



Consultant Archivist

## Session 2: Copyright, Digitisation and Social Media

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## Part 1: Overview of Copyright Exceptions in Irish Law

## Exceptions to copyright for libraries and archives

- Copyright exceptions – limited circumstances copyright protected works can be used without seeking permission from copyright owner
- Copyright and Related Rights Act 2000 contains a number of copyright exceptions
- Also Copyright and Other Intellectual Property Law Provisions Act 2019





## Exceptions for libraries and archives

Exception 1: Copying by archivists for readers (2000 Act)

- **Fair dealing exception** – permitted to copy limited extracts of work of third-party copyright work
- Must be for non-commercial purposes
- For purposes of research or private study
- Must not prejudice interests of copyright owner
- Such use must also be accompanied by a sufficient acknowledgement identifying the author and title of the work
- Copying all or a large amount of a work is not considered fair dealing



## Exceptions for libraries and archives

### Exception 1: Copying by archivists for readers (2000 Act)

- Archivist may supply copy of part of work which is lawfully made available to public without infringing copyright in work, illustrations accompanying work, or typological arrangement
- Researcher must not be furnished with more than one copy of same material unless copy lost, stolen, discarded, or reasonable amount of time elapsed

NB Archivists can supply copies to researchers by email attachment, memory stick or external hard drive, personal download from temporary online site



## Exceptions for libraries and archives

### Exception 2: Format shifting by librarians or archivists (2019 Act)

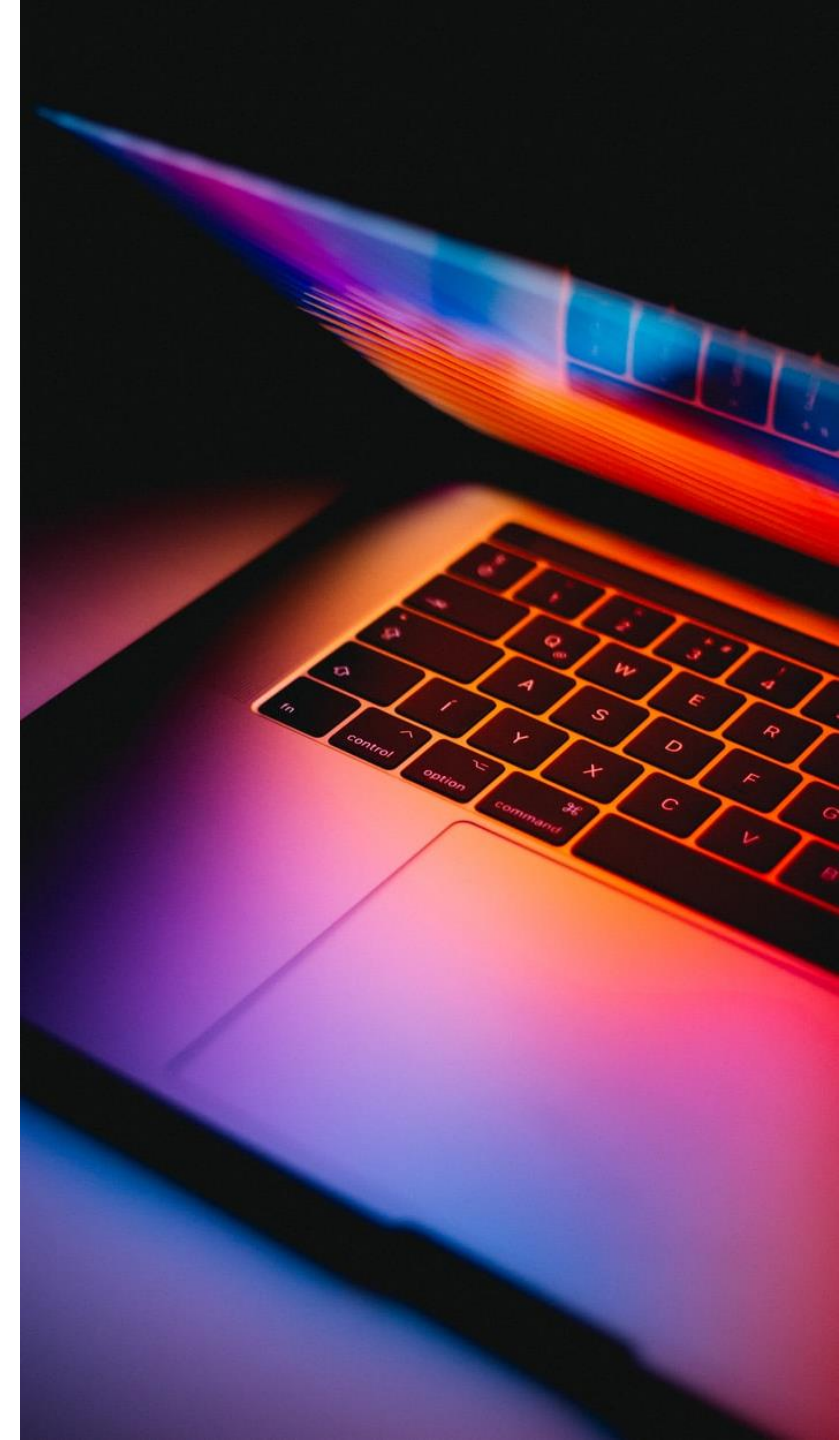
- Archivists can make copy of work in permanent collection in a different form to that the copy takes, eg creating digital copies of VHS tapes
- Copy must be undertaken for preservation or archival purposes
- Should not be commercial or indirectly commercial



## Exceptions for libraries and archives

Exception 3: Making works available on dedicated terminals (2019 Act)

- Organisations may copy or digitise selected third party copyright material from permanent collections
- 'Fair dealing' extended to use of dedicated terminals on premises of library or archive for items in permanent collection
- For education, teaching, research or private study
- Must be accompanied by a sufficient acknowledgement

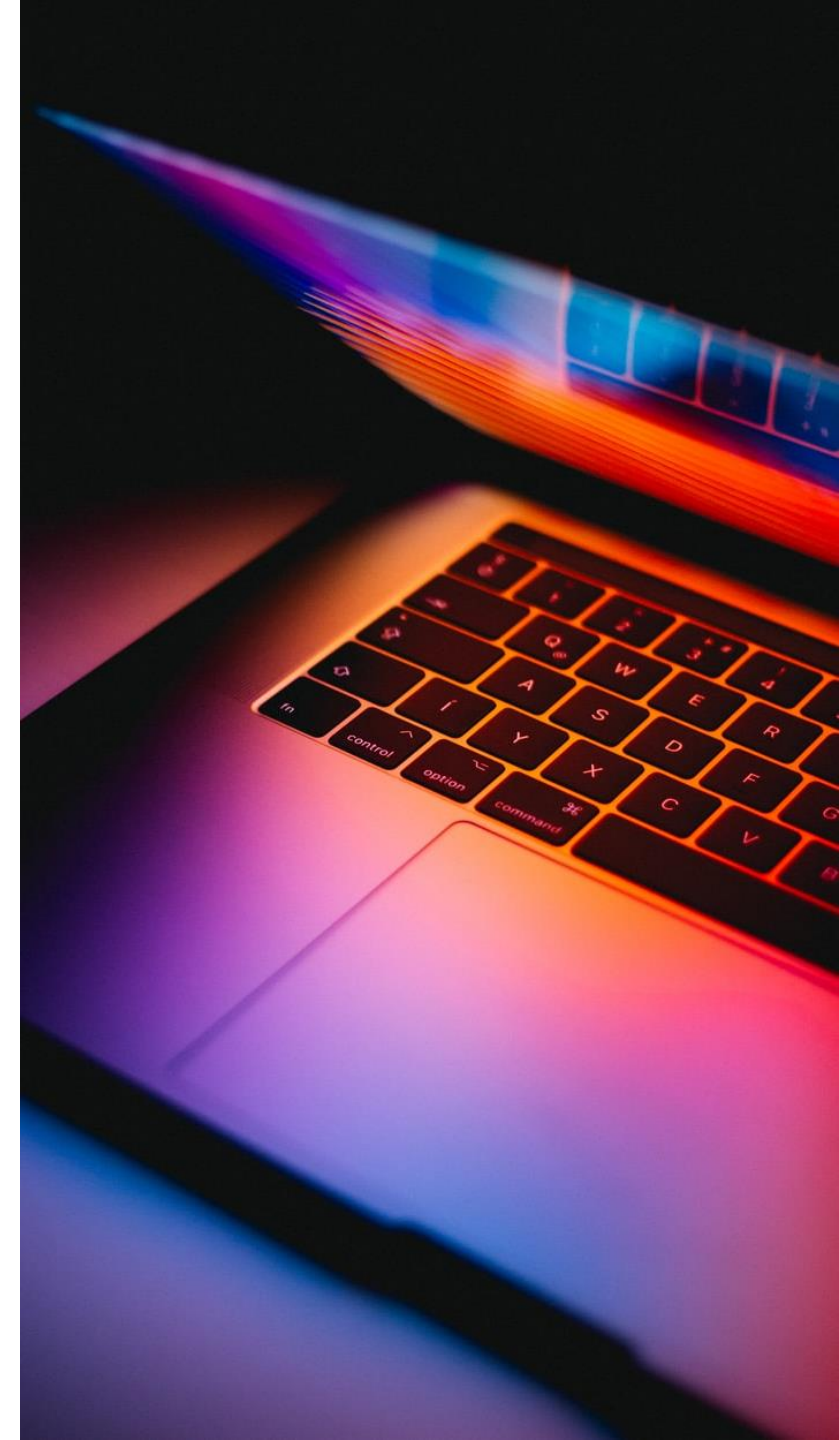




## Exceptions for libraries and archives

### Exception 3: Making works available on dedicated terminals (2019 Act)

- 'Dedicated terminal' also extends to communication by archivist to the public recordings of performances in the permanent collection of a library or archive
- Must be on premises of library or archive
- Must be undertaken for sole purpose of education, teaching, research or private study
- Must be accompanied by sufficient acknowledgement





## Exceptions for libraries and archives

### Exception 4: Displaying copies for talks (2019 Act)

- Under 'fair dealing' – archivists can display briefly copy of work in library or archive during course of public lecture
- Must be undertaken for sole purposes of education, teaching, research or private study
- Sole purpose must not be directly or indirectly commercial
- Must be accompanied by sufficient acknowledgement



## Exceptions for libraries and archives

Exception 5: Display of still image of short clip from recording of performance (2019 Act)

- Brief and limited display of still image or very short clip from recording of performance in permanent collection
- Either in archive or another prescribed archive by archivist or delegate during public lecture
- Undertaken for the sole purpose of education, teaching, research or private study
- Purpose neither directly nor indirectly commercial
- Must be accompanied by sufficient acknowledgement





## Exceptions for libraries and archives

Exception 5: Display of still image of short clip from recording of performance (2019 Act)

- Communication through internet or display
- Display must be for sole purpose of education, teaching, research or private study
- Must be neither directly nor indirectly commercial
- Must be accompanied by sufficient acknowledgement





## Exceptions for libraries and archives

### Exception 6: Recording of performance in collection (2019 Act)

- Librarian or archivist may make copy of recording of performance in permanent collection
- Must be for purpose of compiling or preparing catalogue OR publishing image or clip from recording in catalogue relating to exhibition
- Must be non-commercial purpose
- Must be accompanied by sufficient acknowledgement

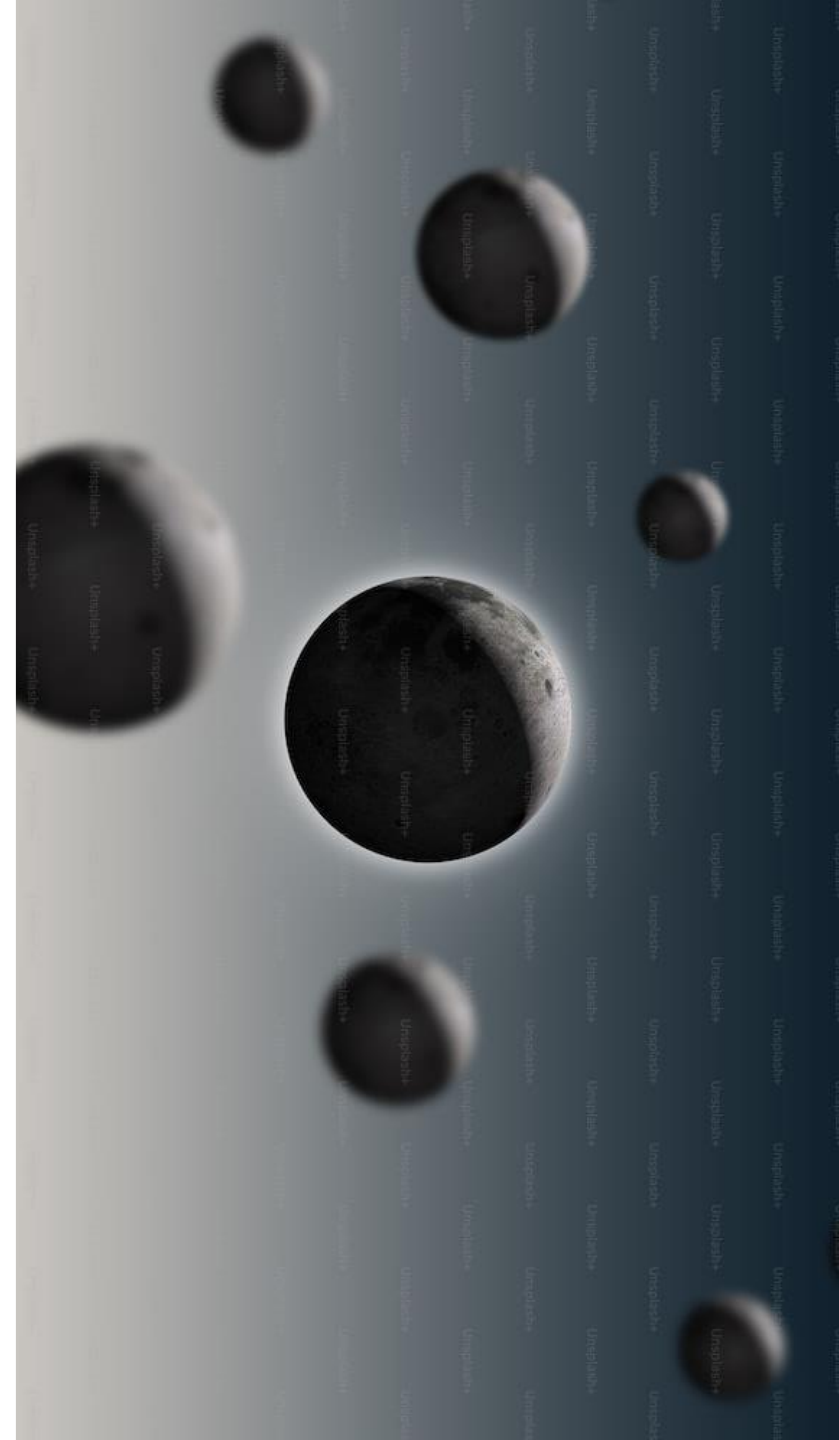




## Part 2: Copyright in the E-Environment<sup>P</sup>

# Overview of copyright in electronic environment

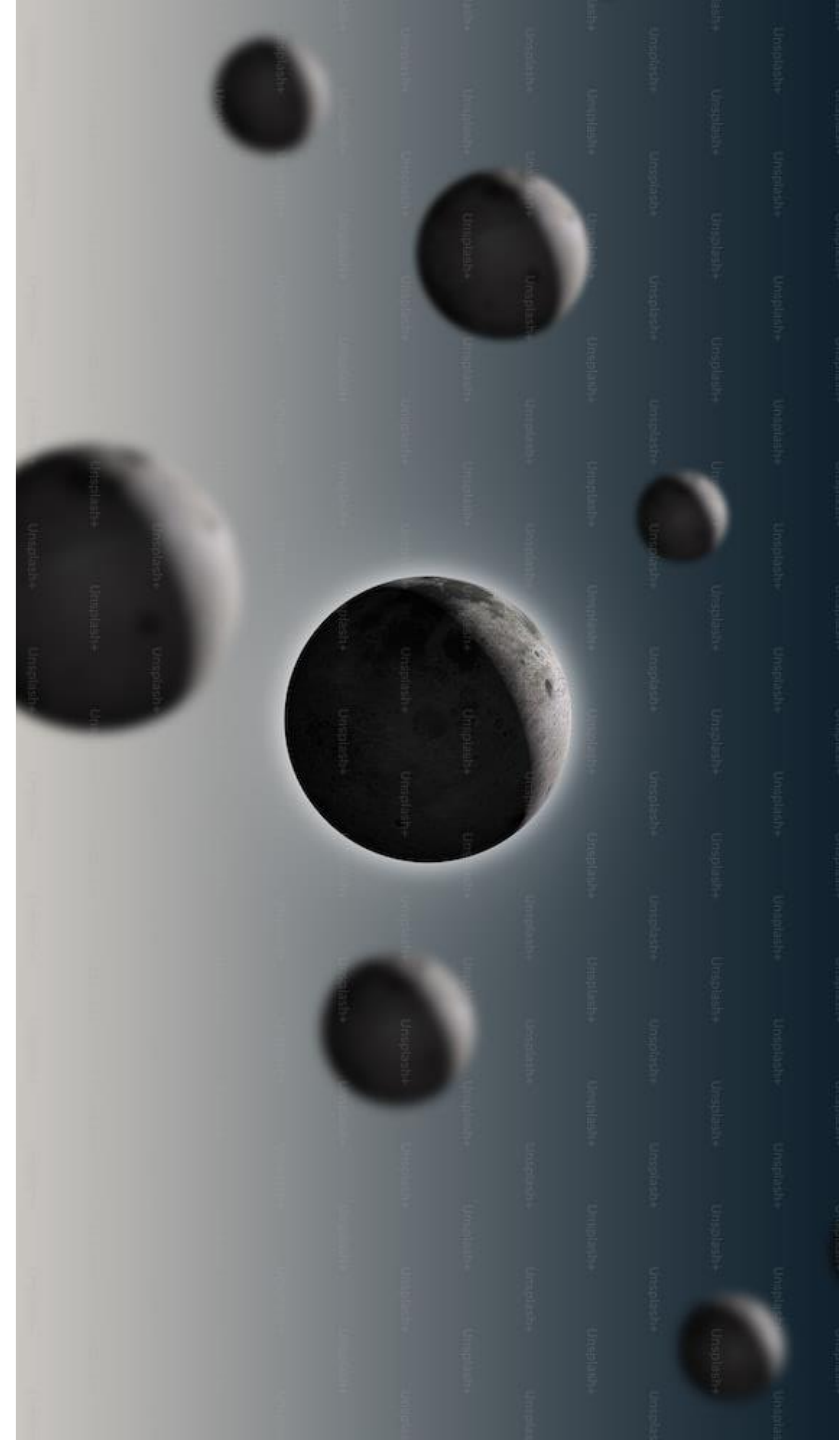
- Existing copyright law usually applies in same way to e-environment
- E-materials protected by copyright and owners enjoy same rights
- Social media platforms – have own regulations for users (see terms and conditions on signing up)
- Copyright law differs widely from country to country
- Internet global, therefore issue with enforcing website copyright in different countries





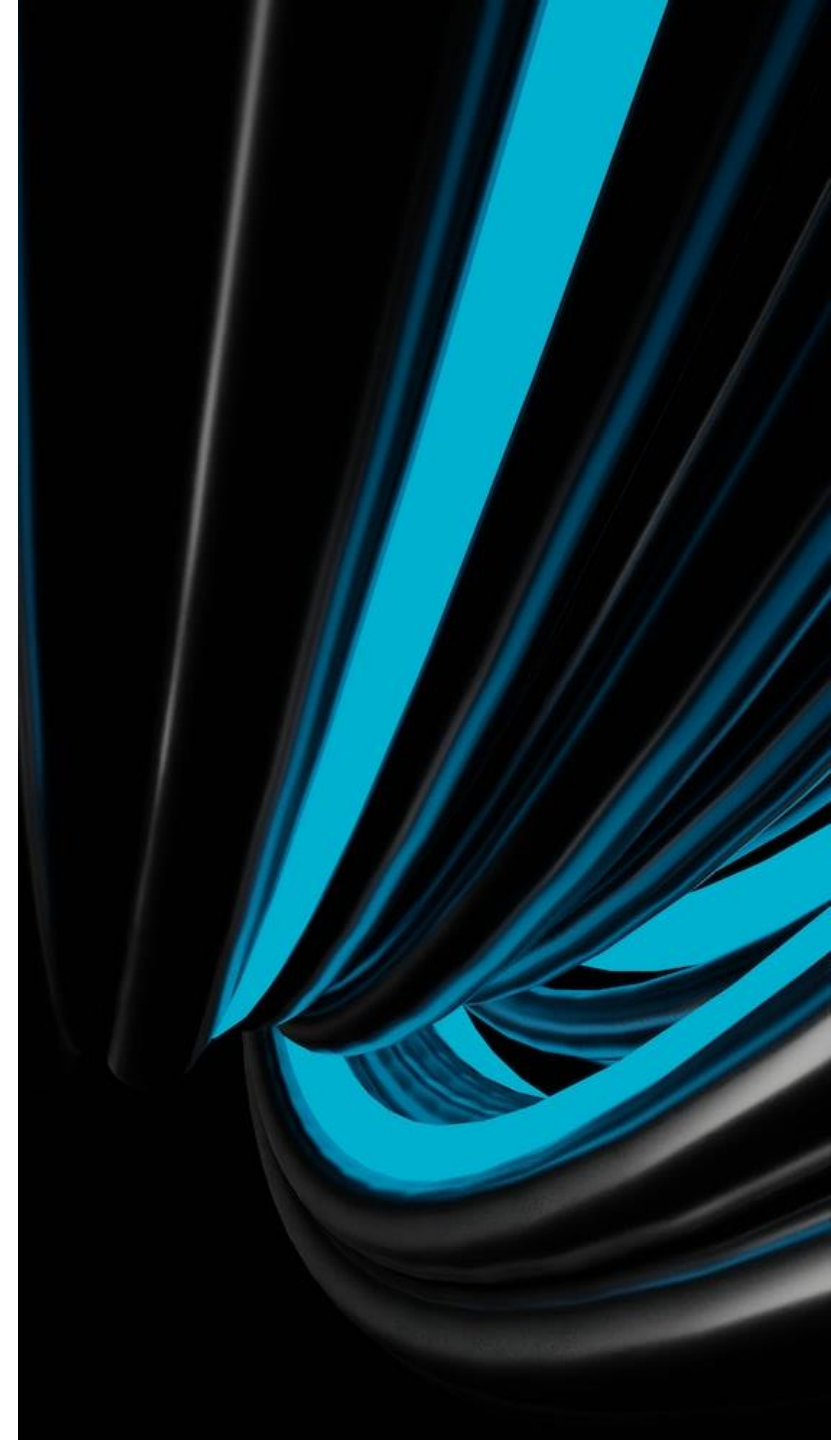
## Overview of copyright in electronic environment

- Publication online, even if not for profit, still viewed as an inherently commercial activity
- Risk of infringing copyright is much greater in e-environment than 'paper'
- Do not place material on website if you do not wish it to be copied, downloaded or shared around the world



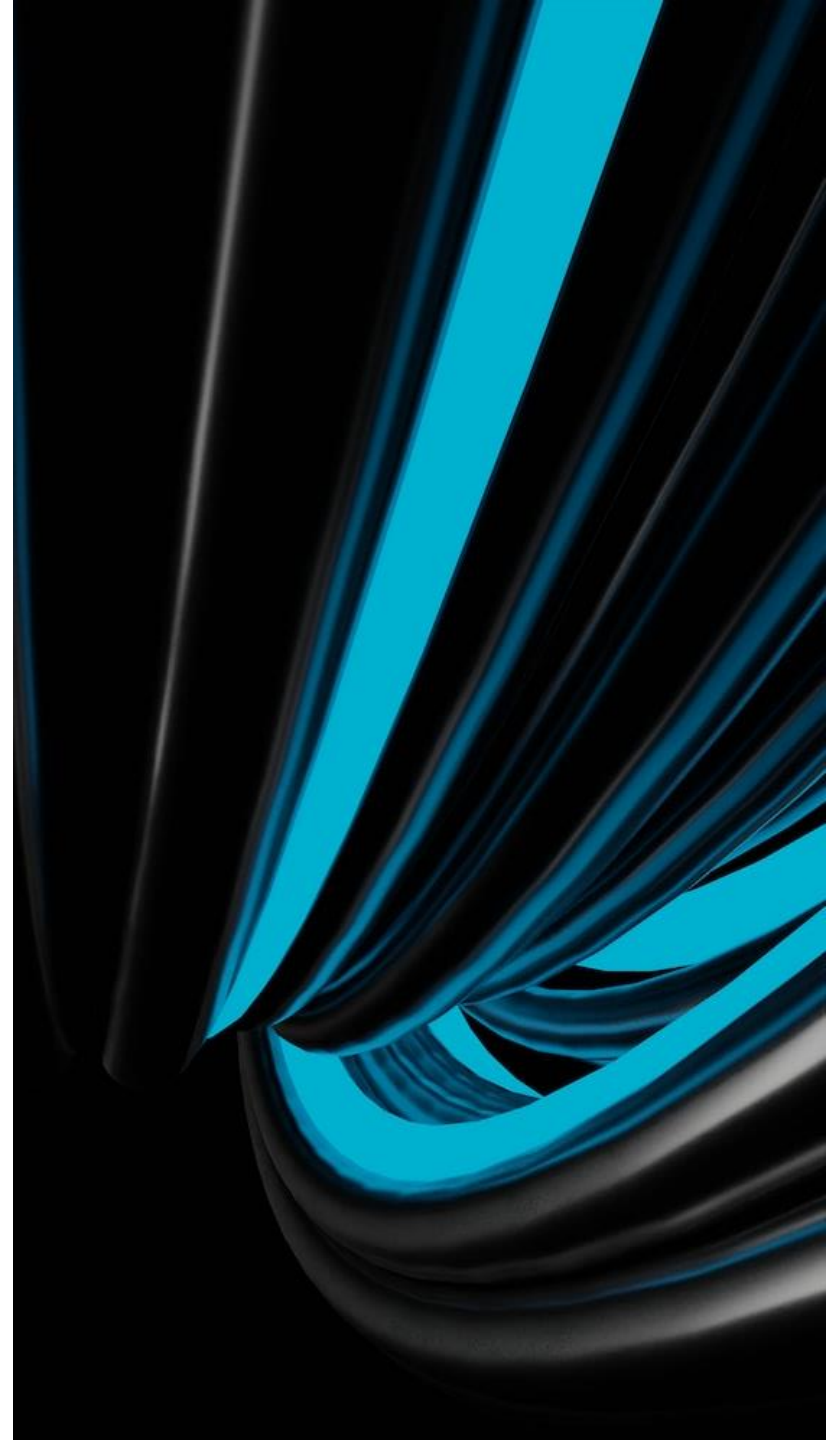
## Overview of copyright in electronic environment

- Works online are communicated to the public
- Copyright duration and protection for online material same as for physical collections
- Material displayed on websites includes literary and artistic copyright in text and images, and in online catalogues
- Website design also copyright protected, including logos, trademarks, and other marks of owner
- Online catalogue also contains database rights completely separate to copyright in website



## Using third party copyright works online

- Reproduction of works, including posting on website, a restricted act if content is third party copyright
- Infringement by communication to public unless licenced for online use by copyright owner
- Copyright exceptions that permit unlicensed communication to public in appropriate circumstances eg caricature, parody, and pastiche





## Protecting your online content

- Many organisations protect their online content
- Image protection via watermarking, disabling right click, copy-protecting, low resolution copies, geo-blocking (restricting access to users in specified locations based on internet protocol address or access point used by mobile device), fingerprinting devices
- Option to make your organisation's content available in area of website accessible only to certain subscribers



## Protecting your online content

- Copyright owners require that information about their digital rights is attached to digital copies of online works, eg metadata, preferably written in digital rights language that can be interpreted by computers and search engines
- Identify third party copyright work by reference code, author, rights owners, uses permitted, conditions of use





## Case Study: Irish Traditional Music Archive





# ITMA - The Well for Irish Traditional Music, Song and Dance

- World's largest multimedia collection of materials relating to Irish traditional song, instrumental music, and dance
- Digital Library providing remote access to audio, text, video, images and interactive scores

## ITMA

- ITMA embarked on Rights and Public Access project for ITMA online collections
- Focusing on rights clearance for audio collections
- To increase access to archival collections online and to increase material shared with public
- Stage 1 – developing processes around clearance of rights for audio collections



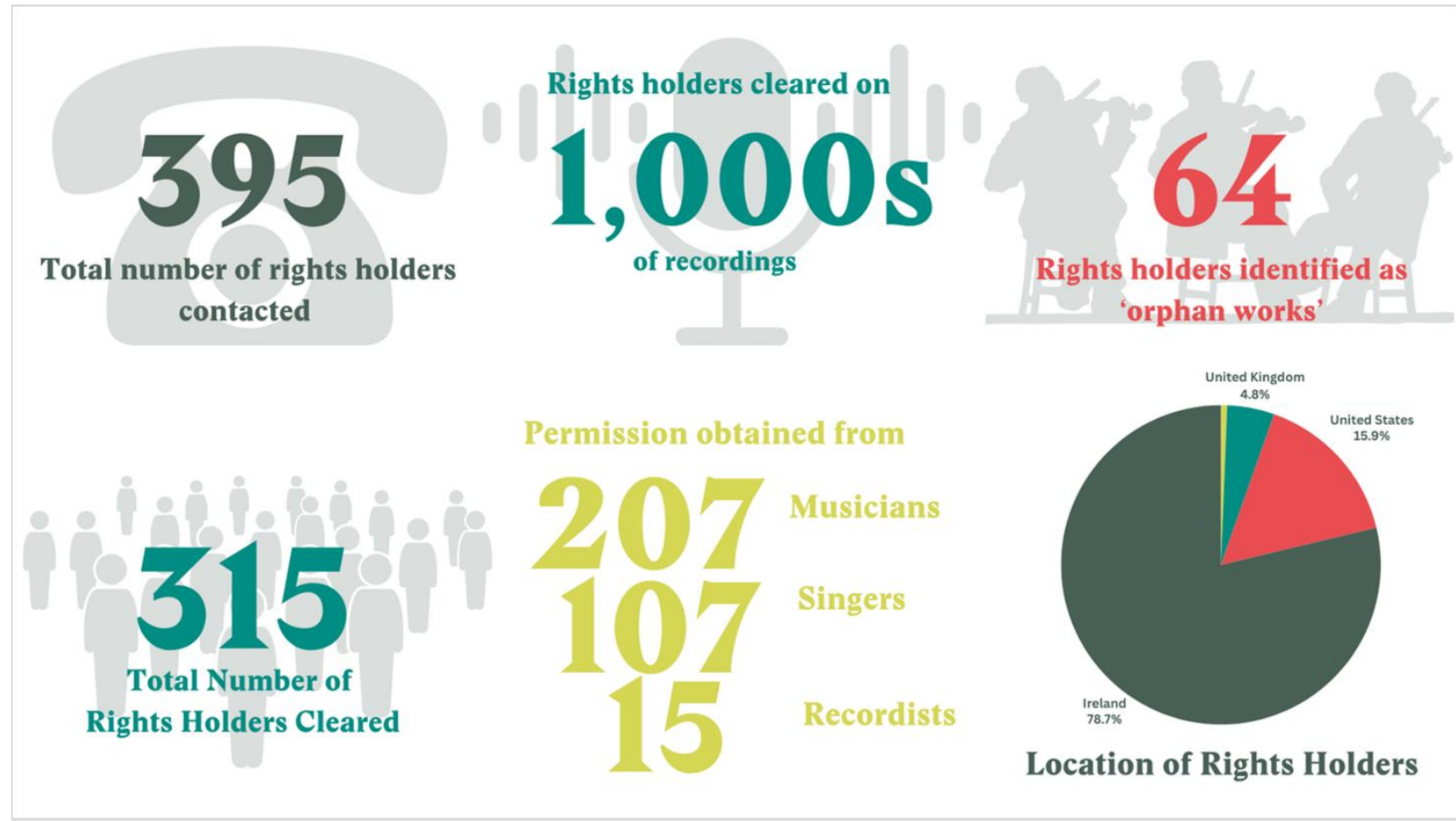
## ITMA

- Stage 2 – clearing rights in ITMA collections for online dissemination and orphan works
- Due diligence process, and ensuring access restrictions reflected in metadata and archival systems
- Developing rights database to record information and restrictions
- Discussion with rights holders and families
- Some will be registered under the EU Orphan Works database





ITMA cleared rights for thousands of musicians and recordists for non-commercial recordings





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