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System for redirection to clearing mechanisms

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¹ OJ L 79, 24.3.2005, p. 1.

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Introduction

The objective of the D 6.3 “System for redirection to clearing mechanisms” within the ARROW project is to provide evidence of the mechanisms set up within the Arrow Right Information Infrastructure and Registry of Orphan Works in order to redirect users, looking for right information, to Rights Clearance Centres (RCC).

In the deliverable 3.3.2 “Correspondence of Arrow infrastructure with Rights Clearance Centres (RCC) and the needs of their users and rightholder requirements”² the major conclusions reached are the following:

The principles and recommendations of the Copyright Subgroup of the High Level Expert Group on Digital Libraries (HLG) provide some guidance as to key principles for the functioning of rights clearance centres (RCC) for both orphan and out-of-print works. Two tasks are crucial: to conduct diligent searches for rights information and rightholders and to grant (or refuse) licenses to users for the works and uses required, or alternatively, redirect to the appropriate rightholder.

The Arrow infrastructure complies with the principles and recommendations of the HLG Report regarding RCCs and is compatible with the current implementations of these recommendations. Arrow, in turn, provides a tool for facilitating diligent search of rights information, right status and rightholders as well as on information on orphan works and rights clearance and is therefore a valuable tool for existing RCCs and for the creation of new ones.

While no such centres, i.e. with the task of addressing specifically and chiefly the clearance of rights to use orphan and or out-of-print works on a large scale, have been established yet, Reproduction Rights Organisations (RROs) have been identified as natural candidates to become clearing centres for out of print and orphan works. Moreover, the current experiences confirm the role of RROs as natural candidates for the task, and demonstrate as well compatibility with a system like Arrow, since RRO information is integrated within the Arrow workflow.

Hence starting from these results, the present deliverable analyses and provides evidence of the existence of redirection mechanisms toward RCCs both in Arrow RII and in Arrow ROW

² D3.3.2: http://www.arrow-net.eu/sites/default/files/D3.3.2_Correspondence_ARROW_clearingcentres.pdf

Basically, the very inclusion of RROs in the Arrow workflow shows Arrow's connection with the already existing clearance centres.

Being these mechanisms already present and implemented in the services provided so far, there is no need to proceed with ad hoc developments. All the necessary information can be found in the deliverables D6.1 "Rights information infrastructure - release 1" and D6.2 "Registry of Orphan Works Management System"³ as well in the deliverables D3.3.1 "Guidelines for clearance mechanisms for out of print works"⁴ and D3.3.2 "Correspondence of ARROW infrastructure with Rights Clearance Centres (RCC) and the needs of their users and rightholder requirements".

Redirection mechanisms in RII:

Arrow, Right Information Infrastructure provides a tool for facilitating diligent search of rights information, right status and rightholders. Within its complex workflow the following redirection mechanisms have been established:

- "redirect" to the appropriate RRO:

this is how the workflow works: whenever a library submits a record, the ARROW system analyses the library request and triggers the workflow on the correct process line (country basis) to end up directing the request to the RRO that can actually provide the answer. This is applied to each category of works (in print as well as out of print). In Arrow RII the publishing status of the work defines if the work is in print or out of print and this status at work level is inferred by comparing all the publishing status of all the manifestations belonging to the same work. Arrow gathers this information at manifestation level querying Book In Print catalogues.

- allow the RRO to "redirect" to the rightholder, before answering the library

the contact between the RRO and the Rightholders is outside the ARROW workflow, as agreed when designing the workflow, because it is part of the RRO business. However the final ARROW message

³ D6.2 Registry of Orphan Works Management System: http://www.arrow-net.eu/sites/default/files/D6.2_Registry_of_Orphan_Works_Management_System.pdf

⁴ D3.3.1 Guidelines for clearance mechanisms for out of print works: http://www.arrow-net.eu/sites/default/files/D3.3.1_Guidelines_ClearanceMechanisms_OutofPrintWorks.pdf

to the library can carry either the result of the contact or the information that the RRO is contacting (or can contact the rightholder) on behalf of the library, according to the RRO business model.

- **"redirect" the library to the rightholder**

the final message to the library can contain the following information: the answering RRO cannot help you, you have to contact directly the rightholder (or the rightholder agent) and here you have some info on the rightholder

Redirection mechanisms in ROW

The approach chosen to design and set up the ROW within the ARROW framework took in consideration that the definition of the legal framework concerning Orphan Works is still in progress and operative solutions are under discussion in many European countries. Considering this situation the design of the ROW was conceived in order to manage a ROW centralised infrastructure for the management of Orphan Works or interoperable National ROWs, or both, depending on solutions envisaged for Orphan Works and Orphan Works management at country level. This means in other words that ROW functionalities was designed to consider country specific requirements to enable system scalability and interoperability with National ROWs (see §5.5 ROW models supported in ARROW, D6.2).

Redirection to appropriate RCC as Row Manager

The ROW was designed to be scalable to emerging actors in ARROW scenario and the actors identified are to be interpreted as "Roles" that can be played by different organisations in the ARROW environment. Among the different roles defined in the ROW, the ROW manager represents one of the most important and is under the responsibility of the RCC, i.e. RRO, being the Reproduction Rights Organisations (RROs) identified as natural candidates to become clearing centres for orphan works. Independently by the organisations that will cover this role, the Arrow ROW was conceived to provide several functionalities to them.

According to each country legal framework, actors like ROW Manager and Rights Clearing Centres can operate at country level and their specific interaction with the ROW is limited to the works within their jurisdiction. Hence, the system foresees the inclusion of RROs in the workflow and

constitutes evidence of the direct connection between Arrow ROW and future clearing centres RCC/RRO.

Redirection of searching into national ROWs

In the ROW it was built a central index for searching to allow any user to search orphan works in Europe from a single access point. In case Orphan Works are managed by other systems (as National ROWs) and they have their own registry, appropriate redirection mechanisms will be implemented from the central layer for searching into the national service.

Redirection of claiming requests

Once a claimer identifies an Orphan Work in central index for search and decides to make the claim, the system identifies the country of the claiming management and consequently, if the claiming is under the jurisdiction of a country that has its own claiming service, the ARROW system will redirect the claimer to the appropriate national service.

There must be a redirection also from the national ROW to the Arrow central one. National ROWs will notify to the ARROW central ROW the change of Orphan Status following the approval of a claiming request.

Conclusions

As this analysis has shown, the Arrow systems, both RII and ROW, was designed to support redirection mechanisms towards Rights Clearance Centres. When such centres exist, like in RII where RROs plays the role of clearing centres, the redirection mechanisms are already in place; where the definition of the legal framework is still in progress, like for orphan works, this mechanisms have been foreseen and the ROW system was designed in order to be interoperable with future RCC systems, like national ROWs.

Redirection mechanisms is implicit in the ARROW RII and ROW workflow and thus the development of an ad hoc "redirection mechanism" intended as an additional piece of software is not needed. This in the hypothesis that RROs already included in the ARROW workflow are also RCCs, as it is so far. In the case that the RRO included in the ARROW workflow is a separate entity from the RCC for orphan works, the ARROW system will integrate the RCC as well in the workflow, that is again an implicit redirection, as explained in the document on the ROW specifications.