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ABSTRACTS - COPYRIGHT MANAGEMENT

Rights Management and digital resources: Challenges & Problems by Bruce Royan

Perhaps the single greatest obstacle to the networked use of digital resources in the humanities, is uncertainty over copyright issues, and in particular a fear that the new technologies may facilitate intellectual property theft. This paper draws on the experience of the Scottish Cultural Resources Access Network (SCRAN, drawing distinctions between the Continental Europea as to what might be safe practice in the electronic), to review some of the issues that should be addressed in this area.

An attempt is made to define "Copyright", drawing distinctions between the Continental European and the Anglo-American traditions in this respect. Other kinds of right are also discussed, including Moral Right, Privacy, Confidentiality and Secrecy.

A number of practices in this area are then explored, including Fair Dealing, Electrocopying and Electronic Document Delivery. The legal position on making electronic Extracts is discussed, with special reference to Factual Compilations, Cuttings Services, Hyperlinking and Framing, and this discussion is extended to Abstraction, including the position on Cataloguing and on the creation of Indicative and Informative Abstracts. This section concludes with a suggested "Acid Test" as to what might be safe practice in the electronic arena.

Many of the uncertainties of electronic copyright law can be overcome by the use of Licensing, and the paper reviews a number of licence schemes currently in use. Particular attention is paid to the SCRAN Licensing Model, which has been designed to make material readily available for bona fide educational purposes, while still protecting the rights of the original intellectual property owner.

IPR protection is a major issue, and the paper indicates a coherent approach which may be adopted in this regard. It is first important to establish the Terms of Availability of each resource to be digitised, and the paper discusses the position relating to Published Material, In-house Productions, Commissioned Work, Gifts and Bequests, Loans, and Deposited Commercial Material.

Next, this information must be associated in some way with the newly digitised material, and the paper discusses issues of Digital Object Identification and Metadata, including the recent rulings of WIPO on the deletion of such information. The paper goes on to describe an apparent paradox: in the pre-digital world, the more secure an object, the less accessible it is, but the rights management capabilities of digital resource delivery systems give them the potential to increase both usage and protection at the same time.

The main features of a secure resource delivery system are then described. It is recommended that three levels of access to digitised material should be provided. For Archival purposes, the

material should be digitised at the highest resolution currently economical, but it would not be secure or efficient to provide online access at this resolution. For Educational access by licensed users a screen resolution surrogate should be made. Finally, Thumbnail versions of all images should be made freely available to all. For this to work, it is important to have in place facilities for Finally, Thumbnail versions of all images should be made freely available to all. For this to work, it is important to have in place facilities for the Authentication and Authorisation of licensed users. Further security features that are explained in the paper include Encryption, Watermarking and Fingerprinting.