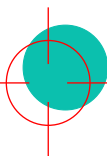


Knowledge Base Copyright Law: An innovative Resource for Open Access Archives

International Conference „Open Access to Digital
Archives and the Open Knowledge Society,
Vienna, 21-22 Oct. 2005

Dr. Michael NENTWICH
Institute of Technology Assessment
Austrian Academy of Sciences

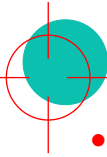
A-1030 Vienna, Strohgasse 45/3
Tel.: +43-1-51581-6583
Fax: +43-1-710 98 83
mnent@oeaw.ac.at
<http://www.oeaw.ac.at/ita>



Overview

1. The context: Creative Industries
2. **KB:LAW©**: An overview
3. The contents of the knowledge base
4. Database structure, backend and frontend





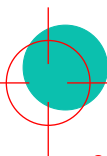
Creative Industries

- Programme of the Vienna Science and Technology Fund (WWTF)
- Project „Creative Access: Digital Archives between open knowledge society and commodification in Vienna“
 - Demokratiezentrum Wien
 - ITA-AAS
 - WU Vienna, Dept. Information Law
- Research question:
Conditions for a sustainable and open climate for access to the cultural heritage
- Work package 2: Knowledge Base Copyright Law: Legal Basics for Digital Archives



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KB: **LAW**©: Points of Departure

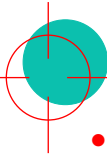
- Products of the Creative Industries and hence the cultural heritage are increasingly (also) digital, collected and accessible via online archives
- Not only technical, organisational and economic, but also legal issues, in particular copyright law
- Intellectual property right issues are very complex, as many different legal norms are intertwined (national–EU–world; contracts–statutes–court decisions)
- Need for knowledge of copyright law is often big among non-lawyers



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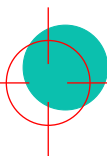
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KB:LAW|©: Our solution

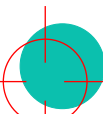
- A dynamic knowledge base
- Freely available on the WWW
- Content on two levels: non-lawyers and experts
- Multiple access points:
Keyword search, glossary, full text search
- Richly documented (legal texts, decisions etc.)
- Not only for Austria:
also Germany, USA, EU (more planned)
- Multilingual: German, English (more planned)
- Target group-specific access (Creative industries and beyond)



Contents of the database

- FAQs as key entry points:
questions from the target community
- 2 levels of answers
 - Overview answer (in plain language)
 - Expert answer (with legal details, footnotes etc.)
- References to
 - Court decisions (full text where possible)
 - Legal acts (full text where possible)
 - Literature (reference plus link where available)
- Meta-data
- Glossary





Overview / expert answers

Text examples for „What is in the Public Domain?“

Overview answer

„Not all pieces of work are protected by copyright. There are works which are in „public domain“ and therefore not subject to copyright protection at all, and specific limitations to copyright enabling „fair use“ which allow the usage of copyright-protected works within a defined and limited scope. Works in public domain are e.g. official decrees, official bulletin announcements, and (official a (§ 7 Copyright Act)). See also answer “Fair use”. [...]”

(no longer than 3-4 paragraphs or 2 screens)

Expert answer

„[...] According to § 7 Copyright Act works in public domain are laws, regulations, official decrees, official bulletins and announcements, decisions and official works pursuant to § 2 num. 1 or § 3 Copyright Act which have exclusively or been created for official use. Works are not subject to copyright in, although many of them are individual, al creations and could therefore be ed for copyright protection. The intention of this rule is to comply with the interest of the ic to have free access to official works, which contributes to legal certainty. (1) The author of such a works does not hold exploitation rights (§ 14 Copyright Act) and is not entitled to protection of personality under copyright law (§§ 19-21 Copyright Act). Pursuant to § 7 Copyright Act laws, regulations, official decrees, official bulletins and [...]”

(2-3 print pages without documentation)

Links to full text of legal acts

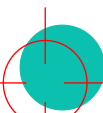
Footnotes

Links to other answers



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Technical Components: Database structure, backend and frontend

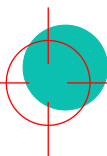
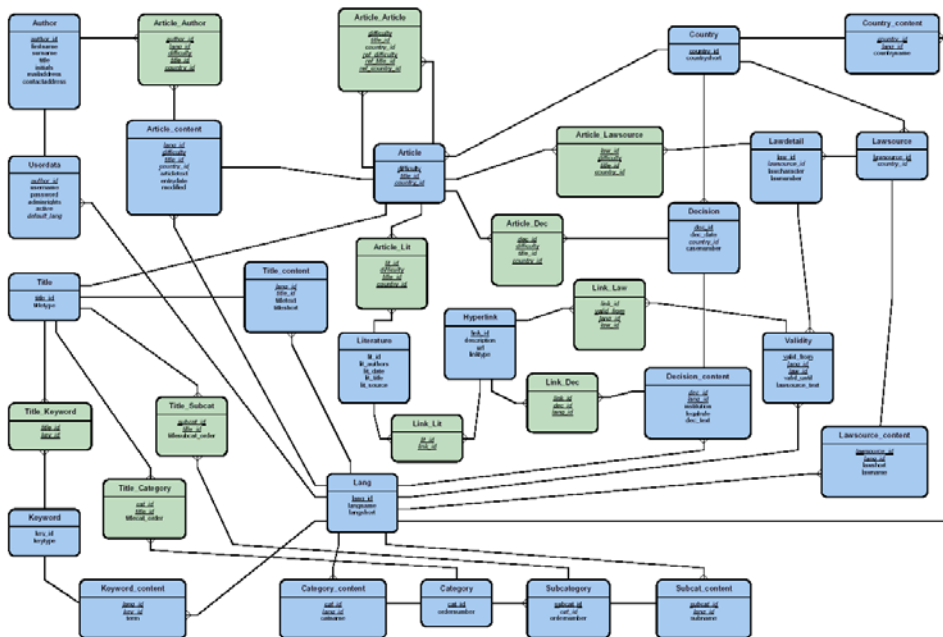
- Database structure
 - Quite complex with a view to representing the multi-dimensionality
- Backend (input of the data and text)
- Frontend (user interface)
- Aim: direct switching...
 - ...from the legal situation in one country to the next
 - ...from one language to the next
 - ...from overview to expert level
 - ...from the answers to documentation (literature, decisions, legal acts)



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Software systems

- We could not fulfil our requirements with existing software ...
- ... therefore new development necessary ...
- ... using only open source products:
 - PHP (script language)
 - PostgreSQL (database)
 - ADOdb (Database Abstraction Layer)
(for porting the application to other database servers)
 - Smarty Template Engine
(separating database design from application logic)
 - TinyMCE (WYSIWYG editor)

...a few preliminary screenshots:

KB:Law | © **AdminCenter** Logged in as 'ADMIN'

| [Article](#) | [Literature](#) | [Decision](#) | [Act](#) | [Category](#) | [Subcategory](#) | [Keyword](#) | [Author](#) | [Country](#) | [Language](#) | | [My Profile](#) | [Logout](#)

Article Detail: *Public Domain* | | | |

Title (2) | [Articles \(4\)](#) | [Categories \(8\)](#) | [Subcategories \(0\)](#) | [Keywords \(22\)](#) | [References \(6\)](#)

Languages:	[DE] [EN]
Actually displayed:	English
Titeltype:	Q&A
Short Title:	Public Domain
Title:	Are there creative works, which are not subject to copyright protection? Which works are in public domain?

KB:Law | © **AdminCenter**

| [Article](#) | [Literature](#) | [Decision](#) | [Act](#) | [Category](#) | [Subcategory](#) | [Keyword](#) | [Author](#) | [Country](#) | [Language](#) |

Editing article of title: *Freie Werke* | |

Title (2) | [Articles](#) | [Categories \(8\)](#) | [Subcategories \(0\)](#) | [Keywords \(22\)](#)

Versions:	Scope Languages:	[DE] [EN]
	Österreich	<input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/>
	Deutschland	<input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/>
	Europäische Union	<input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/>
	International	<input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/>
	USA	<input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/>

S / L / V: **Österreich / English / Details**

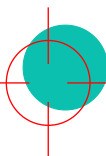
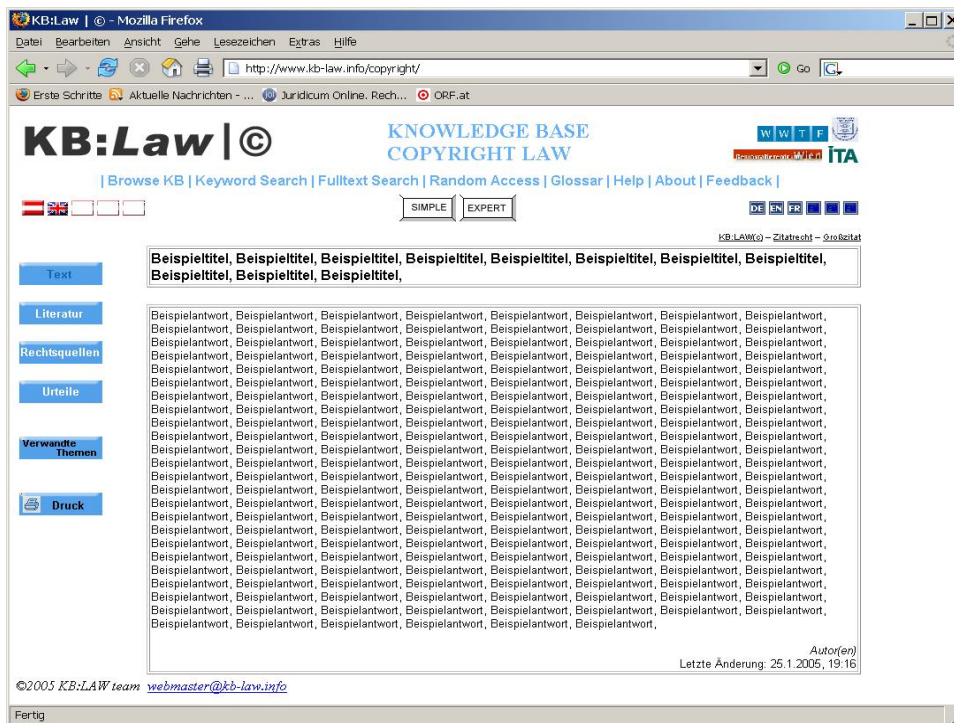
Authors: Administrator | Walter Blocher | Simple Editor | Michael Nentwich | **Peter Trybus**

Text:

According to [§ 7 Copyright Act](#) works in public domain are laws, regulations, official decrees, official bulletins and announcements, decisions and official works pursuant to [§ 2 num. 1 or 3 Copyright Act](#) which have exclusively or primarily been created for official use.

These works are not subject to copyright protection, although many of them are individual, intellectual creations and could therefore be considered for copyright protection. The intention of this rule is to comply with the interest of the public to have free access to official works, which also contributes to legal certainty.^[1] The author of such a works does not hold exploitation rights ([§ 14 Copyright Act](#)) and is not entitled to protection of personality under copyright law ([§§ 19-21 Copyright Act](#)).

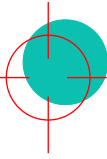
Pursuant to [§ 7 Copyright Act](#) laws, regulations, official decrees, official bulletins and announcements, and decisions are per se excluded from any copyright protection. This only applies for official decrees, bulletins, announcements, and decisions that involve an impact outside the enacting institution, thus internal instructions and directives are not considered to



Differences between KB:Law and classical FAQs

- Target group: „laypersons“ and experts
- Multidimensionality
 - More countries – comparisons possible
 - Multilingualism
 - Overview and detail levels
- Innovative access and representation formats
- Backend independent from time, space and language
- Cooperative and distributed content generation





KB:LAW©: The future

- Immediate future:
 - Finalising frontend (backend finished)
 - Content generation for initial set of most important questions (well under way)
- Medium term:
 - Building-up a network of correspondents for:
 - Additional countries
 - Further languages
 - Additional FAQs
 - Improving sophistication of frontend
Advanced Search etc.



KB:LAW©-Homepage:
www.kb-law.info/copyright

Project description:
www.oew.ac.at/ita/ebene4/d2-2a38.htm

Project partners:



Demokratiezentrum Wien



Sponsor:

