

TRLN Rights Statements Report

A Roadmap for Implementing RightsStatements.org Statements

August 2017

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TABLE OF CONTENTS

Audience & Scope	4
Why RightsStatements.org?	4
Roles and Responsibilities	5
Project Manager/Liaison	5
Administrator	5
Legal Advisor	6
Content Representative	6
Metadata Staff	7
Systems Implementer	7
Planning & Documentation	7
What is the current state of your rights information?	8
Where will you start?	8
When will you apply rights statements?	8
How will you apply the statements?	8
Communicate!	9
Implementation	9
How will you store and display rights information?	9
Example Implementations	9
Duke University Libraries	10
Collection and Resource Characteristics	10
Systems Involved	10
RS Statement Applied	10
Sample URL	10
Steps Taken (Retroactive Application)	10
Roles	11
Context	11
North Carolina Digital Heritage Center	12
Collection and Resource Characteristics	12
Systems Involved	12
RS Statements Applied	12
Sample URL	12
Steps Taken (Retroactive Application)	12
Roles	13
Context	13
NCSU Libraries	13
Collection and Resource Characteristics	13

Systems Involved	14
RS Statement Applied	14
Sample URL	14
Steps Taken (Retroactive Application)	14
Roles	14
Context	14
Conclusion and Areas for Future Exploration	14
Resources	15
Why Implement Standardized Rights Statements	15
Additional Resources Describing and Supporting Implementation	15
Creative Commons	16

Audience & Scope

This document will guide an institution as it plans to implement RightsStatements.org statements (RS Statements) for online digital special collections. While developed initially for Triangle Research Library Network (TRLN) institutions, the authors hope it can be used more broadly. The document identifies roles and responsibilities of those who might implement the statements, guidance for planning and documentation, as well as a few example workflows.

Please note that this document does not intend to provide justification for implementing standardized rights statements. It also omits discussion of implementing Creative Commons licenses. While it touches on the possible need to apply local rights statements along with RS Statements, it does not provide guidance on how to structure those.

This document was developed as part of the TRLN Institute, held in Raleigh, NC, June 26-28, 2017. The authors acknowledge TRLN for the opportunity to collaborate on and develop this document.

Why RightsStatements.org?

The [DPLA/Europeana](#) joint release of RS Statements presents libraries with the opportunity to address a problem long faced by institutions engaged in providing online access to their resources: how do we communicate what an institution *knows* about rights statuses in a way that is clear to the user, machine-readable, and accommodates the ambiguity inherent in cultural heritage materials. RightsStatements.org provides a set of [12 rights statements](#) that can be used by institutions to assert what is known about the rights statuses of online materials in a consistent and user-friendly way.

The 12 statements standardize and simplify rights assertions assigned by cultural heritage organizations to online digital content; promote the ease of researcher interpretation of how online digital resources may be reused; and support the sharing of digital resources and related metadata via machine-readable methods. Most immediately, the RS statements facilitate sharing resources via the DPLA.

There are several resources that outline justifications for implementing standardized rights statements ([See Resources Section](#)). Once an organization has decided to do so, this report can help set the stage.

Roles and Responsibilities

It is important to identify the individuals at your institution who will be responsible for the following areas of work regarding the rights management for digital collections. Each role could be distributed across several positions or represented by a person in a single position, and may be considered as types of activities rather than formal titles, when appropriate.

Project Manager/Liaison

- Serves as project lead
- While not a legal expert, thoroughly explores copyright as it relates to digitized collections
- Identifies staff to serve in roles noted in this document
- Coordinates the decision making, technical implementation, and metadata creation
- Develops a communications plan, and serves as point of contact for stakeholders, e.g., allays concerns, clarifies decisions
- Works with the **Administrator** to solidify and maintain buy-in for standardized rights statements
- Works with **Legal Advisor** to create documentation and train staff and content representatives; consults Legal Advisor for difficult copyright questions
- Works with **Systems Implementer** on requirements for and testing of front- and back-end tools
- Consults with the **Content Representative** about donor agreements and their impact on statement selection
- Works with the **Content Representative** and the **Metadata Staff** to identify collection or item priorities for remediating rights statements
- Documents decisions made about rights as related to online digital collections
- Ex: Digital Program Librarian

Key Issues for This Role

- Do I have a clear understanding of copyright as it relates to digitized archival collections?
- Have I identified the appropriate people to carry out the work?
- Do I have the institutional support to move forward? Do I have buy-in from stakeholders?
- Have I successfully conveyed the importance of doing this work to all stakeholders?
- Have I created the documentation necessary to support the work of others now and in the future?

Administrator

- Sets high-level priorities and allocates resources for work in this area

- Working with the **Legal Advisor**, ascertains the institution's acceptable level of risk for asserting rights statuses
- Communicates regularly with the **Project Manager/Liaison** on implementation progress
- Ex. Department Head, Associate Director

Key Issues for This Role

- Has this initiative been clearly justified?
- How will this work benefit my institution, staff, donors, and users?
- How much time and resources will be needed? Does the team have what they need to be successful?
- What risks will this initiative expose my institution to and how could I address them?
- Who will lead the work? Do the work? Can I expect them to be successful?

Legal Advisor

- Understands and interprets RS Statements and surrounding copyright law (particularly in higher education/libraries/archives)
- Acts as the trusted voice whose knowledge carries administrative weight
- Advises the **Administrator** on risk tolerance, as well as take down requests
- Trains and advises the **Project Manager/Liaison**, assisting with the creation of documentation
- Ex. Scholarly Communications Librarian, Copyright "First Responder"

Key Issues for This Role

- How can I advocate for implementation?
- What is the level of risk tolerance at my institution?
- Are RS Statements being implemented accurately at my institution according to their intended use?
- Do staff have the necessary information to make decisions about the implementation of RS Statements? If not, what kind of training can I offer them or connect them to in order to make sure they feel prepared?

Content Representative

- Conveys information contained in donor agreements to the **Project Manager/Liaison**
- Works with the **Project Manager/Liaison** and the **Metadata Staff** to identify collection or item priorities for remediating legacy rights statements
- Advises on the mapping of existing local statements to RS Statements
- Represents RS Statements to researchers during reference interactions
- Ex: Curatorial Staff, Researcher Services, staff at partner repositories

Key Issues for This Role

- How does implementation impact my researchers?

- Do I understand the rights situation for my institution's collections that have been and will be digitized? Am I able to convey that information clearly to others?
- Where should we start implementation? Should we deal with clear public domain or tackle more complicated collections with murky rights status first?
- Are there ways I could improve the documentation of rights status information in donor agreements?

Metadata Staff

- Works with the **Project Manager/Liaison** and the **Content Representative** to identify collection or item priorities for remediating rights statements
- Generates reports to assist analysis of current rights statements in use and/or perform batch updates
- Where possible, creates crosswalks between existing statements and RS Statements
- Updates metadata records to include RS Statements
- Ex: Metadata Librarian/Technician, Research Assistants/Students

Key Issues for This Role

- Have I had enough training to complete this work, both implementing statements and addressing problems as they arise?
- Is there enough documentation to guide my work?
- How can I quality control the work after it's completed?

Systems Implementer

- Works with the **Project Manager/Liaison** to understand the new data model as well as system and staff needs
- Designs and customizes systems to apply, display, and manage RS Statements, as necessary

Key Issues For This Role

- What is the extent of this work and how much time will it take?
- Do I understand the data model?
- How will I know when this work is complete? Do I need to factor in ongoing maintenance?

Planning & Documentation

Careful planning and documentation at the outset of an institution's implementation of RS Statements will help to address potential pitfalls or impediments to application.

What is the current state of your rights information?

Take time to assess the rights statements (if any) that are currently applied to items in your collections. Familiarize yourself with this legacy metadata in order to understand what you currently know about the status of the items, locating any common trends, problem areas (like contradictory or unclear statements), or missing statements. You may need to consult administrative documentation, such as donor agreements or accession records, if they are available. Determine how you will address situations in which documentation is missing or information about rights was never recorded.

Where will you start?

Decide if you will apply statements retrospectively, only add them to new collections/items, or a hybrid of the two. Consider what content you will start with. This will vary depending on the characteristics of your collections, but some options include:

- Items that generate frequent re-use requests
- Items that are clearly out of copyright
- Items with clear donor agreements or rights holders who can be contacted
- Items that have metadata that would facilitate implementation. For example:
 - Batches of items with a single creator
 - Batches of items with machine-readable date metadata
 - Batches of items whose formats have been classified consistently and clearly

When will you apply rights statements?

Decide at what point in the lifecycle of the resource you will be assessing and deciding on rights statements. Some options include:

- When accessioning a donation, when you have access to the donor agreement and/or the donor
- Upon patron request/research
- During the description process
- During digitization
- Retrospectively

How will you apply the statements?

Determining which statement to apply to a resource is often dependent on a number of variables. It may be helpful to develop local documentation for those individual(s) doing this work both now and in the future. What this documentation looks like will vary depending on the collection practices of your institution, but we suggest developing a matrix to guide decision making.

For example, the University of Miami Libraries developed their own decision matrix for applying RS Statements (described in [this poster](#)) which involves accounting for the country of origin of the resource.

Communicate!

Rights management decisions have implications across the institution, so it's important to communicate your plans for implementation.

- Consider the roles listed above as a communication list.
- Give known stakeholders clear guidelines on how to ask questions and provide feedback before, during, and after implementation. If multiple people are working on implementation, it would be helpful to have a single point of contact.
- If you don't already have a public rights statement policy, consider adding it to your site to help provide additional information. This policy should include how a user can ask questions or gain clarification about an object's rights status.

Implementation

How you store and display RS Statements is dependent on your system capabilities and access to developer support.

How will you store and display rights information?

- Emerging best practice surrounding the implementation of RS Statements suggests using one field to store the URI for the statement by itself, and having another field available to store a free-text local rights note about the rights status of the resource.
- Applying a RS Statements URI to the resource should be required, whereas the free-text local rights note field is optional and should not contradict the status indicated by the URI.
- When displaying rights information in the end-user interface, it is recommended that, where possible:
 - The URI should link out to the full statement
 - Human-readable text and labeling should be included

If your organization shares its records with the Digital Public Library of America (DPLA), the [DPLA Standardized Rights Statements Implementation Guidelines](#) offers more information regarding implementation best practices.

Example Implementations

Different institutions will find different challenges as they implement RS Statements, depending on priorities, staffing, systems, and metadata completeness. The examples are intended to briefly sketch out a few real life implementations.

Duke University Libraries

Collection and Resource Characteristics

- Digitized special collections from the David M. Rubenstein Rare Book and Manuscript Library dating from Byzantium to the 21st century.
- Existing records have generic, text-based rights statements that are typically applied in batch to entire collections, often unclear and occasionally incorrect. Creator and date metadata is typically present.
- Collections are being migrated from old platforms and new collections are added regularly.

Systems Involved

- [Duke Digital Repository](#) (custom-built repository based on Fedora 3, Hydra, Blacklight, Solr)

RS Statement Applied

No Known Copyright, No Copyright US, In Copyright, Copyright Not Evaluated, Copyright Undetermined

(Note: our rights management approach uses Creative Commons licenses in addition to RS Statements, when appropriate)

Sample URL

- <https://repository.duke.edu/dc/abolitionistspeech-001099688/secst0001>
- https://repository.duke.edu/dc/radiohaiti/RL10059-CS-0109_01

Steps Taken (Retroactive Application)

1. Metadata Architect, Digital Collections Program Manager, and Director of Copyright and Scholarly Communications met to discuss feasibility of implementing RS.org for Duke Digital Collections and began developing a plan. Plan was vetted by Metadata Advisory Group, responsible for management of metadata in the Duke Digital Repository (DDR).
2. Metadata Architect worked with software developers to develop and implement a plan for storing and displaying RS Statements in the DDR (approach described in [this blog post](#)),

documenting decisions made and tasks to be done, and notifying stakeholders via project management software (Confluence/JIRA).

- a. Configured the Rights field to store RS Statement URIs (as well as Creative Commons license URIs) and display them in a graphical, human-readable way in the interface. This is now a required field.
 - b. Created a new field - Rights Note - for storing free text information about the rights status. This is an optional field.
3. Director of Copyright and Scholarly Communications and Metadata Architect gave a library-wide presentation on RS.org and our plan for implementing them in the DDR.
4. Metadata Architect normalized and converted digital collections date metadata to machine-readable format to facilitate application of rights statements.
5. Metadata Architect and Digital Collections Program Manager created spreadsheet containing a list of collections plus their date ranges, what is known about the copyright status, the contact person/curator within the library for the collection, and other relevant characteristics such as whether or not the content is by a single creator.
6. Metadata Architect, Digital Collections Program Manager, and Director of Copyright and Scholarly Communications developed a plan for triaging application, taking the following approach:
 - a. Identify public domain content by date first
 - i. Unpublished works dated pre-1897
 - ii. Published works dated pre-1923
 - b. Collections managed by centers/departments at DUL who can make determinations as to the rights status (eg, University Archives), or that are created by single, identifiable creator
 - c. Collections without clear administrative ownership in the library or with unclear copyright status, or archival resources of mixed copyright status
7. Metadata Architect & Content Ingest Specialists batch apply rights status information.

Roles

Metadata Architect: **Project Manager, Metadata Staff**

Head, Digital Collections and Curation Services: **Administrator, Content Representative**

Director of Copyright and Scholarly Publications: **Legal Advisor**

Collection Curators: **Content Representative**

Software Developers: **Systems Implementers**

Metadata Advisory Group: **Administrator**

Digital Repository Content Analysts: **Metadata Staff**

Context

This is an iterative, ongoing process that we are refining as we learn more about the rights status of our collections. New collections will have rights information applied in the same way, and future work includes developing local documentation to support this process.

Blog posts on rights management at Duke University Libraries:

- <https://blogs.library.duke.edu/bitstreams/2017/03/10/rights-management-duke-digital-repository/>
- <http://blogs.library.duke.edu/bitstreams/2017/06/30/turning-rights-duke-digital-repository/>

North Carolina Digital Heritage Center

Collection and Resource Characteristics

- Over 12,000 yearbooks and campus publications dating from 1833-2017
- Yearbooks and campus publications published by colleges, universities and high schools
- Donors and donor agreements spread over 160 partner institutions who loaned their publications for digitization
- Records currently have usage statements, but they were assigned by institution, not by item
- Collection is still growing on a regular basis
- Items are available through DigitalNC.org and dp.la

Systems Involved

CONTENTdm

RS Statements Applied

No Known Copyright, No Copyright US, In Copyright, Copyright Not Evaluated

Sample URL

1891 Hellenian Yearbook: <http://library.digitalnc.org/cdm/ref/collection/yearbooks/id/907>

Steps Taken (Retroactive Application)

1. Reviewed copyright guidelines and came up with the “Published Print Items” guidelines [outlined here](#).
2. Consulted with the Legal Advisor regarding publications created by state colleges and universities, to determine whether these fall under North Carolina public records law and could also be classified as public domain. While they do, there are exceptions. We decided to treat publications created by state colleges and universities in the same way as those created by private ones.
3. Exported yearbook and campus publication metadata to Excel. CONTENTdm exports page-level metadata, so it was necessary to clean up metadata so that there was a single record per published volume.
4. Within Excel, sorted metadata records by date.

5. Within Excel, assigned rights statements based on date and according to the guidelines mentioned above. A brief “justification” was also given per statement.
6. Within Excel, reviewed the current usage statements to ensure no pertinent data would be lost if they were replaced with rights statements. When a record contained additional data, for instance information citing a specific donor, that information was moved to the description field to make sure it was retained.
7. Sent each partner institution a spreadsheet that showed their publications and the suggested new RS Statements. Asked for feedback by a specific date.
8. Added a new RS Statements field to the appropriate collection in CONTENTdm.
9. Manually entered new RS Statements URIs into the new field.

Roles

NCDHC Program Manager: **Project Manager, Administrator, Metadata Staff**

NCDHC Digital Projects Librarian: **Metadata Staff**

NCDHC Project Programmer: **Systems Implementer**

UNC-Chapel Hill Scholarly Communications Officer: **Legal Advisor**

Partner Institutions: **Content Representatives**

Context

This collection was one of the first ones targeted for implementation of RS Statements because of the consistency in date metadata and the clear delineation of formats (all published materials of a similar type). The controlled nature of the current usage statements (one per contributing partner) greatly facilitated reviewing the current statements for outlying information that needed to be incorporated into other fields. For example, the statement below was applied to yearbooks from the 1940s-1960s:

Usage Statement: *This item was donated by C.Rudolph Knight and Dr. Lawrence W.S. Auld and is presented courtesy of the Edgecombe County Memorial Library, for research and educational purposes. Prior permission from the Edgecombe County Memorial Library is required for any commercial use.*

After implementation, this information was translated into:

Description: *This item was donated by C. Rudolph Knight and Dr. Lawrence W.S. Auld.*

Rights Statement: *Copyright Not Evaluated*

Contributing Institution [Already present in the record]: *Edgecombe County Memorial Library*

NCSU Libraries

Collection and Resource Characteristics

- Manuscript collection with a single creator
- Born digital photographs
- All resources created after the year 2000
- Living donor/creator
- Donor/creator maintains copyright and allows Libraries to display resources; requires his review and approval for non-educational licensing requests
- Available online in Libraries' digital collection platform

Systems Involved

- [Special Collections Asset Management System](#) (MySQL, Solr, Ruby on Rails)
- [Rare and Unique Digital Collections](#) (Blacklight, Solr, IIIF Universal Viewer)

RS Statement Applied

In Copyright - Non-Commercial Use Permitted

Sample URL

https://d.lib.ncsu.edu/collections/catalog/3funk_ObamaVisitsNCSU_033

Steps Taken (Retroactive Application)

1. Pre-existing knowledge of rights agreement with Donor; deed of gift in place
2. Sought approval from Head, Special Collections, approach to be taken
3. Verified with Donor his preference for appropriate RS statement
4. Verified with Head, Digital Scholarship and Communication (lawyer), applicability of terms
5. Updated metadata records, via batch method, of all
6. Will supply RS statements in new metadata records in this collection they are created

Roles

Digital Project Librarian: **Project Manager, Content Representative, Metadata Staff**

Head, Special Collections Research Center: **Administrator**

Director, Copyright and Digital Scholarship Center: **Legal Advisor**

Donor (and Deed of Gift): **Content Representative**

Head, Digital Library Initiatives: **Systems Implementer**

Context

This collection included the first set of resources to have RS statements applied to them.

Conclusion and Areas for Future Exploration

Deciding whether and how to implement RS statements is only one part in the process of developing an institution's comprehensive rights management strategy for digital collections. In order to facilitate the healthy communication of rights status information, it should be tracked throughout a resource's lifecycle at an institution, from accession through online presentation and reuse.

The group identified the following as areas for future exploration and development:

- Determine guidelines for curators to talk about and capture rights situations when dealing with donors
- Make copyright education available for librarians at all levels
- Consider the possibilities for tracking of RS Statements in archival management systems, e.g., ArchivesSpace
- Explore the best way to document rights decisions both when applying RS Statements retroactively and moving forward with new digitization projects, including systems in which to store this information
- Work towards standardizing local rights statements where possible, being sure to provide additional resources or contact information for questions regarding copyright when applicable
- Advocate for additional RS Statements when necessary
- Distinguish Creative Commons licenses and RS Statements, and encourage use of Creative Commons licenses where possible
- Address potential conflict between application of RS Statements and licensing/use fees
- Assess the usability of RS Statements for staff and end users

Resources

Why Implement Standardized Rights Statements

- RS Statements and supplemental contextual documentation
<http://rightsstatements.org/en/>

Additional Resources Describing and Supporting Implementation

- University of Miami poster on assigning rights statements:
<http://scholarlyrepository.miami.edu/librarypapers/2/>
- Washington University Implementation Poster
http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1029&context=lib_present
- SAA's Guide to Implementing RS.org:
<https://www2.archivists.org/standards/guide-to-implementing-rights-statements-from-rightsstatementsorg>
- NCDHC Rights Statements Implementation Review Criteria
https://docs.google.com/document/d/1HBB_BTfRvg8412_2bxu7afp7t5fAmTyw5lhoLxSTR6I/edit?usp=sharing
- Duke University Libraries Rights Management Metadata Documentation
<https://duldev.atlassian.net/wiki/spaces/DDRDOC/pages/43548700/Rights+Management+Metadata>

Creative Commons

- “Licensing Archival Records with Creative Commons”:
https://docs.google.com/presentation/d/1BcuJky0WLFH9Q1zkCYPtuNRSSePbmeG8FJmZDaqNces/edit#slide=id.g1164779e41_0_10