

## RightsStatements.org in the Canadian context

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**NHDS**  
National Heritage  
Digitization Strategy

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Good afternoon everyone. I'm happy to be here today to speak with you about some research I've been working on for the National Heritage Digitization Strategy about RightsStatements.org in the Canadian context.

## Outline

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- About the National Heritage Digitization Strategy (NHDS)
- Draft NHDS report on RightsStatements.org in the Canadian context (3 highlights)
  1. RS.org compared with other options for recording and communicating rights and re-use information
  2. RS.org and Canadian copyright law
  3. Five Canadian case studies about implementing RS.org
- Wrap-up

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I'll start by briefly describing the NHDS, in case you you're not too familiar with it. Then I'll cover three highlights from the research I've been doing.

The work isn't quite done. The report is still draft and it hasn't yet been vetted by the NHDS. So this is a "sneak peek" and any errors in my material, while hopefully few, are mine!

The report will be shared on the NHDS website when it is finished.

1. First I'll talk about how RightsStatements.org fits in relation to other methods, vocabularies or standards for managing and communicating rights information.
2. Then, I'll note some considerations related to Canadian copyright law, given that RightsStatements.org was originally created with the American and European legal contexts in mind.
3. Lastly, I will introduce five case studies of Canadian organizations who have either implemented RightsStatements.org or are considering doing so.

And then a bit of wrap-up.

## The NHDS

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The National Heritage Digitization Strategy is a **growing coalition** of memory institutions working together to **leverage expertise and resources** to support the **digitization, preservation and discovery** of Canadian documentary heritage.

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The National Heritage Digitization Strategy, which was formed in 2016, is a collaboration among memory institutions from across the LAM sector.

This includes libraries, archives, and museums alongside some associations and content creators.

# Who is involved?

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There are over 60 partners supporting the NHDS, who are working together to benefit from each other's expertise, and to share resources in support of digitization, preservation and discovery of Canadian documentary heritage.

## NHDS activities

- ❑ Content strategy
- ❑ Digitization projects
- ❑ Funding
- ❑ Governance
- ❑ Technical development
- ❑ Outreach
- ❑ International connections (e.g. RightsStatements.org)



NHDS business plan 2018-2019

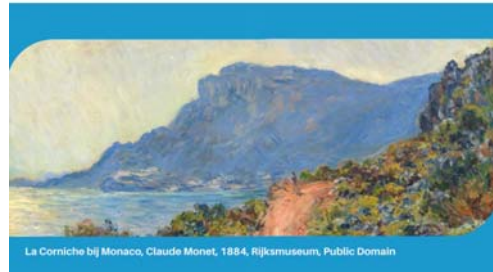
Some NHDS activities to date include:

- Developing a draft content strategy to help inform what to digitize.
- Some digitization projects, including Indigenous newspapers.
- Fundraising, for example, resulting in the \$1M funding call for GLAM digitization projects in 2018.
- Establishing a governance structure, including a Steering Committee and three working groups for content, communications and technical work.
- Some technical work, including drafting a metadata model and prototype discovery tool.
- Community outreach such as presentations and a website.
- And, NHDS participates as a member of the RightsStatements.org consortium, with members of NHDS partner institutions serving on its working groups. NHDS partners also helped with the translation of RightsStatements.org statements into French, which was recently completed.

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## Draft NHDS Report

### RightsStatements.org in the Canadian Context



**RIGHTS**  **STATEMENTS**

Now turning to the draft NHDS report.

The report introduces RightsStatements.org from multiple angles, such as organizational, technical, and legal, and it addresses some particularities of the Canadian context. The overall goal is to help socialize the value of RightsStatements.org to a Canadian GLAM audience, to peak interest and encourage considering its use, and to promote engagement with the RightsStatements.org initiative.

## Highlight #1: Comparing RS.org to other options

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- Description standards for archives, libraries and museums (e.g. RAD, RDA, CHIN Data Dictionaries)
- Metadata standards for online content (e.g. DC, MODS)
- Controlled vocabularies (e.g. **RS.org**, TKL, COAR)
- Legal tools (e.g. Creative Commons licenses)
- Rights Expression Languages (e.g. ODRL)

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Looking now at Highlight #1:

- From a metadata point of view, as part of helping to explain what RightsStatements.org was, I compared it to other ways of recording and communicating rights and re-use information for collections. How did it fit in the existing ecosystem of methods and means?
- I looked at description standards for archives, libraries and museums, which all have elements for rights information. These tend to be free-text fields, so, the values aren't controlled, and they may not be designed for machine-to-machine communication.
- I looked at common metadata standards like Dublin Core and MODS, which can carry rights information. But these, too, are not the same as RightsStatements.org, which is a controlled set of values about rights status and re-use.
- However, one could choose to implement RightsStatements.org within a system that uses description and metadata standards such as these.
- I looked at a few other rights-related controlled vocabularies, namely the Traditional Knowledge Labels and the Controlled Vocabulary for Access Rights by the Confederation of Open Access Repositories. However, they all differ in scope, with RightsStatements.org focusing on copyright status and terms of use; TKL being about indigenous cultural access and use protocols; and the COAR vocabulary intended to communicate access status of resources in repositories.
- All options I've mentioned so far differ from legal tools like Creative Commons licenses, which provide legal means for creators to permit or restrict their own rights-protected content. The other examples I mentioned are primarily intended for use by those who may not own the rights to content, but who are responsible for managing access to it.
- The examples I've given also vary in terms of machine-readability. Other mechanisms, such as Rights Expression Languages like the Open Digital Rights Language, allow for machine-readable expression, automation and control over access to content based on defined intellectual property rules.

	Example	Purpose
<b>Controlled Vocabularies</b>	RightsStatements.org (RS.org)	Communicate copyright status and terms of use
	Traditional Knowledge Labels (TKL)	Communicate Indigenous cultural access and use protocols
	Controlled Vocabulary for Access Rights	Communicate access status
<b>Legal tools</b>	Creative Commons (CC)	Licenses assigned by rights-holders for copyright-protected works Public domain marks
<b>Rights Expression Languages</b>	Open Digital Rights Language (ODRL)	Machine-readable language controlling access to content based on defined rules
<b>Description Standards</b>	Rules for Archival Description (RAD)	Canadian description standard for archives, with elements for rights and terms of use
	Resource Description and Access (RDA)	Cataloguing standard for libraries, with elements for rights and terms of use
	CHIN Data Dictionaries	Canadian cataloguing standard for museums, with elements for rights and terms of use
<b>Metadata Standards</b>	Dublin Core Metadata Initiative (DCMI) Terms	Metadata elements, properties, classes, etc., including those pertaining to rights information
	Metadata Object Description Schema (MODS)	Schema for bibliographic information, including elements for rights information

This table outlines the options I just mentioned, categorizing them by type and characterizing their purpose.

The types I have here are: controlled vocabularies, legal tools, rights expression languages, description standards, and metadata standards.

Many of these can be used simultaneously or in a complementary fashion.





## Highlight #2: RS.org and Canadian copyright law


❑ On the whole, RS.org statements are usable within Canada

❑ Some considerations:

1. Jurisdiction-specific statements

- “No Copyright – Canada” (like “No Copyright – United States”)? 

2. “Orphan works” (works with unlocatable rights holders; anonymous or pseudonymous works) 

3. Fair dealing exceptions 

4. Crown copyright

5. Western approaches to intellectual property

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In another section of the report, I looked at how the current suite of 12 RightsStatements.org statements fit in relation to Canadian copyright law. On the whole, they are usable in the Canadian context, with only a few exceptions. Given differences in jurisdictional laws, I was curious to learn whether there were any gaps, and if new statements were potentially needed.

Some considerations:

- There are two existing jurisdiction-specific statements, one for in-copyright orphan works in Europe, and another to clearly specify that no copyright applies under American laws. Would it be helpful to have a statement indicating that no copyright applies specifically under Canadian laws?

- Orphan works are a bit more complicated. They are not called “orphan works” in Canada’s Copyright Act either; rather it has provisions for anonymous or pseudonymous works separate from works with unlocatable copyright holders. The existing rights statement for “In Copyright – Rights Holder(s) Unlocatable or Unidentifiable” might work, but does it capture the case where rights holders intentionally remained anonymous? There are other issues to consider for orphan works, too, which I describe in the report.

Fair dealing exceptions may allow for some use of in-copyright works by libraries, archives, museums, or end-users. The “In Copyright – Educational Use Permitted” statement might seem related here, but the purpose is different. Anyone can claim a fair dealing exception for educational purposes, while this statement is for rights-holders making the content available for educational purposes, or for those who have obtained permission from rights holders to make the content available for educational purposes.

- Next is Crown Copyright. This is absent in the American and European contexts, but is important in Canada. Should there be a distinct statement for Crown copyright?

- Lastly, RightsStatements.org is about expressing copyright and terms of use. It and Canadian copyright law currently reflect Western approaches to intellectual property, and not other approaches relevant in the Canadian context, particularly those of Indigenous cultures, for which there are several differences. These include a focus on collective rather than individual ownership; lack of a fixed form for knowledge and cultural expressions shared orally; and the timeless or intergenerational nature of traditional knowledge for which terms like “life of the creator plus 50 years” are not very suitable.

## Highlight #3: Canadian RS.org case studies

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### □ Five Canadian case studies

1. Bibliothèque et Archives nationales du Québec
2. British Columbia Electronic Library Network – Arca Digital Repository
3. Canadian Research Knowledge Network
4. Internet Archive Canada
5. University of Alberta Library

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Also featured in the report are five case studies of Canadian organizations who have implemented or who are considering implementing RightsStatements.org for their digital collections. You'll be hearing from three of them, Bibliothèque et Archives nationales du Québec, Arca, and CRKN shortly.

As for Internet Archive Canada, it has expressed interest in supporting its partners who wish to explore implementing RightsStatements.org for their digital collections. As far as I understand now, this work isn't yet underway.

And the University of Alberta Library is also interested in potentially implementing RightsStatements.org but efforts are in early stages.

## Canadian case studies: two challenges

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- ❑ Completing collection assessments to determine rights status (which may be complicated)
- ❑ Determining how to technically incorporate RS.org metadata into existing descriptions and systems

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What else can I say about these cases as a whole?

Two common challenges seem to be:

- completing assessment of the rights status of collections, which often is not a simple task; and
- determining how to technically incorporate RightsStatements.org metadata into existing descriptions and systems.

While this can be as simple as adding URIs in the metadata, one may wish to also add icons or badges as visual aids to communicate the information.

Also, one must consider any adjustments needed to existing methods or messages for rights information at the item, collection or repository levels, such as adjusting blanket copyright and terms of use statements, should any exist.

## Wrap-up

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- ❑ NHDS and RS.org
- ❑ Next steps:
  - More implementations of RS.org
  - Potential for new RS.org statements for the Canadian legal context
  - Draft NHDS report for community review



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To conclude, NHDS remains an active supporter of the RightsStatements.org initiative.

I expect that more organizations will work on integrating RightsStatements.org metadata into their collections, and that the Canadian community will be able to benefit from shared collective experience.

There may be potential to add new statements reflective of the Canadian legal context, should this be what the Canadian community eventually recommends.

And, once it's completely drafted, the NHDS report I've been talking about will be shared with the community for review and feedback, which I look forward to.

Thank you!

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[nhds.ca](http://nhds.ca)

[RightsStatements.org](http://RightsStatements.org)

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Thank you, that's it for me!