

Copyright Decisions

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What is this Document and Who is it For?

This document describes some of the decisions the Digital Information Management Program has made when trying to decide whether or not digital files should be made freely available through the North Carolina Digital Collections (NCDC). It is intended for a general audience.

Copyright Decisions for the Library's Primary Collections

The items added most frequently to the NCDC by the Government and Heritage Library are North Carolina state publications. Most of these items are considered to be in the public domain, pursuant to General Statute 132-1b. For those few state publications that do carry copyright restrictions, a rights release is secured and kept on file before the item is made available to the general public.

The Library has also freely scanned and added items that are not state publications that were published before 1923¹. Most of these materials have the term "General Collection" in the collection field within their metadata record.

Copyright Decisions Related to Other Types of Items

Other types of content have been added to the NCDC over time. A best faith effort has been made to assess our responsibilities and risks related to the copyright status of all of the items in our collections, and to make those items available in alignment with best practices as established by information science professionals².

Our intention is to make content available for use in research, teaching, and private study. Each item contains a specific copyright and use statement in the item's metadata. We are always willing to discuss copyright concerns with a rights holder who finds his or her content in our collections.

¹ The copyright terms have expired for the majority of works published in the United States prior to 1923. See <http://copyright.cornell.edu/resources/publicdomain.cfm>

² See <http://www.section108.gov/>; Peter B. Hirtle, Emily Hudson, and Andrew T. Kenyon, *Copyright and Cultural Institutions: Guidelines for U.S. Libraries, Archives, and Museums* (Cornell University Library, 2009), <http://ecommons.library.cornell.edu/handle/1813/14142>.

Genealogy Vertical File Project

What this collection includes:

This project involves scanning all family-related genealogy vertical file content located in the Genealogy reading room, Government and Heritage Library. Excluded will be the following:

- a. Photocopied documents that represent a significant part of a work published after 1923.
- b. Documents that represent items published before 1923 that have already been digitized elsewhere and are available freely online.
- c. Advertisements for books, newsletters, CDs.
- d. "See also" pages put in the files by library staff, pointing people to items on the shelves or to other parts of the library.
- e. Single page notes that are just requests for more information from other researchers.

Copyright decisions:

Items are scanned and made publicly available if they conform to any of the following attributes:

- The item was created before 1923
- "Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed."³ The common example given is that phonebooks are not copyrightable. To that end, we have taken the stance that aggregations of vital facts (names, relationships, birth and death dates, events) without any accompanying narrative are not copyrightable. These types of works are included.
- The donor has signed a release form indicating he or she is willing to have the content publicly accessible. Note: This release form does not transfer any rights to the Library, nor does it mean the donor is releasing the item into the public domain.

How are copyrighted items handled?

- Items that are in copyright are scanned but are only made accessible to users on computers that are part of the Department of Cultural Resources network. This access is given because, although electronic, it is not far from a user visiting the Library and interacting with the print materials.
- Items of this nature can be found in the North Carolina Digital Collections with the term "Restricted Access Files" in the Digital Collections field, or in the Genealogy Vertical File Database (<http://cinch.nclive.org/gen/>).

Genealogy Compact Disc Transfer

What this collection includes:

³ "Copyright in General." <http://www.copyright.gov/help/faq/faq-general.html>. Accessed 2013-05-15

In 2012, the computers available for public use in the genealogy reading room no longer had the ability to play compact discs. To help ensure that the CDs in the genealogy collection could still be accessed by visitors to the Government and Heritage Library, contents of the CDs were assessed, the discs were imaged, the files were added to preservation storage, and content was added to the NCDC where appropriate.

Copyright decisions:

Items were only made publicly available if they explicitly stated the author had released them from copyright.

How are copyrighted items handled?

The following types of copyrighted items were not copied from CD or added to the NCDC.

- Compact discs that were created and sold by a major company, like Heritage Books, Ancestry.com, etc.
- Compact discs that include books or other products currently being sold online.
- Items that include a statement explicitly prohibiting reproduction in electronic format.

The following types of copyrighted items were copied from CD and added to the NCDC but are only made accessible to users on computers that are part of the Department of Cultural Resources network. This access is given because, although electronic, it is not far from a user visiting the Library and interacting with the print materials. Items of this nature can be found in the North Carolina Digital Collections with the term “Restricted Access Files” in the Digital Collections field, or in the Genealogy Vertical File Database (<http://cinch.nclive.org/gen/>).

- Items which were not originally sold or published widely, especially research contributed by patrons that may not be available elsewhere.

Symphony Stories

What this collection includes:

Since 1947, the North Carolina Symphony has published music education booklets for their children’s concerts. In 2012, the Digital Information Management Program digitized these booklets for inclusion in the NCDC in order to provide public access to and long-term preservation of the material.

Copyright decisions:

While the booklets themselves are considered in the public domain as state publications, the North Carolina Symphony, at the time of their printing did receive permission to reprint some copyrighted musical scores. Because that permission did not include digital rights those areas of copyrighted material would require redaction before inclusion in the NCDC.

How are copyrighted items handled?

All copyrighted material in the booklets has been redacted. Each redacted area includes a statement advising anyone interested in the redacted content that they can access the full collection of printed booklets at the Government and Heritage Library.

Office of Archives and History Research Reports

What this collection includes:

Between 1967 and 2002, the Office of Archives and History has researched and written reports covering a range of historical topics, including famous North Carolinians, historic homes and landmarks, and sites of interest to military historians. In 2012, the Digital Information Management Program began digitization of this collection.

Copyright decisions:

Some of the reports do contain portions of copyrighted material, but due to the nature of these reports as research material it was decided that this material does fall under the Fair Use provision of copyright law, so the reports have been digitized and preserved in their entirety.

How are copyrighted items handled?

The rights statement for these reports was retained as written for the print version by the Office of Archives and History and included in the metadata.