

PART 1: WORKSHOP OUTLINE

Workshop: Copyright and Post-disaster Archiving,

For DH2019 pre-conference workshop “Copyright and Humanities Research: A Global Perspective”, 8 July 2019

Presenters: Professor Paul Millar, Dr Chris Thomson, University of Canterbury

Introduction: Beginning on 4 September 2010, a sequence of major earthquakes hit New Zealand’s Canterbury province with devastating effect. The most disastrous quake—on 22 February 2011—claimed 185 lives, destroyed much of the centre of the city of Christchurch, and made large swathes of quake-prone suburbs uninhabitable. One of many responses to the disaster was the establishment of a Digital Humanities cultural heritage memory project led by the University of Canterbury—the UC CEISMIC Canterbury Earthquakes Digital Archive (CEISMIC)—available at <http://www.ceismic.org.nz>. Initiated in May 2011 CEISMIC set out to collect images, stories, and media related to the earthquakes and their aftermath, for the purposes of commemoration, teaching, and research.

In this workshop session Paul Millar delivers a presentation, jointly prepared with Dr Chris Thomson, which discusses the experience of the CEISMIC project in dealing with copyright issues. He outlines the relevant law as it stands and is applied in New Zealand, and discusses some of the unique situations the project encountered as the team tried to ensure openness, inclusivity and rigour within a copyright compliant framework during a period of trauma and transition.

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Outline:

Part 1: About us / what we’ve done:

- Post-disaster context & CEISMIC: creation of CERA legislation, poor information management and planning around documenting the disaster; Ross Becker ‘official photographer of the red zone’ criticisms.
- CEISMIC sought to:
 - set up own deed of gift based on UC archive donor agreement,
 - CC license material where possible using [NZ Goal](#) with public agencies, and as a guide generally

Part 2: broader NZ copyright law and licensing situation with 2 main points:

1. NZ notable for important initiatives around biculturalism and data sovereignty;
 - Describe Māori data sovereignty, particularly the work of Te Mana Raraunga <https://www.temanararaunga.maori.nz/>

- Reading the charter and use the audit tool, applying it to QuakeBox 2 or Kōmako as an example or exercise that may suggest key points for discussion. See <https://www.temanararaunga.maori.nz/tutohinga>
2. Review of our 1994 Copyright Act generating strong discussion within the Cultural Heritage Sector, and needs to be promoted in academia, particularly for areas like DH.
- Current review of Copyright Act 1994 (ongoing since 2018)
 - See the issues paper for lots of gritty detail relating to some of the questions above: <https://www.mbie.govt.nz/dmsdocument/3441-review-of-copyright-act-1994-issues-paper-pdf>
 - For example, on the question about waiving rights, see points 222 & 223: “There is currently no mechanism in the Copyright Act that allows creators or copyright owners to renounce all of their rights in a work...”. A summary of some of these key points to give the audience a broad comparison of the legislation and points being discussed for review in comparison to other countries.
 - Context for review: Note work of DigitalNZ in promoting discovery tools and benefits of access and reuse
 - Context for review: NZ has seen work in recent years to align licensing and rights with international standards. Eg,
 - Move from Creative Commons NZ 3.0 licenses to Creative Commons International 4.0 licenses;
 - Nat Lib work on adopting [rights statements from DPLA](#),
 - Research funding requirements for open access to public research.
 - Consider provisions in the Marsden contract. Points (i) -(k) cover obligation to make public (but don't seem to specify open access) and also to make data available provided it is not restricted by ethical or legal limitations.
 - Finally consider the value of making data more open where possible, such as enabling longitudinal research –describe QuakeBox 2 in more detail.

PART 2: SLIDES

NZ Copyright Law and Licensing: Biculturalism and Data sovereignty



TE MANA
RARAUNGA
Māori Data Sovereignty Network

MĀORI DATA SOVEREIGNTY NETWORK

- See Te Mana Raraunga <https://www.temanararaunga.maori.nz/>

Nga mihi ki a koutou katoa
Our data, our sovereignty, our future. This vision drove the establishment of Te Mana Raraunga as the Māori Data Sovereignty Network. We advocate for Māori rights and interests in data to be protected as the world moves into an increasingly open data environment.

What is Maori Data Sovereignty?

- Data Sovereignty typically refers to the understanding that data is subject to the laws of the nation within which it is stored.
- Indigenous Data Sovereignty perceives data as subject to the laws of the nation from which it is collected.
- Māori Data Sovereignty recognises that Māori data should be subject to Māori governance.
- Māori Data Sovereignty supports tribal sovereignty and the realisation of Maori and Iwi aspirations.

Our Data, Our Sovereignty, Our Future

NZ Copyright Law and Licensing: Biculturalism and Data sovereignty



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Kōmako

A bibliography of writing by Māori in English

- An interesting exercise would be to read the Te Mana Raraunga charter, and use the audit tool, perhaps applying it to our [Kōmako](https://www.komako.org.nz/) website.
- <https://www.temanararaunga.maori.nz/tutohinga>
- <https://www.komako.org.nz/>

Mukurtu CMS



- <https://mukurtu.org/>
- <https://humanitiesforall.org/projects/mukurtu-an-indigenous-archive-and-publishing-tool>.
- While more relevant to questions of cultural ownership/access than copyright, has relevance to discussions around Māori data sovereignty.

Review of New Zealand's 1994 Copyright Act

- Generating strong discussion within the NZ Cultural Heritage Sector.
- This review needs to be promoted in academia, particularly for areas like Digital Humanities.
 - See the issues paper for detail relating to some of the key concerns being raised.
 - “There is currently no mechanism in the Copyright Act that allows creators or copyright owners to renounce all of their rights in a work....”
 - Context for review: NZ has seen work in recent years to align licensing and rights with international standards. For example:
 - Move from Creative Commons NZ 3.0 licenses to CC International 4.0 licenses;
 - National Library work on adopting right statement from Digital Public Library of America.
 - DigitalNZ Content aggregation arm of the NZ National Library—strong promoter of discovery tools and benefits of access and reuse.

PART 3: WORKSHOP HANDOUT

Workshop Session: “Copyright and Humanities Research: A Global Perspective”, July 8, 2019, DH2019 Conference, Utrecht, The Netherlands.

Copyright and Post-disaster Archiving: Links

Professor Paul Millar, Dr Christopher Thomson

University of Canterbury Te Whare Wānanga o Waitaha | Ōtautahi Christchurch | Aotearoa New Zealand

- CEISMIC Canterbury Earthquakes Digital Archive: <http://www.ceismic.org.nz/>
- QuakeStudies: <https://quakestudies.canterbury.ac.nz/>
- NZGOAL (New Zealand Government Open Access and Licensing) framework <https://www.data.govt.nz/manage-data/policies/nzgoal>
- Te Mana Raraunga, Māori Data sovereignty Network <https://www.temanararaunga.maori.nz/>
- Te Mana Raraunga Charter: <https://www.temanararaunga.maori.nz/tutohinga> See the link to the audit tool on this page. You might find it interesting to apply the audit tool to Dr Thomson’s Kōmako project at <https://www.komako.org.nz/> or to our QuakeStudies site above.
- Mukurtu CMS. See <https://mukurtu.org/> and <https://humanitiesforall.org/projects/mukurtu-an-indigenous-archive-and-publishing-tool>. While more relevant to questions of cultural ownership/access than copyright, has relevance to discussions around Māori data sovereignty.
- Review of New Zealand’s 1994 Copyright Act, ongoing since 2018, is generating strong discussion within the NZ Cultural Heritage Sector. This review needs to be promoted in academia, particularly for areas like Digital Humanities.
 - See the issues paper for detail relating to some of the key concerns being raised: <https://www.mbie.govt.nz/dmsdocument/3441-review-of-copyright-act-1994-issues-paper-pdf>
 - For example, on the question about waiving rights, see points 222 & 223: “There is currently no mechanism in the Copyright Act that allows creators or copyright owners to renounce all of their rights in a work....”
 - Context for review: NZ has seen work in recent years to align licensing and rights with international standards. For example:
 - Move from Creative Commons NZ 3.0 licenses to CC International 4.0 licenses;
 - National Library work on adopting right statement from Digital Public Library of America. See: <https://natlib.govt.nz/librarians/reports-and-research/rights-statements-for-new-zealand-collecting-insitutions>
 - DigitalNZ: <https://digitalnz.org/> Content aggregation arm of the NZ National Library—strong promoter of discovery tools and benefits of access and reuse.

Resources:

- Copyright and the Creative Sector—NZ Government report. <https://www.mbie.govt.nz/assets/527e65d882/copyright-and-the-creative-sector-december-2016.pdf>
- DigitalNZ Webinar on Copyright from October 2018 https://www.youtube.com/watch?time_continue=9&v=s_fg-XQp2AE
- Interesting example from Colourising New Zealand at https://youtu.be/s_fg-XQp2AE?t=995
- See also <https://business.facebook.com/ColourisingNZ/>. Visual examples of re-use that may create a new copyright in the coloured version

- Statistic about subscription journals by Anton Angelo from UC Library: Elsevier's profits in 2017 could fund New Zealand's Marsden programme 50 times over:
<https://www.anton.angelo.nz/2018/02/16/2/>

PART 4: Workshop Programme and CFP

Copyright and Humanities Research: A Global Perspective

a DH2019 pre-conference workshop organized by
Vanessa Hanneschläger, Pawel Kamocki, Walter Scholger, Andreas Witt

Program

9.00 Opening [chairs: Vanessa Hanneschläger & Walter Scholger]

- Welcome by the organizers, introduction to scope of the workshop

9:30 Presentation session I [chair: Vanessa Hanneschläger]

- Erik Ketzan: Should DH Consult an Oracle for the “ Copyright Case of the Decade”?
- (Pawel Kamocki), Andreas Witt: EU Exceptions for Text and Data Mining for Research Purposes : from a Dry Spell to a Crisis of Abundance?

11.00 Break

11.30 Presentation session II [chair: Vanessa Hanneschläger]

- Kim Nayyer: Advancing digital scholarship activities with Canadian and global comparative copyright law
- Simone Reborá, Moniek Kuijpers, Pirooska Lendvai: Privacy and Property Issues in the Computational Study of Social Reading

13.00 Lunch break

14.00 Presentation session III [chair: Walter Scholger]

- Nirmala Menon: Copyright and Impact Factors in the Humanities - Decolonizing Knowledge Systems and Assessments
- Paul Millar: Copyright and Post-disaster Archiving
- Kiyonori Nagasaki: Recent situation of copyright law and other licensing issues for DH in Japan

15:30 Break

16:00 Panel/Plenary Discussion: “Digital Humanities: Research with digital resources in post-anarchical times” [chair: Walter Scholger]

Panelists: Erik Ketzan, Kim Nayyer, Andreas Witt Wrap-up and Take-aways

17.30 End

CfP Copyright and Humanities Research: A Global Perspective (DH2019 pre-conference workshop)

We invite proposals for contributions to the DH2019 pre-conference workshop “Copyright and Humanities Research: A Global Perspective”, which will take place on July 8, 2019 at the DH2019 conference at Tivoli Vredenburg in Utrecht, The Netherlands.

This workshop is a joint effort of the DARIAH working group [ELDAH](#) (Ethics and Legality in Digital Arts and Humanities) and the CLARIN CLIC (CLARIN Legal and Ethical Issues Committee).

Introduction to the topic

Despite the fact that the first copyright acts were written “for the Encouragement of Learning”[1] or “to promote the progress of Science”[2], the research community regards today’s copyright law as a foe, rather than as a friend. In the digital world (where every use of a digital work necessitates its reproduction), copyright has evolved into a framework regulating access and re-use of all sorts of contents. As copyright is within the scope of national legislation, international cooperations to carry out research in a digital environment have to deal with a highly complex legal situations.

Largely based at universities, cultural heritage institutions or other public research institutions, humanities research is usually non-commercial and based on a public mandate for education. Open (and free) access to sources and results of this research gains further importance because most national funding agencies demand open access to research publications and data as a requirement for funding. On the other hand, researchers themselves have a keen interest in defending their own intellectual property rights, in part due to economic concerns but also in terms of academic credit. This conflict of interest is summarized in the Universal Declaration on Human Rights, which sets the premise that “(everyone has) the right freely [...] to share in scientific advancement and its benefits”[3], but goes on to say that “everyone has the right to protection of the moral and material interests resulting from any scientific, literary or artistic production of which he [sic] is the author”[4].

For digital humanities scholars, this axiomatic situation combined with recently developing trends towards open licensing has created an urgent necessity to educate themselves on legal issues and discuss how copyright legislations impact and shape what we (are able to) do; “[t]he rapid worldwide expansion of digital humanities work demands that we begin to deal with the complex tangle of rights around digital humanities knowledge production before others do it for us.”[5] One of the most important reasons for the necessity to deal with copyright issues from the scholars’ perspective is that copyright laws are the framework within which we have to negotiate our research ethics, especially with regards to questions of the possibility of access to our work for all.[6] For this reason, Zafrin et al. began the discussion of copyright issues for DH in a global context with their panel session at the 2017 DH conference in Montréal.

At this year’s DH conference, we would like to build on Zafrin et al.’s work and continue the discussion in the framework of a full-day workshop. We would like to broaden the scope and discuss the topic on a global scale, as the concept of copyright has developed in manifold ways in different areas of the world for historical reasons.[7] The continuation of this discussion is especially important for the digital humanities community because the transcending of national borders is inherent to the nature of digital research.

Call for proposals

Therefore, we invite scholars from all over the globe with expertise in handling copyright issues in the context of digital research to discuss the following questions:

- What are the specific benefits and pitfalls of the copyright legislation in your country for digital scholarship?
- Are the existing international copyright-related agreements (Berne Convention, TRIPS agreement) sufficient?
- What aspects of digital scholarship do current copyright legislations and agreements (in your country and beyond) not cover or even actively hinder?
- Does the copyright legislation in your country facilitate or hinder the attribution of free licenses or certain types of free licenses in any way (e.g. in the Germanic legislative tradition, authors cannot waive their right to attribution)?
- What exceptions for research purposes (e.g. data mining exceptions) does the copyright legislation in your country foresee? Are they sufficient?

Contributors can address one or more questions from this non-comprehensive list of issues. Discussion of further aspects is welcome, especially relating to data privacy issues, licensing questions, and new challenges arising from emerging trends towards open science.