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Rights Statements in METS and a new model of access

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KÖNYVTÁRI INTÉZET

„The METS schema is a standard for encoding descriptive, administrative, and structural metadata regarding objects within a digital library, expressed using the XML schema language”

- **METS-based scheme was compiled for Submission Information Packages (SIPs) for digital objects to be ingested to the long-term preservation module**
- **in our new system an Access Module is going to be developed, which will include documentation tool and serve as source for right data in METS files**



Results of copyright clearance as part of METS files

- Administrative Metadata <amdSec> section of METS involves metadata on rights (rightsMD)
- Rights category can be declared as part of RightsDeclaration and it can be:
 - **COPYRIGHTED**
 - **LICENSED**
 - **PUBLIC DOMAIN**
 - **CONTRACTUAL**
 - **OTHER** – can be refined in attribute "**OTHERCATEGORYTYPE**"



Examples for RightsDeclarations

```
<rts:RightsDeclarationMD RIGHTSDECID="NSLRDID008"  
RIGHTSCATEGORY="LICENSED">
```

```
<rts:RightsDeclaration>Work can be accessed under extended collective  
licensing.</rts:RightsDeclaration>
```

```
... </rts:RightsDeclarationMD>
```

```
<rts:RightsDeclarationMD RIGHTSDECID="NSLRDID005"  
RIGHTSCATEGORY="OTHER" OTHERCATEGORYTYPE="ORPHAN">
```

```
<rts:RightsDeclaration>Work identified as orphan; can be available to  
use freely and free of remuneration by a beneficiary organisation in  
accordance with the provisions of the Copyright Act and the Orphan  
Work Decree.</rts:RightsDeclaration>
```

```
... </rts:RightsDeclarationMD>
```



Which data on rights can be packed into METS?

... and a new (possible) model of access (see it later)

Declaration on rights:

```
<rts:RightsDeclarationMD RIGHTSDECID="NSLRDID008"  
RIGHTSCATEGORY="LICENSED">
```

```
<rts:RightsDeclaration>
```

Work can be accessed under extended collective licensing.</rts:RightsDeclaration>

...



Data on rightholders

```
<rts:RightsHolder RIGHTSHOLDERID="NN0000012"  
CONTEXTIDS="NSLC-008 NSLC-002">
```

```
<rts:RightsHolderName>[name of the right  
holder]</rts:RightsHolderName>
```

```
<rts:RightsHolderComments>
```

Work is involved in the out-of-commerce base by EUIPO. If you are the right holder and/or have different information on the commercial status of the work, please, contact EUIPO via the following link:

```
</rts:RightsHolderComments>
```



<rts:RightsHolderContact>

<rts:RightsHolderContact>

<rts:RightsHolderContactDesignation>*Information might come from the Access Module and to be synchronized with the database of the collecting society and/or Books In Print database.*</rts:RightsHolderContactDesignation>

<rts:RightsHolderContactAddress> ... </rts:RightsHolderContactAddress>

<rts:RightsHolderContactPhone PHONETYPE="BUSINESS"> ...

</rts:RightsHolderContactPhone>

<rts:RightsHolderContactEmail> ... </rts:RightsHolderContactEmail>

</rts:RightsHolderContact>

</rts:RightsHolder>



Data on access (of general public)

```
<rts:Context CONTEXTID="NSLC-008" CONTEXTCLASS="GENERAL PUBLIC">  
<rts:UserName USERTYPE="INDIVIDUAL">General user</rts:UserName>  
<rts:Permissions DISCOVER="true" DISPLAY="true" COPY="false" DUPLICATE="false"  
MODIFY="false" DELETE="false" PRINT="false" OTHER="false"/>  
<rts:Constraints CONSTRAINTTYPE="FORMAT">  
<rts:ConstraintDescription>  
Work is freely available for online reading. General user  
has access to work without registration and IP-  
restrictions free of charge. Further uses, incl. printing  
and downloading, is subject to permission.  
</rts:ConstraintDescription>  
</rts:Constraints>  
</rts:Context>
```



Data on access (of digitization managers)

```
<rts:Context CONTEXTID="NSLC-002" CONTEXTCLASS="REPOSITORY MGR">
<rts:UserName USERTYPE="GROUP">Admins of Online Content Management
System</rts:UserName>
<rts:Permissions DISCOVER="true" DISPLAY="true"
COPY="true" DUPLICATE="true" MODIFY="true"
DELETE="true" PRINT="true" OTHER="false"/>
</rts:Context>
</rts:RightsDeclarationMD>
</mets:xmlData>
</mets:mdWrap>
</mets:rightsMD>
```



(a wide range of) copyright statuses

- 35 different statuses
 - 5 for Public Domain
 - 20 for Creative Common licences (due to different version numbers)
- value vocabularies to use:
 - <https://rightsstatements.org/>
 - <https://creativecommons.org/>



1. Marked as Public Domain

Public Domain Mark 1.0

*„This work **has been identified as being free of known restrictions under copyright law, including all related and neighboring rights.**”*

„untypical” CC statement →

- typical CC-case when **someone waives some or all of his or her rights** regarding a work → rather a statement missing from the Rights Statements vocabulary...





Public Domain Mark 1.0 DOES NOT EQUAL TO CC0 1.0 Universal (CC0 1.0) Public Domain Dedication

where:

„The person who associated a work with this deed has dedicated the work to the public domain by waiving all of his or her rights to the work worldwide under copyright law, including all related and neighboring rights, to the extent allowed by law.”



Public Domain Mark 1.0 – in MARC

540##\$aMarked as Public Domain

\$fPDM

\$2cc - Source of term (Creative Commons vocabulary)

\$u<https://creativecommons.org/publicdomain/mark/1.0/>

- Uniform Resource Identifier

+

542##\$d'rightholder's name'



Public Domain Mark 1.0 – in METS (1)

```
<mets:rightsMD ID="NSLRMID....">
```

```
<mets:mdWrap MDTYPE="OTHER" OTHERMDTYPE="METSRights">
```

```
<mets:xmlData>
```

```
<rts:RightsDeclarationMD RIGHTSDECID="NSLRDID001" RIGHTSCATEGORY="PUBLIC  
DOMAIN">
```

```
<rts:RightsDeclaration>Work is public domain. It can be  
downloaded, shared, and used freely and free of charge.
```

```
</rts:RightsDeclaration>
```

```
<rts:RightsHolder>
```

```
<rts:RightsHolderName>rightholder's name (from MARC 542  
##$d)
```

```
</rts:RightsHolderName>
```

```
</rts:RightsHolder>
```



Public Domain Mark 1.0 – in METS (2)

```
<rts:Context CONTEXTID="NSLC-001" CONTEXTCLASS="GENERAL PUBLIC">  
<rts:UserName USERTYPE="INDIVIDUAL">General user</rts:UserName>  
<rts:Permissions DISCOVER="true" DISPLAY="true" COPY="true"  
DUPLICATE=,,false" MODIFY="false" DELETE="false" PRINT="true"/>  
<rts:Constraints CONSTRAINTTYPE="...">
```

according to policy on services

```
<rts:ConstraintDescription>
```

according to policy on services

```
</rts:ConstraintDescription>
```

```
</rts:Constraints>
```

```
</rts:Context>
```

```
<rts:Context CONTEXTID="NSLC-002" CONTEXTCLASS="REPOSITORY MGR">
```

```
<rts:UserName USERTYPE="GROUP">Admins of Online Content Management System</rts:UserName>
```

```
<rts:Permissions DISCOVER="true" DISPLAY="true" COPY="true" DUPLICATE="true" MODIFY="true" DELETE="true" PRINT="true"  
OTHER="false"/>
```

```
</rts:Context>
```

...



2. No Known Copyright

„The organization that has made the Item available reasonably believes that the Item is not restricted by copyright or related rights, but a conclusive determination could not be made.” (E.g. item was published more than 140 years ago)

Theoretically, without copyright clearance you cannot declare that an item is public domain, only in case when the copyright clearance policy of the organisation includes this possibility (e.g. “items published more than 140 years ago are considered to be public domain”). In the latter case you might not need to use this statement (if you intended to use it only for this sort of “reasonable assumptions”).



No Known Copyright – in MARC

540##\$aNo Known Copyright

\$fNKC

\$2rs - Source of term (*rightsstatements.org* vocabulary)

\$u<http://rightsstatements.org/vocab/NKC/1.0/>-

Uniform Resource Identifier

+

542##\$d'rightholder's name'



3. No Copyright - Other Known Legal Restrictions

„Use of this Item is not restricted by copyright and/or related rights. In one or more jurisdictions, laws other than copyright are known to impose restrictions on the use of this Item.”

(E.g. GDPR, extreme content)



No Copyright - Other Known Legal Restrictions – in MARC

540##\$aNo Copyright - Other Known Legal Restrictions

\$fNoC-OKLR

\$2rs

\$u<http://rightsstatements.org/vocab/NoC-OKLR/1.0/>

+

506 1#\$aTerms of use:\$u[*URI of Terms of use*]

+

542 ##\$d'rightholder's name'



No Copyright - Other Known Legal Restrictions – in METS (1)

```
<mets:rightsMD ID="NSLRMID....">
```

```
<mets:mdWrap MDTYPE="OTHER" OTHERMDTYPE="METSRights">
```

```
<mets:xmlData>
```

```
<rts:RightsDeclarationMD RIGHTSDECID="NSLRDID002" RIGHTSCATEGORY="PUBLIC  
DOMAIN">
```

```
<rts:RightsHolder>
```

```
<rts:RightsDeclaration>
```

Work is public domain. Access is restricted by jurisdictions, laws other than copyright.

```
</rts:RightsDeclaration>
```

```
<rts:RightsHolderName> rightholder's name (from MARC 542        ##$d)
```

```
</rts:RightsHolderName>
```

```
<rts:RightsHolderComments> </rts:RightsHolderComments>
```

```
</rts:RightsHolder>
```



No Copyright - Other Known Legal Restrictions – in METS (2)

```
<rts:Context CONTEXTID="NSLC-003" CONTEXTCLASS="GENERAL PUBLIC">
```

```
<rts:UserName USERTYPE="INDIVIDUAL">General user</rts:UserName>
```

```
<rts:Permissions DISCOVER="..." DISPLAY="..." COPY="..."  
DUPLICATE=„false" MODIFY=„false" DELETE=„false"  
PRINT="...">
```

```
<rts:Constraints CONSTRAINTTYPE="..."*>
```

```
<rts:ConstraintDescription>Terms of use: [URI of Terms  
of use][source: 506 1#$a és $u]
```

```
</rts:ConstraintDescription>
```

```
</rts:Constraints>
```

```
</rts:Context>
```

...



4. No Copyright - Contractual Restrictions

„Use of this Item is not restricted by copyright and/or related rights. As part of the acquisition or digitization of this Work, the organization that has made the Item available is contractually required to limit the use of this Item.”

(E.g. due to a donor agreement digitized contents are available only at the premises of the library for x years.)



No Copyright - Contractual Restrictions – in MARC

540##\$aNo Copyright - Contractual Restrictions

\$fNoC-CR

\$2rs

\$u<http://rightsstatements.org/vocab/NoC-CR/1.0/>

+

5061#\$aTerms of use:\$u[*URI of Terms of use established according to contractual conditions*]

+

542##\$d'rightholder's name'



5. No Copyright - Non-Commercial Use Only

„This Work has been digitized in a public-private partnership. As part of this partnership, the partners have agreed to limit commercial uses of this digital representation of the Work by third parties. You can, without permission, copy, modify, distribute, display, or perform the Item, for non-commercial uses.”



No Copyright - Non-Commercial Use Only – in MARC

540##\$aNo Copyright - Non-Commercial Use Only

\$f NoC-NC \$2rs

\$u<http://rightsstatements.org/vocab/NoC-NC/1.0/>

+

506 1#\$aTerms of use:\$u/*URI of Terms of use*

+

542 ##\$d'rightholder's name'



No Copyright - Non-Commercial Use Only – in METS (1)

```
<mets:rightsMD ID="NSLRMID....">
```

```
<mets:mdWrap MDTYPE="OTHER" OTHERMDTYPE="METSRights">
```

```
<mets:xmlData>
```

```
<rts:RightsDeclarationMD RIGHTSDECID="NSLRDID004" RIGHTSCATEGORY="PUBLIC  
DOMAIN">
```

```
<rts:RightsDeclaration>Work is public domain, its  
commercial use is subject to  
permission</rts:RightsDeclaration>
```

```
<rts:RightsHolder>
```

```
<rts:RightsHolderName>rightholder's name (from MARC 542        ##$d)
```

```
</rts:RightsHolderName>
```

```
<rts:RightsHolderComments> </rts:RightsHolderComments>
```

```
</rts:RightsHolder>
```



No Copyright - Non-Commercial Use Only – in METS (2)

...

```
<rts:Context CONTEXTID="NSLC-004" CONTEXTCLASS="GENERAL PUBLIC">
```

```
<rts:UserName USERTYPE="INDIVIDUAL">General users</rts:UserName>
```

```
<rts:Permissions DISCOVER="true" DISPLAY="true" COPY="true"  
DUPLICATE="true" MODIFY="false" DELETE="false" PRINT="true"/>
```

```
<rts:Constraints CONSTRAINTTYPE="...">
```

```
<rts:ConstraintDescription>Work is public domain, for non-  
commercial use only. For commercial use, please,  
contact: oszk_dig@oszk.hu</rts:ConstraintDescription>
```

```
</rts:Constraints>
```

```
</rts:Context>
```

...



A new model of access based upon the DSM directive

... as phrased in METS:

<rts:RightsDeclaration>

Work can be accessed under extended collective licensing.**</rts:RightsDeclaration>**

AND:

<rts:ConstraintDescription>

Work is freely available for online reading. General user has access to work without registration and IP-restrictions free of charge. Further uses, incl. printing and downloading, are subject to permission.

</rts:ConstraintDescription>



DSM directive

- *Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC*
- to be implemented by 7 June 2021

“Member States shall provide that a collective management organisation, in accordance with its mandates from rightholders, may conclude a non-exclusive licence for non-commercial purposes with a cultural heritage institution for the reproduction, distribution, communication to the public or making available to the public of **out-of-commerce works** or other subject matter that are permanently in the collection of the institution, irrespective of whether all rightholders covered by the licence have mandated the collective management organisation ...” (Article 8, 1.)



Much simpler ways of copyright clearance?

1. introducing a cut-off date:

- “Member States may provide for **specific requirements, such as a cut-off date**, to determine whether works and other subject matter can be licensed in accordance with paragraph 1 or used under the exception or limitation provided for in paragraph 2. (Article 8, 5.)”
- in Hungary:
- a new copyright law was brought into force in 1999 → works published before 1999 considered to be out-of-commerce (?)

2. checking commercial status of publications in a Books In Print database (accredited?)



Cut-off date solution?

- it is not relevant if there is a BiP in the country
- problematic: works published before cut-off-date might be published later as well → rightholders have six months to exclude their works from the licensing mechanism before the use of their works (they can do it any time later on as well)
- in the long run this situation will force stakeholders to establish a BiP service



Thanks for attention!



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SZABOLCS DANCS, OFFICE FOR LIBRARY STANDARDS AT NSL
RIGHTS STATEMENTS IN METS AND A NEW MODEL OF ACCESS
3RD EODOPEN PROJECT MEETING: 5 - 6 NOV 2020