

## **Certifying public domain works**

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The second session of the [3rd COMMUNIA Workshop](#) was about the need for tools that could be used to determine and verify the status of works that are (believed to be) in the public domain. There were presentations by Jonathan Gray (Open Knowledge Foundation), Patrick Peiffer (Europeana), Mario Pena (Safe Creative) and Mike Linksvayer (Creative Commons). Afterwards, attendees at the workshop were given the opportunity to ask questions and comment on these presentations.

### ***Jonathan Gray - public domain Calculators***

Jonathan Gray is part of the executive group of the not-for-profit organization Open Knowledge Foundation that has as its main goal to promote and protect open knowledge. Open knowledge means, according to their definition, that everyone can access, reuse and redistribute content.

The presentation consisted of a general overview of the activities of the Open Knowledge Foundation regarding public domain calculators. He highlighted the social, economic and even inherent value of the public domain and also pointed out the creative and cultural potential of the remix and reuse of information.

After this general introduction he gave a short overview regarding their activities concerning public domain calculators, which are technical tools to determine whether a work belongs to the public domain or not. The aim of these tools is to simplify the process of determining works that fall in the public domain in different jurisdictions. Flow charts that resemble the relevant legislation in different countries will be converted into algorithms. In conjunction with bibliographic metadata these algorithms would help to determine the public domain within a particular jurisdiction.

The Open Knowledge Foundation is already working together with different groups and individuals like lawyers, scholars and relevant interest groups in several countries. In Canada, for example, they work together with Access Copyright, Creative Commons Canada, Creative Commons Corporation and the Wikimedia Foundation to develop these tools.

In particular, he stated that it is important to build a legal community that can help to create reliable flow charts of other jurisdictions, so that the Open Knowledge Foundation can convert these flow charts into algorithms and fasten the development of public domain calculators.

For more information about the Open Knowledge Foundation and their activities:  
<http://www.okfn.org/>

### ***Patrick Peiffer - Europeana***

Patrick Peiffer currently is an IT Project Manager at the National Library of Luxembourg and is also the project leader of Creative Commons Luxembourg. He gave an overview of the Europeana project, formerly known as the European digital library network. Funded by the European Commission, Europeana is a project to create an online database that will contain a vast amount of digital content from European museums, archives and libraries.

The core aim is to create a huge semantic "map" of Europe's cultural and scientific works. Every piece of content should contain explicit rights information to make this possible. In this context some questions may arise how to obtain this information for such a database. Peiffer referred to the former speech about the possibility to use algorithms as a tool to determine the status of a work. Furthermore, regarding the Europeana licensing framework he raised two questions. First of all, how to make the process of licensing trustworthy. And secondly, he raised a question about the issue of control of such registries.

For more information about the Europeana project: <http://www.europeana.eu/>

### ***Mario Pena - Standards for copyright registries***

Mario Pena is a Community Manager at Safe Creative. Safe Creative is an intellectual property registry that allows creators to register and leave proof of their work by means of a digital signature as well as a certificate proving authorship. It also allows creators to easily and intuitively manage the rights of their work. Both individuals and institutions use services that are offered by Safe Creative.

In his presentation Pena touches upon a neutral API (Application Programming Interface) that Safe Creative developed, which enables computer programs of intellectual property registries and public domain databases to communicate with each other. This API fosters the exchange of license information by the many different registries. Pena advocates standards to interconnect public domain identification and registration projects and calls for search engines to collaborate with registries because search engines play an important role as they guide users to content on the internet.

### ***Mike Linksvayer - A tool to certify public domain status by Creative Commons***

Mike Linksvayer joined Creative Commons as a CTO and he is currently the Vice President of Creative Commons. Previously he co-founded Bitzi, a website where people cooperate to

identify, describe, and discover files of all types. Linksvayer started off his presentation by showing a picture that is in the public domain and available at the Powerhouse Museum (Sydney) website. This website supplies metadata on the picture and tells the viewer that the picture is in the public domain. Linksvayer raises the question how one can determine if something is in the public domain. He distinguished three groups of factors: facts about the work, facts about copyright law, and the assessment of copyright status of a work. Linksvayer also mentioned the certification of public domain works.

With regards to the web, Linksvayer touches upon a system for computers to determine the copyright status of a work. A key element is the interoperability of such a system that can be obtained by using a common identifier when describing license information in metadata. Creative Commons founded such a common identifier that is called 'Creative Commons Rights Expression Language' (ccRel). ccRel makes it possible for computers to interpret copyright licensing terms and related information. Linksvayer also stresses the need for a common vocabulary. Tools to identify works can then be created on top of this layer, for instance both Google and Yahoo let users filter their search by 'usage rights'. The good thing about ccRel is that it is generally applicable to all types of media. No special software is needed to incorporate ccRel, everyone with a website should be able to use it.

ccRel metadata about web pages is encoded in RDFa which is interoperable, flexible and open. The World Wide Web Consortium is of great importance for standardization of technologies on the web and this consortium has very recently recommended RDFa as a standard for the web to build upon (<http://www.w3.org/TR/2008/REC-rdfa-syntax-20081014/>).

Creative Commons recently launched what is called the 'Creative Commons Network' (<http://www.creativecommons.net>). Creators can join this network and identify their works and by doing so they help building the Commons.

In the end Mike Linksvayer and Mario Pena joined forces and did an open call for collaboration. Because many different copyright registries exist (e.g. Safe Creative, Registered Commons, Numly, Project Gutenberg, My Free Copyright, Contributor, Jamendo, Flickr and Last.fm), Linksvayer and Pena stress the need to develop open standards for copyright registry interoperability.

### *Questions and comments*

Most of the questions that were being raised during this session concerned the issue of interoperability of all the different initiatives in this field. It became clear that RDFa might be a good step into this direction by providing a standard building block for the semantic web. Questions were being raised about alternative ways to certify works, but it turns out that other standards are very often of limited use because they are simply broken or are not as open as

RDFa. A recommendation by the European Commission on the digital registration of works would be welcome according to some attendees of the workshop.

Some questions concerned the issue whether current databases already interoperate with each other and whether there is any cooperation between those initiatives and public institutions. Public institutions are of extraordinary importance for developing and accepting tools and vocabularies. Due to the premature stage of these initiatives, there is little information available about this cooperation.

It might be interesting for further discussion to obtain some empirical data about the usage of these existing databases in practice.

A question of the legal aspects of certification of public works focused on potential liability issues that might arise in the process of “labeling” such works as being public. This might need some further legal analysis.

### ***Conclusion***

There are currently several initiatives to automate the process of certifying works that are in the public domain. This is of great importance for setting the boundaries of the public domain. At the same this means that standardization and interoperability are needed in order to successfully certify a substantial amount of public works to have a real impact. Standardization of and interoperability between the current and future tools were therefore the key issues during this workshop.