

MODULE 7

**MANAGING
RIGHTS AND
PERMISSIONS**

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CHICAGO

Appendix B: Case Study—The Jon Cohen AIDS Research Collection Digitization Project

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Jon Cohen, a writer for *Science Magazine* and author of *Shots in the Dark: The Wayward Search for an AIDS Vaccine*, donated his collection of AIDS-related research material to the Special Collections of the University of Michigan Library. A grant from the John D. Evans Foundation provided for the digitization of the collection between 2007 and 2009. The Library, in consultation with the University's lawyers, decided that because most of the material in the collection was still within the term of copyright, the digitized materials could not be presented on the Web unless an affirmative authorization had been received from the copyright holder for each individual item. Aware that this project would be labor-intensive, the team decided to turn it into a case study to determine the costs and response rates for an effort to secure permission for an entire manuscript collection. Accordingly, a project manager, Dharma Akmon, was brought on board, and she coordinated the work of several School of Information graduate students. Most of this work was done between May 2007 and August 2008, when there were two to four staffers working between fifteen and thirteen hours a week on the project.

The first step was to determine the scope of the project. Overall the collection contained 13,381 items. The documents were created between 1941 and 2005, and the bulk, approximately 89 percent, were written between 1991 and 2000. Almost half of the items (6,026, or 45%) were newspaper and journal articles that project staff decided not to digitize. Of the non-article items, 1,892 (26%) were U.S. government work products and so not in copyright. The remaining 5,463 items (41%, or approximately 11 linear feet) were protected by copyrights held by 1,377 unique copyright holders. The donor, Jon Cohen, held the copyright for 209 items (4%) and had already consented to the digitization project.

Although archivists usually describe items at the folder level and avoid item-level description, it was apparent that managing the work

would require a database to keep track of each item. The database tracked the following item-level metadata elements:

- Unique item ID
- Title (staff created if not suggested by the document itself)
- Creator name(s)
- Creation or published date
- Genre type (based on the *Getty Art & Architecture Thesaurus*)
- Copyright holder name(s)
 - contact information
 - record of communications
 - final outcome of permission requests
 - type of copyright holder (individual, nonprofit, government, education, association, or commercial)
- Permissions status
- Link to the item

Once the team obtained contact information for a copyright holder, often through a Google search, the process was to send each copyright holder a letter describing the project and how the materials would be used and requesting non-exclusive rights to include the material in the online collection. No money was offered, and indeed, only one rights holder asked for a fee but relented and allowed digitization when the Library demurred. Business reply envelopes were included, but responses could be made by fax or e-mail.

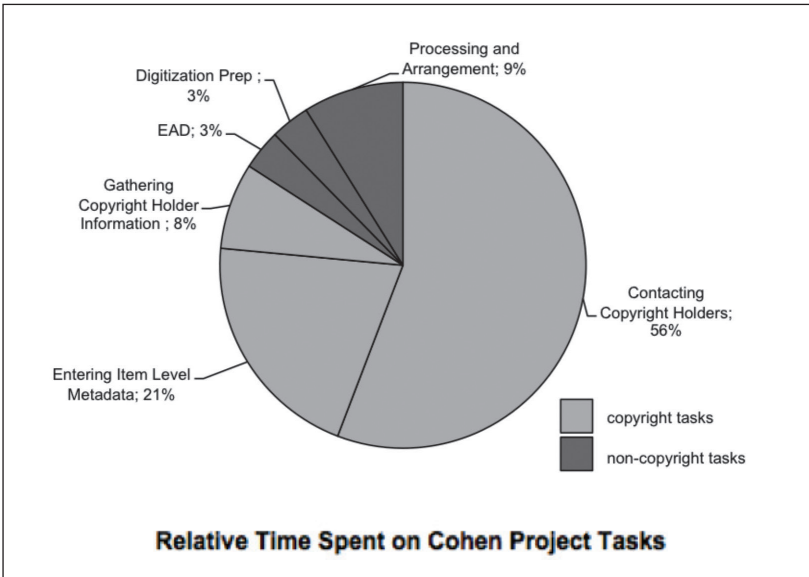
Perhaps the most important decision made during the process was to consider that non-responses were equivalent to a denial—only items with explicit consent could be included in the collection. If an item had more than one copyright holder, all authors were contacted, though permission from any one of them was deemed sufficient to include the item in the online collection.

To make the project maximally useful as a case study, staff effort was recorded on the following tasks:

1. Processing and arrangement
2. Encoding EAD
3. Preparing documents for digitization

4. Entering item-level metadata (including tracking copyright permission tracking information)
5. Gathering contact information for copyright holders
6. Contacting copyright holders

The actual digitization work was outsourced and was not tracked by the project.



Results:

- Project staff members were able to identify and find contact information for a copyright holder for 87 percent of the items (4,776).
- For this collection, it took staff members, on average, 4.66 minutes per document to enter item-level metadata and 70.3 minutes per rights holder to gather contact information and negotiate for permission.
- If the copyright holder had not responded within 120 days, they were not likely to ever respond. A higher proportion of commercial and government copyright holders failed to respond.
- Of the 1,092 requests to unique copyright holders, 352 (32%) had no response and thus their documents could not be

digitized. Another 679 holders agreed to the digitization (62%), and 46 holders refused their permission (4%).

- Non-response caused the exclusion of approximately 1,500 items, which caused a lack of coherence for the collection.

For a full description of the project, read Dharma Akmon's paper, "Only with Your Permission: How Rights Holders Respond (or Don't Respond) to Requests to Display Archival Material Online," *Archival Science* 10, no. 1 (2010): 45–64. The figure above, "Relative Time Spent on Cohen Project Tasks," is from page 55 of the article. The Jon Cohen AIDS Research Collection can be found online at <http://quod.lib.umich.edu/c/cohenaid/>.