

Copyright and Due Diligence for the Institutional Digital Repository

After discussion with our legal counsel, I would recommend that the library repository institute the following policies for copyright compliance and due diligence.

1. As many copyright permissions as possible need to be obtained from the individual(s) submitting the content, prior to acceptance of that content. If there are materials other than original text, such as lengthy quotes, photographs, audio/video clips, data sets etc., there must be an acknowledgment from the cited copyright owner that permission to use the material has been granted. A copy of the permission should be included with the submission. If there is not a copy of the permission, then the repository should confirm with the copyright holder that it has permission to mount the item.
2. For excellent undergraduate research materials that have been submitted to the repository without the prerequisite permissions, obtain latest address from the alumni office and attempt to obtain permission for the use of the item. If we are unable to obtain permission for use from the copyright holder, then the item should **NOT** be included in the repository. Should there be an item that, by its nature is valuable to the content of the repository, and, for which we are unable to obtain the permission for its use, a case can be made to counsel for the inclusion of the item. Counsel will then assess the possible liability for the use of each particular item. The repository will need to determine if the risk is an acceptable

one before the content is included in the repository.

3. For historical content, a pedigree must be established for each item that is to be included in the repository. All attempts (successful or unsuccessful) to establish a pedigree should be documented. Only materials where all necessary permissions have been obtained will be included in the repository. If we are unable to obtain permission for use from the copyright holder, then the item should **NOT** be included in the repository. Should there be an item that by its nature is valuable to the content of the repository and for which we are unable to obtain the permission for its use, a case can be made to counsel for the inclusion of the item. Counsel will then assess the possible liability for the use of each particular item. The repository will need to determine if the risk is an acceptable one before the content is included in the repository.
4. Since permissions are required before the content is submitted to the repository, it is suggested that the repository develop an online compliance form that may be printed for the permissions file and included with the content. Using the copyright clearance format, the form should allow the author to check the type of submission as well as the type of permission that she/he is granting the library. For all cited materials, permissions letters from the original copyright holder, should be included with the repository copy.
5. A compliance file should be maintained for the repository that contains one signed original form that would be housed in the compliance office. This file would also contain copies of any quoted/included content permissions for material that the author included but which is not his/her original work. Copies of all attempts to

establish pedigree (successful/unsuccessful) should be housed in the compliance office. All requests to counsel, counsel assessment and final repository decision, should be maintained in the compliance file.

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