

How do
Cultural
Institutions
Employ Rights
Management
Technologies
and Policies ?

Digital Rights Management and Cultural Institutions

Case Study: EVIA Digital Archive

Project Description

The primary goal of the Ethnographic Video for Instruction and Analysis (EVIA) Digital Archive is to preserve ethnographic field video and make it available for educational and scholarly use. The project was driven by the deteriorating condition of the scholarly community's body of ethnographic video stored in personal collections on obsolete formats (Burdette 2010). The project was funded from 2001-2009 by the Andrew W. Mellon Foundation with significant contributions from Indiana University and the University of Michigan. Through its development, the project has addressed numerous challenging rights management issues, and it has created new software and systems for video discovery and annotation. (<http://www.eviada.org/>)

EVIA's video collections are contributed by scholars from the fields of ethnomusicology, folklore, anthropology, and dance ethnology. These collections contain "unedited ethnographic field video representing a wide variety of geographic areas; religious, ethnic, and cultural groups; music and dance traditions; music performances, rehearsals, and other music events; and ethnographic interviews" ("Frequently Asked Questions," n.d.). Scholars who submit video to EVIA use project soft-

Special points of interest:

- Address: <http://www.eviada.org/>
- A digital archive of ethnographic field videos and annotations.
- EVIA limits access to educational institutions and registered users in order to protect rights of video participants and video creators.
- EVIA uses the following technological tools to control access and use: IP range restrictions, user registration, login requiring acknowledgment of end user licensing agreement, and streaming video.
- EVIA uses the following policy tools to control access and use: user registration, posted end user licensing agreement, and depositor agreement forms.
- Recommendations from EVIA include best practices for using technology and policy to protect the rights of participants in culturally sensitive videos.

ware to segment video and tie detailed description and analysis of their materials to the recordings.

An editorial committee determines which recordings will be included in the collections based on "significance of the material; geographic representation in relation to the EVIA Project contents as a whole; relevance of materials to published scholarly work; and the EVIA Project's ability

to accommodate the formats and condition of the original tapes" ("Become a Depositor," n.d.).

Reasons for controlling access and use

According to Project Director Alan Burdette of the Indiana University Archives of Traditional Music (ATM), EVIA contributors and staff consider controlling access to and use of the video as part of their stewardship of these collections. Ethnographic recordings may contain material that

needs to be treated with sensitivity to local cultural standards. Further, permissions gathered by researchers, either before or after internet access became a possibility, were typically obtained on

"EVIA limits access to and use of its collections primarily due to issues regarding the nature of ethnographic films and concerns for the people documented in these videos"

the condition that the recordings be used only for educational purposes. Moreover, some video may include scenes with large groups in which it is impossible to get individual permission from everyone participating. Finally, a small portion of video content submitted to EVIA contains copyrighted material that the EVIA Project does not have a license to make available online. After significant consultation with copyright specialists and Indiana University's legal counsel, the Project determined that it was within the bounds of Fair Use to make this material available online.

Another reason for controlling access and use is a concern that video could be re-posted without proper contextual information, and that its users could misunderstand the significance of the footage and the purpose of its creation. Video that is re-purposed in a context that is offensive to the subjects of the video may have harmful effects on in-

dividuals, a community, or the researcher's relationship with them.

Moreover, Websites like YouTube that host user-generated content and allow commenting sometimes open the video content to ridicule. Subjects typically grant access to their recordings on the premise they will be used for educational purposes, not for general access in an environment like YouTube. For this reason the EVIA team decided to restrict access to and use of the video in their archive. At present there is not a commenting feature on the EVIA site but it has been an area of exploration for the development team. Current thinking is that comments should be moderated in some way.

Technological controls employed

Due to these concerns, EVIA uses a combination of IP range restrictions and user registration to ensure that all participants are educational or research users. First, all users are required to register and create an account in order to access the collections. Registration allows EVIA to ensure that all users have educational purposes. It also produces information about the frequency and types of uses of the archive that can be reported to funding bodies and other institutions as an indication of EVIA's cultural impact.

While all users are required to register with an account, the process can be streamlined by granting access to an institution through IP range designations. Users who register from a computer at an institution with an approved IP range are not submitted to an approval process before their account is activated. Those not affiliated with a participating educational institution are able to request access to the archive through the aforementioned registration process (EVIA FAQ).

For a further level of protection, all videos are streamed using QuickTime and QuickTime for Java within the cus-

tom developed EVIA video player. While there is software available that can capture streaming video, the extra effort required in this process serves as a deterrent. Users are not able to simply click, download, and redistribute videos.

Additionally, because EVIA videos can be segmented by the Annotator's Workbench software developed by the project, it is possible for depositors to block access to parts of their videos for specified periods of time for reasons of political or cultural sensitivity while leaving other parts open for viewing ("Annotators Workbench," n.d.).

Recommendations for use of technological controls

The EVIA project is relatively new, and only time will tell how well the adopted technologies work in reducing risk of disrespectful and unauthorized reuse of the videos. But the EVIA project suggests that adopting technological controls that limit who and how users can access sensitive video content can be a powerful tool in preventing the type of abuse that is common in the open Web environ-

ment of user-generated content.

Policy controls employed

EVIA makes use of policy based control measures as well. Once users have created an account, they are required to log in with a username and password and agree to EVIA's end user licensing agreement (EULA) before they can access the video archive (see Figure 1).

In order to ensure that posting of the materials and their use by students and scholars falls under Fair Use, the EULA specifies that the videos can only be used for "nonprofit educational and research purposes." As the project explains, "...our use is educational and because we do not foresee having significant negative impact on commercial demand for copyrighted materials that appear in these videos, we are operating under the conditions of Fair Use" (EVIA— Intellectual Property and Ethical Issues; Burdette, 2010)

The EULA also forbids users from making or distributing copies — "users may not make or distribute copies of the recordings or their contents, in whole or in part, for any

Figure 1. Screenshot of End User License Agreement (EULA) and login screen. Users must view and agree to the EULA each time they log in to the video archive.

EVIA DIGITAL ARCHIVE
Ethnographic Video for Instruction & Analysis

Search EVIA

MEDIA HOME ADVANCED SEARCH BROWSE MY EVIA ABOUT EVIA LOGIN

End User License Agreement

You are seeking access to recordings made or gathered as part of ethnographic research into the cultural life of a given individual or group. Ethnographic recordings have great value for cultural history but are necessarily incomplete documentations and representations of these individuals or groups and should be understood as one perspective from a particular point in time.

In order to access the recordings, you must read and agree to comply with the following end user license agreement ("EULA"). The EULA is intended to protect the rights of the subjects appearing within the recordings, the researchers, the EVIA Digital Archive Project and Indiana University. It describes the obligations of anyone who accesses the material in the collection. All users of the collection must comply with the terms of the EULA. Failure to do so will result in termination of your access to the collection and may subject you to civil and criminal penalties.

The recordings in the collection and the music and performances contained in the recordings are protected by copyright and other laws. Users may access the recordings solely for their individual and nonprofit educational and research purposes. If a user wishes to make any further use of the recordings, the user is responsible for obtaining all necessary permissions to do so from the applicable rights holders in the material.

Users may NOT make or distribute copies of the recordings or their contents, in whole or in part, for any purpose.

Users may NOT share their login credentials (username and password) with anyone else.

Login
Username:
Password:
 By checking this box you agree to abide by the End User License Agreement

[Create an account](#)
[Forgot your password?](#)

purpose." As previously noted, users must agree to these terms to register and they must re-check the EULA agreement box each time they log in to the video archive.

EVIA also requires scholars who contribute content to sign an agreement stating that they are the creator of a video, that they have the right to deposit it in EVIA's archive, and that they give EVIA a non-exclusive right to host the video (Burdette 2010). EVIA requires that depositors sign a statement that affirms that they either have documented permission to place the recordings online or that they believe that online access falls within the spirit of the kinds of access permissions they were initially granted. To aid scholars in acquiring permission from participants, EVIA offers sample forms that scholars can encourage participants to sign or agree to verbally on video.

The archive also seeks to collect older ethnographic videos for which getting permissions is impossible due to the passage of time or disruption of the community by warfare. In this case EVIA recommends the researcher use their "relationships with the individuals or communities in question and their understanding of what would be appropriate to make public" in making decisions about depositing and making video available for viewing. (EVIA—Intellectual Property and Ethical Issues)

Recommendations for use of policy controls

Sites like YouTube affirm that people respond to videos and that video is a powerful medium for conveying information; however, these sites have also shown that some users will post content and comments that many people would view as abusive. It is important to develop policy tools that balance providing access with protecting the rights of the videographers and the video participants who have little power to control how their likeness is re-used.

Moreover, ethnographic video collections may contain material depicting works subject to copyright or trademark law. Limiting access to educational users and requiring a EULA limiting uses to educational/scholarly use is one way to ensure that use of the materials falls under Fair Use.

References

- Become a depositor.* (n.d.). Retrieved from The EVIA Digital Archive Project website: <http://www.eviada.org/subCat.cfm?mc=8&ctID=5>
- Burdette, A.R.* (2010) "The EVIA Digital Archive Project: Challenges and Solutions" in McGann J. (Ed.) *Online Humanities Scholarship: The Shape of Things to Come.* Houston TX: Rice University Press.
- Frequently asked questions.* (n.d.). Retrieved from The EVIA Digital Archive Project website: <http://www.eviada.org/faq.cfm?mc=11&ctID=1&qID=4#4>
- Project description.* (n.d.). Retrieved from The EVIA Digital Archive Project website: <http://www.eviada.org/subCat.cfm?mc=8&ctID=32>

Further reading

- Burdette, A. R. (2009). Thinking outside the archive: Collaboration and the EVIA Digital Archive Project. *IASA Journal*, (33), 6-17.
- Universities get grant for digital video archive of music. (2003, June). *Advanced Technology Libraries*, 32(6) 2-3.



Digital Rights Management and
Cultural Institutions: Case Study of the
EVIA Digital Library

Kristin R. Eschenfelder, Andrew M. Johnson,
Walker Evans and Jennifer Huck

This article licensed through a Creative
Commons Attribution-Non Commercial 3.0
License

For more information:
Kristin R. Eschenfelder, Associate Professor
School of Library and Information Studies
4228 Helen C. White Hall
600 N. Park Street
Madison, WI 53706
<http://slisweb.lis.wisc.edu/~libtpm/>

Project funded by an Institute of Museum and Library Services (IMLS) grant 04-06-0029-06 to investigate the impact of digital rights management technologies on the development of digital collections in U.S. archives, libraries and museums

Related study outputs include:

Eschenfelder, K.R. (2009). Controlling Access to and Use of Online Cultural Collections: A Survey of U.S. Archives, Libraries and Museums for IMLS. University of Wisconsin-Madison School of Library and Information Studies: Madison, Wisconsin. (<http://minds.wiscconsin.edu/handle/1793/38251>)

Eschenfelder, K.R.; Agnew, G (2010) "Technologies Employed to Control Access to or Use of Digital Cultural Collections: Controlled Online Collections" D-Lib Magazine. (<http://www.dlib.org/dlib/january10/eschenfelder/01eschenfelder.html>)

Eschenfelder, K.R.; Caswell, M. (Nov 2010) "Digital cultural collections in an age of reuse and remixes" First Monday 15(11-1). <http://firstmonday.org/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/3060/2640>