

Copyright Matrix

Purpose

This document may help guide discussion between the Repository Manager and the Copyright Officer in the organization and allocate responsibility for developing appropriately worded licences, agreements and notices associated with repository activity.

Some of the material included in the matrix has been based on material published by the OAK-Law Project, particularly [A Guide to Developing Open Access Through Your Digital Repository](#)¹ which is available online at <http://www.oaklaw.qut.edu.au/node/32>²

The [OAK Law Project Report No.1](#)³ also includes supporting information for the agreements and notices described in the matrix below.

It is highly recommended that you refer to the full work of the OAK Law Project in conjunction with this summary information.

A Final Checklist for developing open access through your digital repository is also available through the OAL Law Guide to Developing Open Access mentioned above.

Matrix

Topic	Information	Requirements
Repository Deposit Licence	<p>WHAT IS THIS?</p> <ul style="list-style-type: none"> • A vital means to establish a formal contract between depositor and repository • A way of reducing repository liability • A way of defining the legal relationship 	<p>A Deposit Agreement that outlines the obligations of the depositor needs to be formulated by the Repository Manager in conjunction with the Copyright Officer.</p> <p>The agreement must make it clear that the depositor must own the copyright in the work</p>

	<p>between the author and the work, particularly regarding the copyright ownership of the work</p> <ul style="list-style-type: none"> • Defines what the repository can or cannot do with the deposited material • Reassures the author that the repository will not take any copyright ownership in the work once deposited 	<p>being submitted or must have permission from the copyright owner to deposit.</p>
	<p>WHAT SHOULD THIS INCLUDE?</p> <ul style="list-style-type: none"> • Rights granted by the author • Copyright permission • Consent to acts performed as part of technical operation of repository • Repository obligations to the author • Repository rights to a copy for backup etc • Author claim of originality • Author claim that work doesn't infringe anyone else • Obligations to sponsors • Repository not legally responsible for mistakes, infringements or omissions • Copyright is not transferred to the repository 	<p>A Guide to Developing Open Access Through Your Digital Repository⁴ provides sample Deposit Licence wording.</p> <p>This OAK Law document also contains excellent accompanying notes explaining the aspects which should be included.</p>

	<ul style="list-style-type: none"> • The repository will not alter the material • Author has right to provide updates • Citation for published version of the work • Conditions under which removal may occur • Outline any legal action which may be taken • Basis on which material is made available 	
	<p>WHERE SHOULD THIS APPEAR?</p> <ul style="list-style-type: none"> • The Deposit Licence should appear when authors submit a work for deposit • Click-wrap is best to ensure compliance – that the agreement is both visible to affected parties and binding by their consent • The terms and conditions need to be expressed in a manner that is readily understood by members of the relevant academic community and/or general public; they should not require legal knowledge to understand 	<p>Can a click-wrap approach be used with the repository software selected?</p> <p>Who will have responsibility for implementing this?</p> <p>Will it be included in training for depositors?</p>

Topic	Information	Requirements
Repository Distribution (End User) Agreement	<p>WHAT IS THIS?</p> <ul style="list-style-type: none"> • Information defining the relationship between the digital repository in which the 	<p>Need to include text of an End User Agreement in the Repository:</p> <ul style="list-style-type: none"> • Who will write the text?

	<p>author's article is deposited and persons who are authorised to access it (end users).</p> <ul style="list-style-type: none"> • This is known as the Repository Distribution (End User) Agreement. • It covers the legal means by which end users are conferred rights to access and re-use materials in the repository (and is consistent with the licence granted to the repository by the author/publisher under the Repository Deposit Licence) 	<ul style="list-style-type: none"> • Where will it be located? • When will it be seen by the end user? • How will they agree to it? (click-through is best approach if it can be done with your repository solution)
	<p>WHAT SHOULD THIS INCLUDE?</p> <ul style="list-style-type: none"> • In particular, any limits on the rights of end users to copy and further distribute the material in the repository should be stated. • The terms and conditions need to be expressed in a manner that is readily understood by members of the relevant academic community and/or general public; they should not require legal knowledge to understand 	<p>Suggested wording:</p> <ol style="list-style-type: none"> 1. The copyright of any material deposited in [repository] is retained by the creator. 2. The text may not be reproduced or communicated in print or electronic form for commercial purposes. 3. Readers may copy, download, print and save electronic copies of whole papers for their own individual non-commercial use. 4. Attribution of authorship is essential. Excerpts, quotations and paraphrasing must be fully referenced. 5. The text may not be altered without the permission of the author. 6. [organization] reserves the right to remove content at any time.

		<p>7. Metadata can be harvested for the purposes of discovery of the archives contents however harvesting the full text document is not permitted.</p>
	<p>WHERE SHOULD THIS APPEAR?</p> <ul style="list-style-type: none"> • The terms and conditions governing access to and use of material in the repository should be clearly displayed on the repository web site and brought to the attention of end users so they understand that their use of the repository and materials in it is subject to those terms and conditions • Should ideally be “click wrap” so that the user must click “I agree” (or similar) before gaining access to the content • Click-wrap is best to ensure compliance – that the agreement is both visible to affected parties and binding by their consent 	<p>Additional consideration:</p> <p>May want to include a permission request to add a copyright notice to each item deposited in the repository (this could be considered to be an alteration)</p>

Topic	Information	Requirements
Take Down Notice	<p>WHAT IS THIS?</p> <ul style="list-style-type: none"> • It is important to include a ‘take down notice’ on the repository web interface to 	<p>Need to include text of a Take Down Notice in the Repository:</p> <ul style="list-style-type: none"> • Who is responsible for developing this?

	<p>minimise risk of liability, infringement, risk and cost</p> <ul style="list-style-type: none"> • Outlines the relationship between the repository, the work and the depositor in terms of actions to be taken when an potential or actual infringement is identified. • Should have associated procedures for removing material which is identified as infringing someone else's rights in some way (copyright infringement) • Also gives the depositor the opportunity to remove their work voluntarily 	<ul style="list-style-type: none"> • Who determines if the complaint is a legitimate infringement? • Where will notification appear? • When would it be invoked? • What action will be taken? • What associated procedures need to be developed and promoted in relation to identified actions? • How will the depositor of the work will be notified of action taken? • Can the depositor of the work voluntarily remove their material from the repository and what procedure do they follow?
	<p>WHERE SHOULD THIS APPEAR?</p> <ul style="list-style-type: none"> • Should be clearly displayed on the repository web site and brought to the attention of end users. 	<p>Suggested wording may include:</p> <p>CONCERNS ABOUT CONTENT</p> <p>Do you think copyright has been infringed?</p> <p>If you believe copyright work that is available on this site constitutes copyright infringement or a breach of agreed licence or contract please notify [nominate contact] using the Notification of Infringement Form [include link to form]. This form is designed for you to provide sufficient information for our investigation and response.</p>

You may wish to have a separate Take Down notice for depositors who wish to remove their work.

Topic	Information	Requirements
Additional Copyright Information on the Repository website	<p>WHAT IS THIS?</p> <ul style="list-style-type: none"> • Additional Copyright information to be included in the end-user view 	<p>Need to include text of additional copyright information in the Repository:</p> <ul style="list-style-type: none"> • Who ensures this gets done? • Where is it attached to the item? • When is it inserted?
	<p>WHAT SHOULD THIS INCLUDE?</p> <ul style="list-style-type: none"> • Any additional Copyright information required for end-users that is not included in the Take Down Notice or End User Agreement. • For example, various Copyright questions such as (based on QUT example) <ul style="list-style-type: none"> • What is copyright? • Why should copyright concern me as a research or scholar? • Managing your copyright 	<p>Suggested location:</p> <p>Develop an FAQ to answer these questions or to provide further information.</p>

	<ul style="list-style-type: none"> • Copyright Links • Glossary of terms 	
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Topic	Information	Requirements
Copyright notice on the object or article	<p>WHAT IS THIS?</p> <ul style="list-style-type: none"> • Copyright notice to appear on the article/object – embedded before turning the objects into PDF etc 	<p>Need to develop text of a Copyright Notice to attach to objects in the Repository:</p> <ul style="list-style-type: none"> • Who is responsible? • Where will it be added? • When will it be viewed?
	<p>WHAT SHOULD THIS INCLUDE?</p> <ul style="list-style-type: none"> • Copyright - Year – Publisher 	<p>Suggested wording:</p> <p>CONCERNS ABOUT CONTENT</p> <p>Do you think copyright has been infringed?</p> <p>If you believe copyright work that is available on this site constitutes copyright infringement or a breach of agreed licence or contract please notify [nominate contact] using the Notification of Infringement Form [include link to form]. This form is designed for you to provide sufficient information for our investigation and response.</p>

WHERE SHOULD THIS APPEAR?

- Embedded in the top of the object before turning it into a PDF (if possible)

Copyright Matrix based on original material from the OAK Law Project, <http://www.oaklaw.qut.edu.au/>⁵. August 2007.



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Copyright⁸ 2007 RUBRIC⁹

- 1 <http://www.oaklaw.qut.edu.au/node/32>
- 2 <http://www.oaklaw.qut.edu.au/node/32>
- 3 http://eprints.qut.edu.au/archive/00006099/01/Printed_Oak_Law_Project_Report.pdf
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