

Smart Decisions

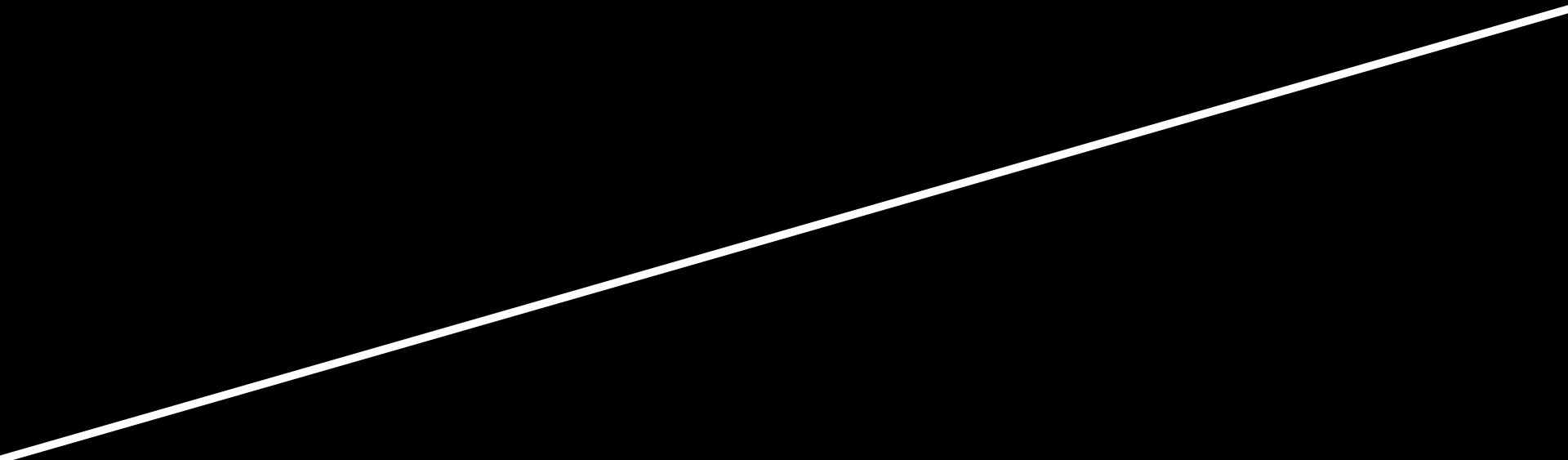
Using Standardized Rights Statements for Digital Collections



Overview

- Brief overview of copyright
- Copyright determination tools
- Using RightsStatements.org

What is copyright?



Copyright is...

“Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works.”

-- United States
Copyright Office

Copyright is...

1. Tangible
2. Authored by a human
3. Original

Naruto et al v. David Slater



Copyright is complicated



Tools: Copyright

Copyright Term and the Public Domain in the United States

<https://copyright.cornell.edu/publicdomain>



The screenshot shows the top portion of the Cornell University Library Copyright Information Center website. At the top left is the Cornell University logo. To its right is the text "Cornell University". On the far right of the top bar is a "CONTACT | Q" link. Below this is a blue header area with the text "Cornell University Library" and "COPYRIGHT INFORMATION CENTER" in large, white, sans-serif font. Below the blue header is a dark blue navigation bar with white text links: "Home", "About", "Copyright Basics", "Copyright Clearance", "Cornell Policies", "For Authors and Faculty", and "Resources".

Copyright Term and the Public Domain in the United States

[Download PDF](#)

(See footnote 1)

Never Published, Never Registered Works²

Type of Work	Copyright Term	In the public domain in the U.S. as of 1 January 2019 ³
Unpublished works	Life of the author + 70 years	Works from authors who died before 1949
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1899
Unpublished works when the death date of the author is not known ⁴	120 years from date of creation ⁵	Works created before 1899 ⁵

Works Registered or First Published in the U.S.

Date of Publication ⁶	Conditions ⁷	Copyright Term ³
Before 1924	None	None. In the public domain due to copyright expiration
1924 through 1977	Published without a copyright notice	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, and without subsequent registration within 5 years	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, but with subsequent registration within 5 years	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
1924 through 1963	Published with notice but copyright was not renewed ⁸	None. In the public domain due to copyright expiration
1924 through 1963	Published with notice and the copyright was renewed ⁸	95 years after publication date
1964 through 1977	Published with notice	95 years after publication date
1978 to 1 March 1989	Created after 1977 and published with notice	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first

Tools: Copyright

Copyright Checkpoint

<http://copyright.artstor.org/>

Copyright Checkpoint BETA

Copyright is complicated. But we're here to help!

Answer a few simple questions and examine the rights status of images and text in your collections.

Current Work: Venus of Willendorf

Current Author: Unknown sculptor

[View history](#)

Is the author of the work a natural person, anonymous, pseudonymous, or was the work done as a work made for hire?

-- select one --

Continue

- **Natural person:** The author is an identifiable person (e.g. Jeff Koons, Alice Walker, or Kanye West).
- **Work made for hire:** The author of the work may not be the individual who actually created the work; it may be the party that hired the individual creator in three circumstances:
 - The work was created by an employee, as part of their normal duties, (e.g. an illustrator employed by Disney draws a cartoon), or
 - The individual creator and the hiring party enter into a written agreement, expressly stating that the work created is to be considered a work made for hire, and the work falls into one of nine categories specified in [§ 101 of the Copyright Act](#): (1) as a contribution to a collective work, such as an article in a magazine; (2) as a part of a motion picture or other audiovisual work; (3) as a translation; (4) as a supplementary work, such as an illustration, foreword, chart, or table to be used together with a larger work; (5) as a compilation; (6) as an instructional text; (7) as a test; (8) as answer material for a test; or (9) as an atlas. See also [Circular 30](#).
 - For pre-1978 works, the work was created at the "instance and expense" of the hiring party, such as a commissioned illustration for an advertisement.
- **Anonymous author:** Copies of the work identify no natural person as author. (§ 101)
- **Author used a pseudonym:** Copies of the work identify the author under a fictitious name. (§ 101)

Tools: Copyright

Coming soon!

Rights Portal

HOME

POSTS

Rights Statements Resources Portal

Tools and resources supporting RightsStatements.org and
Creative Commons implementation



Get Started

In this section we'll put a basic
'what is this site' statement, a link to



Get in Touch

In this section we'll include links to
our communications forum, as well



Resources & Tools

Standardized Rights Statement (SRS)
resources, including a [full list of](#)

Tools: Copyright

Monthly rights statements
implementation calls

Contact Molly Huber
mollyh[at]umn.edu



Implementing Standardized Rights Statements



Standardized rights statements are...

“RightsStatements.org currently provides 12 different rights statements that can be used by cultural heritage institutions to communicate the copyright and re-use status of digital objects to the public. The rights statements have been designed with both human users and machine users (such as search engines) in mind and are made available as linked data. Each rights statement is located at a unique URI.”

--RightsStatements.org



Why use standardized rights statements

- Clear language
- Vetted by attorneys & librarians
- User friendly
- Uses URIs for human and machine readability
- Consistent with other institutions for interoperability

CAN I USE IT?

Free Re-use (44,535)

- Public Domain Marked (42,757)
- CC0 (944)
- CC BY (835)
- CC BY-SA (278)

Limited Re-use (53,445)

- CC BY-NC-ND (30,994)
- In Copyright - Educational Use Permitted (14,418)
- CC BY-NC-SA (7,475)
- No Copyright - Other Known Legal Restrictions (286)
- CC BY-NC (276)

- No Copyright - Non-Commercial Use Only (46)
- CC BY-ND (8)

Less

No Re-use (11,123)

- In Copyright (10,777)
- Rights reserved - Free access (304)
- Copyright Not Evaluated (42)

Hide specific rights statements

amulet, cat

Faience cat amulet. From Ivor Hutchins. See Malek 'The Cat In Ancient Egypt' p109.

[View at University of Swansea, Egypt Centre](#)

Image



amulet, cat

Faience cat amulet damaged legs and ears. 55mm high. Cats were sacred to the goddess Bastet.

[View at University of Swansea, Egypt Centre](#)

Image

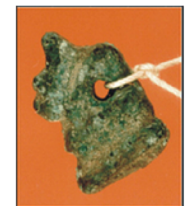


amulet, cat

Faience cat amulet. The cat represented the goddess Bastet. 1 cm high.

[View at University of Swansea, Egypt Centre](#)

Image



figurine, cat

Bronze cat, crouching. 73mm long. Such cats were either votive or were put on the top of cat coffins. Cats were domestic pets and symbols of gods such as Bastet and Ra. The Egyptian word for cat was miw (like miow). Cats were sacred to the goddess Bastet whose cult centre...

[View at University of Swansea, Egypt Centre](#)

Image



trouwfoto van het echtpaar Cats-Jansen

Echtpaar: Teunis Cats en Aaltje Jansen Bovenaan v.l.n.r.: 1:mevr Dine Jansen 2: echtpaar van Dine Jansen 3: Jacob Cats 4: Petje Cats Kalfsterman 5: Teunis Cats 6:



Why use standardized rights statements

“This material may be protected by U.S. Copyright Law (Title 17 U.S. Code). This resource is provided for educational purposes only. Please contact: library@0000.org for permission to use this resource.



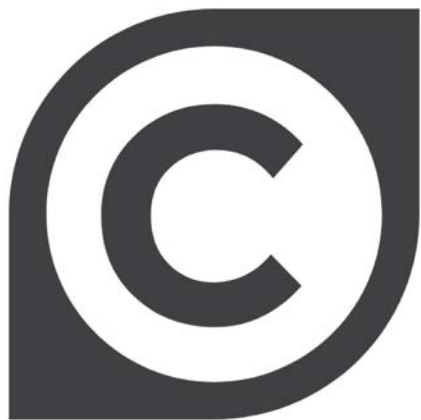
To a user, it's not clear what the copyright status of this work is.

“Public domain. All rights held by 0000. Please contact the 0000 Library for permission to reproduce, distribute, or use this image. 555-123-4567, or librarian@0000lib.org.”



This statement offers conflicting information

In Copyright



 IN
COPYRIGHT

 NON-COMMERCIAL
USE PERMITTED

 UNKNOWN
RIGHTSHOLDER

 EDUCATIONAL
USE PERMITTED

 EU ORPHAN
WORK

Not in Copyright



**IN THE
UNITED STATES**



**NON-COMMERCIAL
USE ONLY**



**OTHER LEGAL
RESTRICTIONS**



**CONTRACTUAL
RESTRICTIONS**

Other



**COPYRIGHT
NOT EVALUATED**



**NO KNOWN
COPYRIGHT**



**COPYRIGHT
UNDETERMINED**

Getting started

- Start small
- New collections
- Homogeneous collections
- Evaluate current rights statements practices

Best Practices

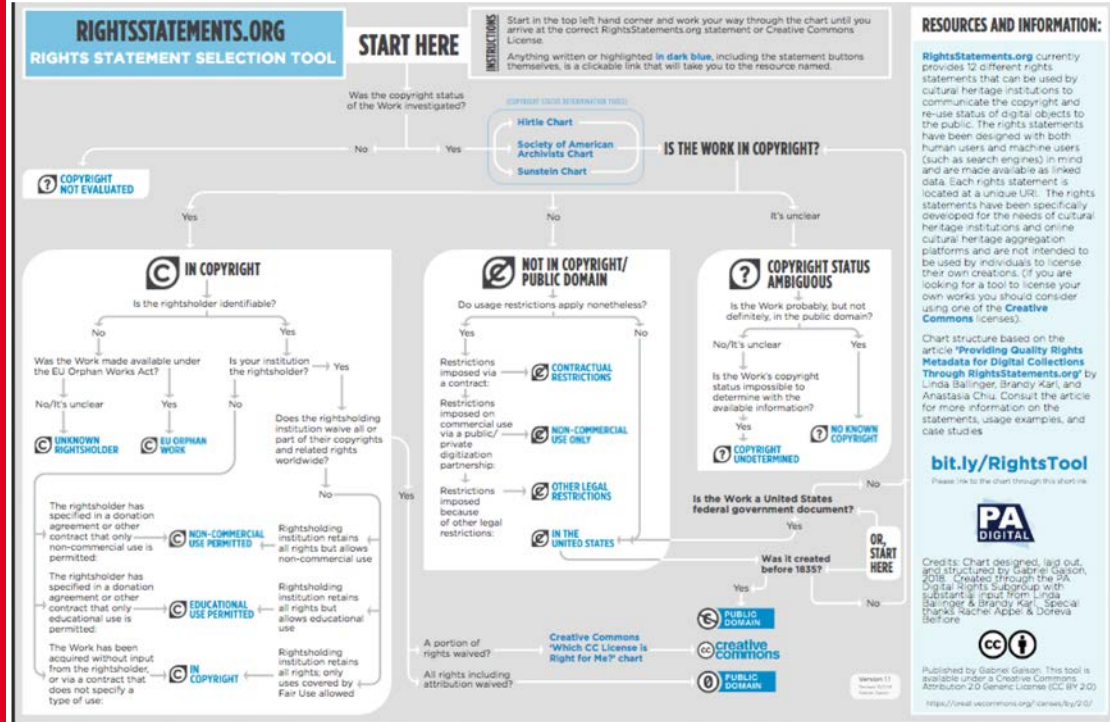
- Use the URI, not the URL
- Make the URI, not the URL, available in OAI-PMH
- Use a secondary rights field for additional context and rights information
- If multiple © statuses, use most conservative

Useful Tools

Rights Statement Selection Tool

bit.ly/RightsTool

Created by PA Digital Rights Subgroup

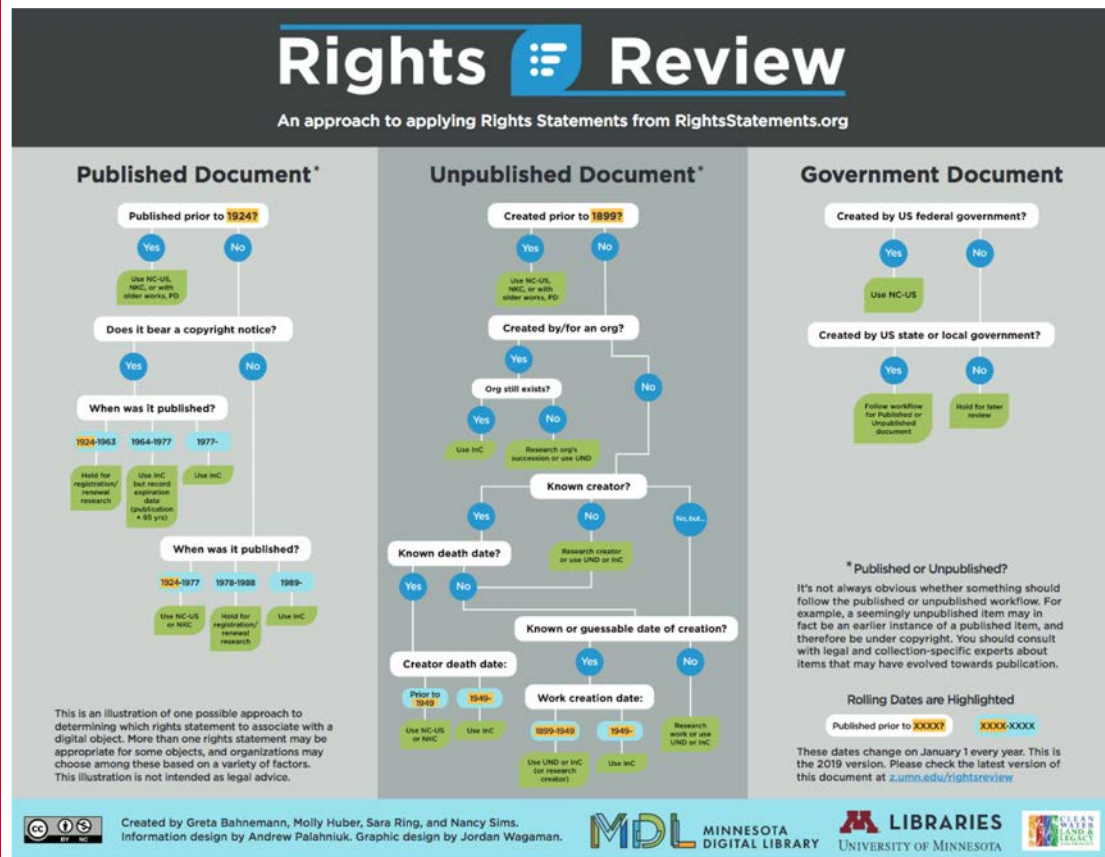


Useful Tools

Rights Review: An approach to applying Rights Statements from RightsStatements.org

<https://conservancy.umn.edu/bitstream/handle/11299/201539/Rights%20Review%202019.pdf>

Created by Greta Bahneman, Molly Huber, Sara Ring, and Nancy Sims



Useful Tools

Digital Collections Copyright Chart

<https://scholarlyrepository.miami.edu/cgi/viewcontent.cgi?article=1005&context=librarypapers>

Created by Elliot Williams and Laura Capell

	Published or Unpublished?	Country of Creation	Date of creation	Creator	Rights Statement
Unpublished, personal authors	Unpublished	US or Cuba	Created before 1899	Any	No Copyright - United States
	Unpublished	US or Cuba	Any	Creator is known, and died 1949 or after	In Copyright
	Unpublished	US or Cuba	Any	Creator is known, and died before 1949	No Copyright - United States
	Unpublished	US or Cuba	Created 1949 or after	Creator is known, but dates of death aren't known	In Copyright
	Unpublished	US or Cuba	Created between 1899 and 1949	Creator is known, but dates of death aren't known	Copyright Undetermined
	Unpublished	US or Cuba	Created 1949 or after	Creator is unknown	In Copyright - Rights-holder(s) Unlocatable or Unidentifiable
	Unpublished	US or Cuba	Created between 1899 and 1949	Creator is unknown	Copyright Undetermined
	Unpublished	US or Cuba	Date of creation unknown	Creator is unknown	Copyright Undetermined

	Published or Unpublished?	Country of Creation	Date of creation	Creator	Rights Statement	Notes
Corporate or government authors	Unpublished	US or Cuba	Created 1899 or after	Corporate body (organization or business, including work for hire) - still in existence	In Copyright	
	Unpublished	US or Cuba	Created 1899 or after	Corporate body (organization or business, including work for hire) - defunct	In Copyright - Rights-holder(s) Unlocatable or Unidentifiable	It is often unclear who owns the copyright for materials created by a corporate body that no longer exists. The copyright doesn't disappear, but the owner is unknown without further research.
	Published	US or Cuba	Created 1924 or after	Corporate body (organization or business, including work for hire) - defunct	In Copyright - Rights-holder(s) Unlocatable or Unidentifiable	Published materials created by non-existent corporate bodies follow the same rules for published materials below. If they are in copyright, though, the owner is considered unlocatable or unidentifiable.
	Either	US	Any	Created by an officer or employee of the US or Florida government as part of their official duties	No Copyright - United States	
	Either	Cuba	Before 1959	Cuban government	No Copyright - United States	Pre-revolutionary government materials
Either	Cuba	1959 or after	Cuban government	In Copyright	Post-revolutionary government materials	

	Published or Unpublished?	Country of Creation	Date of Creation	Copyright Notice	Renewal?	Registration?	Rights Statement	Notes
Published material, US	Published	US	Before 1924	Any			No Copyright - United States	
	Published	US	1924-1963	Yes	Yes		In Copyright	Check Penn site (search 27 and 28 years after initial copyright): http://onlinebooks.library.upenn.edu/ocof
	Published	US	1924-1963	Yes	No		No Copyright - United States	Check Penn site (search 27 and 28 years after initial copyright): http://onlinebooks.library.upenn.edu/ocof
	Published	US	1924-1963	Yes	Not checked		In Copyright	We treat these as in copyright, although there is a possibility that copyright has expired if they weren't renewed.
	Published	US	1964-1977	Yes			In Copyright	
	Published	US	1924-1977	No			No Copyright - United States	
	Published	US	1924-1977	Unknown			Copyright Undetermined	
	Published	US	1978 to March 1, 1989	Yes			In Copyright	
	Published	US	1978 to March 1, 1989	No	Yes		In Copyright	Check US Copyright Office catalog: http://cocatalog.loc.gov/
	Published	US	1978 to March 1, 1989	No	No		No Copyright - United States	Check US Copyright Office catalog: http://cocatalog.loc.gov/
	Published	US	1978 to March 1, 1989	No	Not checked		Copyright Undetermined	
	Published	US	After March 1, 1989	Any			In Copyright	
Published	US	Date of creation unknown	No			Copyright Undetermined	Because it is not known if the item was created before 1977	

Thanks!

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Tool Links

Copyright Term and the Public Domain in the United States

<https://copyright.cornell.edu/publicdomain>

Copyright Checkpoint

<http://copyright.artstor.org/>

Standardized Rights Statements

RightsStatements.org

Rights Statement Selection Tool

bit.ly/RightsTool

Rights Review: An approach to applying Rights Statements
from RightsStatements.org

<https://conservancy.umn.edu/bitstream/handle/11299/201539/Rights%20Review%202019.pdf>

Digital Collections Copyright Chart

<https://scholarlyrepository.miami.edu/cgi/viewcontent.cgi?article=1005&context=librarypapers>

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