

## ECP-2008-DILI-518001

### BHL-Europe

Complete signed agreements with first group of rights holders to enable material to be used in the BHL or EUROPEANA, and establish process for addition of further material

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***eContentplus***

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<sup>1</sup> OJ L 79, 24.3.2005, p. 1.

## 0 Document History

### 0.1 Contributors

Person	Partner
Nancy Chillingworth	NHM

### 0.2 Revision History

Revision Date	Author	Version	Change Reference & Summary
4 May 2011	Nancy Chillingworth	0.1	First draft for review
6 May 2011	Nancy Chillingworth	0.2	Second draft following review feedback
12 May 2011	Nancy Chillingworth	1.0	Final version following review feedback

### 0.3 Reviewers

This document requires the following reviews and approvals.

Name	Position	Date	Version
Graham Higley	BHL-Europe PMG	12 May 2011	1.0

### 0.4 Distribution

This document has been distributed to:

Group	Date of issue	Version
BHL-Europe consortium	4 May 2011	0.1
BHL-Europe consortium	12 May 2011	1.0

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## 2 Purpose

This document summarises the progress made to date in securing IPR agreements with data providers to allow inclusion of rights protected works in the BHL-Europe portal, expanding the corpus of content. It also aims to articulate the process for the addition of further material.

## 3 Agreements to use works protected by copyright

The majority of digitised biodiversity literature made available by project partners is sufficiently old to be no longer protected by copyright. The scientific, historic and cultural value of this older literature is significant. However the Project Management Group recognise that making more recent works available through the BHL-Europe portal would hugely benefit the scientific community in particular. Works published after 1910, which are identified as ‘high risk’ in the project’s IPR Best Practice Guide, require explicit permission from rights holders to a) allow their digitisation and storage on project servers, and b) for the works to be made available under a Creative Commons licence. Rights holders have a legitimate economic interest in controlling access to, and re-use of such works. Consequently, the Project Management Group acknowledge the challenge faced by project partners to persuade rights holders to allow these works to be made freely available on the world wide web under an irrevocable, relatively permissive licence. Project partners must be advocates of the Creative Commons licensing framework in order to secure copyright protected works for inclusion in BHL-Europe.

### 3.1 Rights clearance

The Project has used three approaches to tackle rights clearance to date.

1 – Work Package 2 has identified new content providers who are also rights holders and secured permissions directly. The project has successfully negotiated agreements with the Gesellschaft für Biologische Systematik<sup>2</sup> (GfBS) and the Institute of Paleobiology of the Polish Academy of Science<sup>3</sup> for contribution of the following titles:

- Acta Palaeontologica Polonica Vol. 1 - Vol. 55  
(Institute of Paleobiology of the Polish Academy of Science)
- Organisms Diversity & Evolution Vol. 1 - Vol. 9 (GfBS)

2 – Existing project partners have licensed content to which they own the copyright.

As rights clearance is subject to the resource constraints of project partners, a pragmatic approach has emerged from some project partners to first digitise public domain works, followed by works for which their own institution owns the rights and where their institution is willing to license the works under a Creative Commons licence.

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<sup>2</sup> [www.gfbs-home.de](http://www.gfbs-home.de)

<sup>3</sup> [www.paleo.pan.pl](http://www.paleo.pan.pl)

3 – Existing project partners have cleared permissions with third party rights holders. The activities of Work Package 2 in compiling and de-duplicating a comprehensive library catalogue from all partners have helped prioritise titles and publishers/rights holders to begin rights clearance.

### 3.1.1 Summary table of rights holder agreements

Source / type of agreement	Number of agreements with rights holders
Work package 2 identified new content provider rights holders	2
Existing project partners as rights holders	9
Third party rights holder agreements (excluding agreements obtained by NHM, SIL and MOBOT)	14
Third party rights holder agreements obtained by NHM, SIL and MOBOT	61
<b>Total number of agreements with rights holders</b>	<b>86</b>

### 3.1.2 Table of permissions obtained

The table below details the permissions obtained to date for use of copyright protected work in the BHL-Europe portal.

#### Content for which partner institutions own copyright, and which they have obtained consent to be licensed under Creative Commons licences

Number of partners who have provided content for which their own institution owns copyright, and which they have obtained consent to be licensed under Creative Commons licences.	9
Names of partners who have provided content for which their own institution owns the copyright, and for which they have obtained consent to be licensed under Creative Commons licences.	<ul style="list-style-type: none"> <li>• Smithsonian Institution (SIL)</li> <li>• Missouri Botanical Gardens (MOBOT)</li> <li>• Royal Botanic Gardens Edinburgh (RBGE)</li> <li>• Hungarian Natural History Museum (HNHM)</li> <li>• Royal Museum for Central Africa (RMCA)</li> <li>• Stichting Nationaal Natuurhistorisch Museum Naturalis (NAT)</li> <li>• Natural History Museum London (NHM)</li> <li>• Royal Belgian Institute of Natural Sciences (RBINS)</li> <li>• Consejo Superior de Investigaciones Cientificas (CSIC)</li> </ul>

Titles licensed under Creative Commons where partners institution owns copyright	<ul style="list-style-type: none"> <li>• All NHM serials</li> <li>• Novon a journal of botanical nomenclature from the Missouri Botanical Garden.</li> <li>• Missouri Botanical Garden bulletin.</li> <li>• Bulletin of the United States National Museum</li> <li>• Smithsonian contributions to knowledge, 1948-1922</li> <li>• Smithsonian miscellaneous collections, 1862-1966</li> <li>• Annual report of the Board of Regents of the Smithsonian Institution, 1847-1964</li> <li>• Bureau of American Ethnology publications</li> <li>• Atoll Research Bulletin</li> <li>• Smithsonian Translation Series</li> <li>• Contribution à l'étude écologique des Oribates de la litière dans une forêt de Moyenne-Belgique</li> <li>• Reeks :Mémoires de l'IRScNB - Verhandelingen van het KBIN</li> <li>• n° 153 - Les mollusques marins du Roussillon, Dautzenberg</li> <li>• 1888 - Annales de la Société entomologique de Belgique</li> <li>• Annals of RMCA</li> <li>• Nederlandse Faunistische Mededelingen</li> <li>• Scripta Geologica</li> <li>• Scripta Geologica Special Issue</li> <li>• Zoologische Bijdragen</li> <li>• Zoologische Mededelingen</li> <li>• Zoologische Verhandelingen</li> <li>• Notes RBGE v.1-46 1900-1990</li> </ul>
<b>Content for which third parties own the copyright, and which consent has been obtained to license under Creative Commons licences (excluding US partners and NHM)</b>	
Partners who have negotiated copyright licences with third party rights holders	<ul style="list-style-type: none"> <li>• Royal Botanic Gardens Edinburgh (RBGE)</li> <li>• Consejo Superior de Investigaciones Cientificas (CSIC)</li> <li>• Hungarian Natural History Museum (HNHM)</li> </ul>
Number of agreements with third party rights holders	14
Rights holders from whom permission has been obtained	<ul style="list-style-type: none"> <li>• Mary Benstead</li> <li>• Louise Olley</li> <li>• Margaret Tebbs</li> <li>• Dr. Christina Oliver</li> <li>• Dr. Norman K. B. Robson</li> <li>• Dr. Fernando Palacios</li> </ul>

	<ul style="list-style-type: none"> <li>• Consejo Superior de Investigaciones Científicas</li> <li>• Sociedad Española de Malacología</li> <li>• Dr. Carolina Albadalejo</li> <li>• Dr. Antonio Sanchez Ruiz</li> <li>• Dr. Angel Felicísimo</li> <li>• Dr. Antonio G Valdecasas</li> <li>• Hungarian Society of Parasitologists (co-publisher with HNHM)</li> <li>• Hungarian Entomological Society (co-publisher with HNHM)</li> </ul>
Titles for which permission has been obtained from third party rights holders	<ul style="list-style-type: none"> <li>• Annales historico-naturales</li> <li>• Musei nationalis hungarici</li> <li>• Miscellanea zoologica hungarica</li> <li>• Vertebrata hungarica</li> <li>• Musei historico-naturalis hungarici</li> <li>• Fragmenta botanica</li> <li>• Musei historico-naturalis hungarici</li> <li>• Studia Botanica Hungarica Folia</li> <li>• Entomologica Hungarica Parasitologica</li> <li>• Hungarica Crania</li> <li>• Anthropologica hungarica</li> <li>• Fragmenta Mineralogica et Paleontologica</li> <li>• Flora of Bhutan 1 (1) 1983. Edinburgh: RBGE</li> <li>• Flora of Bhutan 1 (2) 1984. Edinburgh: RBGE</li> <li>• Flora of Bhutan 1 (3) 1987. Edinburgh: RBGE</li> <li>• Flora of Bhutan 2 (1) 1991. Edinburgh: RBGE</li> <li>• Flora of Bhutan 2 (2) 1999. Edinburgh: RBGE</li> <li>• Flora of Bhutan 2 (3) 2001. Edinburgh: RBGE</li> <li>• Flora of Bhutan 3 (1) 1994. Edinburgh: RBGE</li> <li>• Flora of Bhutan 3 (2) 2000. Edinburgh: (NB Flora of Bhutan permissions for embedded illustrations).</li> <li>• Fauna Ibérica (some titles)</li> <li>• Iberus (journal)</li> <li>• Bibliografía de Entomólogos españoles</li> <li>• International simposium and first world congress on the preservation and conservation of natural history collections</li> <li>• Impactos, vulnerabilidad y adaptación al cambio climático de la Biodiversidad española.</li> <li>• Flora y vegetación</li> <li>• Parasitologica Hungarica Folia</li> <li>• Entomologica Hungarica</li> </ul>

### 3.1.3 Table of European titles cleared by NHM, SIL and MOBOT

NB The figures for third party licensed material above do not include those from the BHL (US/UK) project partners (The Smithsonian Institution, Missouri Botanical Gardens and Natural History Museum London). The English language BHL project has been successful in persuading the organisations, learned societies, and institutional publishers listed below to journals containing many thousands of pages to be made available through the BHL-Europe portal. This material will be available on an open access basis. Many more titles are currently under negotiation. The table below shows the European works for which the BHL-US project partners has obtained permission.

Number of rights holders from whom permission has been obtained: 61

<b>Rights holder</b>	<b>Title</b>	<b>Range</b>
(Free) Public Library, Museum (Liverpool)	Report of the (Free) Public Library, Museum (Liverpool)	1853-1878, 1898-1905
Andersonian Naturalists' Society.	Annals of the Andersonian Naturalists' Society.	1893-1908
Bayerische Staatsammlung fur Palaontologie und Geologie	Mitteilungen der Bayerischen Staatsammlung fur Palaontologie und historische	vol. 1 (1961) - vol. 42 (2002)
Bayerische Staatsammlung fur Palaontologie und Geologie	Zitteliana	vol. 1 (1969) - vol. 23 (2002)
Bedford Literary and Scientific Institute and General Library	Our Columns : The Journal of the Bedford Literary and Scientific Institute and General Library.	1891-1892
Botanische Staatssammlung	Mitteilungen der Botanischen Staatssammlung München	1950-1993
Botanische Staatssammlung	Sendtnera	1993-2002
Bournemouth Society of Natural Science	Report of the Bournemouth Society of Natural Science (Natural Science Society)	1904-1914
Bristol Museum and Library (and Art Gallery)	Report / Bristol Museum and Library (and Art Gallery)	1891-1907, 1908-1916
British Association for the Advancement of Science	Report of the British Association for the Advancement of Science.	1860-1907, 1859-1938
British Entomological and Natural History Society	British Journal of Entomology and Natural History	1988-2000
British Entomological and Natural History Society	Proceedings and Transactions of the British Entomological and Natural History Society	1968-1987
British Entomological and Natural History Society	Proceedings and Transactions of the South London Entomological and Natural History Society	1875-1967
British Entomological and Natural History Society	Proceedings of the SLENHS	1885-1896
British Entomological and Natural History Society	Report of the SLENHS	1884
British Entomological and Natural History Society	Report of the South London Entomological Society	1879-1882



British Museum	Return / British Museum.	1811-1921
Budapest Ministry of Environment and Water	Aquila	1923-1999
Cheltenham College Natural History Society	Report of the Cheltenham College Natural History Society.	1870
Cheltenham College Natural History Society	Report of the Proceedings of the Society / Cheltenham College Natural History Society.	1889-1903
Chester Society of Natural Science	Proceedings of the Chester Society of Natural Science.	1874-1907
Chester Society of Natural Science, Literature and Art	Report and proceedings of the Chester Society of Natural Science, Literature and Art.	1898-1910, 1911-1920
Chester Society of Natural Science, Literature and Art	Report of the Chester Society of Natural Science, Literature and Art.	No.3(1871) - no.27(1898)
Cleveland Naturalists' Field Club	Proceedings of the Cleveland Naturalists' Field Club.	1903-1909
Cleveland Naturalists' Field Club	Record of Proceedings / Cleveland Naturalists' Field Club.	1889-1902
Clifton College Scientific Society	Transactions of the Clifton College Scientific Society.	1871-1875
Cotteswold Naturalists' Field Club	Proceedings of the Cotteswold Naturalists' Field Club.	1865, 1910-1914
Croydon Microscopical & Natural History Club	Proceedings and Transactions of the Croydon Microscopical & Natural History Club.	1878-1901
Croydon Microscopical Club	Report and Abstracts of Proceedings of the Croydon Microscopical Club.	1871-1881 , 1906-1910
Croydon Natural History and Scientific Society	Proceedings and transactions of the Croydon Natural History and Scientific Society.	1901-1925 , 1966-1969
Derby Free Library and Museum and Art Gallery	Report of the Derby Free Library and Museum and Art Gallery.	1885-1914
Derbyshire Archaeological and Natural History Society	Journal of the Derbyshire Archaeological and Natural History Society.	1879-1880, 1906-1907
Dumfriesshire and Galloway Natural History and Antiquarian Society	Transactions and journal of the proceedings of the Dumfriesshire and Galloway Natural History and Antiquarian Society.	1869-1884, 1912
Dundee Naturalists' Society.	Report of the Dundee Naturalists' Society.	
Edinburgh Field Naturalists & Microscopical Society.	Transactions of the Edinburgh Field Naturalists & Microscopical Society.	1886-1891, 1902-1907
Edinburgh Naturalists' Field Club.	Transactions of the Edinburgh Naturalists' Field Club.	
Elgin and Morayshire Literary and Scientific Association	Journal of the Excursions of the Elgin and Morayshire Literary and Scientific Association.	
Fundacao Zoobotanica do Rio Grande do Sul	Iheringia, Serie Zoologia	vol. 1-8 (1957), vol. 88-89 (2000)
Greenock Philosophical Society	Report of the Greenock Philosophical Society.	1863-1910

Hampstead Scientific Society	Report of the Hampstead Scientific Society.	1899-1901, 1902-1909
Harrow School Scientific Society	Report of the Harrow School Scientific Society.	No.1(1866) - no.3(1869)
Holmesdale Natural History Club, Reigate	Proceedings (and Annual Report) of the Holmesdale Natural History Club, Reigate.	1865-1867, 1871-1919
Hull Scientific & Field Naturalists' Club	Transactions of the Hull Scientific & Field Naturalists' Club.	1898-1901, 1903-1907
ICZN	Copenhagen Decisions on Zoological Nomenclature	1 ed. 1953 - 2ed. 1957
Leeds Naturalists' Club & Scientific Association	Report / Leeds Naturalists' Club & Scientific Association.	6 (1875) - 8 (1878)
Leeds Naturalists' Club & Scientific Association	Transactions of the Leeds Naturalists' Club & Scientific Association.	1886-1890
Leeds Naturalists' Club and Scientific Association	List of papers and meetings, abstracts of annual reports, and list of members / Leeds Naturalists' Club and Scientific Association.	1891-1898
Leicester (Town) Museum & Art Gallery	Report of the (City of) Leicester (Town) Museum & Art Gallery.	1872-1890, 1912
Lincolnshire Naturalists' Union	Transactions / Lincolnshire Naturalists' Union.	1893-1911
Liverpool Microscopical Society	Journal of the Liverpool Microscopical Society.	
Liverpool Microscopical Society.	Report of the Liverpool Microscopical Society.	1887-1924
Liverpool Museums	Bulletin of the Liverpool Museums.	Vol.1, 1897 - Vol.3, 1901 & Special Bulletin – 1903
Munchner Entomologische Gesellschaft e.V.	Mitteilungen der Munchner Entomologischen Gesellschaft	1910 - current
Munchner Entomologische Gesellschaft e.V.	Nachrichtenblatt der Bayerischen Entomologen	1952 - current
Museo Civico di Storia Naturale Giacomo Doria	Annali del Museo civico di storia naturale Giacomo Doria	vol. 47 (1915-17), vol. 90 (1995-96)
Nationaal Herbarium Nederland	Flora Malesiana Series I	vol. 1 - vol. 14
Nationaal Herbarium Nederland	Flora Malesiana Series II	vol. 1 - vol. 2
National Museum of Natural History - Bulgaria	Historia naturalis bulgarica	Vol. 1 - Vol. 15
National Museum of Natural History - Bulgaria	Mitteilungen aus den Königlichen naturwissenschaftlichen Instituten in Sofia – Bulgarien	All
National Museum of Natural History - Bulgaria	Mitteilungen der Bulgarischen Entomologischen Gesellschaft in Sofia	All
Natural History Society of Dublin	Proceedings of the Natural History Society of Dublin.	1849-1871

Natural History Society of Glasgow	Proceedings and transactions of the Natural History Society of Glasgow. New Series.	1885-1887, Vol 3
Natural History Society of Glasgow	Transactions of the Natural History Society of Glasgow (including the Proceedings of the Society). New series.	1894-1897, 1908-1911, Vol 4 & 7
Natural History Society of Glasgow.	Proceedings of the Natural History Society of Glasgow.	1868-1869, 1882-1884
Nederlandse Entomologische Vereniging	Tijdschrift voor Entomologie	vol. 67 (1924) - vol. 140 (1997)
Odontological Society of Great Britain	Transactions of the Odontological Society of Great Britain.	1861, 1904-1907
Opisthobranh Newsletter	Opisthobranh Newsletter	1969-2009
Opisthobranh Newsletter	Shells and Sea Life, and Of Sea and Shore	1981-1984
Scottish Natural History Society.	Transactions of the Scottish Natural History Society.	1898-1902
Sociedad Chilena de Entomología	Revista chilena de entomología	vol. 1 (1951) - vol. 28 (2001)
Sociedad de Biología de Concepción	Journal of the Society of Biology of Concepción	1927 - current
Sociedad Española de Malacología	Iberus	1981-2005
Staatliches Museum für Naturkunde Stuttgart	Stuttgarter Beiträge zur Naturkunde	1957-1972
Staatliches Museum für Naturkunde Stuttgart	Stuttgarter Beiträge zur Naturkunde, Serie A	1973-1999
Staatliches Museum für Naturkunde Stuttgart	Stuttgarter Beiträge zur Naturkunde, Serie B	1972-1999
Swedish Museum of Natural History	Compositae Newsletter	1 (1976) - 45 (2007)
The Scientific Society, University College of Wales	Report / The Scientific Society, University College of Wales.	1892-1893
Universidad de Concepción	Gayana. Botanica	1961-2001
Universidad de Concepción	Gayana. Oceanologia	1992-1998
Universidad de Concepción	Gayana. Zoologia	1961-2001
Warwickshire Natural History & Archaeological Society	Report / Warwickshire Natural History & Archaeological Society.	1861-1872, 1873-1892
West Kent Natural History, Microscopical & Photographic Society	President's Address, Papers & Reports / West Kent Natural History, Microscopical & Photographic Society.	Start 1872-1874 End 1879-1887
West Kent Natural History, Microscopical & Photographic Society	Transactions of the West Kent Natural History, Microscopical & Photographic Society.	1887-1904

Wiltshire archaeological and natural history magazine	Wiltshire archaeological and natural history magazine.	1862, 1907-1908
Woolhope Naturalists' Field Club	Transactions of the Woolhope Naturalists' Field Club.	852-1865 , 1905-06-07
Zoologische Staatssammlung Munchen	Mitteilungen der Zoologischen Staatssammlung	vol. 1 (1950) - vol. 18 (1975/76)
Zoologische Staatssammlung Munchen	Opuscula Zoologica	Issue 1 (1957) - Issue 139 (1975)
Zoologische Staatssammlung Munchen	Spixiana	vol. 1 (1977) - vol. 29 (2006)
Zoologische Staatssammlung Munchen	Spixiana Supplement	vol. 1 (1978) - vol. 29 (2004)

### 3.2 Addition of further material

Work Package 2 has a list of potential content providers whom it is assumed are also likely to be rights holders for the content they hold. If approaches by Work Package 2 are successful, any involvement of these content providers in the project would require assent to the Memorandum of Understanding which stipulates the Open Access terms (specifically a Creative Commons licence) under which content would be licensed. The benefit of this approach is that such content providers own rights to large bodies of content, making rights clearance more efficient.

Work Package 2 is also collaborating with all project partners to establish a collections development policy to articulate how to organise content contribution and prioritisation of content for BHL-Europe. Partners are contributing to this discussion on the BHL-Europe project wiki. The Collections Development Policy will take account of various prioritisation issues such as the quality, theme, preservation urgency and subject matter of works. The ease of rights clearance is also a clear consideration as any prioritisation is subject to the legal obligation not to infringe third party intellectual property rights. The Content Development Policy will be further defined at the annual review meeting in Tervuren in June 2011.