

Held Captive By Copyright – Two Case Studies for Open Access

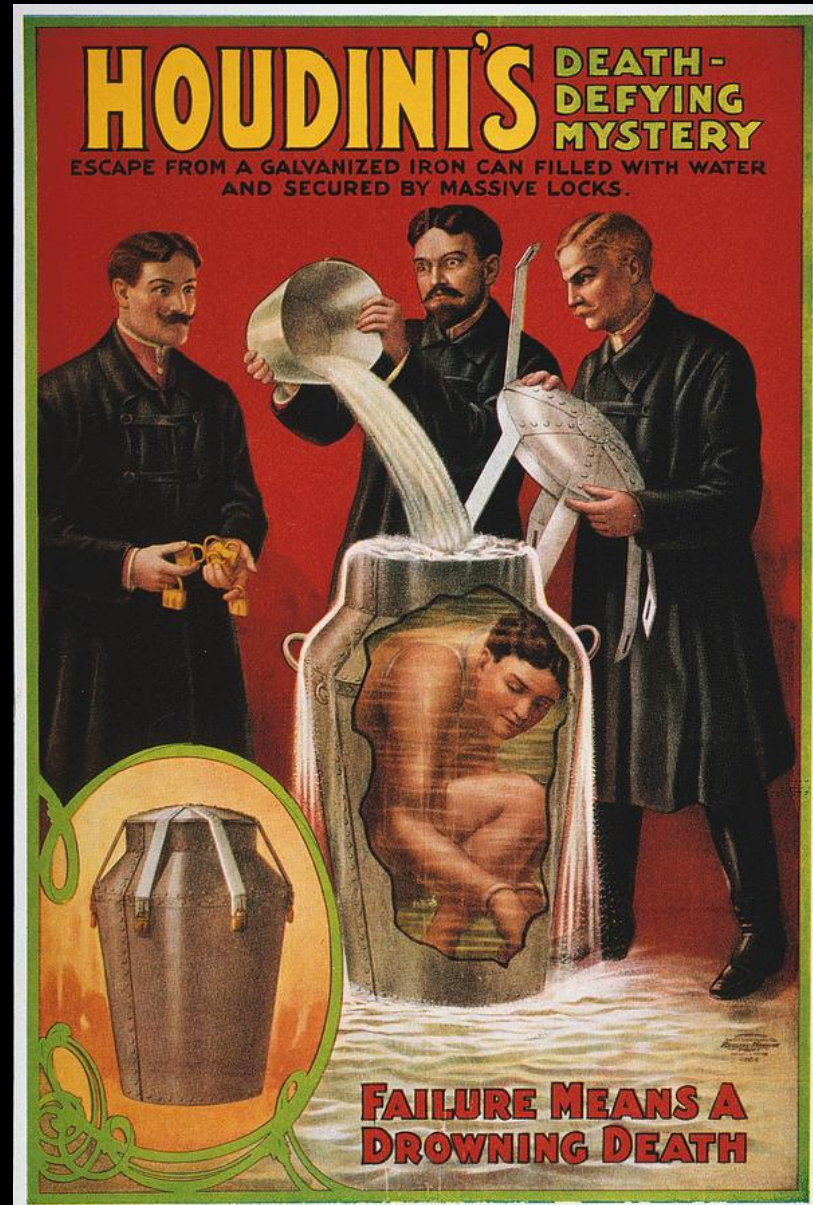
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UTSA

Texas Conference on Digital Libraries
April 27, 2015



DISCLAIMER

We are not lawyers.

We are not intellectual property rights experts.

We are librarians.

And these are our case studies.

What is the Harry Ransom Center?

The central mission of the Ransom Center is to advance the study of the arts and humanities.



The Ransom Center contains a treasure trove of

STUFF

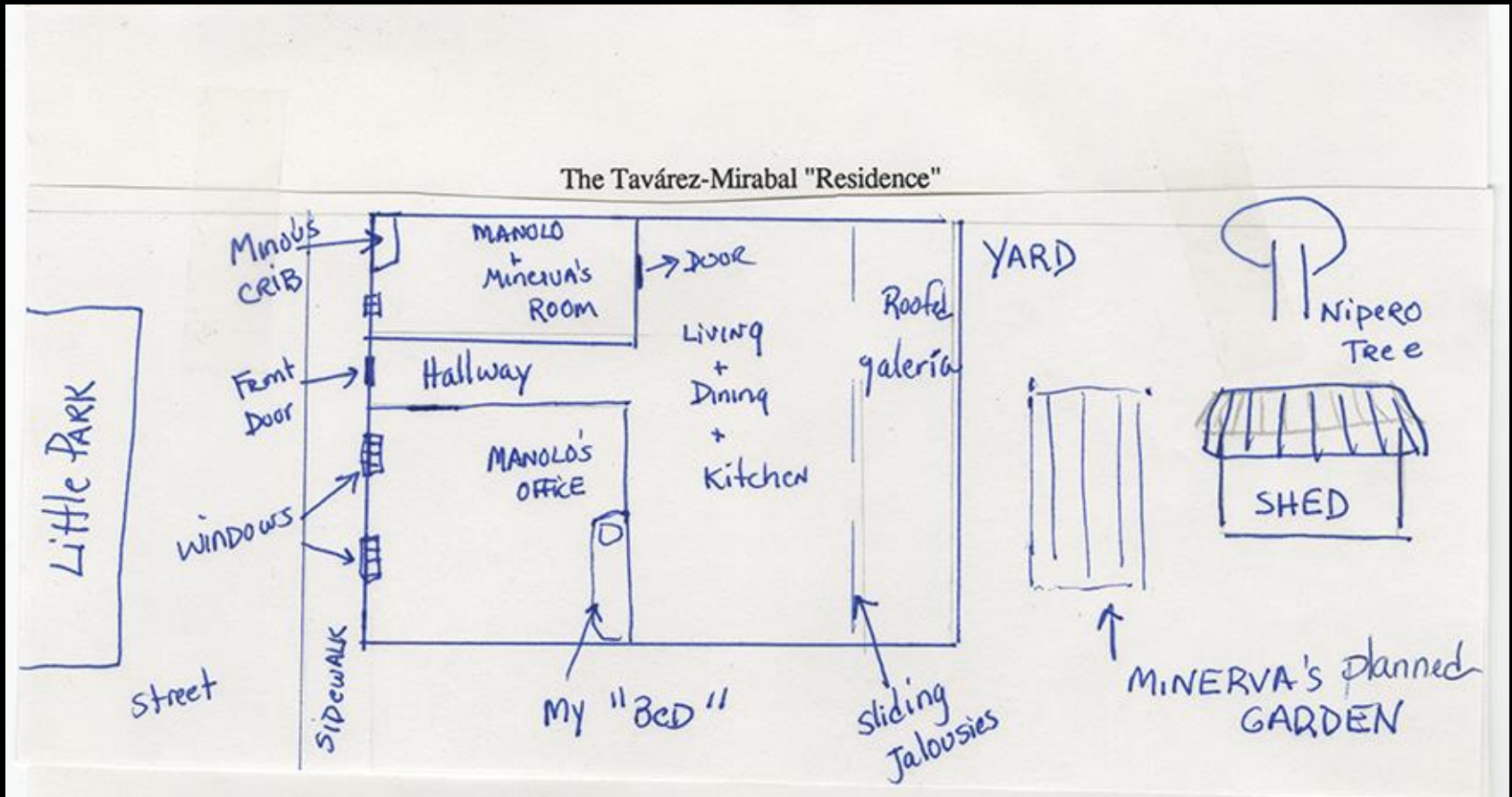
Books – ephemera – manuscripts – personal papers – sheet music – personal effects – costumes – set designs – film – audio – paintings – works on paper – 3-D object – photographs – misc.

These collections are invaluable for their potential contribution to advancing the study of the humanities.

Draft 1: The Pale King – David Foster Wallace Papers

Part? The real-or-fiction theme is cool. But it could get confusing, especially if it keeps interrupting the narrative.

Contemporary Literary Archives

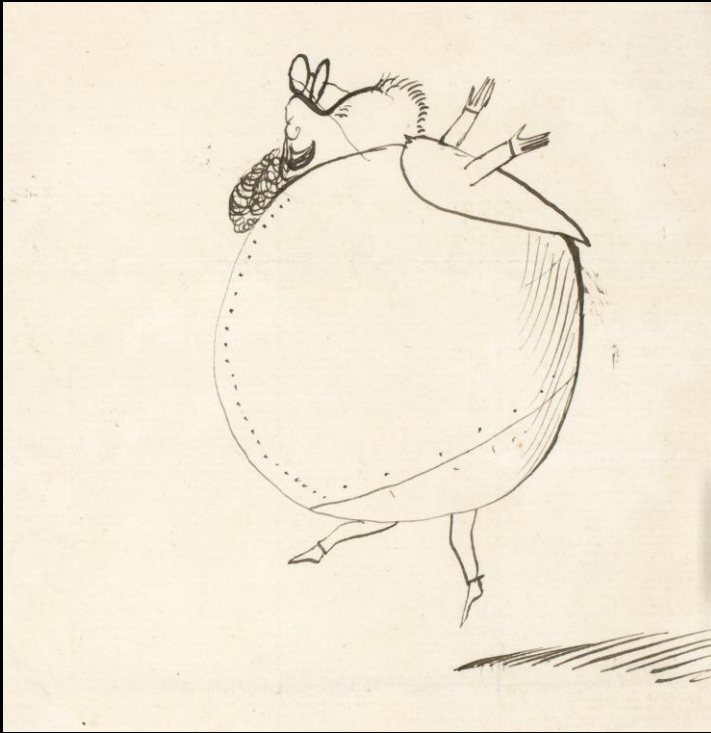


The Tavarez-Mirabal Residence – Julia Alvarez
Papers

The Ransom Center also have a VAST quantity of materials which can be presumed to be in the

PUBLIC DOMAIN

Christina Rossetti – Edward Lear – Henry James -
Jack London – Julia Ward Howe – Katherine
Mansfield – O. Henry – Oscar Wilde – Thomas Hardy
– Vachel Lindsay – Violet Hunt – Washington Irving –
William Makepeace Thackeray –
Zane Grey



Self-Caricatures - Edward Lear Papers



24
III
1921

Dear Princess Bibesco,

I am afraid you must stop writing these little lovef letters to my husband while he and I live together. It is one of the things which is not done in our world.

You are very young. Wont you ask your husband to explain to you the impossibility of such a situation.

Please do not make me have to write to you again. I do not like scolding people and I simply hate having to teach them manners.

Yours sincerely

KATHERINE MANSFIELD.

Katherine Mansfield Papers



✓

Lily-Flower.

a ring of gold and a milk-white dove
 are goodly gifts for thee,
 and a heaven rope for your own love
 to hang on upon a tree.

For you a House of Ivory,
 (Roses are white in the rose bower)
 a narrow bed for me to lie,
 (White, O white, is the henlock flower).

Myrtle and jessamine for you,
 (O the red rose is fair to see)
 For me the cypress and the rue,
 (Faint of all is rose-mary)

For you three loves of your hand
 (Green grass where a man lies dead)
 For me three peeces on the sand
 (Plant lilies at my head).


Oscar Wilde,

Lany.


Oscar Wilde Papers

WATCH: Writers, Artists & Their Copyright Holders

[FINDING AIDS](#) [SEARCH THE COLLECTIONS](#) [USING THE COLLECTIONS](#) [FELLOWSHIPS](#) [POLICIES, FEES, AND FORMS](#) [CONTACT CURATORS AND LIBRARIANS](#) [WATCH COPYRIGHT FILE](#) [JAMES JOYCE CHECKLIST](#)

 **University of Reading**

W A T C H
WRITERS ARTISTS AND THEIR COPYRIGHT HOLDERS

 **HARRY RANSOM CENTER**

Welcome to WATCH and FOB

Last Name:

First Name:

[Search Tips](#)

WATCH and FOB are run jointly by the Harry Ransom Center and University of Reading Library.

Please contact us if you have more current information to offer about an author's copyright holder or representative.

Under no circumstances may addresses from WATCH be compiled, collected, or used for any purpose, commercial or non-commercial, other than that for which they are intended. The copyright to the WATCH list in its entirety is held by the compilers. Addresses may not be used for mass mailings ("spam") or databases without the express written permission of the individuals listed. All addresses are deemed to be "private."

Writers Artists and Their Copyright Holders is a database of copyright contacts for writers, artists, and prominent figures in other creative fields.

Firms Out of Business is a database with information about vanished publishing concerns, literary agencies, and similar firms.

[Search FOB](#)

RELATED LINKS

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- [About FOB](#)
- [U.S. Copyright](#)
- [U.K. Copyright](#)
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Ransom Center 2014 Concurrent and Interrelated Activities

- ✧ Development of an institutional strategic plan
- ✧ Formation of the Center's Digital Initiatives Working Group (DIWG)
- ✧ Project REVEAL (REad and View English & American Literature)

Ransom Center 2014 Concurrent and Interrelated Activities

✧ Strategic Plan –

- ✧ Support greater access to and use of digital and born digital collections

- ✧ Draft & adopt an Open Access Policy

- ✧ Digital Initiatives Working Group tasked with this effort

Ransom Center 2014 Concurrent and Interrelated Activities

✧ Project REVEAL (REad and View English & American Literature)

A year-long project to digitize and make available online **25** full manuscript collections of well-known writers whose work is in the ***public domain***.

Project REVEAL

(Read and View English & American Literature)

Project REVEAL has been a year-long project designed with the three-fold purpose of increasing access to the Ransom Center's manuscript and archival resources, enhancing the online user experience for the Center's researchers, and creating workflows and institutional best practices for future large-scale digitization projects at the Center. Over the past year, 25 manuscript collections of some of the best-known names from American and English literature of the nineteenth and early twentieth centuries have been digitized in their entirety and made available online via the Center's [digital collections](#) portal.

The Writers of Project REVEAL

Charlotte Perkins Gilman
Christina Georgina Rossetti
Dante Gabriel Rossetti
Edward Lear
Gerard Manley Hopkins
Hart Crane
Henry James
Henry David Thoreau
Jack London
Joel Chandler Harris
Joseph Conrad
Julia Ward Howe
Katherine Mansfield

L. Frank Baum
Mary Elizabeth Braddon
O. Henry
Oscar Wilde
Robert Louis Stevenson
Sara Teasdale
Thomas Hardy
Vachel Lindsay
Violet Hunt
Washington Irving
William Makepeace Thackeray
Zane Grey



Increasing Access

A primary goal of Project REVEAL was to increase access to a selection of the Center's manuscript collections by digitizing entire literature collections believed to be in the public domain, recycling descriptive metadata from finding aids containing item-level metadata, and delivering this content online via the Center's CONTENTdm site. This approach of digitizing collections in their entirety, rather than selecting and digitizing only the exceptional documents, is a departure in practice for the Ransom Center, and one that we believe has created more efficient workflows and, in turn, has produced an increased quantity of available content for our users.

OA Environmental Survey

- ✧ Open Access practices varied widely
 - ✧ Difficult to determine what content is public domain
 - ✧ Rights statements varied
 - ✧ Access models varied

Cultural Heritage Institutions and Open Access

[The J. Paul Getty Trust Home](#) ▶ [select](#)

Open Content Program



Open Content




The Getty Open Content Program

Cultural Heritage Institutions & OA

COLLECTION


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The New York MMA – OA for Scholarly Content

Cultural Heritage Institutions & OA

YaleNews

ARTS & HUMANITIES

BUSINESS, LAW, SOCIETY

CAMPUS & COMMUNITY

SCIENCE & HEALTH

Digital Images of Yale's Vast Cultural Collections Now Available for Free

May 10, 2011



George Stubbs, *Zebra*, 1763, oil on canvas, Yale Center for British Art, Paul Mellon Collection. From the collections of Yale University.

Scholars, artists and other individuals around the world will enjoy free access to online images of millions of objects housed in Yale's museums, archives, and libraries thanks to a new "Open Access" policy that the University announced today. Yale is the first Ivy League university to make its collections accessible in this fashion, and already more than 250,000 images are available through a newly developed [collective catalog](#).

The goal of the new policy is to make high quality digital images of Yale's vast cultural heritage collections in the public domain openly and freely available.

As works in these collections become digitized, the

Yale University

Open Access

Peter Suber:

“Open Access content is digital, online, free of charge, and free of most copyright and licensing restrictions.”

Ransom Center OA Deliberations

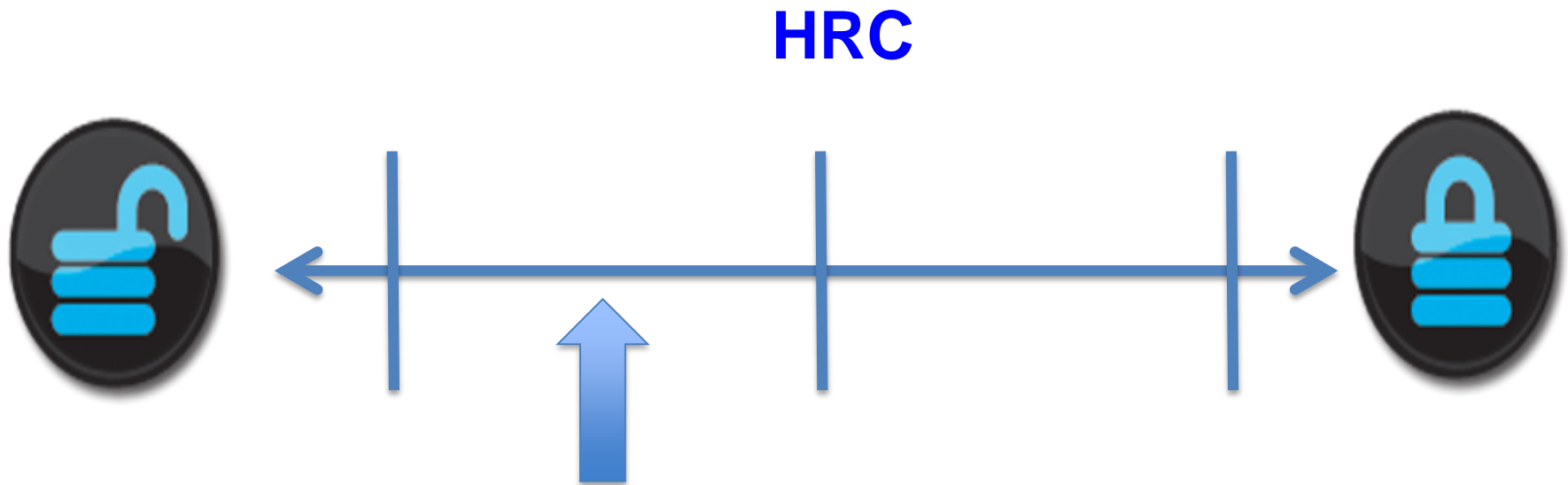
✧ Staffing Obstacles?

✧ Technological Obstacles?

✧ Can We Afford Open Access?

Open Access Continuum

Where Do You Fall?



Policy Should Fall
Somewhere Here?

Ransom Center: OA Consensus

- ✧ Open Access as a Phased Approach
- ✧ Limit OA Policy to Online Content (Cdm)
- ✧ Adjust Rights Statements
- ✧ Adapt Harvard's Open Access Policy

Project REVEAL and Open Access

- ✧ *25 Fully Digitized* Manuscript Collections
- ✧ Of 25,000 page images, approximately **22,000** judged to be in the public domain
- ✧ Tools: WATCH file & Hirtle's "Copyright Term & the Public Domain in the US"

https://copyright.cornell.edu/resources/publicdomain.cfm

Copyright Term and the Public Domain in the United States 1 January 2015¹

Never Published, Never Registered Works²

<i>Type of Work</i>	<i>Copyright Term</i>	<i>What was in the public domain in the U.S. as of 1 January 2015³</i>
Unpublished works	Life of the author + 70 years	Works from authors who died before 1945
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1895
Unpublished works when the death date of the author is not known ⁴	120 years from date of creation ⁵	Works created before 1895 ⁵

Works Registered or First Published in the U.S.

<i>Date of Publication⁶</i>	<i>Conditions⁷</i>	<i>Copyright Term³</i>
Before 1923	None	None. In the public domain due to copyright expiration
1923 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

Project REVEAL and Open Access

A SLIGHT
HICCUP
IN OUR PROGRESS...

Hirtle – Copyright & Cultural Institutions

“...it is important not to simply rely on that item’s format or physical appearance...For example, a manuscript letter may have been printed with the authority of the copyright owner.”

This still means a letter from 1775 could still be protected by copyright.

Ransom Center Reality Check

- ✧ Institutional Risk Tolerance
- ✧ Legitimate Copyright Holders vs. Illegitimate Copyright claimants
- ✧ What's the worst that can happen?
- ✧ Revise rights statements

Creative Commons Public Domain Mark



Not the best choice for Ransom content

Rights Statements: Not perfect...yet

- ✧ The Harry Ransom Center has determined, to the best of its ability based on available information, that this material is unlikely to be protected by copyright interests and is in the public domain. Copyright status is, however, often difficult to determine with certainty, so restrictions may still exist. You are solely responsible for obtaining whatever permission may be needed to use this material. Rights holders for this material may be listed in the WATCH file:
<http://norman.hrc.utexas.edu/watch/>. If publishing in print, electronically, or on a website users are asked to cite the Harry Ransom Center, The University of Texas at Austin.

Open Access: Moving Ever Closer...

- ✧ Project REVEAL will be published in May with 22,000 images *free for any use*
- ✧ Open Access Policy soon to follow
- ✧ Content added over time
- ✧ Clarify and streamline rights statements post – DPLA's "Getting it Right on Rights" project

Resources

“About the Public Domain Mark – “No Known Copyright.”

<https://creativecommons.org/about/pdm>

Hirtle, Peter. “Copyright & Cultural Institutions: Guidelines for U.S. Libraries Archives & Museums,” 2009 .

<http://digitalcommons.bepress.com/repository-research/6/>

Resources

Kelly, Kristin. “Images of Works of Art in Museum Collections: The Experience of Open Access – a Study of Eleven Museums.” Prepared for the Andrew W. Mellon Foundation, April 25, 2013.

<http://msc.mellon.org/research-reports/Open%20Access%20Report%2004%2025%2013-Final.pdf/view>

Getty Announces New Program Lifting Restrictions
On Use of Digital Images

<http://news.getty.edu/press-materials/press-releases/getty-open-content-images.htm>

Resources

Harvard Library Policy on Access to Digital Reproductions
of Works in the Public Domain

<https://osc.hul.harvard.edu/pdpolicy>

Metropolitan Museum Initiative Provides Free Access to
400,000 Digital Images

<http://www.metmuseum.org/about-the-museum/press-room/news/2014/oasc-access>

Resources

WATCH Copyright File:

<http://norman.hrc.utexas.edu/watch/>

Yale: Digital Images of Yale's Vast Cultural Collections
Now Available for Free

<http://news.yale.edu/2011/05/10/digital-images-yale-s-vast-cultural-collections-now-available-free>

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