

From “risky business” to risk management: Dalhousie Libraries’ copyright tools for online collections

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ABC Copyright, Halifax, Nova Scotia, May 27, 2016

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Overview

- Development of the Dal Libraries' Copyright tools
- Overview of tools
 - Takedown request protocol
 - Takedown request form
 - Copyright assessment tool
 - Copyright assessment worksheet
 - Copyright consent form
- Going forward

Objectives

- To provide an understanding of why tools are necessary for libraries and archives undertaking large-scale digitization projects
- To provide an overview of the development and usage of the Dalhousie University Libraries copyright tools

Development of Dal Libraries' copyright tools

- **September 2014** - began developing internal rights management tools for the Elisabeth Mann Borgese Digitization Project
- **June 2015** - SFU Archives released copyright tools
- **August 2015** - Received first takedown request associated with the Elisabeth Mann Borgese Digitization Request
- **October 2015** - Received approval to use and disseminate Dal Libraries' copyright tools



MEETINGS!



MORE
MEETINGS!

Elisabeth Mann Borgese fonds



Prue Taylor surrounded by files from the Elisabeth Mann Borgese fonds, January 2014

Summer 2014 - Elisabeth Mann Borgese Digitization Project

- **April 2014** - External donation for “mass digitization” of EMB fonds
- **June 2014** - John Yolkowski started as Project Manager
- **July 2014** - Krista Jamieson started as Digitization Specialist
- **October 2014** - Jocelyn Wedel started as Digitization Student Assistant



Copyright Considerations for Archival Collections

- Donors do not usually hold copyright over everything in their collection
- Rights negotiations are challenging and time consuming
- Canada's orphan works regime does not apply to unpublished works...

September 2014 - Began Developing Copyright Tools

- Digital Archivist
- EMB Digitization Project Manager
- Intellectual Property Officer
- University Archivist & AUL Research and Scholarly Communications
- Head of Killam Library & AUL Access Services
- University Librarian & Copyright Officer
- Legal Counsel

September 2014 to June 2015 - Ongoing Development of Copyright Tools

- Started with draft takedown request policy and accompanying procedure document for EMB Digitization Project Staff
- Tools were directed toward internal staff
- Wanted the tools to be shared externally
- March - May 2015 - Initial copyright consent requests
- Many meetings, many revisions - from takedown “policy” to takedown “protocol”

June 2015 - SFU Archives Copyright Tools

- SFU Archives [Copyright Policy Framework for Online Dissemination of Archival Material](#)
 - Access to Archival Materials Policy
 - Procedures for Request for Takedown of Online Materials by Records Subjects or Copyright Owners
 - Request for Takedown of Online Materials Form
 - Copyright Risk Assessment Criteria Standard
 - Copyright Analysis Tools



July 2015 - New Directions (Thanks, SFU!)

- Changed directions and began “emulating” select tools from the SFU Archives Copyright Policy Framework
- Tools directed toward complaintants, not internal staff
- John Yolkowski (former EMB Digitization Project Manager) hired as Copyright Services Coordinator

August 15, 2015 - First EMB takedown request



October 2015 - Approval of Dal Copyright Tools

Dal Libraries' Copyright Office

Search Dal Libraries' Copyright Office

- Copyright Basics
- Fair Dealing Basics
- For Faculty
- For Students
- Guidelines**
- Other Resources
- About Us
- Contact

Dal.ca Home > Copyright Office > Guidelines > Copyright Tools for the Libraries

COPYRIGHT TOOLS FOR THE LIBRARIES

Resources for Managing Copyright in the Libraries' Online Collections

The Libraries' Copyright Office provides assistance with copyright issues that arise during the creation and management of online collections. These tools and documents were designed with the University Libraries' online collections specifically in mind. They should not necessarily be taken as guidance for disseminating material on personal webpages."

- Guidelines
- Dalhousie Fair Dealing Guidelines
- Copyright Tools for the Libraries**

Copyright Consent Form

Rights holders are invited to grant Dalhousie University permission to make digital copies of their works available on the Internet via publicly available access systems that are maintained and controlled by the Libraries.

[Download the Copyright Consent Form](#)

Copyright Assessment Tool

This "**copyright assessment tool**" has been designed to guide the assessment of risk associated with dissemination of digital material on the Internet.

[Download the Copyright Assessment Tool](#)

Copyright Assessment Worksheet

This "**copyright assessment worksheet**" has been designed to provide practical application of the risk factors associated with disseminating material online.

[Download the Copyright Assessment Worksheet](#)

Overview of Tools

- Takedown request protocol
- Takedown request form
- Copyright assessment tool
- Copyright assessment worksheet
- Copyright consent form

Takedown Request Protocol

- Applies to material made available online by the Libraries (including Archives)
- Recognizes challenges inherent in identifying copyright status (especially with archival material)
- Outlines steps taken and procedures followed when a takedown request is made

Takedown Request Protocol - Background

“While the Libraries makes best efforts to ensure its content is appropriate, there may be rare situations where such content could inadvertently include materials that are in some way unauthorized. Examples could include records that infringe copyright, confidentiality, privacy and data protection. Accordingly, the Libraries has a “takedown request” process, through which record subjects and copyright owners may make their complaint known and request the removal of allegedly infringing records.”

Takedown Request Protocol - Application

“This protocol applies to materials from the Libraries’ collections that are disseminated via the Internet through publicly available access systems that are maintained and controlled by the Libraries.”

“This protocol does not apply to materials from the Libraries’ collections that are purchased and made available exclusively to authorized users.”

Takedown Request Protocol - Guiding Principles

- **Personal and Confidential Information** - The Libraries is committed to respecting the personal privacy of the subjects of records and safeguarding confidential information that may be captured in its collection
- **Copyright** - The voluminous and complex composition of the University Archives Permanent Collection and other Libraries collections makes it challenging to determine the copyright status of material, identify copyright owner(s), and locate them to obtain permission to make the material available online

Takedown Request Protocol - Guiding Principles


- **Risk Assessment** - If the conditions in section D.2 are satisfied and none of the conditions in section D.4 apply, the material may be disseminated via the Internet only if dissemination represents a low risk of:
 - damaging the reputation of the University or a third party;
 - damaging the University's relationship with donors and impacted communities; or
 - exposing the University copyright infringement claims

Takedown request form

- Collects pertinent information on the takedown request (e.g. record with alleged violating material)
- Requests evidence supporting the claim
- Documentation received through the copyright office

Takedown Request Form

- Contact information
- Reason for takedown request
- Identify record(s)
- Evidence in support of your request
- Signature



“By signing this form, you assert that your takedown request is made in good faith and that the information contained in your complaint is accurate. If your complaint is in regards to a breach of copyright, you acknowledge and agree that you are the rights holder, or an authorized representative of the rights holder.”

Preventing unauthorized copying



Copyright Assessment Tool

- Draws largely on SFU tools
- Provides a means for staff to assess collections when first processing the collection, or prior to putting it online.
- Copyright considerations from the start (e.g. public domain, university owns copyright)
- High risk vs. Low risk. (economic rights, moral rights, copyright defense, relationship to university)

Copyright Assessment Worksheet

- [Online on Dal Libraries Copyright office website](#)
- Puts copyright assessment tool into practice
- Designed to assist archives staff
- Walks staff through risk criteria that are part of copyright assessment tool

Copyright Consent Form

- Seeks permission to place material online from rights holders
- Outlines works for which permission is granted
- Specifies specific usage of materials (e.g. use in promotional materials)

Testing the Boundaries



Going Forward

- A work in progress
- Alternative copyright for donor arrangements
- Rights and usage metadata for users of online collections
- Finding an appropriate balance
- Extending the policy to the library
- Developing a community of practice
- Privacy, defamation, and patent rights?

Image References

Slide 5 - Image of Elisabeth Mann Borgese - <https://blogs.dal.ca/libraries/2014/04/the-dalhousie-archives-elisabeth-mann-borgese-collection-attracts-international-researchers/>

Slide 5 - Image of Prue Taylor conducting research at the Dalhousie University Archives <https://blogs.dal.ca/libraries/2014/04/the-dalhousie-archives-elisabeth-mann-borgese-collection-attracts-international-researchers/>

Slide 6 - Image of Nikolaus Gelpke, Michael Moosberger, and Michael Butler - <https://blogs.dal.ca/libraries/2014/04/dalhousie-libraries-university-archives-receives-100000-for-the-borgese-collection/>

Slide 10 - SFU Archives image - <http://atom.archives.sfu.ca/index.php/>

Slide 12 - Spirulina tablet - Wikimedia Commons: https://commons.wikimedia.org/wiki/File:Spirulina_tablets.jpg

Slide 22 - Spaghetti on Photocopier: http://img-9gag-fun.9cache.com/photo/avP2465_700b.jpg

Slide 26 - "No dogs beyond this point" http://img-9gag-fun.9cache.com/photo/avP2465_700b.jpg