

Good Practice in Rights Clearance and Licensing

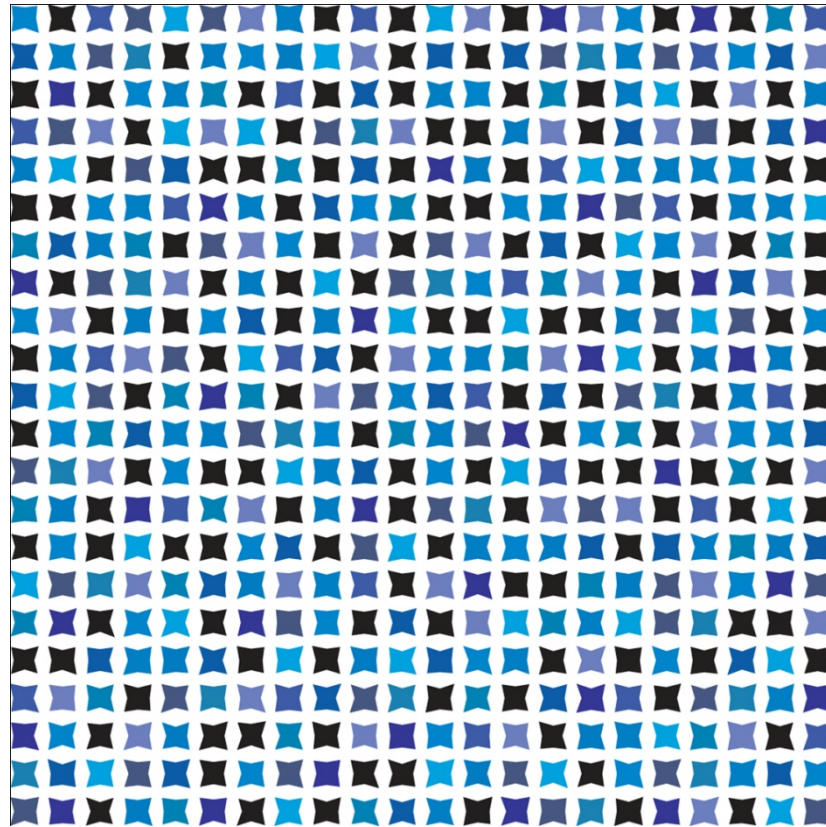
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Layers of Rights: Layers of Issues



A Mosaic of Rights



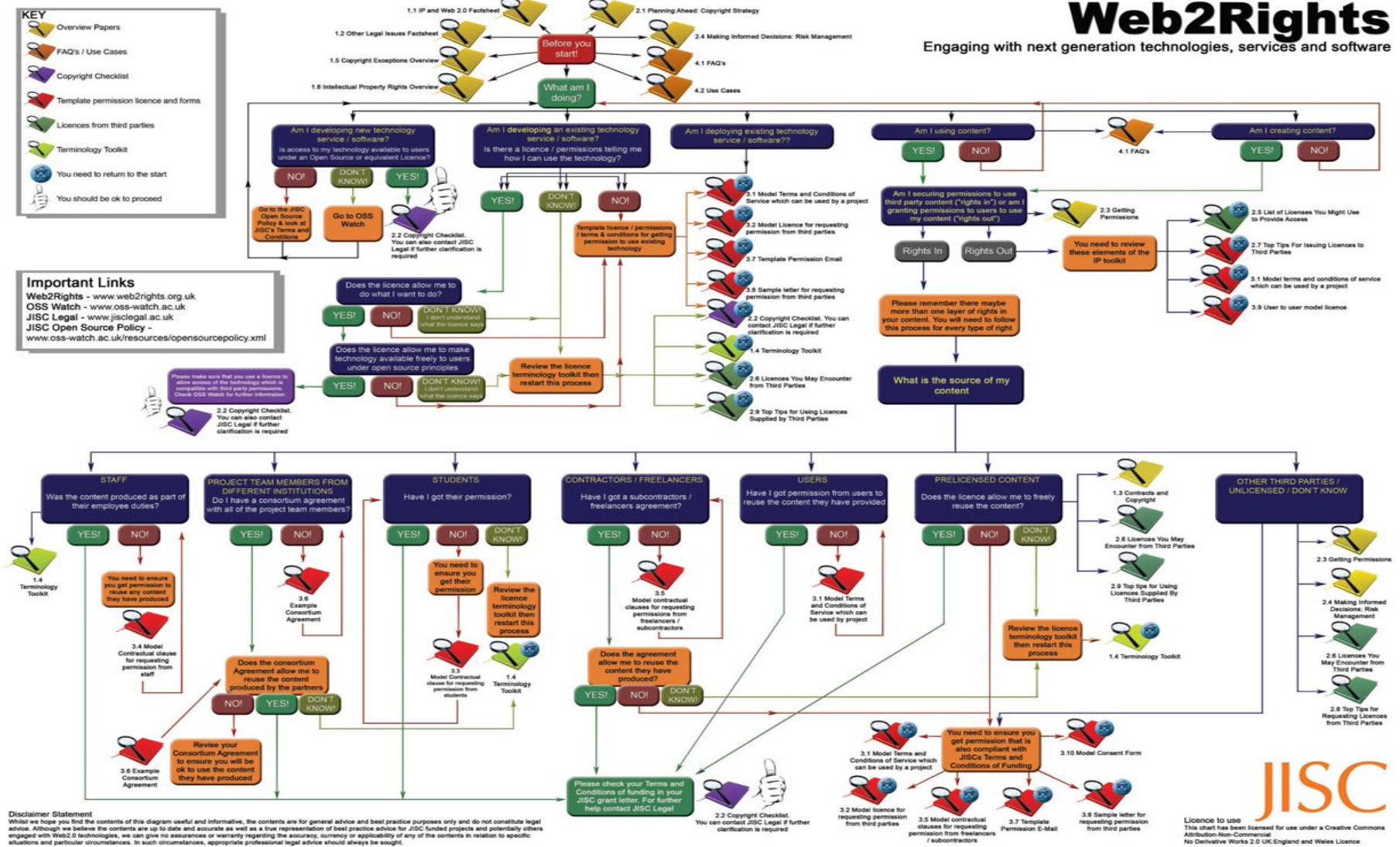
Final Version

Web2Rights

Engaging with next generation technologies, services and software

- KEY**
- Overview Papers
 - FAQ's / Use Cases
 - Copyright Checklist
 - Template permission licence and forms
 - Licences from third parties
 - Terminology Toolkit
 - You need to return to the start
 - You should be ok to proceed

- Important Links**
- Web2Rights - www.web2rights.org.uk
 - OSS Watch - www.oss-watch.ac.uk
 - JISC Legal - www.jisclegal.ac.uk
 - JISC Open Source Policy - www.oss-watch.ac.uk/resources/opensourcepolicy.xml



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Role of Licences

- Licences are tools to facilitate IP transactions
 - i.e. get permissions
- Many different types of licences (transactional, open, blanket etc)
- Licences in (permissions granted from third party)
- Licences out (permissions granted to third party)
- **Even CC licensed stuff may not be compatible with other CC licensed stuff**

Compatibility of licences in/out



Developing Rights Clearance Strategies

- IPR as part of project planning
 - Understanding your uses and those of your end users
 - Identifying rights requiring clearance
 - Tracing rights holders
 - Getting permission
 - Horses for courses
 - Make it easy for rights holders to consent
 - Level playing field: rights in and rights out
 - Cover your funding bodies!
 - Rights Management
 - Due Diligence
 - Risk Management
- Earmark human and financial resources
- Time management
- BUT – Orphan Works as disruption to rights clearance strategy

Risks of not clearing rights

- Legal risks
- Loss of trust
- Creating dysfunctional relationships
 - Rights holders
 - Funding bodies
 - Staff in your own organisation
 - Members of consortium
- Not leading by example

Risk Management

- Still a risk – whose risk and how prepared are they?
- Legal risks are not the only ones!
- Risk management and Due Diligence
- Important factors:
 - Nature of rights holders
 - Understanding rights holders remedies
 - Nature of use
 - Reputation of user
 - Extent of audience
 - Communication to the Public
 - How quickly and in what ways can the situation be remedied?

Final Comments



Useful resources

- SCA IPR Toolkit <http://sca.jiscinvolve.org>
- Web2Rights www.web2rights.org.uk
- WATCH <http://tyler.hrc.utexas.edu/>
- Bridgeman Art Library www.bridgeman.co.uk
- DACS www.dacs.org.uk

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