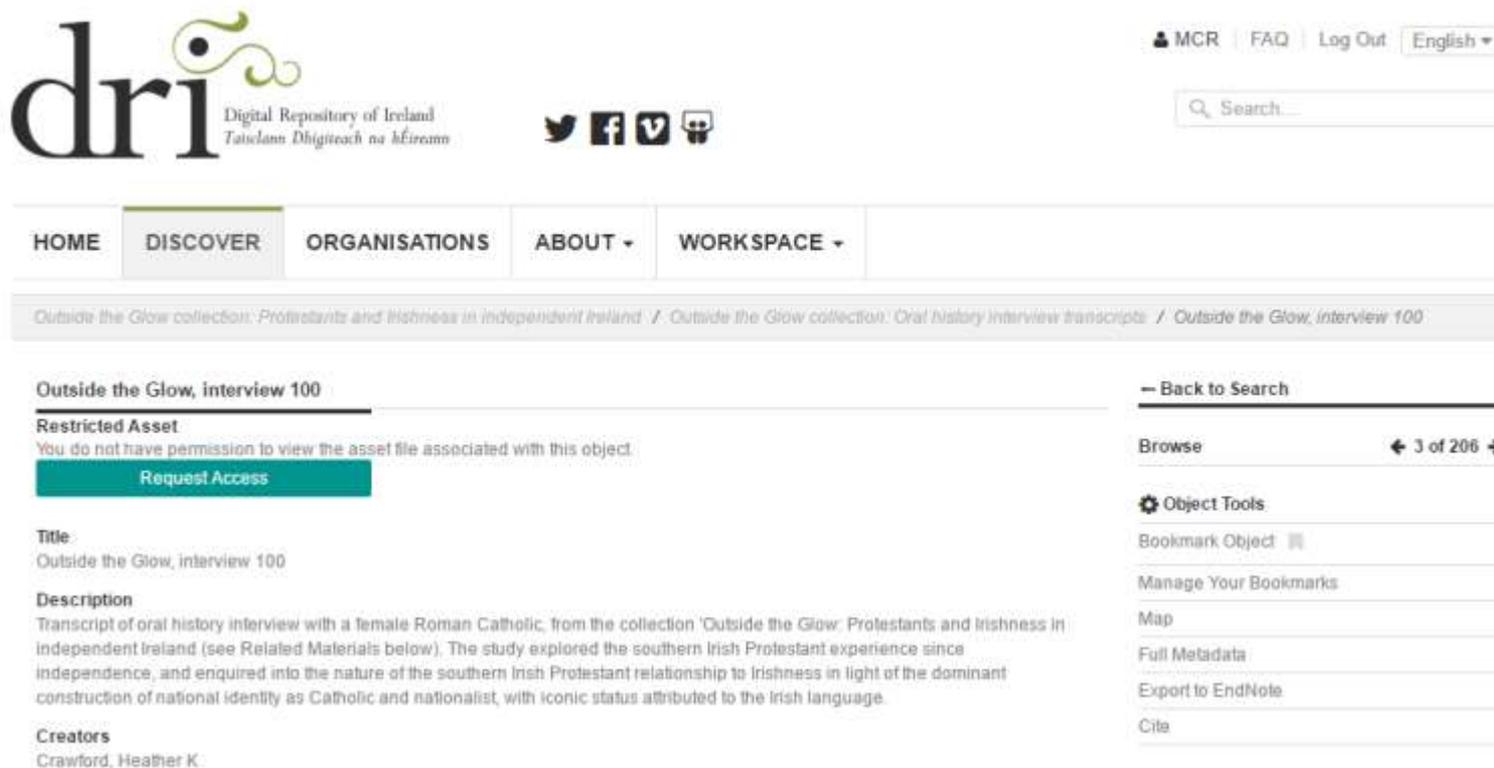
Data Protection Act – 2003 Amendment:

<http://www.irishstatutebook.ie/eli/2003/act/6/enacted/en/html>

Within the Repository you can set a Restricted level of access to the assets (not metadata). For restricted assets, logged-in users will have to request your permission to access the assets & surrogate thumbnails are not displayed.

Restricted data

What users see when they clicked on Restricted Assets in DRI:



The screenshot shows the DRI website interface. At the top left is the DRI logo and name. To the right are navigation links for MCR, FAQ, Log Out, and English. Below this is a search bar. A horizontal menu contains HOME, DISCOVER (highlighted), ORGANISATIONS, ABOUT, and WORKSPACE. A breadcrumb trail reads: *Outside the Glow collection: Protestants and Irishness in independent Ireland / Outside the Glow collection: Oral history interview transcripts / Outside the Glow, interview 100*.

The main content area displays the title "Outside the Glow, interview 100" and a "Restricted Asset" warning: "You do not have permission to view the asset file associated with this object." A green "Request Access" button is visible. Below the warning are sections for "Title" (Outside the Glow, interview 100) and "Description" (Transcript of oral history interview with a female Roman Catholic, from the collection 'Outside the Glow: Protestants and Irishness in independent Ireland...'). The "Creators" section lists Crawford, Heather K.

On the right side, there is a "Back to Search" link and a "Browse" section showing "3 of 206" items. Below this is a list of "Object Tools" including Bookmark Object, Manage Your Bookmarks, Map, Full Metadata, Export to EndNote, and Cite.

DRI Copyright Factsheet



Digital Repository of Ireland
Taisclann Dhigiteach na hÉireann

2

Copyright, Licensing and Open Access

fact sheet

Copyright is an area of Intellectual Property law which covers original creative works including literary, dramatic, musical and artistic works, film, sound recordings, broadcasts and the typographical arrangement of published editions, computer software and non-original databases, and performances.

Copyright exists from the moment the work is created, and does not require any registration. Generally, copyright covers a work until 70 years after the death of its creator. For digital objects, there may be separate copyrights covering the original work, the new digitised copy, and any associated metadata.

Licensing allows copyright owners to permit approved use and reuse of their work, without waiving their copyrights fully. Licensing can permit both commercial and non-commercial reuse of a work, depending on the terms of the licence, and licences may last in perpetuity or for a specified period, or cover certain geographic locations.

Creative Commons is a charitable organisation which provides a suite of free, standardised licences which allow content creators to share their work. Currently there are 6 licences available, which give varying degrees of re-use permissions (see chart on page 2).

The most open licence is CC-BY (Attribution) which allows any re-use of the work as long as the original creator is credited. The most restrictive licence is CC-BY-NC-ND (Attribution-Non-Commercial-NoDerivs) which requests that the creator of the work is credited, and does not allow any derivatives or commercial re-use of the work.¹

DRI supports the application of standardised licences such as Creative Commons to digital objects, publications and metadata where possible.

Public Domain Dedication, CC0, or "No Rights Reserved" is similar to Creative Commons licences, but it does not reserve any rights in a copyright work. Assigning a Public Domain Dedication to a work waives all rights

DRI Factsheet Series No. 2:
Copyright, Licensing and Open
Access, Feb. 2014

For more information,
please contact:

The Digital Repository
of Ireland
Royal Irish Academy
19 Dawson St,
Dublin 2

web. www.dri.ie
email. dri@ria.ie

¹ <http://creativecommons.org/licenses/by-nc-nd/4.0/>

How to DRI: Protect Your Data

A screenshot of a document titled 'How to DRI: Protect Your Data'. The document has a header with the title 'How to dri' in a large, stylized font, followed by 'How to DRI: Protect Your Data' in a smaller, blue font. The main content is organized into two columns of text, each with a sub-heading. The document is framed by a decorative border with a repeating pattern of colored squares (purple, blue, green, grey) at the top and bottom.

How to dri

How to DRI: Protect Your Data

Protect Your Data in the Digital Repository of Ireland

DRI advocates for data ingested into the Repository to be made publicly accessible on the web and widely disseminated. When metadata is published in the Repository, it is automatically licensed as CC-BY, allowing unrestricted reuse with attribution.

For data which has been generated by public bodies or in the course of publicly-funded research, DRI supports the principles of Open Access, which state that such data should be made openly available for use and reuse as long as the creator is properly acknowledged (see DRI position statement on Open Access at <http://dri.ie/publications> for more details).

Even when data or metadata are published openly online, there are a number of ways to protect your data and intellectual property rights.

Stating your copyright and applying a licence

Copyright is an area of Intellectual Property law which covers original creative works including literary, dramatic, musical and artistic works, film, sound recordings, broadcasts and the typographical arrangement of published editions, computer software and non-original databases, and performances. Copyright is intrinsic and doesn't require registration of a work, and generally lasts until 70 years after the death of a work's creator.

Copyright is not relinquished by publishing a digital object openly online. Without a licence, no one has permission to republish or reuse a copyrighted work, even if they can access and view it. Copyright information must be included with every digital object in the Repository, allowing depositors to state who owns copyright and how they may be contacted.

DRI supports the application of a range of licences to digital objects, including Creative Commons and Open Database Licences (LINK). The application of a licence informs users of how they are permitted to reuse your data.

Downloading/preventing download

Within the repository you can set a Restricted level of access to the assets (not metadata) of the Objects. For Restricted Assets, logged in users will have to request your permission to access the assets, surrogate thumbnails will not be displayed to general users

Data protection and anonymity online

Data protection legislation may be relevant to your data if it relates to people who are still alive and who may be identified by your dataset.

Conclusion

- Ensure that you are aware of your responsibilities and the copyright status of the content you manage.
- Investigate all cases of unclear copyright e.g. potential orphan works.
- Delegate roles within your organisation e.g. Organisational Manager, Collection Manager – and legal responsibilities therein.
- When in doubt, seek legal advice!



@dri_ireland



www.dri.ie
repository.dri.ie