



NJVid Intellectual Property and Copyright (IPC) Workgroup
Meeting Minutes
4/24/08 – 2PM

Present: Grace Agnew, Erika Gorder, Mary Mallery, Ruth Bogan, Tom Nemeth

Agenda:

- Workgroup fit in overall NJVid structure
- Communication with the NJVid collection workgroups
- Best practices and models for I.P. and Copyright
- IPC policies and procedures format and write-up
- Timeline for IPC policies and procedures

1. Workgroup fit in overall NJVid structure

The group agreed to act as an advisory committee for NJVid's users and the other groups. There has been mounting talk of forming an official Metadata workgroup that will help devise suggestions and guidelines for users to add metadata to their content. A Metadata group is preferred because a list of suggested metadata from experts will aid users in recording metadata for their content. The IPC group agreed to assist the Metadata group by selecting rights metadata, while the Metadata group selects recommended descriptive and provenance metadata, and the NJVid Technical Team focuses on technical metadata. The group agreed that establishing metadata standards, guidelines, policies and templates for commercial video will be easier than for lectures-on-demand, and the latter will be easier than for locally-owned content.

2. Communication with the NJVid collection workgroups

The group agreed to give advice to users and other workgroups, but it would be unnecessary to do much more than that. Communication can be conducted on an "as needed" basis rather than strict adherence to periodic timetables. Specifically, the group will give advice to users with regard to ascertaining ownership of materials for upload.

3. Best practices and models for I.P. and Copyright

The legality of accessing intellectual property is affected by the uses of that content through NJVid. The Technical Team will need to inform the group of the possibilities for accessing content through NJVid – will content stream through the Web site or be progressively downloaded to the user's computer? The

access configuration is melded to the question of whether the material will be available in Flash or QuickTime video format. Streaming content will require fewer restrictions on use than progressively downloaded content. This necessitates the creation of two use licenses:

1. View only / no download of videos on NJVid
2. Downloadable video enabling reuse and remixing of content

Mary asked if, as an ISP, NJVid had registered a reporting agent with the DMCA, and Grace did not think that NJVid had to register to be covered by the DMCA. Mary asked that this question be referred to the NJVid legal counsel. This brought up the question of who the legal counsel for NJVid is. Tom will check if the legal counsel for WPUNJ will act as legal counsel for NJVid and if not who will?

There is no need for users to necessarily get permissions for *every* participant/performer in a video, especially if those individuals or groups are not contributing to the intellectual content of a work (e.g. passive audience members). Questioners at a guest lecture technically need to sign off on a work, but it is much more important to receive clearances from interviewers and interviewees, and musicians and composers, in most cases.

The group will begin working on a set of best practice guidelines for each institution pertaining to locally-owned content regarding:

1. How to determine an institution's rights to material – Grace will construct a decision tree consisting of a series of questions that lead from one to the next depending upon the answers given to the prior question (e.g. does the institution have written permissions from performers? Do copyrighted and/or trademarked materials appear in the footage?)
2. Documenting an institution's rights to material
3. What access permissions does an institution want to give its material

The group discussed what types of content would assuredly be acceptable under intellectual property and copyright law for the NJVid Commons:

- Grant-funded research
- Nature footage
- Educational/Informational University-created footage

4. IPC policies and procedures format and write-up

The group agreed to draft licenses for locally-owned content and lectures on demand to be signed by content uploaders certifying that:

1. They possess the rights to the content they are uploading, including those of performers/ participants contributing to the intellectual content of the work, and are willing to cede those rights to NJVid.
2. They are giving NJVid permission to distribute the content they are uploading based on whether they want it to be “view only” access or downloadable for reuse and remixing.

The metadata for the uploaded content should in part explicitly state the period of license for the content, the owning organization, and the reason for availability.

The group also agreed to write documentation that enables uploaders to specify whether:

1. They would like to upload to NJVid a deed of gift for their material.
2. They would like to upload to NJVid a publicity release from performers and participants.

The license drafts will be posted to the NJVid Web site and vetted through the Alpha Implementers and NJVid Project Team before passing them through William Paterson’s Council. The group also mentioned that institutions and faculty will indemnify their material.

Grace then demonstrated the WMS of RUCore.

Actions:

1. Look at RUCore for examples of licenses (<http://rucore.libraries.rutgers.edu/>).
2. Look at Creative Commons for examples of licenses (<http://creativecommons.org/about/license/>).
3. Review “Copyright Information for Educators” Web site accessible from University of Washington libraries (<http://www.lib.washington.edu/help/guides/copyright.html>).
4. Look at models for release forms from RUTV (<http://rutv.rutgers.edu/index.php>), SHU iTV and C-SPAN (http://www.c-spanarchives.org/library/index.php?main_page=specialuse).
5. Grace will construct and send to the group the aforementioned decision tree to assist institutions in ascertaining their collection(s)’ rights and permissions.

The next meeting of the workgroup was tentatively scheduled for May 12 in the afternoon. Tom will coordinate this.

Meeting adjourned 4:45PM.