META NET

Language Resources and Legal Issues: Problems and Solutions for Basic and Industrial Research

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Outline

1. Cultivating an environment for effective research

2. Main legal issues

3. Features of a Charter

4. Standardised Licences

5. Flows of rights/ value/ content

6. The role of an MoU

7. Technology

8. Workflows and their importance

9. Solutions suggested for META-SHARE and the iterative process of their creation

1. Cultivating a good research environment

In an ideal world ...

* LRs are freely **traceable, accessible, re-usable** and **derivatives** are allowed.
* Sets of data where **personality rights, moral rights and Personally Identifiable Information are** easily infringed are **cleared** so that researchers do not have to worry about this.
* Monetary matters are either not an issue (**no charges**), pre-cleared or subject to a **standardised remuneration system.**

2. Main legal issues [I]

A. The existing legal system is not designed for the use of language resources

B. Different basic legal terms as well as different exceptions and limitations to protective rights apply across different national legal systems.

C. Issues beyond Copyright: obtaining consent from the Data Subject or data processing in accordance to Data Protection Principles

2. Main legal issues [II]

D. Access is often subject to non-standard legal terms (over time producing a lot of legal noise).

E. Licensing terms are not readily accessible or machine readable

F. Licensing does not always provide the level of security required by the users of a resource

2. Main legal issues [III]

G. Re-use is subject to even more non-standard legal terms

H. Re-use is often restricted to certain types of users, usage scenarios or usage objectives, which are not consistent across the same pool of resources.

I. In many cases the chain of rights is entirely invisible to the re-user (risk of unintentional infringement and liability – low possiblities of extensive institutional use or commercialisation)

J. Use of custom-made Share-Alike/ Copyleft clauses is likely to cause islands of commons that cannot be mixed with each other

3. A Charter [I]

A. An important step toward the setting up of getting the ground rules for specific communities right

B. An increasingly growing trend:
* Europeana
* COMMUNIA
* Panton Principles (Science Commons)

C. A fundamental step in the direction of solving some of the key environment problems for META-SHARE

3. A Charter [II]

What should the META-SHARE charter cover:

1. **Access** to language resources must be as **open** as possible and should allow **transformative uses** and **super distribution**.

2. Content entering the network must be properly documented, carry sufficient metadata as well as a **rights clearance**, commercial rights to be included or easily obtainable.

3. **Attribution and copyleft** must be governed by **consistent rules** and the data itself should be free of any licensing or other conditions.

4. **Internal sharing** must be **as restriction-free as possible** and each LR must have a network member or repository as **curator**. For the purposes of **external dealings**, **standard commercial deals** have to be made available.

3. A Charter [III]

What should the META-SHARE charter cover:

5. Draw up the **framework for sharing**, f.e. dissemination via a separate MoU for each resource.

6. State the **bottom line of the MoU**: Granting a permanent license to use, re-use, disseminate and sublicense the LR.

7. No **third party rights** granted, licensee liable for obtaining such.

8. Restrictions on **commercial use** (if applicable) and requirement to keep intact **notices**.

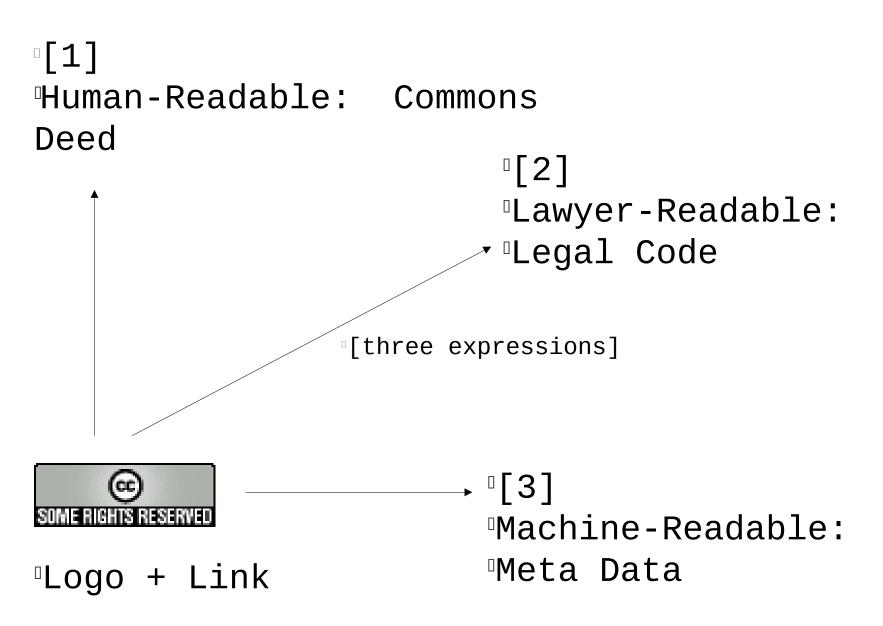9. **Additional clauses** concerning metadata, indemnification, governing law, completeness etc.

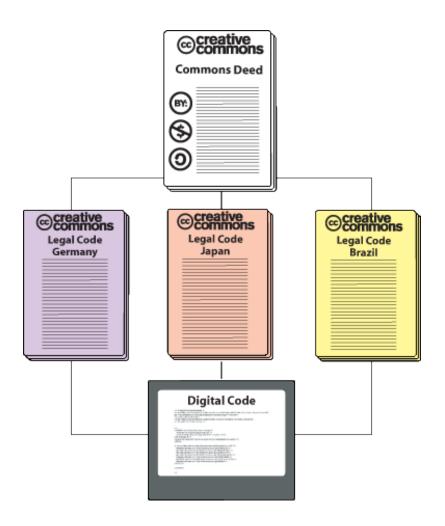# 4. Standardised Licences [I]

Why are Standardised Licences important:

* thorough check and sustainability
* longlevity
* interoperability

Why Creative Commons:

* large user base
* network of legal experts
* three layers of expression

[1]
Human-Readable: Commons Deed

[2]
Lawyer-Readable:
Legal Code

[three expressions]

Logo + Link

[3]
Machine-Readable:
Meta Data

schematic

Attribution

Non Commercial

No Derivatives

ShareAlike

CC Combinations

Attribution
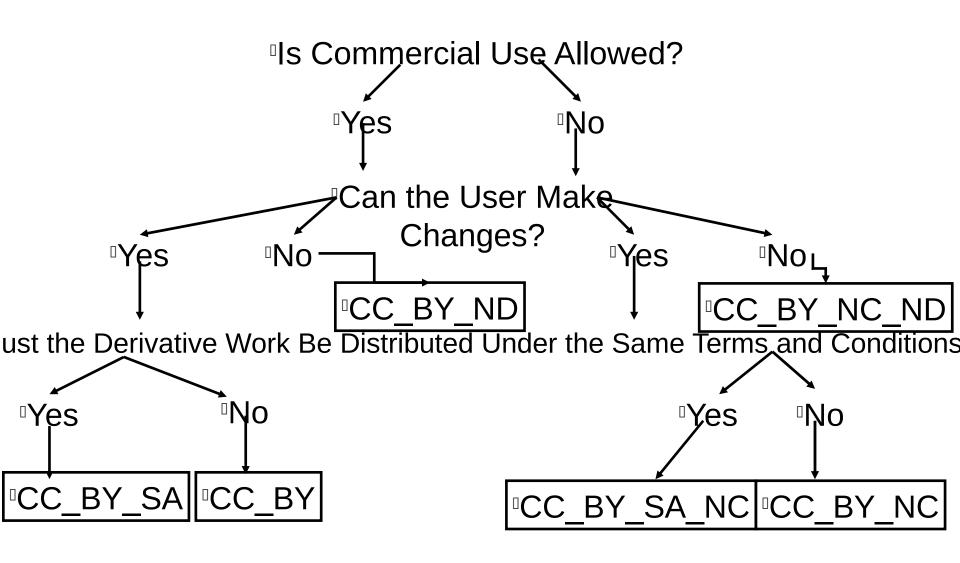
Attribution – Share Alike
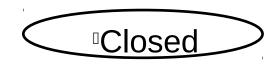
Attribution – No Derivatives

Attribution – Non Commercial

Attribution – Non Commercial - ShareAlike

Attribution – Non Commercial – No Derivatives

Is Commercial Use Allowed?

Yes → **No**

Yes → Can the User Make Changes? ← **No**

Can the User Make Changes?

Yes | **No** → CC_BY_ND | **Yes** | **No** → CC_BY_NC_ND

Must the Derivative Work Be Distributed Under the Same Terms and Conditions?

Yes | **No**

Yes | **No**

CC_BY_SA | CC_BY

CC_BY_SA_NC | CC_BY_NC

Open → Closed

5. Flows

* Rights/ Value/ Content do not always follow the same path

* Models:

(a) Clean Hands
(b) Star Shaped,
(c) Hybrid
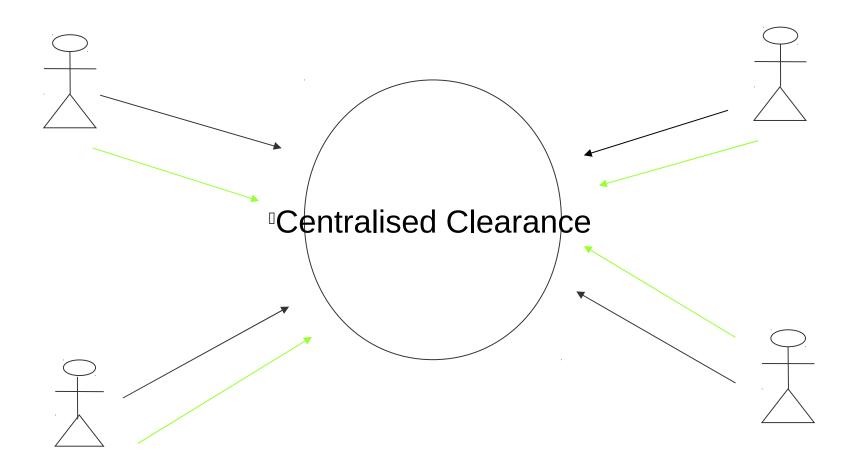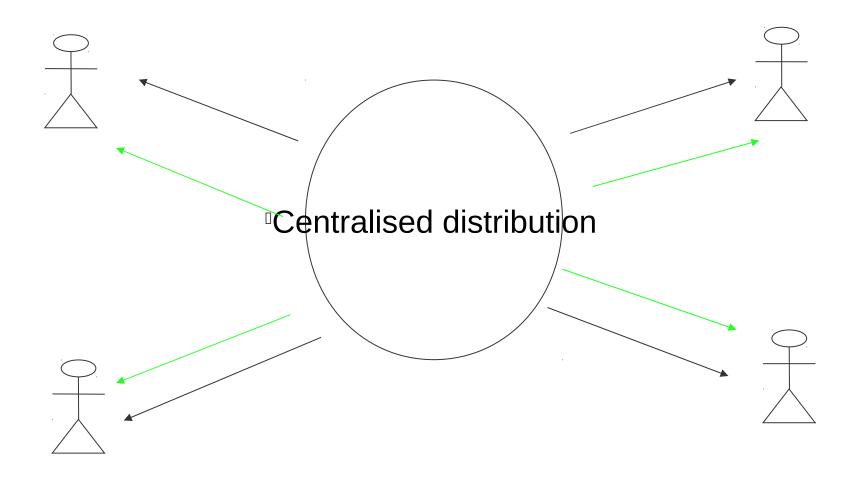
Flows of rights

Flows of content

[flow models]

Star-shaped model

[A]

Example:
Birmingham Museum and Art Galleries

 Inputs

 Centralised Clearance

Outputs

Centralised distribution

Outputs

Centralised distribution

British Library Archival Sound Recordings (ASR I and II)

Outputs

Centralised distribution

Controlled distribution
environment
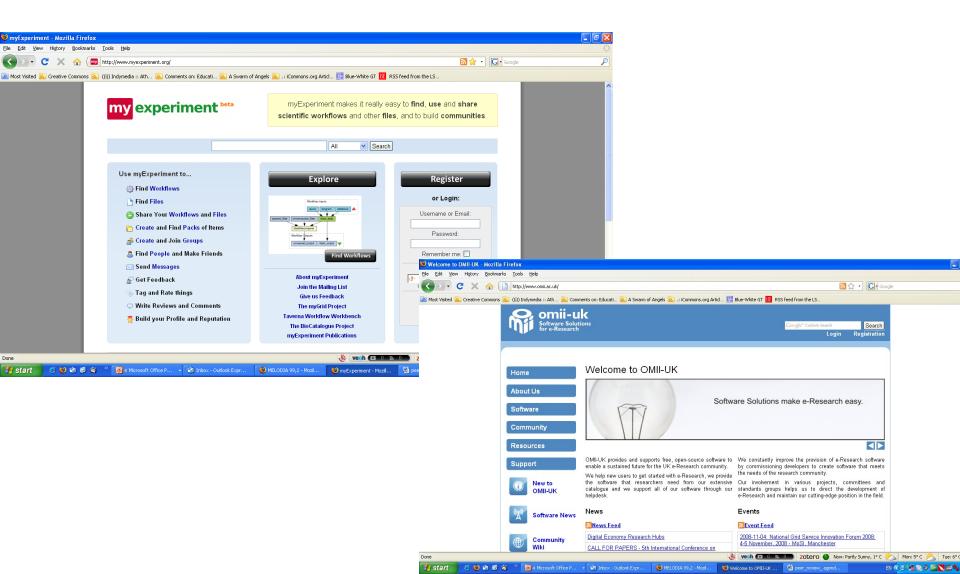
Outputs

Centralised distribution

Extra rights flowing
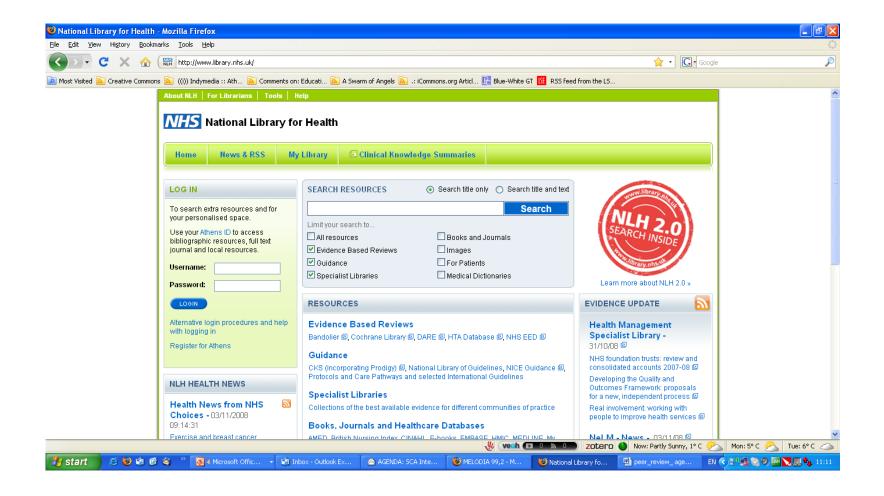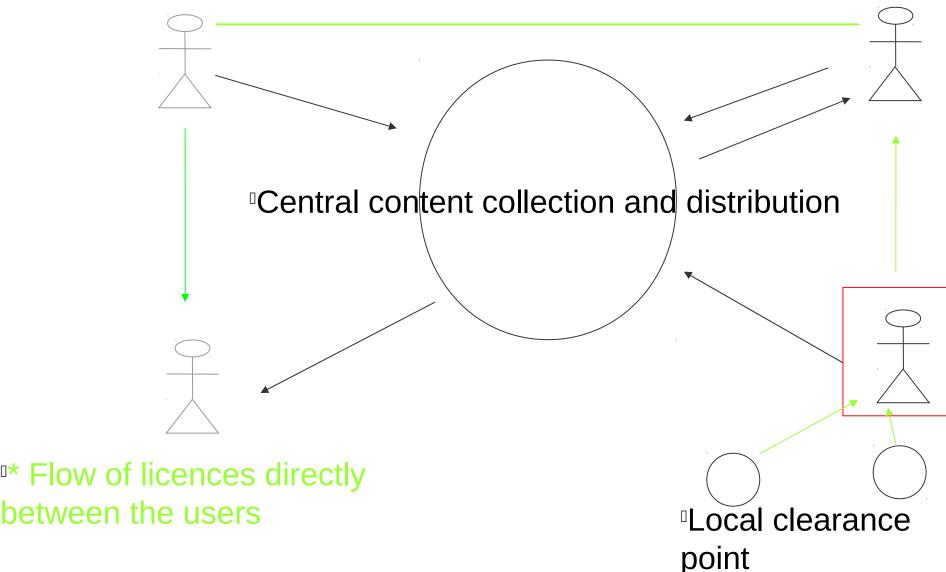within the controlled
environment

Clean Hands

[B]

National Centre for eResearch (MyExperiment/ OMII)

National Library for Health eLearning Object Repository (LOR)

Inputs/ outputs: Clean Hands
Model

Central content collection and distribution

* Flow of licences directly
between the users

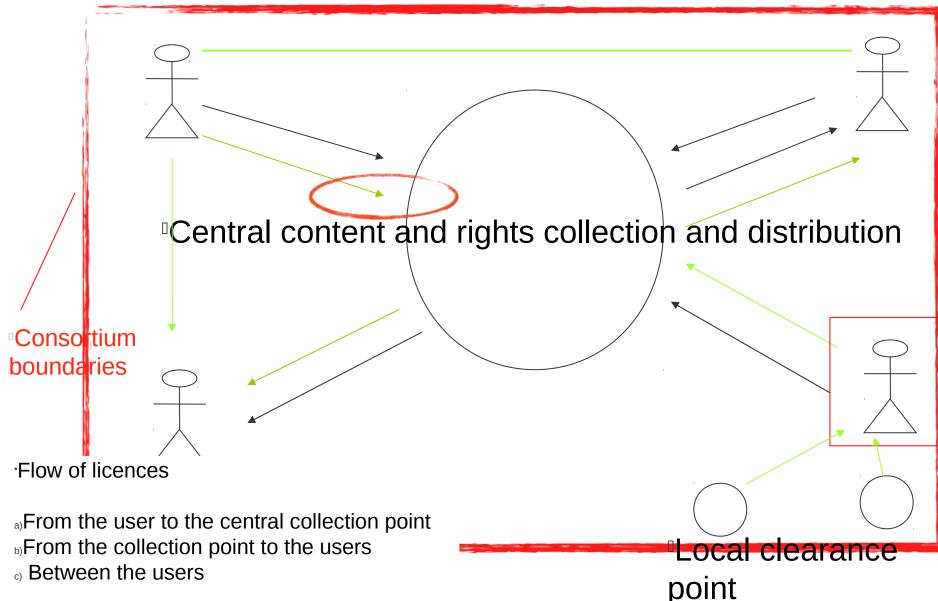Local clearance
point

Hybrid Model

[C]

National Education Network (Gallery + Repurpose projects)

Inputs/ outputs: Hybrid Model

Decentralised rights distribution

Central content and rights collection and distribution

Consortium boundaries

·Flow of licences

a) From the user to the central collection point
b) From the collection point to the users
c) Between the users

Local clearance point

6. The Role of an MoU

* An internal document that sets the rules of the members of the group in greater detail

* The MoU is used when legal personality is not required

* it allows the standardisation of the custom made licences

* it makes possible the non-transfer of rights, yet the lowering of transaction costs

7. Technology

* To complement the legal instruments and lower transaction costs (keep the honest honest)

* Repositories

* Semantic Representation of licensing information – links with OpenBiblio

* Indexes and meta-data

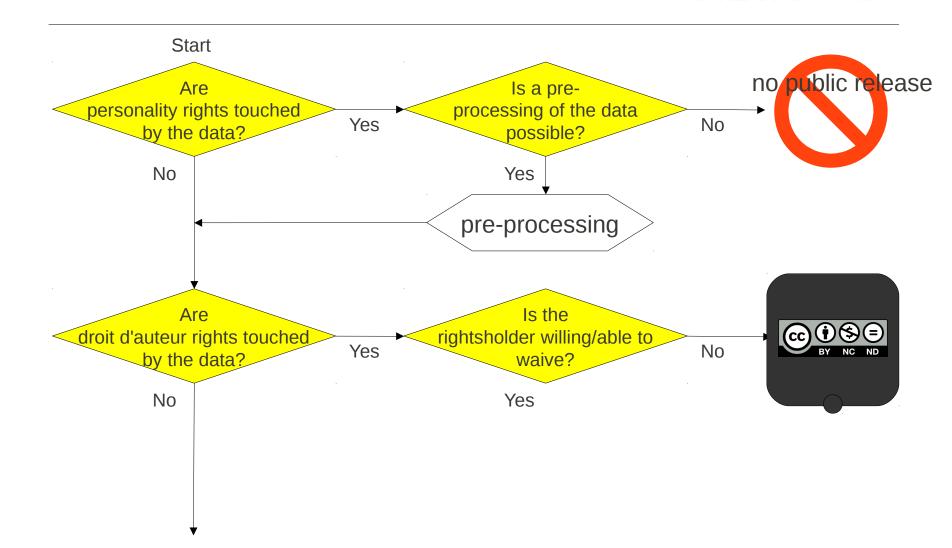* Interoperability

8. Workflows

* Workflows ensure that all necessary rights enter the network

* RightsInput >= RightsOuput

* Clearance and Consent at the points of concentration

* Adopt precedent from other areas (e.g. Open Educational Resources)

Public release workflow I

Start

Are personality rights touched by the data? — Yes → Is a pre-processing of the data possible? — No → no public release

No ↓

Yes ↓

pre-processing

Are droit d'auteur rights touched by the data? — Yes → Is the rightsholder willing/able to waive? — No → [CC BY NC ND]

No ↓

Yes

Public release workflow II

META=NET

Are
there special prerequisites
for re-use?

Yes

No

combination of
CC-BY-NC-ND
and one or more
templates

- no private/commercial research
- no marketable products
- different field of business only
- ...

cc 0 ZERO

9. An iterative approach

META NET

Charter

MoU

CC

CC +

An iterative and incremental appro

Q/A

Thank you very much.

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