The Rights Clearance Documentation Tool

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Rights Clearance Documentation Tool (RCDT) was designed and developed in the framework of the EODOPEN project (2019–2024). The project focused on making library collections visible, especially works published in the 20th and 21st century. The leading partner, University Library of Innsbruck, was joined by 14 European libraries from 11 countries to achieve the project's objectives, such as building a common portal to display the project's results and stimulating interest in access to textual material covered by the project. Working Group 6 (WG6), led by the National Széchényi Library (NSL), aimed at designing and developing an online tool for the documentation of rights clearance. RCDT is a web-based application and serves to support library employees in their work aiming at identifying copyright statuses of materials by documenting each step of rights clearance procedures. This article includes an overview of its main features.

rights clearance documentation, library digitization, copyright, out-of-commerce works, EUIPO

1. Introduction

The EODOPEN project (2019–2024) focused on making library collections visible, especially works published in the 20th and 21st century. The project consortium was led by the University of Innsbruck and consisted of 15 project partners representing 11 European countries. The objectives, as it is stated on the project website (EODOPEN 2024), include "reinforcing the capacity of library staff with regards to dealing adequately with rights clearance questions". Two working groups of the seven (WG5, WG6) addressed the issue. WG5 aimed at capacity building of library staff in terms of rights clearance. WG6, led by the project employees of the National Széchényi Library, was tasked with designing and developing an online tool for the documentation of rights clearance (Dancs, Sz., Radó, R. 2021a, 2021b). Rights Clearance Documentation Tool (RCDT) is a web-based application and serves to support library employees, so called Copyright Clearance Officers (CCOs), in their work aiming at identifying copyright statuses of materials by documenting each step of rights clearance procedures. Thus, CCOs have the opportunity to build a database about documents that have already gone through the procedure and have an identified legal status, which is of high importance for making digitized materials available in the cultural heritage sector.

First, members of work WG6 have identified requirements for a tool for legal-ly appropriate documentation of rights clearance activities (of all kinds), based on the results of surveys sent to all project partners taking into account frame conditions such as national laws and current state-of-the-art interfaces and plat-forms and compiled those in a specification paper. As a next step, WG6 put in those specific requirements which can make up a more technical specific paper for the tool and could serve as a guideline for the development of RCDT. That document was compiled in close cooperation with the IT team responsible for the creation of the given application. NSL staff presented the concept to project partners, giving them several insights into their developments and access to testing. Refinements and adjustments were made based on their suggestions and discussions with them. RCDT is now ready to use.

2. Purpose

Copyright clearance is a process for identifying copyright status of collection re-sources in order to provide legal access to these materials. It includes diligent search which needs to be conducted in order to identify orphan works (Directive 2012/28/EU of the European Parlament and of the Council of 25 October 2012 on certain permitted uses of orphan works 2012) (Orphan Work Directive). It also covers steps to identify out-of-commerce works, which is an aspect getting high importance as the *Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC* (2019) (DSM Directive) is being implemented in member countries.

The developers' goal was to identify requirements for a tool which is flexible enough so that stakeholders can efficiently use it to record relevant information occurring while rights clearance activities are being conducted. All information regarding copyright clearance processes conducted in the past should be easily retrievable in the future, including resources consulted, IDs of copyright clear-ance officers, etc. Copyright statuses should be controllable, and their changes over the time need to be followable.

When compiling a comprehensive workflow of copyright clearance, we found that local workflows are mainly determined by national regulations which are pretty similar due to the implementations of the same copyright directives over Europe. The role of the European Union Intellectual Property Office (EUIPO) (2024a) in future copyright clearance procedures is also significant and needed to be tak-en into account. Rights clearance will increasingly be bound to the use of out-of-commerce (OOC) works and – to a lesser extent – orphan works, which means that the database(es) maintained by EUIPO will be crucial from our specific aspect, including their metadata scheme. It is worth mentioning here, that the orphan work regime had met a great criticism since its implementation (Kluwer Copyright Blog 2023, Matas, A. 2024), which has been affirmed by feedbacks and experiences of different stakeholders. Also, practices for diligent search, required by law, are also varied in different countries and institutions. In spite of that, RCDT provides options to document data on works identified as orphan.

RCDT needs to provide a step-by-step method to lead users through the stages of rights clearance workflow in order to guarantee that data regarding all specific stages is going to be well-documented. As for this workflow management feature in RCDT, we based our approach onto the conception, that workflow manage-ment systems aim at leading you through all steps of the workflow and guarantee

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that these steps have been carefully taken and recorded data is valid. Similarly, the workflow management feature included in RCDT is for helping Copyright Clearance Officers (CCO) record valid data on materials that are to be made available in digital form, bearing in mind, that libraries, mainly those managing copyright-related data, have a great responsibility to provide reliable information. Also, it is worth emphasising, that there is a dependency between steps to be taken.

3. Interoperability

In cases where sources of data (e.g. library catalogues) can be accessed via standard interfaces, the first step of documentation of rights clearance procedure can be automated by importing relevant data (instead of manual typing). When a work is identified as OOC or orphan, its description should be uploaded to the relevant EUIPO database (EUIPO 2024b, 2024c), which can be conducted via a bulk load method as well if a well-formed output file is provided. Use of an API for data exchange with EUIPO databases would be preferable, and information was provided to the Office about the expected features of a possible future API. The Out of Commerce works Working Group of EUROPEANA (EUROPEANA Pro 2024) sent a letter to EUIPO mentioning EODOPEN project and the relevance of developing such an application. In the meantime, RCDT provides a solution (Out-Of-Commerce Data Packing Software (OOPS!)) so that the partners could convert their data to an EUIPO-compliant format and upload it to the OOC or OW (Orphan Work) database. OOPS! harvests relevant data and runs data-conversion in an automatized way, but tasks can also be managed manually. (Implementation and use of OOPS! are optional.)
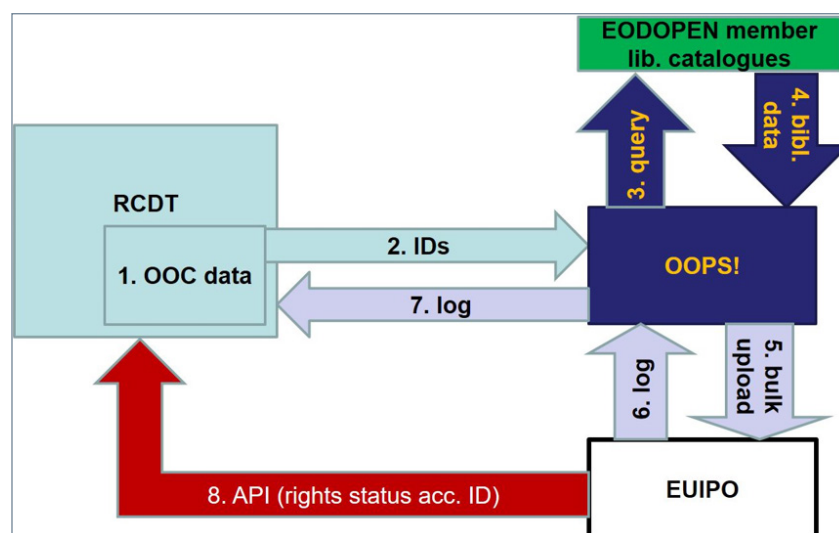
Fig. 1: A simplified illustration of RCDT-OOPS!-EUIPO dataflow

4. Starting to use RCDT – Registration, signing in, user rights management

The tool can be available at this URL: http://rcdt.oszk.hu/en/. By opening the URL you arrive at the Welcome Page where you can find a brief information about the tool. Through this page, you can log in to the system. In the menus, you can change the language setting, and, after logging in, you can also find information about contacts, and access the right clearance documentation workflow.

But before logging in, registration is required.

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In order to use the tool, one needs to create an account. To do so, they have to click on the "Registration" button in the menu line (up and right), then some basic information needs to be added, such as contact data, the name and the address of the institution represented, etc. The Registration site also includes a Captcha test in order to deter bot attacks and spams.

The scope represented by the user (Copyright Clearance Officer) can cover a region/zone (typically country), but one can only be responsible for the activities of its institution. It depends on how the copyright clearance work is organized in the specific country.

After registration, the next time CCO enters the RCTD page, they will be greeted by the "Sign in" page (Fig. 2).

Fig. 2: The "Sig in" page of RCDT

As for data access, two levels are differentiated in user rights management. These are the *central (system level) rights and regional rights*.

Central (system level) rights are the following:

- admin – administrators at the top with privileges to perform all functions;
- user_editor – editors are authorized to register new countries/regions/ institutions and users (the latter are authorized to perform functions exclusively within their own scope);
- trans_editor – translators can upload and edit translations: the English version of interface is provided by NSL, language versions are expected to be provided by user institutions.

Central rights are exercised by authorized employees of the National Széchényi Library NSZL, i.e. the organization which is responsible for the maintenance of the system.

Regional rights are restricted to specific zones. CCOs with regional rights do not have access to data of other zones. These include the following:

- reg_editor – by region/zone/country, with right to edit records and conduct copyright clearance in the system;
- reg_rewiever – by region/zone/country, with rights to review, approve, or reject records.

A user might have multiple rights, for example: an editor who is responsible for recording data can be authorized as the one who is responsible for reviewing and approving data. Regional rights are exercised by authorized employees at the registered institutions, and are set up and maintained by those exercising central rights (at NSZL).

"The scope represented by the user (Copyright Clearance Officer) can overall a region/ zone (typically country)…"

5. Rights clearance process

Formerly, NSZL project staff collected information about rights clearance workflows implemented in project partner institutions, this information was included in the specifications of requirements. The rights clearance process is based on this information provided. It can be launched by clicking on "RIGHTS CLEARANCE" in the upper menu after logging in.

5.1. Search in the local database and the display of results

Process can be started by running a query in the local database (= RCDT database). The database includes descriptions of those documents, which have already been (partly or fully) processed to identify their copyright status. In other words, the local database is the database of RCDT where one can check whether the data of the material to be digitized is already recorded, i.e. one can see if it is undergone or currently undergoing copyright clearance procedure. A record status can be the following: "Ready to edit"; "Ready to review"; "To be corrected"; "Copyright-cleared"; "Withdrawn"; "Deleted".

The result list appears under the search field. It includes basic data on items, their status, and actions to perform. Items can be edited, reviewed (incl. approval or rejection), etc.

Apart of record status, you can search according to rights statements, which are the following:

- **PD** – records on works belonging to the public domain
- **OOC** – records on works considered out-of-commerce according to national law
- **OW** – records on works considered orphan work according to national law
- **In Commerce**
- **Processing has not yet started**

You can download the collected records in CSV format by using the DOWNLOAD button (Fig. 3).

> "The database includes descriptions of those documents, which have already been (partly or fully) processed to identify their copyright status."

Fig. 3: Downloading search results

One can start a refined EUIPO OOC search by choosing from the following list (Fig. 4):

- **Under 6 months** – records on works considered out-of-commerce according to national law, submitted to the EUIPO OOC Database within 6 months
- **Over 6 months** – records on works considered out-of-commerce according to national law, already submitted to EUIPO OOC Database more than 6 months ago
- **To be uploaded** – records on works considered out-of-commerce according to national law, not yet submitted to EUIPO OOC Database.

Fig. 4: Search according to EUIPO OOC status

After clicking "Advanced search" button, some data fields appear. One can use these criteria to run another search accordingly (such as "Catalogue Identifier"; "Title/Series title"; "Author"; "ISBN", etc.).

You have an option to run a search in the local database according to licence ID, since "Notes" field can be used to include data other than those in the descriptive fields, such as a licence ID or another contract information on a copyrighted digitized document. It is worth applying a normalized term as a prefix before the ID number (e.g. "licence ID 50783"), then one can search either for the ID number ("50783"), or for the full string ("licence ID 50783") with the same result. (If one wants to query all the records containing a licence ID, they have to use the prefix string (i.e. "licence ID").

5.2. Using Z39.50/SRU/SRW protocol and the display of results

Copyright clearance process is usually started by importing the relevant record from the online catalogue of a specific library. In most cases it is much preferable than typing bibliographic data manually. By using "Z39.50 settings" button one can access the site where they can either set the relevant parameters for a specific existing protocol (using "Add new parameter"), or edit the server data ("Edit"). Also, here they have the opportunity to add a new Z-server to the list ("Add new server").

If the server is already on the list, one can choose it by clicking on the "Z39.50" search. If one already chose a server, it will serve as default setting at the next searches. After search Z39.50/SRU/SRW resulted records will be displayed as a list on the bottom (Fig. 5).

"Copyright clearance process is usually started by importing the relevant record from the online catalogue of a specific library."

Fig. 5: Results of a search using Z39.50/SRU/SRW protocol

The CCO can download the relevant description from here. The imported record is displayed among the others waiting for progressing in the database (with "Ready to edit" status) (Fig. 6).

Fig. 6: Records imported via Z39.50/SRU/SRW protocol

If the item cannot be found at the library catalogue, or it cannot be imported for any reason, it can be recorded as a new item after clicking as well. However, we recommend users to create a record at their own catalogue as a first step, and then download the description via Z39.50/SRU/SRW.

In addition, there is a solution for those who prefer bulk upload instead of using Z39.50/SRU/SRW for importing records one-by-one (or Z39.50/SRU/SRW does not work for them). A CSV sheet can be completed and uploaded to RCDT. A template and an example file have been made available for those opting for this solution.

5.3. The copyright clearance process in RCDT

Copyright clearance process can be launched by clicking "Process" button on the top menu of the short record description. The tool leads you through the various stages of the whole workflow which includes the following steps and information to add:

1. Checking description of the work in EUIPO databases – at the first step one can check if the description of the specific work is already in one of the databases (Out-of-commerce Works/Orphan Works) maintained by the European Union Intellectual Property Office (EUIPO) (Fig. 7).
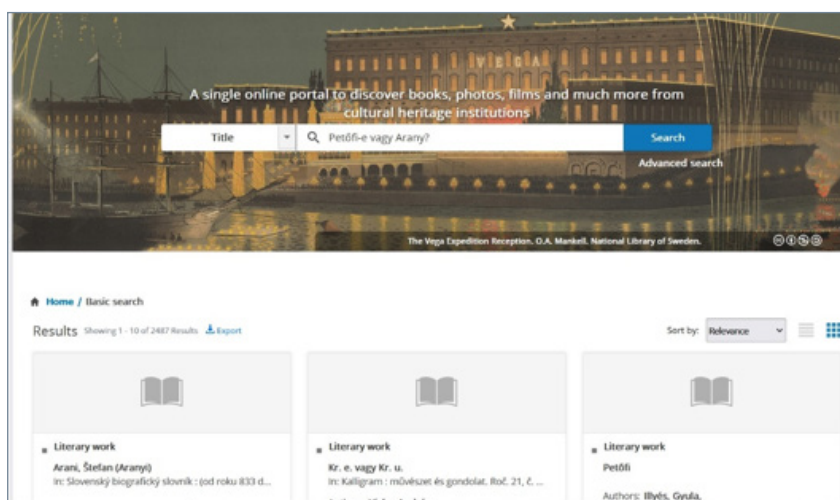

Fig. 7: User interface of OOC portal maintained by EUIPO

- Recording ID & clarifying status – if the relevant record is found in one of the EUIPO databases, its EUIPO ID number and the date of uploading should be indicated in the relevant field.
- Date of publication and year of death of the last deceased author – regardless of the fact if the record is in one of the EUIPO databases, date of publication and year of death of the last deceased author need to be recorded. This information is important not only to identify whether the specific work is currently in the public domain, but also to automatically check if the work becomes public domain in the future.

2. Declaration about illustrations – this is relevant mostly in countries where visual works and literary works do not belong to the same category from a rights management point of view.

3. Date of publication – by default, every work published more than 140 years ago are considered to be in public domain. If the institution's policy differs in this regard, the number of years can be modified accordingly, or, if there is no such regulation in the specific country/region, this step can be skipped.

"Copyright clearance process can be launched by clicking "Process" button… The tool leads you through the various stages of the whole workflow…"

"Basic data, such as identifier, title, author, ISBN, etc., can be modified at all stages of the workflow and at the reviewing stage."

4. <u>VIAF ID and year(s) of death</u> – at the next stage you can provide VIAF IDs of authors. Similarly, years of death can be given. The most significant one is of the contributor who deceased latest, because copyright term is automatically calculated according to the date of their death.

5. <u>Declaration about whether the work is considered in-commerce or orphan work according to local OOC implementation</u> – the regulations mostly differ in each country in determining whether a work is considered to be in-commerce or an orphan one.

5.4. Constantly available elements, modification possibilities, withdrawing

During the whole workflow you have the opportunity to view detailed information ("Details" button) which includes basic description data and data registered during the copyright clearance process. Basic data, such as identifier, title, author, ISBN, etc., can be modified at all stages of the workflow and at the reviewing stage. Rights statements also can be modified by Reviewer at the reviewing stage.

Records can be viewed ("View") and enriched by notes ("Item notes") at any time. You can add information about e.g. licences to the records as notes.

There are cases, when a record is being withdrawn from one of the EUIPO databases – for instance, it may occur due to the author's objection, or when the copyright of the work expires. In these cases you van withdraw the record from RCDT too (Fig. 8). And, if it is found necessary, you can provide a reason for the withdrawal as a note.

Fig. 8: Steps of withdrawing a record

6. Bulk functions

6.1. Manual bulk upload to EUIPO

Records, retrieved according to defined parameters, can be collocated and managed as batch records.

   Applying bulk function is preferable when we consider to upload records to EUIPO databases, or we need to provide with precise data on works embedding illustrations to the relevant collecting society. In the former case, you need to search by EUIPO OOC statement "To be uploaded". Records filtered this way need to be packed for bulk upload. In the latter case, those indicated as "Illustrated" need to be collected for the same purpose.

6.2. Automated bulk upload to EUIPO

The experts at the National Széchényi Library developed an additional software to automate and streamline rights clearance processes. Out-Of-Commerce Data Packing Software (RCDT-OOPS) is a web application aiming at preparing OOC-data to be uploaded to the EUIPO OOC database. It communicates with RCDT.

   If an institution uses RCDT-OOPS, data will be harvested automatically and converted to a file that complies with the bulk upload template of EUIPO. One can check the records to be uploaded to EUIPO by clicking the TO EUIPO button (Fig. 9).

Fig. 9: Checking the list of records to be uploaded to EUIPO

One also has the opportunity to download these records in CSV format and upload them manually to EUIPO after converting them according to the EUIPO template.

7. Summary

RCDT is for documenting information pertaining to copyright clearance procedure and materials undergone it. Steps of the workflow which need to be reflected in it have been previously identified in a specification paper. In another phase of the development, a pre-prototype had been installed in order to support identifying and collecting different use cases. A full documentation was then produced and published on the RCDT website to serve as a user guide for those

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planning to implement the system. This article is based in part on this documentation, which covers all the features which make the system quite comprehensive to reflect the complexity of rights clearance and its documentation.

This article has not dealt with RCDT-OOPS, which is intended to be the subject of another paper.

Acknowledgements

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