

Rights (and wrongs) in  
digital musicology:  
four projects in profile

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## Four research projects

- 1 Digital Image Archive of Medieval Music (DIAMM)
  - medieval manuscripts
- 2 Chopin's First Editions Online (CFEO)
  - 19th-century editions
- 3 Online Chopin Variorum Edition (OCVE)
  - 19th-century manuscripts and editions / later editions / sound recordings
- 4 AHRC Centre for the History and Analysis of Recorded Music (CHARM)
  - sound recordings

## DIAMM

(relevant text hereafter adapted from <http://www.diamm.ac.uk/reports/June.pdf>, with special thanks to Dr Julia Craig-McFeely)

- Over 14,000 images in DIAMM archive, including 11,500 individual images from complete manuscripts and 2,500 from fragmentary sources
- 250 archives in 10 countries have been visited or contributed to archive
- Images captured digitally by the archive or directly by DIAMM using mobile studio, or scanned by DIAMM from large-format transparencies supplied by library or owner
- Licensing structure governs capture and virtual restoration

## DIAMM

- Removal of obstacles to studying the documents is critical to effective web delivery through DIAMM portal
- Finding security measures minimizing obstruction is therefore a key requirement
- PDF format inadequate to protect images: password portal considered sufficient security for the images
- Breach of User Access Agreement unlikely to be deterred by further security measures

## DIAMM

- Licence to digitize primary sources
- Licence to deliver digitized images via DIAMM website
- User Access Agreement
- Modifications to DIAMM licence by individual libraries
- Other licences written by the archive concerned (Bodleian and National Library of Scotland)

## **Chopin's First Editions Online (CFEO)**

- Original impressions of Chopin's first editions in unprecedented virtual collection
- Archive comprising c.5,000 digital images
- Images supplied by four partner libraries (84%) and eighteen other institutions
- Catalogue excerpts and text-analytical commentary

## Online Chopin Variorum Edition (OCVE)

- Online variorum edition to facilitate and enhance comparative analyses of disparate types of source material
- Images + scholarly commentary
- Facility for end-user annotations to be developed
- Phase 1: manuscripts, first impressions of first editions, later impressions of first editions
- Phase 2: all of the above + later editions
- Later phases: all of the above + sound recordings

## Accessibility

- DIAMM: password-protected, but no subscription or other fees; access governed by User Access Agreement
- CFEO & OCVE: no password-protection, subscription or other fees; no need for User Access Agreement

## Protection issues

- How much protection is valid and useful, and how much is pointless?
- How much protection is obstructive to genuine scholarship?
- Can misrepresentation of sources be prevented?
- Techniques: watermarking, Zoomify, etc.

### **Licensing issues of general relevance**

- Shelf mark and source must be fully and accurately identified; this information to appear with the image at all times.
- Copyright statement should also be visible at all times while image is being viewed.
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## Licensing issues of general relevance

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- Images may be delivered at high quality, but with limitations on downloadability.
- Implications of scholarly annotation tools etc. may need to be addressed.
- *Force majeure* clause should be included to protect both library and project.

### **Licensing issues of general relevance**

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## **CHARM – sound recordings**

- One of CHARM's deliverables is 'establishing a library of streamed and downloadable recordings from the King's College London archive of 78rpm discs, supplemented by recordings provided by individuals and organizations attracted by the project'.
- Non-copyright materials: original sound recordings rather than re-masters to be used, to avoid complex rights negotiations.

## Problems

- Wary (obstructive!) owners of original material
- Concerns about lost revenue if access to material or permission to use it is granted
- Prohibitive charging structures or policies, for acquisition of materials and/or usage
- Possible changes to copyright law, leading to further (possibly insurmountable) restrictions

## Copyright in sound recordings

- Recent proposal in Britain to extend copyright in recordings from 50 to 90/95 years
- Purpose is to enable (large) record companies to continue to gain royalties from popular music released since 1950s in order to subsidise risk-taking with new artists
- Perceived threats to employment, skills, consumers, culture, education, and research

## Copyright in sound recordings

- Current 50-year copyright rule allows researchers (as well as many small record companies specializing in reissue of old recordings) free access to all recordings made more than 50 years ago
- Compare Britain with USA, where current legislation maintains copyright until 2070 in all sound recordings made since early 1920s; academic research on historic recordings on scale of CHARM virtually does not exist

### **Copyright in sound recordings – fallback position?**

- The extension is not retrospective, i.e. any recording that is 50 years or more old on the day the legislation is passed remains out of copyright.
- The copyright should not apply to recordings that have not been available for purchase for 30 years or more as they are obviously not considered to be of any significant commercial value by the owning company.
- For all other recordings, the copyright should remain valid only if the recording continues to be available for purchase by the public. If 30 years (or some other suitable period) elapses during which it has not been available to the public for purchase, the copyright in it is forfeited.

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