Held Captive By
Copyright – Two
Case
Studies for Open
Access

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Texas Conference on Digital Libraries
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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**


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

Draft 1: The Pale King – David Foster Wallace Papers
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

Self-Caricatures - Edward Lear Papers
Dear Princess Bibesco,

I am afraid you must stop writing these little love 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.
Oscar Wilde Papers
Welcome to WATCH and FOB

Last Name:
Search the WATCH File

First Name:

Submit  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.

RELATED LINKS
- About WATCH
- About FOB
- U.S. Copyright
- U.K. Copyright
- Copyright Resources
- Contact Us
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 Getty Open Content Program
Cultural Heritage Institutions & OA

The New York MMA – OA for Scholarly Content
Digital Images of Yale’s Vast Cultural Collections Now Available for Free

May 10, 2011

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...
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”
# Copyright Term and the Public Domain in the United States

## 1 January 2015

### Never Published, Never Registered Works

| Type of Work                                                                 | Copyright Term                              | What was in the public domain in the U.S. as of 1 January 2015
<table>
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<tr>
<td>Unpublished works</td>
<td>Life of the author + 70 years</td>
<td>Works from authors who died before 1945</td>
</tr>
<tr>
<td>Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)</td>
<td>120 years from date of creation</td>
<td>Works created before 1895</td>
</tr>
<tr>
<td>Unpublished works when the death date of the author is not known</td>
<td>120 years from date of creation</td>
<td>Works created before 1895</td>
</tr>
</tbody>
</table>

### Works Registered or First Published in the U.S.

| Date of Publication | Conditions                                      | Copyright Term
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<tbody>
<tr>
<td>Before 1923</td>
<td>None</td>
<td>None. In the public domain due to copyright expiration</td>
</tr>
<tr>
<td>1923 through 1977</td>
<td>Published without a copyright notice</td>
<td>None. In the public domain due to failure to comply with required formalities</td>
</tr>
<tr>
<td>1978 to 1 March 1989</td>
<td>Published without notice, and without subsequent registration within 5 years</td>
<td>None. In the public domain due to failure to comply with required formalities</td>
</tr>
<tr>
<td>1978 to 1 March 1989</td>
<td>Published without notice, but with subsequent registration within 5 years</td>
<td>70 years after the death of author. If a work of corporate</td>
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Project REVEAL and Open Access

A SLIGHT HICCUP IN OUR PROGRESS...
“…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


http://digitalcommons.bepress.com/repository-research/6/
Resources


Getty Announces New Program Lifting Restrictions On Use of Digital Images

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

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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