



SECTION 4

Selection and Copyright

In this Section

- Selection
- Copyright
including resources protected by copyright



Selection and Copyright

Selection

Selection documentation is not yet complete.

Temporarily refer to the SOLINET section of the disk that accompanies this manual.

Copyright

Copyright law varies from country to county. Though many of the Caribbean Basin countries are Berne International Copyright Convention signatory nations, it is often difficult to determine which set of laws to apply or what the term of protection may be from one country to another or, for that matter, from one year to another.

The copyright laws of the European Union and the United States represent the Caribbean's most challenging and longest lasting copyright protections. When in doubt it is often a safe bet to apply the laws of those countries. For assistance understanding United States copyright legislation and duration of protections see: Cornell University's Copyright Term and the Public Domain in the United States at http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm

When an item selected for digitization is scanned in its country of origin, the laws of the country of origin should be understood to apply. However, when an item selected for digitization is scanned away from its country of origin, consider both the laws of the country of origin and the laws of the location from which the digital resource will be made accessible via the Internet and *apply those laws that afford the item the longest protection*. For content providers using the centralized services of the *Digital Library of the Caribbean*, the laws of that location are the laws of the United States. Applying the longest protections may not be to the advantage of archives, libraries and museums, but this policy affords the *Digital Library of the Caribbean* the greatest protection under the international law.

Resources Protected by Copyright

Before copyrighted works can be digitized, Internet Distribution Rights must be procured from the copyright holder assuming the work has not passed into the Public Domain. Distribution rights transfer a privileged use of a copyrighted work rather than the copyright, which remains with the copyright holder.

Note: Publications often include separately copyrighted illustrations. Check illustration credits, verify their copyright status, and seek additional permissions as necessary.

The digitization agency most frequently seeks "*non-exclusive*" "*Internet Distribution Rights*" for an unlimited term. A grant of non-exclusive rights leaves the copyright holder in control of his or her rights as guaranteed under national and international copyright laws and with the ability to grant distribution rights to others. Internet Distribution Rights limit dissemination to the Internet.



If rights to other distribution formats are sought or anticipated, those rights should also be requested with specific mention of the distribution format, e.g., "CD-ROM/DVD Distribution Rights", "Print Distribution Rights", or more broadly, "Electronic Distribution Rights".

Use the following documents as templates.

PERMISSION REQUEST LETTER

Your Institutional Letterhead

[Date]

Dear [Copyright Holder],

[The name of your institution] is a nonprofit center responsible for the collection and preservation of digital resources for education.

The following title(s), protected by your copyright, has been identified as important to the educational mission of this institution.

[Author] . [Title]. [Publication Place] : [Publisher], [Publication Date].

[The name of your institution] respectfully requests non-exclusive rights to digitize the title(s) for Internet distribution as part of the *Digital Library of the Caribbean*, in image and text formats for an unlimited term.

We would be happy to negotiate terms should you require a more restrictive grant of permissions. Digitized versions will be made available via the Internet, for on-line and off-line educational use, with a copyright statement identifying your rights as copyright holder and the terms of the grant of permissions.

Please review, modify, sign and return the attached grant of permissions. And, Please do not hesitate to call me or email your questions.

Sincerely,

[Your Signature]

[Your Typed Name]

[Your Title]

cc: Copyright clearance file



GRANT OF PERMISSIONS

GRANT OF PERMISSIONS

In reference to the following title(s):

[*Author*] . [*Title*]. [*Publication Place*] : [*Publisher*], [*Publication Date*].

I, _____, as copyright holder or licensee with the authority to grant copyright permissions for the aforementioned title(s), hereby authorize [*the name of your institution*] to digitize and distribute the title(s) for nonprofit, educational purposes via the Internet as part of the *Digital Library of the Caribbean*,

This is a non-exclusive grant of permissions for on-line and off-line use for an indefinite term. Off-line uses shall be consistent only with the maintenance and preservation of an archival copy. Digitization allows [*the name of your institution*] to generate image- and text-based versions as appropriate and to provide and enhance access using search software.

This grant of permissions prohibits use of the digitized versions for commercial use or profit.

Signature of Copyright Holder

Printed or Typed Name of Copyright Holder

Date of Signature