

Chasing Rights Holders | July 2010

Obtaining rights takes a considerable amount of time, both in terms of the overall time elapsed between starting and completing the process, and the staff time needed during that period.

As part of Case Study 1 (<http://www.leeds.ac.uk/library/projects/lifeshare/casestudy1.html>), LIFE-SHARE had to identify, locate and approach many potential rights holders to ask them for the necessary permissions to digitise. This document provides information on the types of permissions needed, charts the time taken for one such example, and also contains a sample permissions letter.

The issue of *who* exactly the copyright holders are is a complicated one. On a basic level, the creator of the object is the copyright holder: in these cases, the individual(s) who made the recordings. Those who are featured in the materials could be described as copyright holders; what makes this collection particularly challenging is that it contains many individuals, groups, and venues, who gave verbal permissions at the time of the recording allowing themselves to be filmed or taped, but *not* written permissions and certainly not permissions to digitise. These were not considered necessary at the time, as mentioned above, but the onus is still on those seeking to digitise the material to obtain these permissions retrospectively, so we were faced with the prospect of tracking down all those singing or performing and playing, and asking for their signature. Furthermore, where there are performances of a musical or theatrical nature in the footage, this raises the possibility of additional copyright holders for both performance and composition.

The rights holders and permissions sought can be summarised in this table:

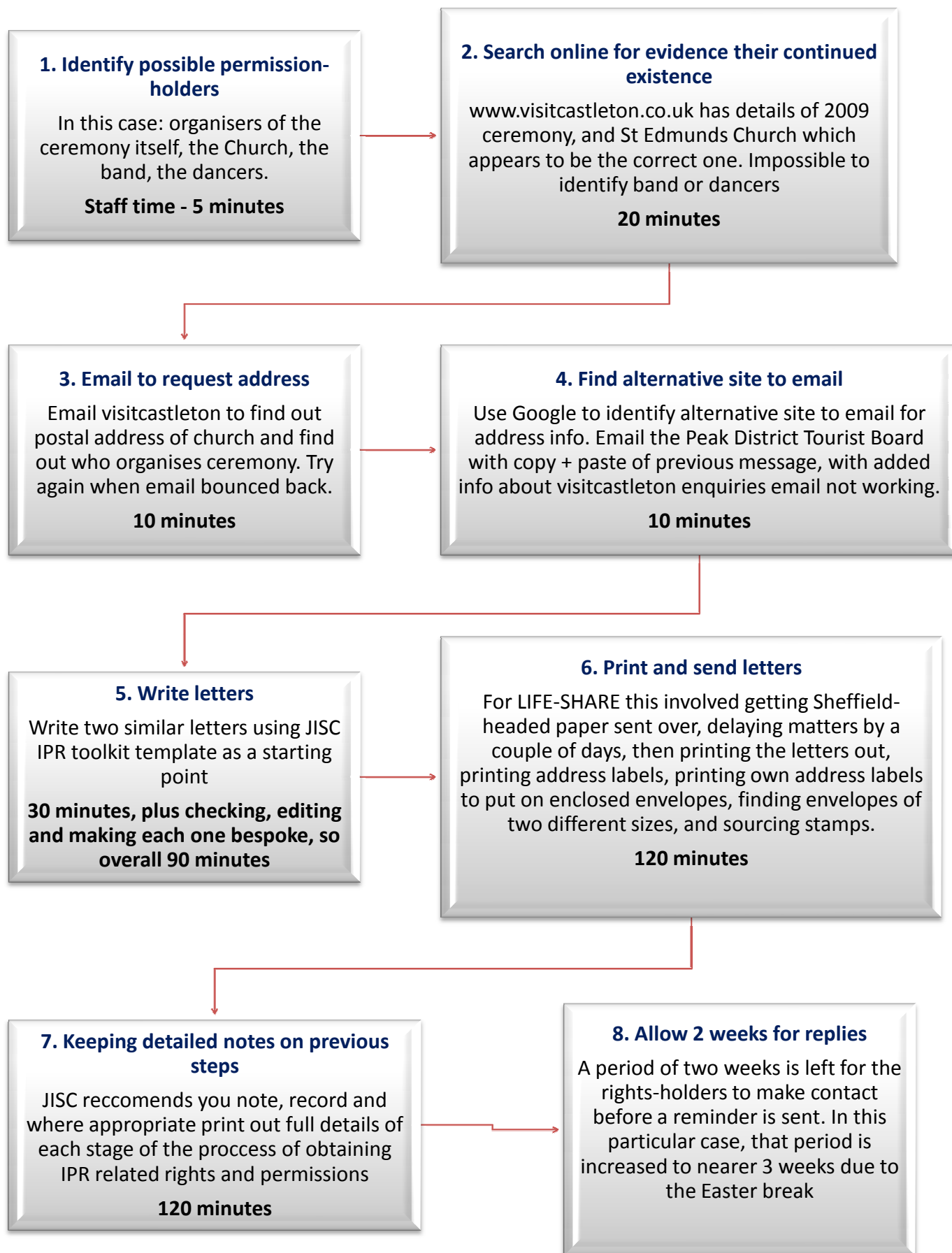
Rights	Content / material	Rights holders	Permissions sought
Copyright	Recording	The person(s) making the recording	Both the individuals who made the recordings agreed to their digitisation.
	Lyrics Music Choreography	Unidentified Unidentified Unidentified	Lyrics, music and choreography were 'traditional' so it was decided this was low risk, and no permissions were sought.
Performance	Content of recording	Individuals in Recordings / Groups, institutions and organisations in recordings	Very difficult to identify all individuals so it was decided to identify organisations / institutions and contact them. For any collective performances the performance rights would lie with the group anyway: e.g. the Britannia Coconut Dancers are the rights holders of footage of their performances, not their individual members.

The following records the process of obtaining permissions for one video of a Garland Ceremony. The sum total of information available at the beginning of the process, from the catalogue notes, was as follows:

Notes: Castleton Garland Ceremony 1983. Footage shows procession, including King and garland, Consort, band and dancers; also the removal of the queen and garland at Castleton Church. Ceremony traditionally takes place on Oak Apple Day, May 29th. In 1983 the 29th was a Sunday. It is also a tradition that in this event the ceremony takes place either on the 28th or 30th

Workflow diagram overleaf.

Step 1 began on the 19th of March 2010.



Up until Step 4, the staff time required is the same as the total time elapsed while this work is undertaken. As of sending the email to the Peak District Tourist Board there is additional time where the staff member is waiting on a third party and therefore the permissions process is inactive.

Step 6, printing and sending the letters, took place on the 30th of March 2010. Signed permission from the vicar was given very promptly, and was received around a week later on the 6th of April. Permission from the organisers of the Ceremony was not received at the first time of asking, so on the 22nd of April a second letter was sent out – this was an exact copy of the first but with a section added to the start to say that this is a second attempt to obtain the necessary permissions to begin digitisation. This produced the desired result, and on the 28th of April the signed permissions letter was returned.

In total, then, 41 days elapsed between beginning the investigation into the potential rights-holders, and obtaining those permissions necessary to proceed. The total staff time devoted to this particular case during that period was around six and a half hours.

Clearly there are idiosyncrasies associated with this particular example – the use of University of Sheffield Library letterheads on items sent from Leeds added extra time, for example. But the point here is that every case has idiosyncrasies and so it is very hard to expect a uniform period of time taken to obtain all the necessary rights and permissions.

Sample letter

Reproduced on the following two pages, with sensitive information removed, is an example of a letter sent out to a rights holder in order to obtain permissions to digitise.

25/03/2010

Name of Rights-holder
Address of Rights-holder

Dear ----,

Request for Rights Permission to use footage recorded at ----- Church

We are currently digitising some recordings made by Professor Paul Smith in the 1960s and 70s, relating to traditional culture in the North of England. The University of Sheffield have a sizeable archive of recordings (both video and audio) which are becoming too fragile to use, and require changing to a digital format to ensure people can continue to access them. This archive forms a significant record of local cultural traditions and is of interest to academic researchers and local historians. The LIFE-SHARE Project on which I am working, which is a collaboration between Sheffield, York and Leeds Universities, is now seeking to undertake a digitisation process to preserve the archive.

Of relevance to you is a recording of the Castleton Garland Ceremony in 1983. The footage shows the procession, including King and garland, Consort, band and dancers - and also the Queen and garland at the Church. The recording is currently on U-matic video cassette tape, so is degrading each time it is used (and U-matic video players are almost impossible to come by); we would like to digitise it so it can be used for many more years to come, and at a later date make it available online at the University of Sheffield so researchers can easily access it.

We would like to seek your permission to make use of the works which were recorded on your premises, for the purposes of digitisation and access described above. We would be very happy to provide you with a digital copy of the material once we have finished the process. Could you please confirm your consent, by countersigning both copies of this letter and returning one to us in the envelope provided. As you will see, there are spaces for you to sign twice.

Please don't hesitate to contact us if you have any questions. We look forward to hearing from you.

Yours faithfully,

Ned Potter

LIFE-SHARE Project Officer
[address and contact details]

Letter continued overleaf

I the undersigned am happy for the item(s) described to be digitised.

Your signature:

Your name:

Date:

I the undersigned am happy for the item(s) described to be made available online at a later date, by the University of Sheffield.

Your signature:

Your name:

Date:

LIFE-SHARE Project |

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JISC