About this Guide

Starting in February 2020, all digital objects added to the Connecticut Digital Archive (CTDA) will be required to have a standardized rights statement from rightsstatements.org or the Public Domain Mark from creativecommons.org.

This guide is intended to be an educational resource about rights statements for users in the CTDA Community who are responsible for adding content to the repository. This guide is for informational purposes about rights statements only and is not meant to constitute legal advice.

CTDA users and institutions should perform all necessary research to make an accurate decision about the copyright status of their content.

Introduction to Rights Statements

A rights statement is a simple, standardized statement which clearly communicates the copyright status of an object in an institution’s collection. These statements are designed to be used by cultural heritage institutions to communicate the copyright and re-use status of digital objects in the repository to their users. The CTDA has adopted a set of standardized rights statements from rightsstatements.org and Creative Commons (creativecommons.org) to ensure that users can easily determine the copyright status of objects in the repository.

Keep in mind while using rights statements:

- They serve an informational purpose and do not represent proof of actual copyright status.
- They are not a license. Statements are only meant to provide a general description of the copyright status of a work.
- They are designed to be very general in nature and are not meant to convey the complexity of copyright issues surrounding certain objects or collections.
- They apply to digital objects, whether digitized or born-digital.
- They do not include conditions for reuse of works. The CTDA offers a Use field to communicate these requirements.
- Selecting a Rights Statement for a work should reflect the best information currently available about the copyright status and should be as accurate as possible.
- They are more effective if institutions do not impose contractual restrictions for reuse.
- Institutions should let users know that Rights Statements serve an informational purpose only, and that the user should perform their own investigation regarding copyright status.
The Society of American Archivists Guide to Implementing Rights Statements from RightsStatements.org provides a good overview and examples of using rights statements in digital collections.

Rights Statements Implemented by the CTDA

The CTDA has decided to implement five rights statements from rightsstatements.org and the Public Domain Mark from creativecommons.org. Below are the 6 rights statuses available to CTDA users with an explanation about each.

<table>
<thead>
<tr>
<th>Rights Status</th>
<th>Description</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Copyright (InC)</td>
<td>Selecting In Copyright means that this item is protected by copyright and/or related rights. Researchers are free to use the item in any way that is permitted by the copyright and related rights legislation that applies to the use of the item. For other uses, the researcher will need to obtain permission from your institution and/or the copyright holder.</td>
<td><img src="image1" alt="In Copyright" /></td>
</tr>
<tr>
<td>In Copyright - Rights-Holder(s) Unlocatable or Unidentifiable (InC-RUU)</td>
<td>Selecting In Copyright - Rights-Holder(s) Unlocatable or Unidentifiable means this item is protected by copyright and/or related rights. However, for the item, your institution has found that either (a) no rights-holder(s) have been identified or (b) one or more rights-holder(s) have been identified but none have been located. Researchers are free to use the item in any way that is permitted by the copyright and related rights legislation that applies to its use.</td>
<td><img src="image2" alt="In Copyright - Rights-Holder(s) Unlocatable or Unidentifiable" /></td>
</tr>
<tr>
<td>No Copyright - United States (NC-US)</td>
<td>Selecting No Copyright - United States means that your institution believes that the item is in the Public Domain under the laws of the United States, but a determination was not made as to its copyright status under the copyright laws of other countries. The item may not be in the Public Domain under the laws of other countries.</td>
<td><img src="image3" alt="No Copyright - United States" /></td>
</tr>
<tr>
<td>No Known Copyright (NKC)</td>
<td>Selecting No Known Copyright means that your institution reasonably believes that the item is not restricted by copyright or related rights, but a conclusive determination could not be made. Researchers are free to use the item in any way that is permitted by the copyright and related rights legislation that applies to their use.</td>
<td><img src="image4" alt="No Known Copyright" /></td>
</tr>
<tr>
<td>Copyright Undetermined (UND)</td>
<td>Selecting Copyright Undetermined means the copyright and related rights status of this item has been reviewed by your institution, but your institution was unable to make a conclusive determination as to the copyright status of the item. Researchers are free to use this item in any way that is permitted by the copyright and related rights legislation that applies to their use.</td>
<td><img src="image5" alt="Copyright Undetermined" /></td>
</tr>
</tbody>
</table>

Learn more about each statement at RightsStatements.org.
FAQ

When will Rights Statements be implemented in the CTDA?

Rights Statements will be implemented in the CTDA on February 1, 2020.

What standardized Rights Statements can be applied to objects added to the CTDA?

The following rights statements have been adopted by the CTDA:

- In Copyright
- In Copyright - Rights-Holder(s) Unlocatable or Unidentifiable
- No Copyright - United States
- No Known Copyright
- Public Domain
- Copyright Undetermined

How do I determine which Rights Statement to use for my digital object?

There are a few things to consider before determining which Rights Statement applies to your digital object, including:

- Has the copyright of the object been evaluated?
- Did my organization create the original object?
- Was the copyright formally and explicitly transferred to my organization through a deed of gift or other written legal statement?
  - If so, does the donor have the right to do so?
- Is there a deed of gift or documentation which specifies a copyright statement?
- Is the object in the public domain?
- Is the object an orphan work?

We have several tools available to help you determine the rights status of your collections.

What about local use statements? Will they be supported now that standardized rights statements are required?

Yes, we will still support local use statement. A use statement indicates how an object can be used, and specifies any parameters, restrictions, and/or limitations which may exist that are unrelated to copyright. Your institution can include specific language here, and provide contact information for users who want to learn more.

Use statements should not conflict with rights status applied to your digital content. For example, you should not have a digital object with a No Known Copyright rights status and then a use statement that claims your institution owns the copyright to the item.

If you have any questions about crafting a use statement, please contact us at ctda@uconn.edu.

What about the other rights statements provided by RightsStatements.org? Will they be available?

Learn more about the Public Domain mark from creativecommons.org.
We chose to only introduce five statements from RightsStatements.org for the initial launch of standardized rights statements into the repository. The statements we chose to support convey the copyright status of objects only and do not denote any use conditions. In creating a local use statement (see above), we felt introducing statements with use conditions would be redundant and potentially confusing to our users. That does not mean that we will never introduce other statements from RightsStatements.org into the repository, but for now, we will support the five statements from RightsStatements.org listed in the Rights Statements Implemented by the CTDA section above.

What about Creative Commons licenses?

We decided to not include any Creative Commons licenses at this time in order create less confusion for our users. Understanding copyright for digital collections from cultural heritage institutions is confusing enough without throwing Creative Commons into the mix. Creative Commons licenses should only be applied by the copyright holder, in most cases that is creator of a collection or work. Since many of our institutions, currently, either do not own the copyright or cannot identify who owns the copyright for an object or collection, introducing Creative Commons licenses does not make much sense because they really have no right to apply a CC license to these objects. For example, an institution should not apply a CC license to a work that is in the Public Domain because they do not own the rights to the work.

There could and probably will be a time in the future where we do support CC licenses for content, but for the initial launch of standardized rights statements, we decided not to include them.

What about content already in the repository that does not have a standardized Rights Statement?

We will be working on an institution-by-institution basis to review digital content and determine the best workflow for applying standardized Rights Statements to content added to the repository prior to February 1, 2020.

What is the difference between the No Copyright - United States statement and the Public Domain Mark?

Works that are known to be free from copyright and related rights across the globe should be labeled with the Creative Commons Public Domain Mark. For works that are in the Public Domain in the United States, but for which a determination of their status worldwide has not or cannot be made should be labeled with a No Copyright - United States statement.

Why do you use the Public Domain Mark (PDM) and not CC0 to denote works in the Public Domain?

We have decided to use the Public Domain Mark (PDM) instead of CC0, because the PDM is used to identify works that are already in the public domain. CC0 is intended be used by copyright holders, such as authors, artists, and musicians to relinquish copyright and any other related rights to works. Using CC0 means they are giving up any claim to copyright or other rights protection for their work, thus entering the Public Domain. PDM is used to label works that are already free of any copyright restrictions in all jurisdictions around the world. Applying a PDM does not change the rights status of a work or object, where as, designating a work or item CC0 changes the rights status of that work or item from In Copyright to Public Domain.

Since a large majority of the CTDA Community members did not create the works in their digital collections and/or do not own the copyright to their digital objects, applying the PDM is more appropriate than using the CC0 designation. So, in the initial launch of standardized rights statements, we have decided to only introduce the PDM.

Tools

CTDA Interactive Rights Statement Guide

Guide to using public domain tools, Creative Commons

Resources

RightsStatements.org

Cornell University Library Copyright Information Center

OpenGLAM

Selected Copyright Resources

Best overall introduction to copyright:
- Creative Commons, and other similar entities, or as a free resource.

Second overall introduction to copyright for archivists:
- Kenneth D. Crews, "Unpublished Manuscripts and the Right of First Use" Copyright Law and the Strategies Management of Information Resources (M)
Informative Readings

Below are links to articles, reports, blog posts, and websites discussing a number of aspects of copyright in the Gallery, Library, Archive, and Museum (GLAM) community that we have found very helpful. Please send any information about copyright or other topics about sharing content, like open access, that you find helpful to add to this list to ctda@uconn.edu.

- **Academic Special Collections and the Myths of Copyright** - Teresa Auch Schultz and Dana Miller
- **Democratising the Rijksmuseum** - Joris Pekel, Europeana Foundation
- **The Great Wave: what Hokusai’s masterpiece tells us about museums, copyright and online collections today** - Douglas McCarthy, OpenGLAM
- **Guidelines for the Use of Copyrighted Materials and Works of Art by Art Museums** - Association of Art Museum Directors
- **How to make rights determinations** - Anne Young, OpenGLAM
- **Images of Works of Art in Museum Collections: The Experience of Open Access** - Kristin Kelly
- **The Impact of Open Access on Galleries, Libraries, Museums, & Archives** - Effie Kapsalis
- **Open access can never be bad news** - Merete Sanderhoff, OpenGLAM
- **OpenGLAM medium publication**
- **The Problem of the Yellow Milkmaid** - Harry Verwayen, Europeana, Martijn Arnoldus, Kennisland | Knowledgeland, and Peter B. Kaufman, Intelligent Television
- **Reproductions of Public Domain Works Should Remain in the Public Domain** - Claudio Ruiz and Scann, creativecommons.org
- **Society of American Archivists Guide to Implementing Rights Statements from RightsStatements.org** - SAA