



NJVid Intellectual Property & Copyright (IPC) Workgroup
June 23, 2008 – 10 AM – Rutgers University
Meeting Minutes

Present: Grace Agnew, Erika Gorder, Jane Hutchison, Mary Mallery, Sandie Miller, Tom Nemeth

Update on Timeline:

Tom passed around a draft of the short-term timeline leading up to the planned end-of-summer launch of the NJVid Commons. The group revised the timeline. The Metadata workgroup, chaired by Mary Beth Weber, will meet prior to July 10 to select the metadata fields necessary for documenting locally-owned content. Then the group will present its choices the week of July 10 – 17 to the IPC and locally-owned content groups for their approval.

Decision on Initial Video Access Methodology:

The group decided that initial videos on the Commons will be presented streaming only, with the option of progressive download to be built into NJVid later on. Nevertheless, the choice among progressive download and view-only streaming will be presented right away to content uploaders via license documentation that the IPC group will write to avoid having to go back later and ask institutions what their distribution preference is.

Discussion of Content for NJVid Commons:

NJN has expressed interest in NJVid. Their content could be used to help broadly fill out the Commons. NJN is likely to sign a non-exclusive license to their material, as is any lecturer. In fact, the group agreed that most content providers would be much more willing to sign off on a non-exclusive license than an exclusive, “all rights, all media, in perpetuity” license. Content providers would likely only sign off on the latter once in a blue moon – if that.

Discussion of Rights and Related Issues:

It is important to separate in one’s mind the concept of related rights of performers and participants (addressed through license agreements) vs. that of copyright. Even if an organization obtains non-exclusive licenses from participants in a video, it also needs to clear the copyright of the work with the owner if the organization itself is not the copyright holder. The opposite is also true.

Erika mentioned the concept of administrative transfer, which occasionally comes into play at the Rutgers University Special Collections/University Archives. In their case, it involves one department

handing over its material(s) to another department and giving the receiving department permission to care for those works. NJVid will not grant administrative transfer rights.

The key for all content providers (i.e. institutions wishing to upload material to NJVid) is thus:

1. If the content provider is the rights holder of the material to be uploaded, the provider must sign a non-exclusive license that permits NJVid to digitize and provide online access to that material.
2. If the content provider is not the rights holder of the material to be uploaded, the provider must obtain a non-exclusive license from the rights holder that permits the provider to lend its material to NJVid to digitize and to which to provide online access.

IPC Group Task:

The group agreed to write a non-exclusive license to serve as a model for content providers to emulate when drafting their own licenses. Institutions that already have a similar license (such as William Paterson) will have to reword it to include permission to distribute works through NJVid, or at least something to that effect.

Aiding Institutions to evaluate their existing Works:

The group will develop a decision tree to help institutions evaluate the rights to their material. It will provide guidance for obtaining a deed of gift or license. Some examples:

- “Does your institution hold the rights to its material?” The institution might have to consult its legal counsel for assistance.
- “If your institution is conducting a deed of gift, does it include the copyright on your material?”
- “If your institution has a license, does the license give your organization the rights to your material? If so, can you give the rights to NJVid?”

The tree will also give consideration to related rights holders such as performers, children, music, copyrighted and trademarked content, and contractor rights.

In addition, the group agreed to define important terms that faculty and staff might not know. Furthermore, the group will establish best practices for producing new works as they pertain to intellectual property and copyright authority and control.

Discussion of Legal Issues:

Erika brought up the issue of indemnification. The group concluded NJVid cannot be indemnified.

The model NJVid non-exclusive license should make clear that NJVid only aims to make resources available online and does not own the materials it distributes – the providing institutions do. Therefore,

the onus is on content providers to obtain rights to material they upload to NJVid. NJVid is not a 5013c organization.

Legal Disclaimer to place on the Web Site:

Language to the effect of,

“NJVid exists to provide a common platform for dissemination, storage and archiving of digital works (e.g. digital video) that comply with its mission of educating and enlightening its audience. Rights and access management are the responsibility of the providing entity.”

Other Discussion:

- Locally-owned content and Commercial video collections: The licensing institution is to be held accountable for its material on NJVid.
- Lectures on Demand collection: The individual content provider (e.g. faculty member) is to be held accountable for his/her material on NJVid.

The point is that NJVid will not be gathering distribution licenses. Organizations will retain responsibility over their material. This responsibility includes adding metadata to works and retaining ownership of works. Tom asked the question, if the institution maintains ownership of its works on NJVid, can it claim ownership of the computer files created while digitizing its works? The group concluded that the answer is no. Rutgers will likely charge a service fee for institutions that would like to have returned to them the uncompressed master files (.avi) of their works.

Automated MARC record export from WMS metadata files is possible, as is vice versa. This enables institutions to easily catalog works into their local OPAC and to copy catalog other institutions' works on NJVid.

Each content providing institution needs to appoint a collection manager and a metadata manager (it can be the same individual) who will be authorized to log in and make changes to the WMS.

Actions:

- *Grace will write the decision tree and model non-exclusive license*
- *Erika will write deed of gift*
- *Mary will define important terms*

The next meeting is scheduled to be a joint meeting

Meeting adjourned.