



Digitising Content Together

Ministerial NETwoRk for Valorising Activities in digitisation

IPR and cultural Websites

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IPR and Web sites

The on-line publication of data and the digital products of cultural heritage, make the Internet a much more powerful tool for the diffusion of culture than are traditional media. This becomes particularly relevant when considering security of heritage; safeguarding, preventative conservation and security of contents.



Web sites and associated rights

Rights are associated with:

- The structure of the site (multimedia project)
- The contents (texts, images, sounds, ...)
- Existing material
- New contents
- Graphic (external aspect)
- Domain name
- Software code

.....



Checklist

- Is it a work of intelligence presented in an expressive form?
- Is it creative?
- Is it a kind of work safeguarded as a copyright?
- Has the time for copyright protection expired?
- Can the copy fall within the exceptions of limitations for copyright?
- Are there other rights present?
- Is its content subject to non-authorized uses? In this case, should measures for its protection be implemented?



Rights assessment

- Works not protected by copyright
- Official texts of acts of the State and of public administrations
- Works placed by the author under public domain (explicit statement)
- Works for which the time for copyright protection has expired (but be careful of moral rights)



Rights assessment

- Free use (it can vary from countries)

i.e.

Reproduction of articles of current interest of an economic, political and religious nature, unless reproduction has been reserved. Obligation to cite the source.

- *Speeches of political and administrative interest given in public and extracts of conferences open to the public. Obligation to cite the source.*
- *Aims of public safety, judiciary or administrative procedures.*
- *Summaries and quotations of parts of works for reasons of criticism and discussion or for reasons of teaching and research (non commercial). Obligation to cite the source correctly.*



Authorizations, concessions or licences: checklist

- Can your company stipulate a licence contract?
- Do you know what rights you wish to acquire?
- Are you clear as to how you intend using the content?
- Have you decided how you will protect the content?
- Are you aware that you will have to acquire a new licence for every use not foreseen by the negotiated authorization?



Remember:

Reproduction of analogical works

- The ownership of the physical object differs from the titularity of copyright
- Buying a work, the institution buys the work, not the reproduction rights (if not included in the agreement)
- Each reproduction of a work must be authorized by the copyright holder
- The author must always be cited
- The conversion in digital does not give protection (without elaboration)



Contents: images

Distinction between moral and economic rights

Represented subject

- Right to portrait
- Right to reproduce cultural heritage belonging to public institutions



Copyright notice

In order to protect rights on-line, it is important to take some elementary precautionary measures, such as, publishing a copyright notice that explicitly states the rights of the materials and their authors/conservers. The statement should also specify in what ways the materials may be used and what uses are prohibited. For example, publication of images may be limited to low resolution reproductions on-line.



Copyright notice

In some jurisdictions, in order to obtain a copyright when a work such as a book or movie is created the work generally should contain a *copyright notice*. This notice is constituted of a letter c inside a circle (*i.e.*, ©), or the word "copyright", followed by the year(s) of the copyright and the name of the copyright holder. A copyright notice serves to inform any potential users that the work is protected by copyright.

Source: Wikipedia

http://en.wikipedia.org/wiki/Copyrights#Copyright_notices



BBC NEWS | Help | Copyright Notice - Microsoft Internet Explorer

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United Nations Educational,
Scientific and Cultural Organization

The New York Times > Member Center > Site Help > Copyright Notice - Microsoft Internet Explorer

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Internet



United Nations Educational, Scientific and Cultural Organization

The British Museum: About Us - Copyright - Microsoft Internet Explorer

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THE BRITISH MUSEUM

about us

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<http://www.thebritishmuseum.ac.uk/index.html> Internet



Ashmolean Museum: Copyright - Text and Image File Use - Microsoft Internet Explorer

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Internet



Linking and framing

“Perhaps the most effective information sharing tool on the Internet is the ability of website operators to provide hyperlinks from Web pages they have developed to Web pages developed by others. In most cases, such links are completely legal and no permission is necessary from the linked site to include a link. There are, however, certain instances in which linking from one site to another can create legal liability”.

Source: <http://www.gigalaw.com/articles/2002-all/wood-2002-06-all.html>



Linking and framing

Deep Linking

Deep links are links from one site to pages in another site that exist below the home page for that site.

Best Practices Rule: Don't deep link without permission.



Linking and framing

Framing

A frame is a window on a website through which pages from another website can be viewed.

The technology allows one website operator to use intellectual property owned by another entity to sell banner advertising on its on site.

- **Best Practices Rule:** Don't frame other entities' pages without permission.



When your website links to other web sites

- *Authority:* Who created the site and what are their credentials?
- *Affiliation:* Who provided the information? Can I link to the homepage? Is the information biased by the provider affiliation?
- *Content:* Is there content or is it an advertisement? Is the information objective? Is it helpful? Is it easy to follow or navigate?
- *Purpose:* Is it a personal homepage, an advocacy site, a business/marketing site, a news site, or an informational site?

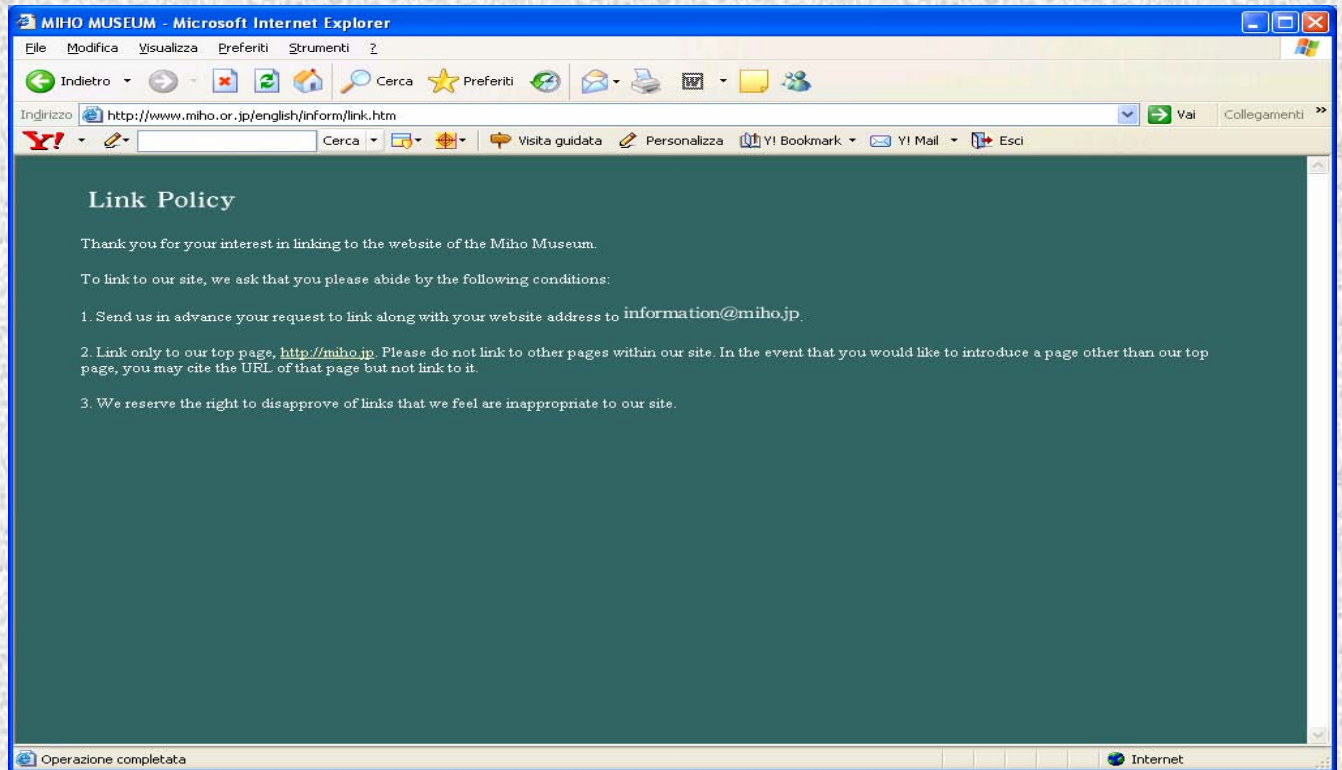


- *Audience:* Who is this resource geared toward; teachers, students, etc? Is the information appropriate for its intended audience?
- *Currency:* How old is the information? When was the page created or last updated?
- *Comparisons:* How does the information compare to other electronic and print sources? Is it accurate and well written?
- *Cost:* Is the information freely accessible? Or, must the user pay a fee before viewing the content?



Publish a Link policy on your website

Some examples





Publish a Link policy on your website

The screenshot shows a Microsoft Internet Explorer browser window displaying the Smithsonian National Air and Space Museum's Web Linking Policy page. The browser's address bar shows the URL <http://www.nasm.si.edu/help/linking.cfm>. The page header includes the Smithsonian logo and navigation links like 'Visit', 'Museum', 'News & Events', etc. The main content area is titled 'National Air and Space Museum Web Linking Policy' and contains the following text:

We appreciate links from anywhere and anyone. Specific permission to link to the NASM web site is not required if you adhere to the following guidelines:

- use a text-based link to the Home Page at the following URL: <http://www.nasm.si.edu>.
- the text of the link should include the complete name of the Museum.
At minimum: "Smithsonian , National Air and Space Museum".
Also Acceptable: "Smithsonian Institution, National Air and Space Museum", "Smithsonian Institution, National Air and Space Museum, Washington, DC".
- do not link to an individual page, image or graphic within the site (deep linking).
- do not link to Smithsonian and/or NASM web sites/pages within frames.
- Smithsonian and/or NASM logos, graphics, images, or screen grabs of web pages may not be used.
- Any link should be standalone and clearly presented as a reference or resource. Links should not occur within the body of text or in such a way as to represent an individual, organization, affiliation or in a manner that may be construed as endorsement or sponsorship.

If there is a particular feature or page of interest on the NASM site that you would like to link to directly (deep linking), please send a request via e-mail to web@nasm.si.edu. Deep linking to images is prohibited.

Q: Can I get a link to my home page from the NASM web site?

The browser's status bar at the bottom indicates 'Operazione completata' and 'Internet'.



Domain name and graphics

Respect the rules concerning:

- Name protection
- Trademarks
- Unfair competition
- IPR



Creative Commons

- Creative Commons defines the spectrum of possibilities between full copyright — *all rights reserved* — and the public domain — *no rights reserved*. Their licenses help you keep your copyright while inviting certain uses of your work — a "some rights reserved" copyright.
- See: www.creativecommons.org



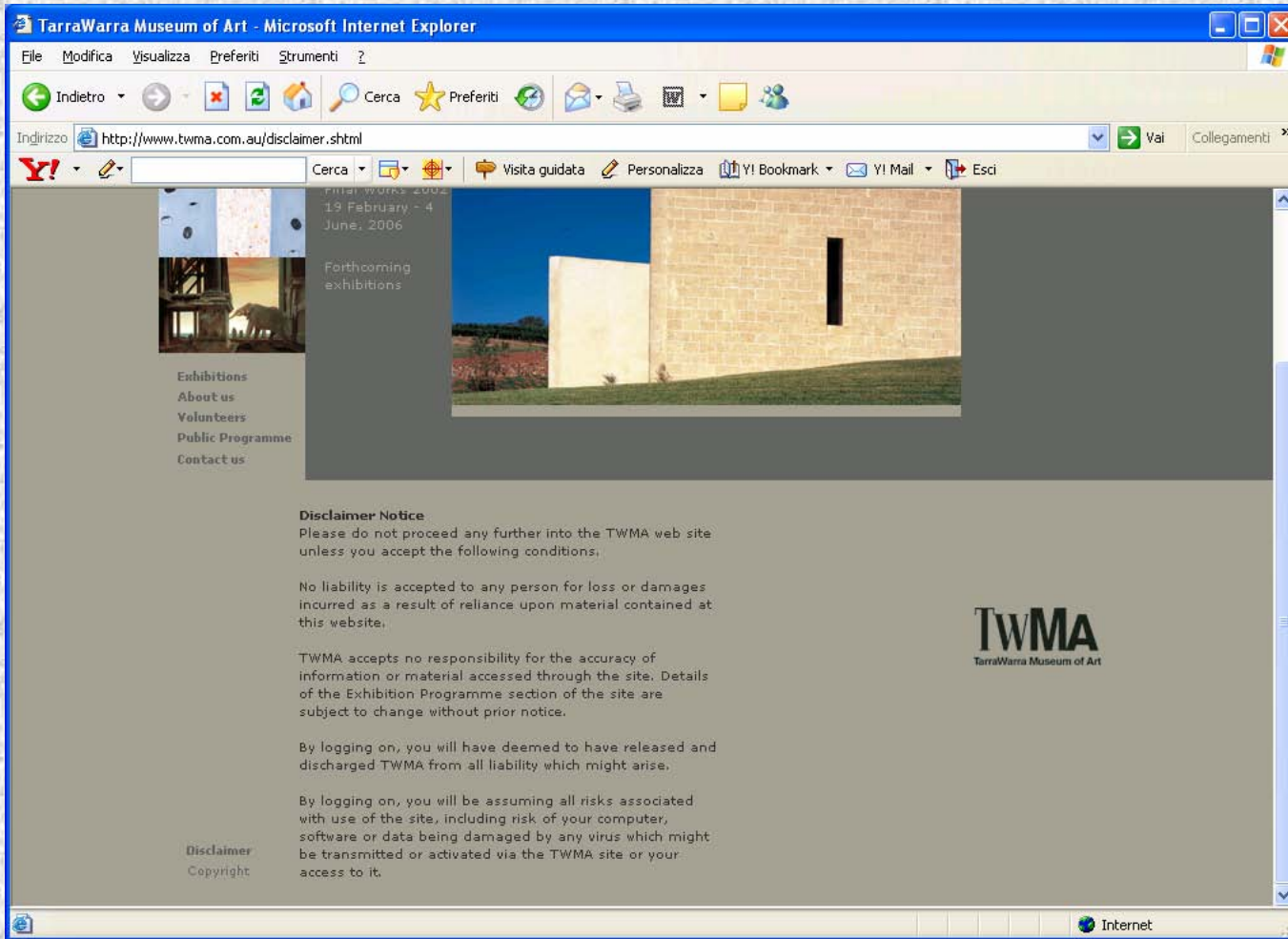
Disclaimer

- A disclaimer is a legal statement which generally states that the person/group authoring the disclaimer is not responsible for any mishap in the event of using whatever object or information the disclaimer is attached to. This is generally done as a measure of legal protection; if someone hurts himself misusing something with such a disclaimer, he could not (legally) claim in a court of law that he was unaware of the potential safety risks.

en.wikipedia.org/wiki/Disclaimer



Disclaimer





Technological measures of protection

Usually in case of access to digital collections:

- Data crypting
- Digital watermarking or fingerprinting
- Insertion in the digital file of information on IPR, not viewable by users (data hiding)
- Finding of changes and forgeries
- Distribution of the relative keys only to registered users



Watermarking





Digital Right Management

All these features may be included in a DRM,

A system for the digital administration of IPR

These systems:

- Support the management and registration of IPR
- Guarantee the authenticity of information
- Allow the identification of the users
- Allow e-commerce
- Prevent and find not correct uses



Minerva tools

- [*Guide to Intellectual Property Rights and Other Legal Issues*](#)
- 2004-08-06. *MinervaPlus Interim Draft Report 4.1: Inspection of the European legislation regarding Intellectual Property Rights* [[pdf 258 kb](#)]
- 2004-06-15. Gruppo di lavoro italiano "*Problemi connessi alla tutela dei dati e dei diritti di proprietà intellettuale in relazione all'accessibilità in rete del patrimonio culturale*". Tutela dei dati e dei diritti di proprietà intellettuale in relazione all'accesso in rete al patrimonio culturale. Prime considerazioni. Working paper. Vers. 1.0 [[pdf 218 kb](#)]



Minerva tools

- 2004-06-15. Italian workgroup "Problems Connected to Data Protection and Intellectual Property Rights in Relation to On-line Accessibility of Cultural Heritage". Data protection and intellectual property rights in relation to on line accessibility of cultural heritage. First remarks [[pdf 218 kb](#)]



Digitising Content Together

For further information:

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minerva2@beniculturali.it

Thanks for your attention.

Keep in touch soon...