

Senior Managers	✓
Metadata Creators	
Developers	
Suppliers	

Licensing

The Discovery programme has been funded by JISC to improve access to collections that support research and education. This document is part of a series that describes the lessons from 8 JISC projects funded under the Discovery programme in 2011 to explore open metadata for libraries, museums and archives. More information about the projects can be found at: <http://www.jisc.ac.uk/whatwedo/programmes/inf11/infrastructureforresourcediscovery.aspx>. The other documents in the series can be found at: <http://discovery.ac.uk>

Scope

There are many human, institutional, technical, legal and contractual issues that appear to complicate the open sharing of data and associated licensing decisions. This guide summarises the positions adopted by the eight Discovery projects and makes recommendations based on the Discovery principles.

The Problem Space

Questions of ownership and rights with respect to use and reuse of metadata and other records remain complex. Cultural and educational institutions today exist in an environment where they, their stakeholders, and new commercial and non-commercial third parties all have various interests in exposing and repurposing basic factual and descriptive data.

The mood outside our walls is shifting. Governments, standards bodies, web companies and our potential beneficiaries are increasingly embracing a presumption in favour of transparency, openness, sharing and reuse. Except in specific circumstances, such as those around personally identifiable information, there is a growing expectation that raw data should be freely available; especially where it has been collected using public funds. Adoption of this approach in specific communities can be seen through activity such as the 'Panton Principles' for providing open access to scientific data. Actions taken within universities and the cultural sector must respect these shifting attitudes, and assess risks and opportunities not only on the basis of current institutional priorities, but also in the light of the changing world of which we must remain a part.

It appears difficult for public institutions to use excessive caution as justification for not opening up access to non-personal institutional data for use and reuse. A formal stance with respect to data sharing and licensing is an increasingly important aspect of the way in which institutions project themselves to their peers, their funders, and their beneficiaries. It is no longer sufficient to quietly ignore the issue, or to allow staff to make individual decisions on a case by case basis.

Discovery embraces an open approach to data sharing, as encapsulated with the Open Metadata Principles¹.

Outcomes

There are many human, institutional, technical, legal and contractual issues that may appear to complicate the open sharing of data, as the first eight Discovery projects quickly found. However, it is apparent that mindset and attitude are important in determining the steps that are taken to mitigate for these complications; with the right attitude and approach, many of the apparent complications can be sidestepped or overcome. It is too easy to allow the apparent complexity of real or presumed obstacles to introduce inertia, and to divert projects from outcomes that truly serve the broader community.

The Jerome² project at the University of Lincoln, for example, fully embraced the principle of open sharing, and adopted pragmatic strategies to ensure that its aims were met. As noted in the project's final report³, Jerome used "technology to find a way around licensing issues. Rather than spending time negotiating with third parties

¹ <http://discovery.ac.uk/businesscase/principles>

³ <http://jerome.blogs.lincoln.ac.uk/2011/08/01/its-the-final-blog-post>

² <http://jerome.library.lincoln.ac.uk/about>

to release their data openly, Jerome took a different approach, which was to release openly those (sometimes minimal) bits of data which we know are free from third-party interest, then to use existing open data sources to enhance and extend those records.”

A number of projects were happy to openly release data for reuse, but expressed concern about not being able to enforce sufficient attribution of the institutions maintaining and contributing to the data. As the University of Sussex's SALDA project reported, selecting a license “was never going to be straight forward and any discussion about licencing makes people edgy. Perhaps not the licence itself but the idea that someone could use someone else's work without asking or crediting them.” Creative Commons' Attribution License⁴ is specifically designed to meet this requirement for creative works, and the notion of Community Norms⁵ was specifically included within the Open Data Commons licenses in order to support requirements such as a request for attribution.

Perhaps erroneously, projects were inclined to choose CC-BY instead of one of the Open Data Commons licenses, because they felt that the attribution requirement was both critically important to their stakeholders and more easily enforced by CC-BY than through a Community Norms declaration. Both presumptions are open to question.

Discovery projects that built directly upon existing material faced the greatest challenge, often simply continuing existing licensing practice. Contextual Wrappers, for example, selected the license⁶ currently used by the rest of the Culture Grid, describing⁷ its prohibition of 'commercial' reuse as “the safe bet which best suits our requirements.” Oxford's Discovering Babel project followed an established tradition amongst many university-based projects, noting that “The datasets to which the resource discovery metadata refer are not owned by the OTA [Oxford Text Archive], but the OTA has permission to make the resources available subject to a user licence, which restricts use to exploitation for the purposes of education and research.”

In selecting future projects in these areas, funders may wish to more forcefully challenge existing presumptions with respect to licensing, especially where these have such a detrimental impact upon use and reuse.

Recommendations

Explicitly develop an institutional approach to data licensing, considering the Discovery Open Metadata Principles, and guidance such as that offered to libraries in the Open Bibliographic Data Guide⁸.

Key Discovery Projects

- **Jerome** - <http://jerome.blogs.lincoln.ac.uk>

⁴ <http://creativecommons.org/licenses/by/3.0>

⁵ <http://opendatacommons.org/norms>

⁶ <http://creativecommons.org/licenses/by-nc-sa/3.0>

⁷ <http://context.collectionstrustblogs.org.uk/2011/06/24/licensing>

⁸ <http://obd.jisc.ac.uk/rights-and-licensing>