Controlled Digital Lending (CDL)

Issues & Opportunities for Sheet Music Collections

Amanda Wakaruk, Lucinda Johnston, Sean Luyk
Sarah Severson, Sharon Farnel
IAML 2023, Cambridge UK
Outline

- Walder G.W. White collection background
- Collection Metadata
- Sheet Music Consortium
- Digitization
- Controlled Digital Lending
- Canadian Copyright and Risk Assessment
Walder G.W. White Sheet Music Collection
Background

- Acquired in 2011 from collector Walder G.W. White
- Contains over 6,000 items
- Imprints: primarily Canada, U.S., U.K.
- Dates: 1840s - 1970s
- Unique Canadian prairie content (Alberta, Saskatchewan, Manitoba)
Project Timeline

- Described 2013-2018
- Support from Young Canada Works (YCW) program
- Students: Colette Leung, Quincy Hiscott, Adam Cohen
- Staff: Carmen Loconte, Luc Fagnan
- Digitization project approved March 2023
Varieties of '51

featuring

OIL MILLIONAIRES

Directed and produced by

MARIE WILCE

Especially for

DEVON OIL SHOW

JULY 5TH, 6TH & 7TH

AMPHITHEATRE

JULY 5TH

9:00 P.M.

25 Cents
THE Desk and Derrick Song

WORDS AND MUSIC BY
JEANNE ACKLAND

Price $1.00
CALGARY SQUARE DANCE
DEDICATED TO CALGARY ON ITS 75th ANNIVERSARY 1950
Music by S. JAC. FRIEDENBERG

FAMOUS CHUCK WAGON RACES AT THE CALGARY STAMFORD
OIL SHOWS, RODEOS, AND UFOS: A CANADIAN PRAIRIE SHEET MUSIC COLLECTION

Sean Luyk and Colette Leung

Often regarded as ephemeral and overlooked as a worthy object of study, sheet music has become increasingly valued for the insight it provides about the time and place in which it was written. Sheet music reveals a wealth of information not only about musical style, but also about the people who enjoyed and collected it. The cover art, advertisements, and lyrical content provide a glimpse into the social and cultural codes of its time of writing. This is especially true in light of the growing availability of digitised sheet music. There are currently over 200 free, subscription, and for-fee digital sheet music collections available on the Web, including the Sheet Music Consortium (SMC), which aims to further increase the accessibility of sheet music through metadata harvesting and linked data initiatives.
Collection Metadata
<table>
<thead>
<tr>
<th>DATE</th>
<th>COMPOSER</th>
<th>TITLE</th>
<th>ARTIST ON COVER</th>
<th>LYRICIST</th>
<th>MOVIE</th>
<th>MUSICAL</th>
<th>OTHER COMMENT</th>
<th>SPECIAL INTEREST</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>LOUIGUY</td>
<td>LA VIE EN ROSE</td>
<td>OLD PLAIN</td>
<td>EDITH PIAF FR. MACK</td>
<td>198.1</td>
<td></td>
<td></td>
<td>GOOD</td>
<td></td>
</tr>
<tr>
<td>1950</td>
<td>HARRY STONE, JACK STAPP</td>
<td>CHATTANOOGIE SHOE SHINE BOY</td>
<td>RED FOLLEY</td>
<td>DAVID ENG.</td>
<td>3 in cov. GWEN M. LEE</td>
<td></td>
<td></td>
<td>GOOD</td>
<td>gd gd</td>
</tr>
<tr>
<td>1949</td>
<td>HANK WILLIAMS</td>
<td>THERE'LL BE NO TEARDROPS TONIGHT</td>
<td>TONY BENNETT</td>
<td>ALAN J. LERNER</td>
<td>signed</td>
<td></td>
<td></td>
<td>VERY GOOD</td>
<td></td>
</tr>
<tr>
<td>1951</td>
<td>FREDERICK LOEWE</td>
<td>I STILL SEE ELISA</td>
<td>LEE MARVIN, CLINT EASTWOOD, JEAN SEBERG</td>
<td>PAINT YOUR WAGON</td>
<td>186.0</td>
<td></td>
<td></td>
<td>GOOD</td>
<td></td>
</tr>
<tr>
<td>1921</td>
<td>IRA SHUSTER, ED. G. NELSON</td>
<td>TEN LITTLE FINGERS AND TEN LITTLE TOES</td>
<td></td>
<td>HARRY PEASE, JOHN-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1923</td>
<td>HAROLD DIXON</td>
<td>WHERE THE MILL STREAM WINDS ITS WAY</td>
<td>JOHN W. SCOTT</td>
<td>NY WHITE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1950</td>
<td>JOHN REDMOND, JAMES CAVANAUGH, FRANK WELDON</td>
<td>CHRISTMAS IN KILLARNEY</td>
<td>TWO DANCING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1952</td>
<td>ARTHUR JOHNSTON, SAM COSLOW</td>
<td>COCKTAILS FOR TWO</td>
<td>PIANO</td>
<td>NO WORDS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1949</td>
<td>DICK LIEBERT</td>
<td>COME DANCE WITH ME</td>
<td>MARIO LANZA</td>
<td>GEORGE BLAKE</td>
<td>THE SEVEN HILLS OF</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>CON CONRAD</td>
<td>HI HO THE MERRIO</td>
<td>GEORGE B. NOLAN</td>
<td>LEW BROWN, BENNY</td>
<td>ART-LEFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1950</td>
<td>BRUNO COQUATRIX</td>
<td>COUNT EVERY STAR</td>
<td>GISELE</td>
<td>SAMMY GALLOP</td>
<td>2 in cov. DELLA CALHO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1945</td>
<td>EILY BEADELL, NELL TOLLERTON</td>
<td>CRUISING DOWN THE RIVER</td>
<td>DARKIE WICKEN</td>
<td>Sammy Gallop</td>
<td>2 in cov. JOANNE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identification Number</td>
<td>Walder White Accession Number</td>
<td>Title</td>
<td>Alternate Title</td>
<td>Multiple Copies</td>
<td>First Line</td>
<td>First Line of Chorus</td>
<td>Title of Larger Work</td>
<td>Series Title</td>
<td>Collection Title</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------------------------</td>
<td>------------------------------</td>
<td>-------------------</td>
<td>-----------------</td>
<td>----------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
<td>------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>SM 004673</td>
<td>3981</td>
<td>Lilacs and love</td>
<td>Afraid to say hello: since you said goodbye</td>
<td></td>
<td>The garden of My heart has room For one sweet bloom</td>
<td>I dream of Lilacs And Love While whippoorwills sing above,</td>
<td></td>
<td></td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
</tr>
<tr>
<td>SM 004674</td>
<td>3982</td>
<td>First lullaby</td>
<td></td>
<td></td>
<td>We were so happy together right from the start.</td>
<td>Once a perfect pair now we’re perfect strangers</td>
<td></td>
<td></td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
</tr>
<tr>
<td>SM 004677</td>
<td>3985</td>
<td>Humpty dumpty hear</td>
<td></td>
<td></td>
<td>“Hush-a-bye my baby Darling don’t you cry!”</td>
<td>Someone took the rhythm from the rippling river</td>
<td></td>
<td></td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
</tr>
<tr>
<td>SM 004764</td>
<td>4070</td>
<td>Echo of a serenade</td>
<td>Te quiero dijiste</td>
<td></td>
<td>I suppose you think you’re daring, Doing what you intend.</td>
<td>Who’s giving that line to you? You think it’s divine, do you?</td>
<td></td>
<td></td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
</tr>
<tr>
<td>SM 004771</td>
<td>4077</td>
<td>How green was my valley</td>
<td></td>
<td></td>
<td>At sunrise At twilight I dream of the night I held you so tightly</td>
<td>Birds that sing at dawning Heralding the morning</td>
<td></td>
<td></td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
</tr>
<tr>
<td>SM 004788</td>
<td>4094</td>
<td>B-I-Bi: B-I-Bi, B-o-Bo, Bi-Bitty-Bi, etc.</td>
<td></td>
<td></td>
<td>I still remember your parting kiss, For consolation I often reminisce</td>
<td>How Green Was My Valley, How blue were my skies,</td>
<td></td>
<td></td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
</tr>
<tr>
<td>SM 004799</td>
<td>4105</td>
<td>From far and near ev’ryone will hear a message fly</td>
<td></td>
<td></td>
<td>The Joneses had a get-together, The gathering was large, But things got duller than the weather,</td>
<td>B-i-Bi, B-o-Bo, B-i-Bitty-Bi, B-o-Bo-Bitty-Bi-Bo-B-U-Boo-Bitty-Bi-Bo -Boo-Boo.</td>
<td></td>
<td></td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
</tr>
<tr>
<td>SM 004834</td>
<td>4130</td>
<td>It’s &quot;V&quot; for victory</td>
<td></td>
<td></td>
<td>From far and near ev’ryone will hear a message fly</td>
<td>It’s V for Victory, Victory for you and me</td>
<td></td>
<td></td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
</tr>
<tr>
<td>Composer</td>
<td>Arranger</td>
<td>Lyricist</td>
<td>Performer</td>
<td>Dedicatee</td>
<td>Other Name</td>
<td>Cover Artist</td>
<td>Cover Lithographer</td>
<td>Publisher Name</td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------</td>
<td>------------</td>
<td>--------------</td>
<td>---------------------</td>
<td>-------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Carr, Con ; Larsson, Ted</td>
<td>Carr, Con ; Larsson, Ted</td>
<td>Allen, Eddie</td>
<td>Kenney, Mart, 1910-2006</td>
<td>Immerman, R. H.</td>
<td></td>
<td></td>
<td>Canadian Music Sales Corp. Ltd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arlen, Jerry</td>
<td>Taylor, Larry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Canadian Music Sales Corp. Ltd. ; Reis &amp; Taylor Inc. (by arrangement with)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Popplewell, Jack ; Carr, Michael, 1905-1968</td>
<td>Popplewell, Jack ; Carr, Michael, 1905-1968</td>
<td>Lynn, Vera, 1917-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Peter Maurice Music Co. Ltd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grever, Maria, 1885-1951</td>
<td>Palmer, David</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Southern Music Publishing Co. Inc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Silver, Abner, 1899-1966</td>
<td>Davis, Benny, 1895-1979</td>
<td>Lynn, Vera, 1917-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The Peter Maurice Music Co. Ltd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Russell, Bob, 1914-1970 ; Freeland, Judy ; Freeland, Beverly</td>
<td>Russell, Bob, 1914-1970 ; Freeland, Judy ; Freeland, Beverly</td>
<td>Chester, Bob, 1908-1977 ; Bob Chester Orchestra</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Charles Rinker Music Publishing Co. ; Music Dealers Service Inc. (sole selling agent)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publisher Place</td>
<td>Publisher Number</td>
<td>Plate Number</td>
<td>Topical Subject</td>
<td>Name as Subject</td>
<td>Form/Genre/Style</td>
<td>Temporal Subject</td>
<td>Instrumentation</td>
<td>Place-name Subject</td>
<td>Other geographic subject</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------</td>
<td>--------------</td>
<td>----------------</td>
<td>----------------</td>
<td>-----------------------</td>
<td>------------------</td>
<td>--------------------</td>
<td>---------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Toronto, Canada</td>
<td>Lilacs And Love-2</td>
<td>Love ; Lilacs ; Nature ; Loyalty</td>
<td>Ballads</td>
<td>Guitar ; Piano ; Voice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toronto, Canada ; New York, N.Y.</td>
<td>Afraid To Say Hello-3</td>
<td>Unrequited love ; Separation (Psychology) ; Fear ; Sadness</td>
<td>Ballads</td>
<td>Guitar ; Piano ; Voice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>London, England</td>
<td>The first lullaby</td>
<td>Lullabies</td>
<td>Lullabies ; Ballads</td>
<td>Accordion ; Piano ; Ukulele ; Voice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York, N.Y.</td>
<td>Love</td>
<td>Ballads</td>
<td>Guitar ; Piano ; Voice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>London, England</td>
<td>S. M. P. 233</td>
<td>Love ; Music</td>
<td>Fox trots ; Ballads</td>
<td>Accordion ; Banjo ; Guitar ; Piano ; Ukulele ; Voice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>London, England</td>
<td>How Green Was My Valley</td>
<td>Love ; Separation (Psychology)</td>
<td>Ballads</td>
<td>Accordion ; Piano ; Ukulele ; Voice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York, N.Y. ; New York, N.Y.</td>
<td>B i Bi: 3</td>
<td>Entertaining ; Music ; Singing ; Family</td>
<td>Ballads</td>
<td>Guitar ; Piano ; Voice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toronto, Canada</td>
<td>Victory ; World War, 1914-1918 ; Etciation</td>
<td>Marches ; Ballads</td>
<td>Piano ; Voice ; Chords</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cover Subject</td>
<td>Other/Related version</td>
<td>Notes</td>
<td>Date</td>
<td>Language</td>
<td>Prairie</td>
<td>Canadian Performer / Content / Other Notes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-------</td>
<td>----------</td>
<td>---------</td>
<td>-----------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kenney, Mart, 1910-2006 -- Portraits; Abstract drawings -- Drawings</td>
<td></td>
<td></td>
<td>1941</td>
<td>English</td>
<td>No</td>
<td>Canadian performer.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lynn, Vera, 1917-- Portraits</td>
<td></td>
<td>Featured with enormous success by Vera Lynn in Geo. Black's &quot;Apple Sauce&quot; at the London Palladium.</td>
<td>1941</td>
<td>English</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Globes -- Drawings; Chains -- Drawings</td>
<td></td>
<td></td>
<td>1941</td>
<td>English</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guitars -- Drawings; Shawls -- Drawings; Sun -- Drawings</td>
<td></td>
<td>A very beautiful foxtrot.; Music sheet opens in reverse direction.; Verse and introduction featured on back cover.; Reduced paper size of sheet music.</td>
<td>1941</td>
<td>English</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lynn, Vera, 1917-- Portraits; Trees -- Drawings; Houses -- Drawings; Mountains -- Drawings</td>
<td></td>
<td>Reduced paper size of sheet music.</td>
<td>1941</td>
<td>English</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Song Title</td>
<td>Publisher</td>
<td>Year</td>
<td>Repository</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>----------------------------</td>
<td>------</td>
<td>-------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Calgary square dance</td>
<td>Canadian Music Sales Corp. Ltd. (sole distributors for Canada)</td>
<td>1950</td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beneath the stars : Canadian waltz</td>
<td>H. O. Tavender</td>
<td>1931</td>
<td>The University of Alberta Libraries Sheet Music Collection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The flying saucer

My friends keep poking fun at me, and make life hard to bear. Because
I said I'd seen a saucer speeding through the air.

I say, sir, I saw a flying saucer! It zipped and zoomed and
zig-zagged up on high.

Copyright Date: 1950

Language: English

The flying saucer
Sheet Music Consortium
Sheet Music Consortium

- Catalogue of sheet music from 36 institutions in the US, Canada and Australia, comprising over 340,000 records
- About $\frac{2}{3}$ of the collection has been digitized for online viewing
- Created with support from the Institute of Museum and Library Services, with a goal of open collection of digitized sheet music.
- Uses the Open Archives Initiative Protocol for Metadata Harvesting
Digitization
Digitization proposal & selection

Digitization selection criteria
- Value (Research, teaching and learning)
- Uniqueness / Rarity
- Use
- Preservation
- Access
- Continuity / Critical Mass
- Collaboration
- Development

Feasibility
- Rights and privacy considerations
- Metadata requirements
- Physical condition
- Technical requirements

Stage 1: Initial suggestion
Request to digitize item, collection or group of items or collections by emailing digitization@ualberta.ca or filling out the proposal form.

May be initiated by:
- UAL
- UAL affiliated individual or group
- Member of the community

Digitization Librarian leads preliminary investigation and makes decision based on a “test fit” to UAL’s principles and criteria as outlined in our digitization strategy.

Stage 2: Full investigation
Together with stakeholders, Digitization Librarian leads an investigation into the feasibility and suitability of the project. Develops a full proposal for selection and prioritization stage.

Stage 3: Selection and prioritization
Depending on the scope and complexity, the Digitization Team makes decisions, and prioritizes projects, considering proposals and established criteria.

Stage 4: Project planning
Once approved, Digitization Librarian works with team to develop project plan: establishing scope, milestones, timelines, and workplan.

Stage 5: Project implementation and production
Digitization and associated activities carried out according to the plan and adjusted as necessary.
Digitization

Boxes of rehoused sheet music

Internet Archive Scribe v-cradle scanner
Controlled Digital Lending (CDL)
What is Controlled Digital Lending (for sheet music)?

- Digital equivalent of traditional library lending
- Digital copy of sheet music held in the library collection, made available in a controlled digital environment
- Own-to-loan ratio respected and file is read only for a limited loan period; no downloading, copying, etc. enabled
- Restricts access beyond what is technologically possible or expedient in order to mitigate copyright risk

More information: https://controlleddigitallending.org/
Canadian Copyright and Risk Assessment
Copyright is an enclosure mechanism and the Canadian Copyright Act is a policy instrument created by parliament.

The Act provides rights holders with the sole right to produce, reproduce, perform, or publish works subject to copyright.

The Act provides users with limited rights (comparatively) to make use of those works.
Rights Holders’ Economic Rights

3 (1) For the purposes of this Act, **copyright**, in relation to a work, means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatever, to perform the work or any substantial part thereof in public or, if the work is unpublished, to publish the work or any substantial part thereof, and includes the sole right:

(a) to produce, reproduce, perform or publish any translation of the work;
(b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;
(c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;
(d) in the case of a literary, dramatic or musical work, to make any sound recording, cinematograph film or other contrivance by means of which the work may be mechanically reproduced or performed;
(e) in the case of any literary, dramatic, musical or artistic work, to reproduce, adapt and publicly present the work as a cinematographic work;
(f) in the case of any literary, dramatic, musical or artistic work, to communicate the work to the public by telecommunication;
(g) to present at a public exhibition, for a purpose other than sale or hire, an artistic work created after June 7, 1988, other than a map, chart or plan;
(h) in the case of a computer program that can be reproduced in the ordinary course of its use, other than by a reproduction during its execution in conjunction with a machine, device or computer, to rent out the computer program;
(i) in the case of a musical work, to rent out a sound recording in which the work is embodied, and
(j) in the case of a work that is in the form of a tangible object, to sell or otherwise transfer ownership of the tangible object, as long as that ownership has never previously been transferred in or outside Canada with the authorization of the copyright owner,
and to authorize any such acts.

General Users’ Right

29 Fair dealing for the purpose of research, private study, education, parody or satire does not infringe copyright.

29.1 Fair dealing for the purpose of criticism or review does not infringe copyright if the following are mentioned:

(a) the source; and
(b) if given in the source, the name of:
(i) author, in the case of a work;
(ii) performer, in the case of a performer’s performance;
(iii) maker, in the case of a sound recording; or
(iv) broadcaster, in the case of a communication signal.

News reporting

29.2 Fair dealing for the purpose of news reporting does not infringe copyright if the following are mentioned:

(a) the source; and
(b) if given in the source, the name of:
(i) author, in the case of a work;
(ii) performer, in the case of a performer’s performance;
(iii) maker, in the case of a sound recording; or
(iv) broadcaster, in the case of a communication signal.

Copyright Risk Assessment: Step 1, Public Domain Status

Public Domain Status = How much of the collection is protected by copyright?

No copyright protection = No copyright infringement risk

Copyright term for literary works (including sheet music) in Canada is based on the life of the author plus 50 (now 70) years past the year of death of the author/creator.

- Existing metadata identified authors, death dates
- Often multiple creators for a single piece of sheet music
- National treatment under Berne Convention (for works not first published in Canada)
- Assessing public domain status was an extremely time-intensive process
Copyright Risk Assessment: Step 2, Economic Rights / Fair Dealing

- Items deemed public domain = 2,769
- Items deemed in-copyright = 3,916

Is the dealing fair?
- Purpose?
- Character?
- Amount?
- Alternatives?
- Nature of the work?
- Effect on the work?
Copyright Risk Assessment: Step 2, Economic Rights / Fair Dealing

Is the dealing fair?

- Purpose? education, research, etc.
- Character? broadly disseminated but use is restricted
- Amount? necessary for purpose
- Alternatives? none
- Nature of the work? publicly disseminated
- Effect on the work? it depends on the work

How can we both fulfill the library’s mission to connect users with sheet music and reduce the risk of harming the rights holder?
Copyright Risk Assessment: Step 3, Mitigation Measures

1) Controlled Digital Lending
   a) One user at a time
   b) Limited loan period
   c) No downloading, copying, etc. enabled

2) Removed all sheet music that is commercially available
   a) Assessment was a time-intensive process that sometimes required searching four web sites / databases and will be repeated every five years
   b) This is a more conservative approach than libraries lending print materials

3) Provide copyright and contact information, at both the collection and item level
Copyright Risk Assessment: Note About Moral Rights

Risk of moral rights infringement deemed extremely low as attribution will be provided for all works and no work will be altered beyond format shifting.

Moral rights

14.1 (1) The author of a work has, subject to section 28.2, the right to the integrity of the work and, in connection with an act mentioned in section 3, the right, where reasonable in the circumstances, to be associated with the work as its author by name or under a pseudonym and the right to remain anonymous.

Copyright Act of Canada [https://laws-lois.justice.gc.ca/eng/acts/C-42/]
Library Mission Risk Assessment

Known mission risks:

- Underused, relatively inaccessible collections do not serve the library’s purpose to support education and research

- Not digitizing collections puts library materials at risk of damage or destruction due to decay, accidents, library closures, and/or natural disasters
PUBLIC SERVICE ANNOUNCEMENT, PLEASE READ IF LOCAL TO SF BAY AREA!!!

Sharing from a friend:

The music portion of the Notre Dame de Namur library, 1500 Ralston Ave., Belmont, CA, comprising over 10,000 books, is going to be destroyed soon, as they haven't been able to get another library to take them. So everyone is invited to come take them.

They have:
Much music reference books, including the entire Groves Dictionary of Music and Musicians, books on every musical subject.

AVAILABLE RESOURCES
Biographies, books by composers, theory, musicology, composition, ethnomusicology...
Scores, including many Dover scores, piano reductions of scores
Complete works series of Mozart, Beethoven, etc
Music (classical, Broadway and pop)
Piano, vocal, chamber music of all kinds, operas, opera libretti,
Broadway show piano/vocal scores, solo music for all instruments with piano accompaniment.
Music instruction books
The library is open all day and pretty much deserted, as it is at night, sadly.

You can contact Caryl Hodges at chodges@ndnu.edu or Aspasia Normantas at anormamntas@ndnu.edu.
Feel free to pass on the word-anything remaining of the collection will be destroyed.
Risk Management: Quantifying Tolerance

Consequence

**Reputation** (negative media attention): intensity, duration; brief to >2 wks

**Infrastructure** (financial losses): negligible <$250K to high >$5M

**Education/Research** (cannot provide): time and number of people affected

**Human Resources** (ability to recruit): comparative

**Safety/Security**: health effects, injuries, fatalities

Likelihood

- **Rare**: not in 10 years
- **Unlikely**: not at Cdn uni in 10, other uni in 5 yrs
- **Moderate**: once in 10 yrs Cdn uni, 5 yrs other uni
- **Likely**: once in 10 yrs at org, 5 yrs other Cdn uni, 2 yrs other uni
- **Almost Certain**: once in 5 yrs at org, 2 yrs other Cdn uni, 1 yr other uni

Risk treatment is required for all risks above Level 1.
Next Steps

● Summer 2023: Currently working on determining which items are commercially available to determining the appropriate access level before digitization
  ○ 2 students (Sean Gleason, Michaela Morrow) finalizing commercial availability check process, to identify
    ■ Additional public domain works
    ■ Works that are commercially available
  ○ Working through 4425 items;
  ○ Hope to add more students in the Fall

● Fall 2023: Can start digitizing in the Fall as the commercial availability checks are completed

● 2024: Expect the digitizing to be complete
Questions?

- Amanda Wakaruk - Copyright & Scholarly Communications Librarian | amanda.wakaruk@ualberta.ca
- Lucinda Johnston - Music Liaison Librarian | lucinda.johnston@ualberta.ca
- Sean Luyk - Digital Curation Librarian | seann.luyk@ualberta.ca
- Sarah Severson - Digitization Librarian | sarah.severson@ualberta.ca
- Sharon Farnel - Head, Metadata Strategies | sharon.farnel@ualberta.ca