



Guidelines for the `europeana:rights` metadata element

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Introduction

The Europeana Data Provider and Data Aggregator agreements require that data providers apply a statement about the rights status of the digital objects described in the metadata submitted to Europeana. The `Europeana:rights` element has been included in ESE 3.3 for this purpose.

This document gives more information on how to provide such a rights statement. It deals solely with the rights in relation to the digital object because the rights relating to the metadata are dealt with in the Data Provider agreement. For users of Europeana, the rights statement given for the object also applies to the small images (thumbnails and previews) used in the portal.

The rights statements about the digital object will be attached to all presentations of the object within Europeana using visual, textual, and machine-readable methods to ensure rights information is as clear as possible for Europeana's end-users.

This document will first explain the different possible rights statements that Europeana can present and then describe how this information should be relayed to Europeana using the Europeana Semantic Elements format.

Available Rights Statements

Only one rights statement can be applied to objects submitted to Europeana and there are many permutations of rights that are applicable:

- Objects that **are not** protected by copyright and are defined as being in the public domain
- Objects that **are** protected by copyright but the owner of the rights has applied specified license terms to the object permitting certain uses of it
- Objects that **are** protected by either copyright or related rights and there may be restrictions on the on-line access.

Europeana provides two sets of rights statements to cover all the conditions mentioned above. Only one statement can be applied to an object submitted to Europeana.

- The first set is from the Creative Commons (CC) domain and encompasses
 - the Public Domain mark for objects that are not in copyright
 - seven possible CC licenses for objects that are in copyright.
- The second set comprises four possible statements defined by Europeana for use with objects that have reserved rights and may have on-line access restrictions. There is also an "Unknown" statement.

These alternatives are further described below.

The Public Domain Mark (PDM)

<http://creativecommons.org/publicdomain/mark/1.0/>

Europeana has worked with Creative Commons to develop a simple mark that indicates that a work is in the public domain – the Public Domain Mark. Any work is in the Public Domain when there is no copyright in it either because these rights have expired or because the work is excluded from protection. This means that users are free to use the work without restrictions: this includes the right to reuse, distribute, and make derivatives without any restrictions.

Note that PDM is not a license and is not legally operative. It is simply a label that can be applied by anyone to an object that has no copyright protection to inform others of the status of the object. http://wiki.creativecommons.org/PDM_FAQ

Europeana's guidelines for end-users of objects declared to be in the public domain can be found at <http://www.europeana.eu/rights/pd-usage-guide/>. End-users will be informed of these guidelines when they read the public domain mark deed.

Creative Commons licenses (and the CC0 waiver)

<http://creativecommons.org/about/licenses/>

The Creative Commons licenses provide options for copyright holders to allow others to re-use digitised objects exposed through Europeana in six different ways, ranging from relatively open (only requiring attribution in case of re-use or redistribution) to relatively restrictive (only allowing the non-commercial redistribution of verbatim copies). The Creative Commons licenses have become standardized tools that are widely used online.

In addition, Creative Commons provides an option to waive copyright and dedicate an object to the public domain using a zero waiver - CC0. CC0 is a legal tool that allows copyright holder(s) to explicitly waive all copyrights and neighbouring rights in a work thereby making the object available without any restrictions.

The CC0 is significantly different from the PDM however because it will be applied to works that are in copyright (but the rights are waived) whereas PDM is for objects that are already out of copyright. Legally, these are different situations.

Although Europeana asks data providers to apply rights statements to objects, it is important to note that CC licenses can only be applied when the digital object has been so licensed by the rights holder, or if the Data Provider has obtained permission from the rights holder to do so.

The table below shows all the Creative Commons licenses in order ranging from the most open to the most restrictive.

<i>Creative Commons licenses (from open to restrictive)</i>
<u><i>Creative Commons - Zero (CC0)</i></u>
<u><i>Creative Commons - Attribution (BY)</i></u>
<u><i>Creative Commons - Attribution, Share Alike (BY-SA)</i></u>
<u><i>Creative Commons - Attribution, No derivatives (BY-ND)</i></u>
<u><i>Creative Commons - Attribution, Non-commercial (BY-NC)</i></u>
<u><i>Creative Commons - Attribution, Non-commercial, Share Alike (BY-NC-SA)</i></u>
<u><i>Creative Commons - Attribution, Non-commercial, No derivatives (BY-NC-ND)</i></u>

The full definitions and legal code of these licenses can be found on the Creative Commons pages at <http://creativecommons.org/about/licenses/>. In most European jurisdictions there are jurisdiction-specific versions of all Creative Commons licenses. Europeana accepts all versions and jurisdiction specific versions of these licenses.

Europeana rights statements

The following four Europeana Rights statement complement the CC ones. They all state that the objects are subject to rights (copyright or related rights), which may be held by either the data provider or third parties. Rights are therefore reserved in all cases but there is a need to inform users of differing levels of access to the objects on-line and to point to the site where more information about rights can be found. Finally to cover situations of uncertainty, an “Unknown” statement is available.

- **Rights reserved – free access**, is applicable when users have free (as in gratis), direct and full access to the digitized object. Needing to register or other administrative procedures in order for users to gain access to the digitized object should not limit the user.
- **Rights Reserved – paid access**, is applicable when users need to pay data providers to gain access to the digitized work. This can be the case when only a preview is accessible through the portal of a data provider and when registration and payment is required to gain access to the digitized object itself.
- **Rights Reserved – restricted access**, is applicable when users are limited in accessing a digitized object other than needing payment, for example when registration is required or only snippets or previews are available to users.
- **Unknown** applies to objects where the data provider does not have conclusive information pertaining to the rights status of the digital object. This value is only to be used when the copyright status of the work described is unknown. This may be used by Europeana to exclude items from display.

Selecting a value for the `Europeana:rights` metadata element

Data providers must include only one instance of the `Europeana:rights` element in object metadata and insert an appropriate value. This inclusion is recommended in ESEv3.3 and will become mandatory in the next ESE version.

The value this element should be the URL of the appropriate Creative Commons or Europeana rights statement. Tools will be provided to assist the process of license selection as part of the data ingestion framework.

URLs for CC licenses consist of a common root, plus optional statements regarding the version and jurisdiction of a license. They can be selected using the selection tool on the Creative Commons web site¹. These URLs resolve to the human readable license page on the Creative Commons site. Although not a license, the Public Domain Mark has been included here for ease of reference.

License examples	URL (root in bold)
<i>Public Domain Mark</i>	http://creativecommons.org/publicdomain/mark/1.0/
<i>CC – Zero (universal)</i>	http://creativecommons.org/publicdomain/zero/1.0/
<i>CC BY (v3.0 Unported)</i>	http://creativecommons.org/licenses/by/3.0/
<i>CC BY-SA (v3.0 Netherlands)</i>	http://creativecommons.org/licenses/by-sa/3.0/nl/
<i>CC BY-NC (v2.5 Germany)</i>	http://creativecommons.org/licenses/by-nc/3.0/de/
<i>CC BY-NC-SA (v2.0 France)</i>	http://creativecommons.org/licenses/by-nc-sa/2.0/fr/
<i>CC BY-ND (v2.0 in Spain)</i>	http://creativecommons.org/licenses/by-nd/2.0/es/
<i>CC BY-NC-ND (v1.0 in Finland)</i>	http://creativecommons.org/licenses/by-nc-nd/1.0/fi/

For the Europeana rights statement pages these URLs are:

Europeana rights statements	URL
Rights Reserved - Free Access	http://www.europeana.eu/rights/rr-f/
Rights Reserved - Paid Access	http://www.europeana.eu/rights/rr-p/
Rights Reserved - Restricted Access	http://www.europeana.eu/rights/rr-r/
Unknown	http://www.europeana.eu/rights/unknown/

¹ See www.creativecommons.org/choose/

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