Draft Report Schedule

"Intellectual Property Rights for Digital Preservation" - DPC Technology Watch Report

1.   Introduction

This Schedule outlines the contents and context of a report which will form part of the DPC's Technology Watch Report series and which will discuss the thematic topic of the impact of intellectual property rights on the development of digital preservation. The purpose of this document is to frame the contents of the report and in this way act as a project initiation document. The resulting report should conform to the relevant sections of the DPC Notes for Authors Reviewers and Editors (version 1.0) supplied to the author.

As a general guide, the purpose of the Technology Watch Report series is to provide thematic authoritative support and foresight to those engaged with digital preservation or having to tackle digital preservation problems for the first time. To ensure this the report should:

- Be informed, current, concise and balanced.
- Lower the barriers to participation in digital preservation by being written in an informative but accessible style for a wide audience.
- Be derived from the needs of the membership and deliver benefit to members. Both report topics and draft report outlines will be discussed and agreed with DPC members
- Be consistent with the mission of the Coalition by being vendor independent and sharing knowledge and best practices with the membership.
- Be of utility to non-members.
- Have explicit quality criteria as set out in the DPC Notes for Authors and the schedule below.

2.   Scope of this report

This report will provide a guide to current developments, practical and emerging issues which organisations are facing in the area of Intellectual Property Rights for Digital Preservation. Chapters and contents will be as follows:

Executive Summary: A one page précis of the report is required, including a succinct statement of why the topic should be considered at this time and concise recommendations. The scope of the report should be clearly defined and any major exclusions made explicit.

Abstract: The report should open with a description of the intended audience and key message of the report that can be used for resource discovery and publicity. The key message should be not more than one hundred words.

Introduction: The report will provide basic background information to the subject outlining the issues relevant to a wide range of organizations, e.g. HE sector, national and regional libraries and archives. A brief historical introduction to the field should be included to introduce the 'problem', the key players who have contributed to emerging solutions. Efforts should be made in this section to introduce key terminology, to define terms that might be ambiguous and to introduce acronyms which will be used later in the report.

Issues: The report should concentrate on legal issues described below, but reference should be made to current areas and gaps in policy development. Issues will include:
- IPR and copyright.
- Collecting policies.
- Use cases and user requirements.
- Implications for small, medium, and large organizations.

The Law: The report should provide a concise overview of UK law, including providing references to IPR materials that are of particular relevance to those engaged with digital preservation, and where necessary making reference to EC/EU law. The report should consider legal issues that impact not just the accession of

materials but also ongoing preservation efforts and future public access. The report should consider, in particular, the following issues/questions:

- The similarities and differences between the application of IPRs to non-digital and digital works in data life cycle management including practical impacts on issues such as backup, integrity checking, disaster recovery solutions.
- The current preservation exception and its limitations.
- The impact of TPM/DRM on accession and use, and the legality of unlocking/breaking TPM/DRM mechanisms in order to utilize digital works
- Web archiving and the the restrictive nature of the Legal Deposit Libraries (non-print) publications regulations 2011.
- The implications of format-shifting digital works e.g. can format-shifting impact upon IPRs?
- The implications of reverse engineering proprietary file formats e.g. does the act of creating and distributing an internal signature identification which exposes the internal structure of a proprietary file format infringe IPRs?
- To what extent can both hardware and software be emulated without infringing upon IPRs?

Where appropriate the report may adopt an FAQ approach to these and other common questions.

Practical Implementations: The report should examine practical issues arising from accession of materials, preservation activities and provision of public access. The report should consider, in particular, the following issues/questions:

- Good practice use of IPR consent forms and licensing for both deposit and access
- Education of depositors and end-users
- Developing practices in IPR mitigation, e.g. notice and takedown
- IPR metadata – creation, collection and use, evaluation of PREMIS/OASIS
- Technical innovations in handling IPRs.
- IPR and practical reuse of preserved digital datasets, e.g. text mining
- Critical evaluation of existing IPR guidance on digital preservation in the light of practical experience

Current Activities and Case Studies: The report should be illustrated with examples and case studies. The author is encouraged to seek examples of good practice internationally, commensurate with the readership of the report. Outcomes of previous research projects as well as emerging or planned services may be presented.

Conclusions: a reasoned assessment of the state of play as regards IPRS and digital preservation, evaluating current and potential trends, highlighting, in particular:

- Key knowledge gaps amongst the digital preservation community
- Key risks posed by IPR to digital preservation outcomes and practices
- Key developments and areas of good practice that should be given wider attention
- Key political and policy developments likely to impact the relationship between IPRs and digital preservation

Recommended Actions: The report should conclude with recommended actions for the digital preservation community, and a clear indication of the agencies or individuals that are required to take up these actions. The recommended actions should be re-iterated in the Executive Summary.

Glossary: A list of non-standard acronyms, abbreviations, and vocabulary should be included. Care should be taken in the text to clarify technical terms which may be ambiguous. Jargon should be avoided as is the use of common vocabulary in non-standard ways.

Further Reading: The report should include an annotated bibliography of useful resources and publications for readers who require more detail or who require advice on topics tangential to the main thrust of the report.

References: Bibliographic references should be presented in Harvard format. See the DPC Notes for Authors for more guidance.

Appendices: appendices may be included if required, such as lists of service providers or sources of additional advice.

3.   Deliverables from this Report

The report will be at least 20 pages and no more than 40 pages long, including all appendices and bibliography and title page; A4, 10pt, equivalent comprising approximately between 10,000-15,000 words plus references, a glossary of terms and acronyms, and any appendices.

The Report will be subject to editorial and anonymous peer review by Charles Beagrie Ltd and the DPC. The Report should be of publishable quality with all tables, diagrams and text delivered in digital format. Detailed advice on style and presentation are provided in 'DPC Notes for Authors Reviewers and Editors'.

The report should contain material of substance, which is not merely a compilation of available materials. The contents should be of relevance to the activities of the DPC, of scientific and or technical merit, and timely. It should not contain unwarranted assertions. Any assertions about technology developments or impacts should be based on evidence, independent analyses or sound reasoning.

4.   General Template

The report should conform to the structure of existing DPC Technology Watch Report Microsoft Word Template supplied by Charles Beagrie to the author.

5.   Timetable

The provisional timetable for the Author, Charles Beagrie Ltd and the DPC is as follows:

End Week/Month	Task
30 November	Prepare first draft in report template (within 2 months – Author)
14 December	QA of first draft (two weeks – NB)
	Alert peer reviewers and update when first draft arrives (two weeks – WK)
7 January 2012	Peer review comments (two-four weeks - Reviewers)
	Alert Copy Editor (one week – WK)
14 January	Assemble and agree peer review comments (one week – WK/NB)
	Communicate review comments to author (NB)
14 February	Implement and respond to review comments (Author)
	Submit second draft (Author)
28 February	QA second draft (two weeks – NB)
	Send second draft to peer reviewers as a courtesy (WK)
13 March	Copy edit (two weeks – Copy editor)
14 March	Production of final report (one day – WK)
	Pre-release of report for DPC members (one month)
14 April	Public release and publicity (WK/NB)