

# Assigning Rights Statements to Legacy Digital Collections

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## ABSTRACT

This poster reports on a project at the University of Miami Libraries to evaluate the rights status of legacy materials that have been digitized for online access in the UM Digital Collections, and to assign item-level rights statements to over 52,000 items.

## 1. BACKGROUND

The University of Miami Libraries began a project in the fall of 2015 to evaluate the rights status of legacy materials digitized for online access in the UM Digital Collections. The project objective is to categorize the contents of our digital collections based on the parameters established by RightsStatements.org [1].

The Libraries' Cuban Heritage Collection, Special Collections, and University Archives contain a wealth of resources documenting the history and culture of the Caribbean basin, with a focus on Florida, Cuba, and Haiti. Over the past fifteen years, thousands of items from these collections have been digitized to facilitate online access, including publications, photographs, manuscripts, architectural drawings, maps, oral histories, and audio and video recordings. In addition to the wide variety of formats and geographical locations represented in the digital collections, they also span a large timeframe, from the 16<sup>th</sup> century to the present. This diversity is beneficial for researchers, but it presents challenges for creating accurate rights statements.

At the start of the project, the majority of the Libraries' digital collections contained little to no rights-related information in their metadata. While rights status at the collection level was often discussed during the project planning stage, specific rights information was not included in the item-level metadata unless the Libraries explicitly received permission to digitize from the copyright holder. Often, the exact rights status was not known, with many materials falling into the gray area of orphan works.

However, as we ramp up outreach efforts to engage researchers in traditional and nontraditional uses of our digital collections, we want to empower our users to make better-informed decisions about potential uses of our online resources. Therefore, we decided to conduct a systematic review of our digitized content to determine the rights status and provide appropriate rights information in the item-level metadata.

This project also coincides with plans to create a Florida service hub for the Digital Public Library of America (DPLA), which would provide the Libraries a pathway to contribute our content to DPLA. The inclusion of rights metadata is a prerequisite for DPLA, so the timing of this project is perfect as we begin to assess potential metadata cleanup and transformations necessary to prepare for DPLA harvesting.

## 2. WORKFLOW

Our publicly accessible digital holdings are comprised of over 52,000 items spread over 120 distinct digital collections, and at the start of the project, less than 5,800 items had any specific rights information in the metadata. Our initial plan was to conduct a collection-level rights assessment for each digital collection, but we quickly realized that the content within each collection often contains a multitude of different rights scenarios. This is especially true for manuscript collections, which can include materials by numerous creators spanning a wide date range, with some content in the public domain but much still falling under copyright. Many items lack definitive identifying information, such as the creator or date of creation, making it challenging to determine the rights status. In order to achieve a higher level of accuracy in our assessment, we decided to review and assign rights categories at the item level.

The first step was to review relevant deeds of gift to better understand the rights landscape for each collection. We were able to note when the donor retained rights to their materials and when they had transferred those rights to the University of Miami. We also noted collections that were either purchased, had no deed of gift, or lacked any substantive rights information. Although it did not always provide definitive answers, this step did enrich our contextual understanding of the collections.

Next, we assessed each collection, using item-level metadata exported from CONTENTdm. To enable the project to move forward quickly, we split the work in half, with each of us separately reviewing metadata for a collection and assigning rights statuses. We met frequently to go over questions that arose, researching and discussing the more challenging scenarios we uncovered. We have documented the rationale behind our decisions at the collection level to provide context in case future reevaluations are needed.

We created a decision matrix to ensure consistency during the evaluation process. The matrix addresses the most common rights scenarios we have encountered for published and unpublished materials with personal, corporate, or government authors. It also accounts for the country of creation, since a large percentage of our materials originated in Cuba, which entails different copyright considerations. The matrix is a fluid document that has evolved over time as we encounter new rights scenarios, but it has been an invaluable tool to simplify decision making and remove as much guesswork as possible from the evaluation process.

After assessing the collections, we added two rights-related fields to our Dublin Core metadata records in CONTENTdm. The first field is a local rights statement, which includes any known information about the copyright holder and a link to our digital collections copyright webpage. The second field

contains the RightsStatements.org label and URI. This allows us to provide both customized local rights information and a standardized, machine-actionable rights statement as recommended by RightsStatements.org [2]. (See Table 1 below.)

### 3. CHALLENGES

Our determinations are based on the information available in the metadata, and we do not have time to conduct in-depth research on thousands of items. Therefore, the status we assign is our best guess based on the information available, and if additional information comes to light in the future, we will update the rights status accordingly.

Over the course of the project, we have encountered several challenges in determining rights ownership for such a wide variety of materials. One of the primary challenges has been orphan works, especially undated, unpublished materials where little to nothing is known about the creator. Our hope was to assign a definitive rights status to every item, clearly identifying materials as being in copyright or in the public domain, but we encountered a large amount of unpublished material with no date or creator information. In these situations, we chose to label these items as “copyright undetermined” since they lack information to assign an accurate rights status.

We have also grappled with determining the extent to which the donor held copyright to the materials in the collection. For example, if a niece donated her deceased uncle’s photography collection, did she inherit the intellectual rights to the images to be able to transfer the rights to the library? Often, there were few clear answers, but reviewing the donation terms in the deeds of gift did provide us with the background to better understand the provenance and context of the various collections.

An additional difficulty has been determining whether an item should be considered published or unpublished. Publication status is very important under U.S. copyright law, but the large variety of materials found in a modern manuscript collection can create questions about what counts as publication. Again, without examining individual items, it can be challenging to determine whether certain types of materials, such as early postcards or mimeographed flyers, were indeed published.

Another challenge has been deciphering international copyright issues. While our focus is to determine the legal status of materials in the United States, in some cases copyright may vary according to the country of origin. For the large amount of Cuban material in our collections, we have reviewed Cuban copyright legislation, including international treaty regimes and varying definitions of public domain. Unpublished personal and corporate materials from Cuba have proven to be especially challenging, because of nuances in Cuban copyright law that differ from U.S. law. Given the transnational nature of our materials, the recommendations made by Europeana and DPLA have been invaluable for helping frame our rights statements in an international context.

### 4. REFERENCES

- [1] RightsStatements.org. Europeana and Digital Public Library of America. <http://rightsstatements.org/page/1.0/?language=en>
- [2] International Rights Statements Working Group. 2016. *Rightsstatements.org White Paper: Requirements for the Technical Infrastructure for Standardized International Rights Statements*. Europeana and Digital Public Library of America. [http://rightsstatements.org/files/160322requirements\\_for\\_the\\_technical\\_infrastructure\\_for\\_standardized\\_international\\_rights\\_statements\\_v1.1.pdf](http://rightsstatements.org/files/160322requirements_for_the_technical_infrastructure_for_standardized_international_rights_statements_v1.1.pdf)

**Table 1. Local and Standardized Rights Statements Used in Dublin Core Metadata Records**

Local Rights Statement	Standardized Rights Statement
This material is protected by copyright. Copyright is held by the creator.	In Copyright <a href="http://rightsstatements.org/vocab/InC/1.0/">http://rightsstatements.org/vocab/InC/1.0/</a>
This material is protected by copyright. Copyright is held by [...].	In Copyright <a href="http://rightsstatements.org/vocab/InC/1.0/">http://rightsstatements.org/vocab/InC/1.0/</a>
This material is protected by copyright. Copyright was originally held by [...], but was transferred to the University of Miami.	In Copyright <a href="http://rightsstatements.org/vocab/InC/1.0/">http://rightsstatements.org/vocab/InC/1.0/</a>
This material is protected by copyright. The copyright owner is unknown or unidentifiable.	In Copyright – Rights-holder(s) Unlocatable or Unidentifiable <a href="http://rightsstatements.org/vocab/InC-RUU/1.0/">http://rightsstatements.org/vocab/InC-RUU/1.0/</a>
This material is in the public domain in the United States.	No Copyright – United States <a href="http://rightsstatements.org/vocab/NoC-US/1.0/">http://rightsstatements.org/vocab/NoC-US/1.0/</a>
The copyright and related rights status of this material is unknown.	Copyright Undetermined <a href="http://rightsstatements.org/page/UND/1.0/">http://rightsstatements.org/page/UND/1.0/</a>
No copyright or related rights are known to exist for this material, but conclusive facts may be missing or ambiguous.	No Known Copyright <a href="http://rightsstatements.org/vocab/NKC/1.0/">http://rightsstatements.org/vocab/NKC/1.0/</a>
Copyright status as noted on the item: “[...]”	<i>Select the appropriate rights statement</i>