

Rights Management for Digitization Projects

Research & Innovative Services Report
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Executive Summary

Research Question

Based on an informed investigation of current practices among other university libraries (and "best practices" should they exist), what needs to be in place for OSUL to implement a centralized rights management service for its digitization projects?

Research Sponsor

Michael Boock (as LAMP representative)

Project Scope and Assumptions

For the purposes of this research, "rights management for digitization" work includes:

- investigating whether or not items to be digitized or made available electronically in a digital repository are in the public domain;
- soliciting permissions to digitize;
- coordinating payment for permission to digitize;
- managing copyright permissions;
- working with appropriate campus liaisons such as university attorneys;
- enacting policies pertaining to the above;
- advocating for change to current copyright law.

Research results will be shared with LAMP for a decision about where rights management responsibilities within the libraries should reside and what FTE should be devoted to it.

Process

The research group of Susan Hoyt, Sue Kunda and Margaret Mellinger worked with project sponsor Michael Boock to develop survey questions. We conducted a literature review and also looked at the organization charts of the GWLA and ARL Libraries that Boock and Vondracek used in their research on how libraries organize staff for digitization projects.

Summary of Research Results

Our research did not discover best practices for rights management for digitization projects within academic libraries. Each individual institution had a unique solution to this problem that best reflected their institutional copyright philosophy, staffing, and campus legal resources. Three models for staffing for copyright-related tasks are to: 1) appoint a copyright officer, 2) form a copyright team, and/or 3) organize staffing on a project-by-project basis.

Recommendations

- 1) Identify and meet with all the entities on campus working with copyright to determine their current roles and tasks.
- 2) Bring University Counsel into the planning conversation at the early stages.
- 3) Clearly define the scope of responsibilities and tasks needed by OSUL for digitization projects.
- 4) Consider partnerships with University of Oregon Libraries and their law school.

Full Report

Introduction

The phrase “rights management” is most commonly associated with Digital Rights Management (DRM) which is not the focus of this report. At least one of our survey respondents pointed out that much of what we were asking about in the survey was related to copyright and obtaining clearances, rather than Digital Rights Management. The RIS team recommends that the phrase “rights management” not be used to describe the group of tasks that OSUL wants staff to cover, unless DRM is an aspect of the work.

Literature Review

The issue of rights management for digitization projects has received limited attention from the academic library community. Searching databases, library journals, and the Internet yields little information about how libraries manage copyright issues that accompany digital projects. Several library websites (Michigan Library Consortium, Stanford University, University of Maryland, and California Digital Library) address copyright protections and permissions for digital projects, but none outline how they organize themselves to determine, secure, and maintain these rights.

We know academic libraries hire copyright or intellectual property specialists (Vesey, 2006; Palmer, Teffeuau, Newton, 2008), but we don’t know how those staff work within their departments and libraries. We don’t know if staff are also responsible for managing rights, and if they are, we don’t know how those rights are structured. Lesley Ellen Harris (2005) provides a rationale and bare bones plan for organizing copyright issues, but offers few concrete examples. We hoped that the survey of institutions would shed some light on organizational structure that was not found in the literature review.

Survey Summary

We sent out 30 survey participation requests and two subsequent reminders. We received nine responses. Seven respondents identified their institutions: Columbia University, Cornell University, Louisiana State University, Penn State University, University of Southern California, University of Virginia, and University of Washington. Two respondents remain anonymous. The overarching result is that there is not an accepted model or best practice for digital rights management.

The survey questions were:

1. *What is the name of your institution?*
2. *How many FTE's are devoted to digitization rights management tasks for digital projects in your institution? Please elaborate on what type of employees they are in terms of job classifications and/or titles.*
3. *Is digital rights management included in any position descriptions? If so which ones?*
4. *Which departments have some responsible for digital rights management?*
5. *Which department has primary responsibility for digital rights management?*
6. *Who is responsible for the following rights management tasks?*
7. *If you were advising another institution initiating a rights management program for digital projects, how would you recommend they proceed?*

There is a wide diversity among these institutions regarding who holds responsibility for managing digital rights, which department they reside in, and whether the responsibility for managing digital rights is actually included in their position's description or duties. Primary responsibility for rights management was held by systems in two of the institutions, and by administration in two others. The rest of the responses showed that primary responsibility for obtaining rights is held by collection development (1 response) Reference (1 response), Special Collections (1 response) and Technical Services (1 response) and outside the library (1 response).

Table 2. Which departments have some responsibility for digital rights management? (Question 4)

Administration	Response Percent	Response Count
Administration	75.0%	6
Archives	87.5%	7
Collection Development	50.0%	4
Reference	25.0%	2
Special Collections	87.5%	7
Systems	25.0%	2
Technical Services	37.5%	3
Outsource/ Consultant	0.0%	0
Outside Library reporting structure	12.5%	1
Not applicable	12.5%	1

Also showing wide variation is the number of FTE hours estimated for digital rights management; from 0 to 1.5 FTE. In two cases one individual performed these duties (Head of Digital Initiatives and Coordinator Copyright Services Office), but in four institutions they were shared by five or more people. Rights management tasks were distributed across various positions in the manner indicated by Table 3.

Table 3 Who is responsible for rights management tasks? (Question 6)

	Policy formation	Advocacy	Contacting authors/publishers	Following up with contacts	Response Count
Librarian	66.7% (6)	77.8% (7)	77.8% (7)	66.7% (6)	9
Library Administrator	87.5% (7)	62.5% (5)	50.0% (4)	37.5% (3)	8
Legal counsel	100.0% (6)	33.3% (2)	16.7% (1)	0.0% (0)	6
Paraprofessional	16.7% (1)	16.7% (1)	83.3% (5)	100.0% (6)	6
Student	0.0% (0)	0.0% (0)	100.0% (2)	100.0% (2)	2
Other	100.0% (1)	100.0% (1)	0.0% (0)	0.0% (0)	1

The final question elicited advice on initiating a copyright clearance and management program. Several respondents advised consulting the University’s legal counsel at the beginning stages, but to move forward, taking their risk assessments under advisement. One respondent described his institution’s legal counsel as being overburdened with other issues which he said resulted in counsel being uninformed on library related issues and their current case law. Another recommended that we “establish an excellent line of communication with office of general counsel or other legal services,” so that they know the scope and details of what we are trying to do.

Several respondents spoke to the necessity of a clearly defined set of goals from the outset and the efficacy of good communication (both upward and downward) as a management program for digital projects is planned, implemented, and procedures are established. The respondent from the University of Virginia concisely summed up the current landscape: “Each institution will manage this suite of activities differently depending on resources and mission.”

Conclusion

Our research did not discover best practices for rights management for digitization projects within academic libraries. Three models proposed by Harris and echoed by the responding institutions, however, may be useful as OSUL moves forward.¹

The first model is to appoint a copyright officer who would devote some portion of their time to obtaining rights for digitization projects and addressing library-related copyright issues. The library would gain a point person for copyright. That employee would have the charge to build their own expertise as well as develop relationships with other campus units working with

¹ Harris, L. E. (2005). Organizing your library’s copyright issues. *Information Outlook*, (Feb. 2005).

copyright. In an informal conversation with librarians this fall, Sarah Mabee from the Technology Transfer Office expressed interest in talking and working with OSUL to better understand the copyright and licensing issues on campus.

A second approach is to form a cross-departmental library team that could include key people outside the library. An advantage of having a rights management team is that expertise and skills are shared and reside in more than one place in the library. This team could function something like the campus-wide technology group.

The third model is project-based staffing. Several institutions we surveyed are using a project-oriented approach to staffing for rights management where obtaining permissions is considered part of each digital project. OSUL also works in this manner. At least one of the institutions using this model recommended a robust set of policies and procedures that guide the project teams. This approach may work best in a larger, more top-down organization with staff available to create and maintain these policies and procedures.

Given the recent meeting with the University of Oregon Libraries, there may be opportunities for the two libraries to collaborate on copyright tasks. We could share a copyright officer or form a cross-institutional team to specialize in copyright. One of the survey respondents also advised partnering with a law school to have students do rights clearances as internships or pro bono projects, and while OSU does not have a law school, U Oregon does.

Works Cited

Harris, L. E. (2005). Organizing your library's copyright issues. *Information Outlook*, (Feb. 2005). Accessed November 10, 2008 at

http://findarticles.com/p/articles/mi_m0FWE/is_2_9/ai_n13787593/pg_1?tag=artBody;coll

Palmer, C. L., Tefteau, L. C., Newton, M. P. (2008). Identifying factors of success in CIC institutional repository development. *IDEALS*. Accessed November 14, 2008, at

<http://hdl.handle.net/2142/8981>

Vesely, S. A. (2006). Do you need a copyright librarian? *Internet Reference Services Quarterly*, 11(4), 69-81.