Assigning Rights Statements to Legacy Digital Collections

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BACKGROUND
The University of Miami Libraries began a project in the fall of 2015 to evaluate the rights status of legacy materials digitized online in their digital collections. The project objective is to digitize the contents of our digital collections based on the parameter established by RightsStatements.org.

This project, funded by the John S. and James L. Knight Foundation, and is part of a larger effort to contribute collections of a human and cultural record from the Caribbean basin, with a focus on Florida, Cuba, and Haiti. The project goal is to create a digital library that is open access and freely available to the public.

LOCAL AND STANDARDIZED RIGHTS STATEMENTS
We developed our local metadata to include standardized rights statements with links from RightsStatements.org, to improve maximum flexibility and reusability by both humans and machines. Our local rights statements also include a link to our local copyright information webpage.

WORKFLOW
The University of Miami Libraries is a member of RightsStatements.org and has embraced the Standards of Practice of the DPLA. The project team worked to conduct a decision-making process in which each item was evaluated in various scenarios. This is especially true for manuscript collections, which can include materials by numerous creators. The item-level metadata sometimes lacked important information like creator death dates or approximate dates of creation.

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 was right to prepare our metadata for this project and perfect it as we begin to assess potential metadata issues and training requirements necessary to prepare for DPLA harvesting.

CHALLENGES
While our focus is to determine the legal status of materials in the United States, in some cases that may vary according to the country of origin. For the large number of Cuban materials in our collections, we have researched the country of origin in which the materials were created.

We have determined that the copyright status for this born-digital project rooted in Cuban public domain because it is a pre-1959 work: copyright has expired over 50 years from the date of publication. However, it is as orphan work and we do not know who holds the copyright.

COPYRIGHT DECISION MATRIX

<table>
<thead>
<tr>
<th>Rights Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Domain</td>
<td>This material is in the public domain in the United States.</td>
</tr>
<tr>
<td>In Copyright</td>
<td>This material is protected by copyright. Copyright is held by the creator or publisher.</td>
</tr>
<tr>
<td>Rights Undetermined</td>
<td>This material is protected by copyright. Copyright is held by the creator or publisher but lacks information to assign an accurate rights status.</td>
</tr>
<tr>
<td>Rights Undetermined</td>
<td>This material is protected by copyright. Copyright is held by an unknown or unknown creator.</td>
</tr>
<tr>
<td>Rights Undetermined</td>
<td>This material is protected by copyright. Copyright is held by a corporate body (organization or business entity) but lacks information to assign an accurate rights status.</td>
</tr>
<tr>
<td>Rights Undetermined</td>
<td>This material is protected by copyright. Copyright is held by a corporate body (or work for hire) but lacks information to assign an accurate rights status.</td>
</tr>
<tr>
<td>Rights Undetermined</td>
<td>This material is protected by copyright. Copyright is held by a defunct corporate body (organization or business entity) but lacks information to assign an accurate rights status.</td>
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