Assigning Rights Statements to Legacy Digital Collections

Laura Capell  
*University of Miami, l.capell@miami.edu*

Elliot Williams  
*University of Miami, e.williams10@umiami.edu*

---

**Recommended Citation**  
http://scholarlyrepository.miami.edu/librarypapers/2
Assigning Rights Statements to Legacy Digital Collections

Laura Capell & Elliot Williams

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 University Digital Collections, the project objective is to incorporate the contents of our digital collections based on the parameters established by RightsStatements.org.

The Libraries’ Collections, Special Collections, and Survey of Creation current consists of a mixture of manuscript archives, oral history, and digital collections, and a wealth of rare and unique materials, including books and periodicals, photographs, manuscripts, architectural drawings, maps, and other cultural artifacts. In addition,口

CHALLENGES

We focus on the challenges that we have encountered for published and unpublished materials with personal, corporate, or government authors. It also accounts for materials whose rights status is unknown, as well as those with unassignable rights statements.

LOCAL AND STANDARDIZED RIGHTS STATEMENTS

We published our local rights statements and standardized statements with URLs from RightsStatements.org, improve maximum flexibility and readability by both humans and machines. Our local rights statements also include a link to our local copyright information website.

WORKFLOW

As we ramped up outreach efforts to engage researchers in traditional and non-traditional uses of our digital collections, we wanted 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 collective content to determine the rights status and provide appropriate rights information to the user.

The 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 time frame for piloting this project was perfect as we begin to assess potential metadata changes and transformation necessary to prepare for DPLA harmonization.

In the first step we were reviewing relevant donor’s 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.

We created a decision matrix to ensure consistency during the evaluation process. The matrix addressed the most common copyright scenarios we have encountered for published and unpublished materials with personal, corporate, or government authors. It also accounts for the country of origin and creator identification. We have documented the rationale behind our decisions at the collection level to provide context in case future negotiations are needed.

COPYRIGHT DECISION MATRIX

Determined by the items’ creator, not the University of Miami. The copyright and related rights status of the item may vary depending on the creator’s jurisdiction.


We determined that the copyright status for this handmade-produced book created by Robert Smith in 1917 is Copyright—Owner Unidentified. This means that the title is new work, copyright in place, since the copyright term for non-corporate works is 120 years from the date of creation. However, it is an orphan work and we do not know who holds the copyright.

Model for bronze lion sculpture to be installed on the Paseo de Martí, 1928. Heinrich Berlau Photograph Collection, University of Miami Digital Collections, http://merrick.library.miami.edu/cdm/ref/collection/chc0400/id/305.

We determined that this plate from the collection of a former iron works company in Cuba is in the public domain because it is a pre- revolution Cuban government document, so its status is Copyright — United States. Post-revolution Cuban government materials are in copyright in perpetuity, as are materials created by Cuban corporate bodies.

We have used the copyright status as No Copyright – United States. Federico García Lorca passed away in 1936, so his materials entered the public domain on January 1, 2007. None of his works were published in 2007, but since they had already entered the public domain, publication did not affect the copyright. Because copyright differs in other parts of the world, our assessment only determines legal status in the United States.

Federico García Lorca posted to José María Chávez on December, 25, 1925. Federico García Lorca Collection, University of Miami Digital Collections, http://merrick.library.miami.edu/cdm/ref/collection/chc0400/id/305.

No Copyright – United States.

We have used the copyright status as No Copyright – United States. Federico García Lorca passed away in 1936, so his materials entered the public domain on January 1, 2007. Some of his letters were published in 2007, but since they had already entered the public domain, publication did not affect the copyright. Because copyright differs in other parts of the world, our assessment only determines legal status in the United States.