A Rights Roadmap for the Multilingual Digital Single Market

Life after the PSI Directive

Dr. Prodromos Tsiavos
p.tsiavos@ucl.ac.uk
State of the Art
Rights Structures
Pending Issues
Proposed Roadmap
Conclusions
1
State of the Art I


• Transposition progress (indicative):
  • Greece (Law 4305/2014)
  • Spain (Draft Law)
  • Romania (Consultation)
  • UK (Consultation)
State of the Art II

- PSI Guide (LAPSI2)
- Licence Interoperability (LAPSI2)
- QTLaunchpad (Wikibook + RDFization of licences)
- CLARIN (legal tools)
- METASHARE (legal tools)
State of the Art III

• There is an extensive body of work related to Public Domain calculators, i.e. sets of decision trees that assist in determining the copyright status of a work
• These have been primarily developed by and for libraries, universities and civil society organisations, but have also been adopted by some large EU projects (e.g. Europeana)
• They tend to focus on:
  • Single jurisdictions (e.g. Public Domain Sherpa)
  • Multiple jurisdictions (e.g. Open Knowledge’s Public Domain Calculators project)
  • Blocs of jurisdictions (outofcopyright.eu)
Public Domain Sherpa
(http://www.publicdomainsherpa.com/index.html)

• Focuses on the US
• Static
• Simplified
Digital Slider Copyright Advisory Network Resources (http://librarycopyright.net/resources/)

- Focuses on the US
- Static but interactive
- Simplified
- “Embeddable”
- No specific documentation for the algorithm
- Multiple Tools (PD Slider/ Fair Use Calculator/ Copyright Genie)
Cornell Public Domain Table
([http://copyright.cornell.edu/resources/publicdomain.cfm](http://copyright.cornell.edu/resources/publicdomain.cfm))

- Focuses on the US
- Static
- Detailed
- Documented
Cornell Public Domain Table

(http://copyright.cornell.edu/resources/publicdomain.cfm)

- Focuses on the US
- Static
- Detailed
- Documented
Open Knowledge Public Domain Calculators (http://publicdomain.okfn.org/calculators/flowcharts/)

- Focuses on multiple jurisdictions
- Aggregates Content
- Detailed
- Documented
- It is a catalogue; not a tool
Framework for Orphan AV Works Registries ([http://project-forward.eu/](http://project-forward.eu/))

- Focuses on multiple jurisdictions and a region
- It is a framework not the application
- Documented
- Focuses only on Orphan AV Works
OHIM Orphan Works Database (EU) 

• Focuses on multiple jurisdictions and a region
• It is a database of EU orphan works
• Documented
• Focuses only on Orphan Works
Europeana PD Calculators (iViR)
(http://outofcopyright.eu/calculators/)

• Focuses on multiple jurisdictions and the EU
• Provides flow-charts, application and APIs
• Detailed
• Documented
Visible Rights Project (UCL – Alpha)

- Multiple Tools:
  - PD calculators
  - Orphan Works Calculator
  - PSI calculator
  - Fair Use Calculator
  - Licensing Calculator
- Multiple Jurisdictions/Regions
- Real Data
- Crowdsourcing Documentation Integrated in the tool
- Industry oriented
- Interoperable and linked to the Copyright Hub
Key Steps

Record Basic Information re the Work

Decide if the Work is in the Public Domain

Check if you have a licence or other agreement

Check if there is a licensing body or other agency where you can get the licence from

Record Licence Agreement elements

Record absence of licensing information

Record Contact Details of Rights Agency
Some Basic Rules

• Unless you need to do additional research, stop at the level of the dataset/object that you need to clear
• You are not a detective
• Assess the risk of third party infringement
• The 80-20 rule (pareto):
  • The first 80% of the clearance requires 20% of its cost.
  • The last 20% of the clearance requires 80% of its cost.
  • How risky is this 20%?
Perspective
What is my legal-system perspective?

- At this stage do not focus on private international law questions, but rather allow the user determine the legal system she is interested in.

Which is the jurisdiction I am interested in?

- US
- EU
- UK
Pending Issues

3
Pending Issues

• Copyright Harmonization Issues:
  • Limitations and Exceptions (particularly the TDM exception – see the UK example)
  • Public Domain Rules
  • Workable Orphan Works Rules

• PSI Transposition
  • Real licence interoperability and monitoring
  • Public Sector Bodies (PSBs) collaboration and knowledge exchange

• Vertical Legal Regimes Harmonization
  • Compare the UK Royal Statistical Society Manifesto with the Greek Statistics Law

• Administrative Capacity Building
  • Customer service
  • Supporting the DSM
  • Crowdsourcing models
Proposed Roadmap

4
Suggested Roadmap for the MDSM

**Stage A**
- Set the Scope:
  - Range of Corpora
  - Legal Issues
  - Range of reusable tools

**Stage B**
- Create the Framework:
  - Legal framework for reuse of data/content
  - Collaboration Platform (WikiBooks)
  - Complete the training material

**Stage C**
- Enact the framework:
  - Conduct Workshops
  - Enrich Material
  - On/Off-line discussion
  - Create Decision Trees and Tools
  - Establish communities

**Stage D**
- Ensure Sustainability:
  - Link to other projects
  - Coordinate the Community
  - Re-set the scope
Conclusions
Value

FLOW

content

“rights”

permissions (can do)

restrictions (cannot do)

duties (must do)

LICENCES
when the licences
don’t work
Or fair use
Doesn’t work
the flow stops
We have the tools

• Legal Framework
• Standard Licences
• Training Material and experience
• Technical Tools
• Semantic Representation
• Networks of Experts
• Community Involvement
Orphan Works Assessment (OWA) V (basic decision tree)

1. Identify the works, rights and range of missing rights-holders
2. Perform diligence search
3. Is it in the PD? (perform PDA)
4. Obtain a licence
5. Apply for Orphan works Licence
6. Use the work

*These two stages may change order
Open Metadata Handbook/Open Metadata

Contents

1 what does open mean?
2 Why open up metadata?
3 Legal Issues
   3.1 Default position of the law
   3.2 Open licences
4 Technical Issues
   4.1 Accessibility
   4.2 Interoperability
   4.3 Reusability
5 Case studies
   5.1 Europeana
   5.2 COMET

what does open mean? [edit]

“A piece of content or data is open if anyone is free to use, reuse, and redistribute it — subject only, at most, to the requirement to attribute and share-alike.”

Metadata is open if it satisfies the following conditions:

1. access: it shall be publicly accessible, preferably via the Internet and free of charge (or at a reasonable reproduction cost).
2. redistribution: it shall be possible for anyone to freely redistribute it, either as such or as part of a broader dataset derived from many different sources.
3. reuse: it shall be possible to modify or incorporate it into derivative datasets, which can be distributed under the same terms as the original.
4. no technological restrictions: it shall be provided in such a form that there are no technological obstacles to the performance of the above activities.
Licenses

Any grant of access to LRs should ideally include not only the right to read the relevant content but also to allow transformative uses, dissemination and distribution of such resources and their derivatives, according to the needs and policies of LR owners and users. To limit the complexity of licensing, a range of recommended license setups are provided by META-SHARE in the form of templates for the members to choose from.

The META-SHARE model licensing scheme, with a firm orientation towards the creation of an openness culture and the relevant ecosystem for LRs, is organized on the following axes:

- Creative Commons licences (starting with Creative Commons Zero (CC-Z) and all possible combinations along the CC differentiation of rights of use) are the first level of legal machinery applied.
- A second layer includes META-SHARE Commons Licences, a fully developed CC-based licensing tool that allows META-SHARE members and Extraneous Depositors to make their resources available to other network members only.
- The third legal layer is a set of licenses that allow use and exploitation of the Resources while permitting the LR Owner to have full control over the Resource distribution. These ‘No Redistribution’ licenses will effectively help get ‘closed’ resources safely out to the community.
- A set of legal document templates (non licences) is offered that is designed to help all stakeholders (resource owners, distributors and end-users) work in a friendly and transparent environment. These include a Depositor’s Agreement (DA), a Memorandum of Understanding (MoU) for the Network members and a Service Level Agreement (SLA). The DA is currently available, while the MoU and the accompanying SLA are under revision.

The following issues should be taken into account while using the licences:

- These ready-to-use licensing schemes are as quick and easy to apply as possible, in particular for new resources. Do not hesitate to refer to the META-SHARE IPR Helodeck facility (helpdesk-legal@meta-share.eu) for any assistance you may have in understanding, choosing and using any of these licence and other legal tools.
- The rights of use of the resource, any possible restrictions, as well as rights and restrictions on the original raw data are under the control and responsibility of the resource owners. The repository in which the resource resides acts mainly as a facilitator for the search-and-get procedure while providing guidelines and metadata curation activities.
- Metadata elements regarding rights of use, availability and distribution are among the mandatory elements of the minimal metadata schema and are harvested by the central META-SHARE servers so that users (essentially language resource consumers) can promptly understand what they are allowed to do with a specific resource. Please always refer to these metadata before using any of the resources on META-SHARE.
- According to the META-SHARE Helodeck, resources should ideally be open and shared at least for research purposes. The copyright conditions of the initial raw data providers are reflected in the terms of the licensing schemes.
Centre news vol. 20 - April 2015

New CLARIN members Recently, both Portugal and Greece have joined CLARIN. A warm welcome to our new consortia and centres! New B centres

Read more >

Search for Language Resources
Deposit your resources
Featured Resource

Search in the Virtual Language Observatory for language resources in the CLARIN repositories:

Woordeboek der Nederlandsche Taal

Search for Dutch words in historical dictionaries:
Find the relevant license(s) for your Language Resources

The current version covers ELRA, Creative Commons and META-SHARE licenses.

Choose your criteria here:

- Implicit versus Explicit
- Use Type

24 results available

Click on 🛒 to add license(s) to your selection.
We only need to use them

- Legal Framework
- Standard Licences
- Training Material and experience
- Technical Tools
- Semantic Representation
- Networks of Experts
- Community Involvement