

RightsStatements.org dans le contexte canadien

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SNPD
Stratégie de numérisation
du patrimoine documentaire

1

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.

Sommaire

- À propos de la Stratégie de numérisation du patrimoine documentaire (SNPD)
- Rapport préliminaire de la SNPD sur RightsStatements.org dans le contexte canadien (trois points importants)
 1. RS.org comparé à d'autres options pour enregistrer et communiquer des droits et réutiliser des contenus
 2. RS.org et la loi canadienne sur le droit d'auteur
 3. Cinq études de cas canadiennes concernant la mise en œuvre de RS.org
- Conclusion

2

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.

La SNPD

La Stratégie de numérisation du patrimoine documentaire est une **coalition grandissante** d'institutions de mémoire qui unissent leurs efforts en vue de **tirer profit de l'expertise et des ressources** pour faciliter la **numérisation, la préservation et la découvrabilité** du patrimoine documentaire canadien.

3

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.

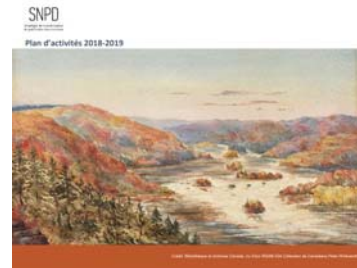
Qui participe?



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.

Activités de la SNPD

- ❑ Stratégie en matière de contenu
- ❑ Projets de numérisation
- ❑ Financement
- ❑ Gouvernance
- ❑ Développement technologique
- ❑ Rayonnement
- ❑ Relations internationales (p. ex., RightsStatements.org)



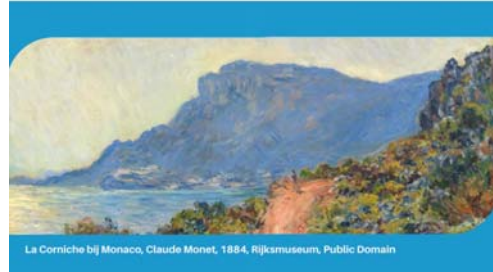
Plan d'activités de la SNPD 2018-2019

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.

Rapport préliminaire de la SNPD

RightsStatements.org
dans le contexte
canadien



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.

Point important n° 1

Comparer RS.org à d'autres options

- ❑ Normes de description pour les archives, les bibliothèques et les musées (p. ex., RDDA, RDA, Dictionnaires de données du RCIP)
- ❑ Normes en matière de métadonnées pour les contenus en ligne (p. ex., DC, MODS)
- ❑ Vocabulaires contrôlés (p. ex., **RS.org**, TKL, COAR)
- ❑ Outils juridiques (p. ex., licences Creative Commons)
- ❑ Langages d'expression des droits (p. ex., ODRL)

7

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.

	Exemple	Objectif
Vocabulaires contrôlés	RightsStatements.org (RS.org)	Communiquer le statut en matière de droits d'auteur et les conditions d'utilisation
	Traditional Knowledge Labels (TKL)	Communiquer l'accès culturel autochtone et utiliser les protocoles
	Vocabulaire contrôlé pour les droits d'accès	Communiquer le statut d'accès
Outils juridiques	Creative Commons (CC)	Licences attribuées par les détenteurs de droits pour les œuvres protégées par le droit d'auteur Marques du domaine public
Langages d'expression des droits	Open Digital Rights Language (ODRL)	Langage lisible par des machines qui contrôle l'accès aux contenus selon des règles définies
Normes de description	Règles pour la description des documents d'archives (RDDA)	Normes canadiennes de description pour les archives, avec des éléments relatifs aux droits et conditions d'utilisation
	Ressources : description et accès (RDA)	Normes de catalogage pour les bibliothèques, avec des éléments relatifs aux droits et conditions d'utilisation
	Dictionnaires de données du RCIP	Normes canadiennes de catalogage pour les musées, avec des éléments relatifs aux droits et conditions d'utilisation
Normes des métadonnées	Conditions de la Dublin Core Metadata Initiative (DCMI)	Éléments, propriétés, classes, etc., de métadonnées, y compris relatifs aux informations sur les droits
	Metadata Object Description Schema (MODS)	Schéma pour les renseignements bibliographiques, y compris des éléments relatifs aux informations sur les droits

8

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.

Point important n° 2

RS.org et la loi canadienne sur le droit d'auteur

❑ Dans l'ensemble, les déclarations de RS.org peuvent être utilisées au Canada

❑ Quelques considérations :

1. Déclarations propres à certains territoires
 - « Pas de droit d'auteur – Canada » (sur le modèle du « No Copyright – United States »?) 
2. « Œuvres orphelines » (œuvres dont les détenteurs de droits sont introuvables; œuvres anonymes ou pseudonymes) 
3. Exceptions touchant l'utilisation équitable 
4. Droit d'auteur de la Couronne
5. Approches occidentales de la propriété intellectuelle

9

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.

Point important n° 3

Études de cas canadiennes avec RS.org

- Cinq études de cas canadiennes
 1. Bibliothèque et Archives nationales du Québec
 2. British Columbia Electronic Library Network – dépôt numérique Arca
 3. Réseau canadien de documentation pour la recherche
 4. Internet Archive Canada
 5. University of Alberta Library

10

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.

Études de cas canadiennes : deux défis

- ❑ Terminer l'évaluation des collections pour établir le statut en matière de droits (ce qui peut s'avérer complexe)
- ❑ Sur le plan technologique, déterminer comment intégrer les métadonnées de RS.org dans les descriptions et systèmes existants

11

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.

Conclusion

- ❑ La SNPD et RS.org
- ❑ Prochaines étapes :
 - Plus d'utilisations de RS.org
 - Possibilité de nouvelles déclarations de RS.org pour le contexte juridique canadien
 - Rapport préliminaire de la SNPD soumis à la révision de la communauté



12

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.

Merci!

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RightsStatements.org

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13

Thank you, that's it for me!