

# An Introduction to the Strategic Content Alliance IPR and Licensing Toolkit for Senior Managers

## The Digital Revolution

In the last decade, millions of pounds of public funding have been made available to investigate and experiment with digitisation and online services. Digital technologies have fundamentally changed how content can be created, delivered, presented, exploited, shared and enhanced. Digital services are now used widely in the delivery of public services, and programmes such as the DCMS and BERR **Digital Britain**<sup>1</sup> seek to focus and stimulate the delivery of digital public services. In the recently published, *Digital Britain Final Report*, the authors stated a solid aim 'to enable Britain to be a global centre for the creative industries in the digital age, delivering an ever wider range of quality content, including public service content, within a clear and fair legal framework'.

## Intellectual Property Rights, Licensing and the Public Sector

For public bodies, understanding the implications and roles of Intellectual Property Rights (IPR) and licensing in their capacity as a provider, aggregator and/or publisher of digital content is essential in their role in the digital content lifecycle from creation to curation, to ensure that they can deliver publically funded content. Whilst there is little current case law, public sector bodies risk reputational damage and loss of trust with publishers and other rights holders in the event that copyright and other IPRs are not handled appropriately. They also need to ensure that their own rights are protected, contractual agreements with any funding bodies are upheld and to consider the ramifications of using digital content for which rights holders are unknown or cannot be traced (so called "orphan works"). A recent report by the Strategic

Content Alliance and Collections Trust<sup>2</sup>, "In From the Cold" currently estimates that orphan works comprise of an average of between 5-10% of all works in the public sector.

The prevalence and likely volume of IPR and licensing issues associated with digital content means that it is essential that IPR and licensing processes form part of key operational practices across any public sector organisation as well as incorporated within risk management frameworks. Furthermore, the underpinning of IPR and licensing to fundamental corporate issues such as business models and sustainability, open access and maximising investment in

research outputs, means that these issues must also be handled by management to ensure join up between operational practices, policy and strategic goals.

### Key points about IPR and Licensing:

- IPR Overview: Within IPR, copyright as well as performers' rights are most likely to prevail.
- Role of licences: licences are usually the mechanism used to ensure that permission is granted and/or permission is sought.
- Dual Roles: Public sector bodies will be generators of IPR and as well as users of third party IPR.
- Multiplicity: digital content often involves multiple layers of content, multiple rights holders and multiple permissions to be sought.

Without a top down and bottom up level of engagement across our public sector bodies to IPR, there is a danger that access to content funded by the public purse will be locked down, unnecessary risks encountered and public sector generated IPR not protected nor fully exploited.

<sup>1</sup> [www.culture.gov.uk/images/publications/digitalbritain-finalreport-jun09.pdf](http://www.culture.gov.uk/images/publications/digitalbritain-finalreport-jun09.pdf)

<sup>2</sup> In From the Cold, 2009. [http://sca.jiscinvolve.org/files/2009/06/sca\\_colltrust\\_orphan\\_works\\_v1-final.pdf](http://sca.jiscinvolve.org/files/2009/06/sca_colltrust_orphan_works_v1-final.pdf)

## The Strategic Content Alliance (the 'Alliance')

In response to the need to support UK citizens gain best value from the public investment that has been made in digital content, the JISC is leading the Alliance initiative funded as part of its Core programmes. JISC is taking this work forward in collaboration with a set of key organisations across the public sector, these are: The British Library; The BBC; British Education Communications and Technologies Agency (BECTa); The Museums, Libraries and Archives Council (MLA) and The NHS National Library for Health (NLH). In developing a framework for best practice, the Alliance has created a set of principles and guidelines for best practice on: Audience Analysis and Impact; Business Modelling and Sustainability; Advocacy and Implementation; Experimentation (Rapid Prototyping; Testing; and Evaluation) and Intellectual Property Rights and Licensing.

## The Alliance IPR and Licensing Toolkit

As part of its IPR and Licensing work, the Alliance has developed an IPR and Licensing Toolkit. This essential toolkit, which is being continually updated, has been developed for customization and adaptation to suit specific needs and requirements. It provides the minimum that Senior Managers need to know including the following:

- Overview of licensing, including an understanding of open content licenses
  - See: [http://sca.jiscinvolve.org/files/2009/04/11\\_sca\\_ipr\\_cc\\_licences.pdf](http://sca.jiscinvolve.org/files/2009/04/11_sca_ipr_cc_licences.pdf)
- What a model license looks like
  - See: [http://sca.jiscinvolve.org/files/2009/04/37\\_sca\\_ipr\\_modellicence.pdf](http://sca.jiscinvolve.org/files/2009/04/37_sca_ipr_modellicence.pdf)
- IPR – the broad issues
- IPR and social networking/web 2.0, including legal issues  
[http://sca.jiscinvolve.org/files/2009/04/12\\_sca\\_ipr\\_web2ipfactsheet.pdf](http://sca.jiscinvolve.org/files/2009/04/12_sca_ipr_web2ipfactsheet.pdf)
- IPR and Risk Management - an overview
- IPR and Licensing Blueprint for Funding Bodies and Recipients of Funding  
[http://sca.jiscinvolve.org/files/2009/04/22\\_sca\\_ipr\\_licensingblueprintfunding.pdf](http://sca.jiscinvolve.org/files/2009/04/22_sca_ipr_licensingblueprintfunding.pdf)
- Draft IPR Policy Statements outlining roles, rights and responsibilities as well as clauses outlining who owns what rights:  
[http://sca.jiscinvolve.org/files/2009/04/21\\_sca\\_ipr\\_draftiprpolicystatements.pdf](http://sca.jiscinvolve.org/files/2009/04/21_sca_ipr_draftiprpolicystatements.pdf)

It also provides templates and other resources that can be used by staff to help them deal with operational issues

associated with IPR and licensing such as:

- Template Licence and Template Email Permission Form for seeking third party permissions
- Contractual Clauses for Requesting Permission from Staff/Volunteers
- Model Consortium Agreement when working collaboratively with other organisations
- Contractual Clauses for Requesting Permission from Freelancers/Subcontractors
- Template Terms and Conditions of Service when engaging with web-based users
- Basic Terminology Toolkit.

It is essential that staff are informed about the toolkit, to help make more digital content accessible to more people.

For more details about the IPR and licensing work of the Alliance, please see:

- IPR Toolkit: Overview, Key Issues and Toolkit Elements  
[http://sca.jiscinvolve.org/files/2009/04/sca\\_2009symp\\_ipr\\_toolkit\\_overview-final.pdf](http://sca.jiscinvolve.org/files/2009/04/sca_2009symp_ipr_toolkit_overview-final.pdf)
- IPR Navigation Map:  
[http://sca.jiscinvolve.org/files/2009/04/sca\\_2009symp\\_ipr\\_navmap-final.pdf](http://sca.jiscinvolve.org/files/2009/04/sca_2009symp_ipr_navmap-final.pdf)
- In from the Cold: An assessment of the scope of 'Orphan Works' and its impact on the delivery of services to the public (groundbreaking survey on the extent of this issue):  
<http://sca.jiscinvolve.org/?s=in+from+the+cold>
- Case Studies Mapping the Flows of Content, Value and Rights across the Public Sector:  
[http://sca.jiscinvolve.org/files/2009/04/sca\\_2009symp\\_ipr\\_casestudies-final.pdf](http://sca.jiscinvolve.org/files/2009/04/sca_2009symp_ipr_casestudies-final.pdf)

All reports are available for download at the Alliance blog:  
<http://sca.jiscinvolve.org/>

If you have any further questions, and/or wish to join the Alliance IPR JISCmail list to keep informed of events and updates, please contact Naomi Korn or Emma Beer  
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## The Strategic Content Alliance

This briefing paper and The Strategic Content Alliance Intellectual Property Toolkit have been prepared by Naomi Korn Copyright Consultancy on behalf of the Strategic Content Alliance. They are part of a series of guides developed to support people in the public sector understand IPR, from licensing to orphan works, through tools designed through a peer-reviewing process.

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