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# Copyright Management by Design

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# Copyright Management by Design

## Abstract

Rights management can be a convoluted aspect of comprehensive collection management that all cultural institutions must consider. From activities and projects to strategy and advocacy, implementing and maintaining proper copyright policies within your organization is mandatory. With information resources and best practices coming from a plethora of sources, consolidating this information into usable documentation can be difficult. Copyright law is also continuously evolving with new precedents and case studies emerging and challenging previous norms. Those who work with copyright on a regular basis have go-to resources such as fair use checklists, Hirtle's *Copyright Term and the Public Domain* chart, *U.S. Code: Title 17*, etc. Newly published, *The Copyright Management Guidelines for Cultural Heritage Institutions* will be the next addition to this list of ready reference materials. From Europeana's Copyright Committee, this guide shares streamlined and easy-to-use best practices for copyright management in cultural institutions. Both the concise writing and the infographic-like execution of the document are designed to take the guesswork out of copyright management. Practitioners can utilize the step-by-step guide in whole or in part, selecting the advice they require. However, utilizing all the goals and phases of this document will enable you to reach the ultimate goal of "[Harmonising] all approaches to copyright across your organisation." These guidelines are designed to enable practitioners to visualize and conceptualize the copyright management process holistically. Having a proper foundation in place will enable the expansion of an organization's copyright program into a mature set of policies and practices, allowing for the integration of copyright into all relevant aspects of collection management.

## Keywords

Intellectual property rights, IPR, copyright, workflow, collection management, best practices, cultural heritage institutions, cultural heritage organizations, copyright management, rights management, guidelines, risk management, integrations.

## Author Bio & Acknowledgements

Chelsea Stone, MLS, is a Digital Asset Manager at OpenText for SMB/C and consumer marketing and is also on the Board of Directors for PLUS Coalition and PLUS Coalition Foundation.

From the Europeana Copyright Community comes *The Copyright Management Guidelines for Cultural Heritage Institutions*,<sup>1</sup> a guide created to communicate best practices for the management of copyright in the collections of cultural institutions. Europeana is an organization whose aim is to empower the cultural heritage sector in digital transformation and to encourage the harmonization of approaches to copyright. These guidelines were developed by the Europeana Copyright Community Steering Committee and peer-reviewed by the Copyright Committee. Fred Saunderson, Rights and Information Manager at the National Library of Scotland, is the Committee Chair. There are nine additional members of the committee, all of whom contribute extensive and diverse professional knowledge and experience in the rights management space. With members working in cultural institutions as well as functioning in legal and policy-related professional realms, the authors of this document are beyond collectively qualified.<sup>2</sup>

While copyright considerations can vary considerably between countries and continents, the recommendations in this resource can be applied globally, assuming practitioners understand the copyright considerations that apply to their specific institution or organization. Two sources specifically mentioned as reference materials for the creation of the guide are the open source and extremely robust *Rights management - suggested procedure*<sup>3</sup> and *Finding the Public Domain: Copyright Review Management System Toolkit*.<sup>4</sup> While fantastic resources for professionals concerned with rights management, neither are an easy reference for quick answers and digestion. Europeana's guide, however, distinguishes itself through its design and concise conveyance of information.

The format of the guidelines is a PDF document which can be freely downloaded from the Europeana Pro website with no account or information required. It can be accessed on any device and is licensed with the Creative Commons license “Attribution 4.0 International (CC BY 4.0),” meaning the document can be shared and adapted, even commercially, as long as proper attribution is given and any changes are indicated. The document is deceptively simple and well designed, with enhancing infographic-like illustrations outlining step-by-step action items for different phases of an organization’s implementation. The style is clean and concise for the clear communication of essential information. The writing is succinct, mainly in bulleted format, and effectively integrates with graphical elements to promote more effective communication.

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<sup>1</sup> Europeana Copyright Community Steering Group, *Copyright Management: Guidelines for Cultural Heritage Institutions*, Europeana, 2022, <https://pro.europeana.eu/post/copyright-management-guidelines-for-cultural-heritage-institutions> .

<sup>2</sup> Europeana Foundation, *Meet the Steering Group*, Europeana, 2022, <https://pro.europeana.eu/page/europeana-copyright#steering-group> .

<sup>3</sup> Collections Trust, *Rights management – suggested procedure*, 2017, <https://collectionstrust.org.uk/resource/rights-management-suggested-procedure/> .

<sup>4</sup> Melissa Levine, Richard C. Adler, Justin Bonfiglio, Kristina Eden, and Brian S. Hall, *Finding the Public Domain: Copyright Review Management System Toolkit*, 2016, <http://dx.doi.org/10.3998/crmstoolkit.14616082.0001.001> .



Figure 1: The introduction illustrates effective communication through graphic elements and succinct writing.<sup>5</sup>

This resource is easy to navigate and understand, with coherent and intuitive presentation of information. The document begins with a concise introduction and immediately highlights the main goal, the supporting goal, and the three phases to reach these goals. I especially appreciate the corresponding graphic aspects of the document, which are both color coordinated and visually representative. As the reader moves through the document, the consistency of this graphic ties back to the introduction. Each section also has its own infographic that walks the reader through the objective, workflow, who to involve, who to inform, what to document, how to document, and how to start the discussion. Having these common steps within each phase definitely enhances the reader's ability to make connections and deepen their comprehension of this process. Because of the quality of the layout and presentation of information, it is unnecessary for this to be a multimedia resource. However, I could see an opportunity to enhance these elements to make a truly remarkable interactive resource, but this might make the resource over-designed and is not necessary.



Figure 2: Graphic elements signaling the main goal, the supporting goal, and the three phases.<sup>6</sup>

<sup>5</sup> Europeana Copyright Community Steering Group, *Copyright Management*, 2.

<sup>6</sup> *Ibid*, 3-5.

The structure of *The Copyright Management Guidelines for Cultural Heritage Institutions* is as purposeful as the content. For each goal and phase there is an objective, followed by “tips to getting there.” These tailored tips on how to succeed are presented in categories: workflow, who to involve, who to inform, what to document, how to document, and how to start the discussion. The ultimate goal is to “Harmonise all approaches to copyright across your organisation,” which is achieved by tying an organization’s strategic objectives to policy. The supporting goal is to “Harmonise a specific approach to risk management for your organisation” and includes evaluating risk, determining your organization’s level of appropriate risk, and evaluating potential tools.

The first phase is “building your organization’s foundation” for dealing with copyright during different stages of collections development. The objective of this phase is acquiring both materials and copyright information, as well as the documentation of this information. Many organizations struggle with this stage because it necessitates retroactive investigation; however, it is essential for transparency and usage rights. Also in phase one is how an organization makes its materials available to the public through digitization, reproduction, access, and use. These variables are part of the foundation but come after the collection of copyright information due to the fact that they are essential, but the former dictates the latter.

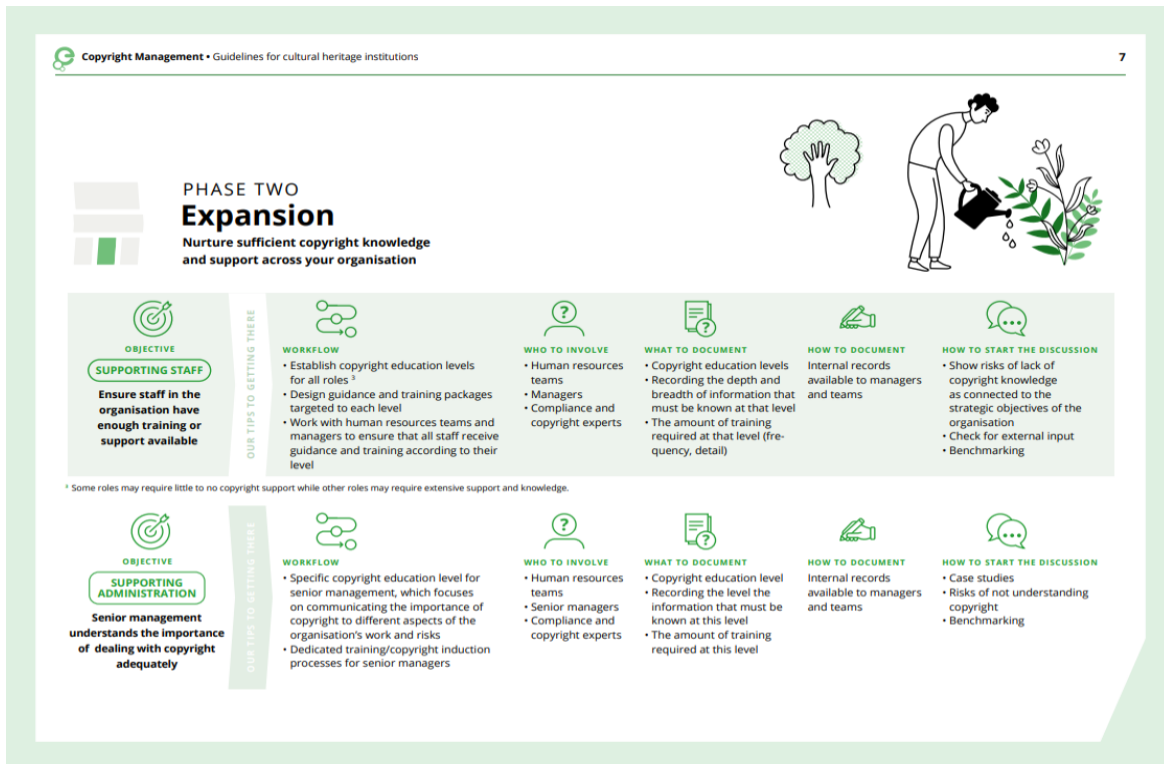


Figure 3: Phase two, Expansion, shows the approach of the document: high-level, goal-focused, and phase-driven.<sup>7</sup>

Phase two is the expansion of your copyright program through knowledge, support, and advocacy across the organization. Staff need appropriate training to become subject matter experts and continue their learning through professional development. Staff also need the buy-in of upper-level management who understand the importance of and expect the proper implementation of

<sup>7</sup> Europeana Copyright Community Steering Group, *Copyright Management*, 7.

copyright policies. Phase three – the final stage – is all about integrating copyright considerations into all relevant activities and making sure it is part of planning and execution. This also requires that an organization have proper resources allocated. For many nonprofits, adequate resources can be a challenge; however, having copyright requirements as a box to check on a planning to do this can make the process efficient and avoid retroactive needs later.

Engaging with *The Copyright Management Guidelines for Cultural Heritage Institutions* will make it a ready reference resource for anyone who works with copyright management. This includes professionals beyond cultural institutions and those who work at organizations with mature, well-realized programs. For those seeking more specific details regarding the technical side or “how to,” this is not the right document. For those who work in an institution with specialty collections, such as visual resources or multimedia collections, this document will not differentiate. These best practices are essential, high-level steps that any organization or individual working with copyright management can gain value from, including management and those less familiar with policies and procedures. The document is goal-focused and phase driven. The journey map design enables the efficient sharing of information that can often be complex. Delivering on the goal of outlining how to achieve a harmonized approach to organizational copyright, Europeana’s Copyright Committee has created an invaluable resource.