Society of Biblical Literature

Digital Rights Requirements

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Introduction:

The Society of Biblical Literature (SBL) is one of the oldest learned societies in North America, being established in 1880. It represents a worldwide community of scholars working in biblical studies and cognate disciplines. SBL membership numbers approximately 8,000 members.

Members are primarily drawn from academic environments, such as universities and seminaries, although a significant number of religion professionals are also members. Members of the SBL are both producers and consumers of intellectual works and the SBL is a publisher of intellectual works. Therefore, SBL and its members have an interest in digital rights in roles as both producers and consumers.

The following is a brief enumeration of the requirements that the SBL on behalf of its members (and itself) feel are critical for consideration in any digital rights expression language.

Digital Rights Expression Language Requirements:

1. **Expressing Behavior:** Any rights language should be able to express in a simple and straightforward way the expected behavior from any application processing statements made in such a language.

   Reasoning: The utility of a rights language will depend upon wide spread use and acceptance by users. The academic community makes materials available in a variety of contexts. A bare statement of rights in an expression language, without the ability to express expected treatment of those rights in a variety of contexts, would render the rights language too crude to be useful by most academics.

2. **Expressing Rights:** Any rights language should be able to express in a simple and straightforward way any rights in an intellectual property in standard XML syntax, such that any user with access to a text editor on any platform can avail themselves of the language. Such a rights language should be free of any restrictions on its use by any user by virtue of licensing, patent or copyright restrictions.

   Reasoning: Academic users are currently protected by copyright laws of various jurisdictions without use of proprietary software or payment of fees for the occurrence of those protections. While vendors may offer software with enhanced

ease of use features for any rights language, it should not be the case that a rights language should be restricted users who can pay to protect their own rights. It is the intent of this requirement to duplicate the protection of copyright, which does not require licensing of copyright to protect one's own intellectual property.

3. **Fair Use:** Any rights language should be able to express in a simply and straightforward manner the "fair use" doctrine of the US Copyright Act and similar doctrines in other legal jurisdictions.

   Reasoning: Academic users rely upon the "fair use" doctrine of the US Copyright Act and other jurisdictions in their research and teaching for use of intellectual works. A rights language should provide mechanisms for easy expression of such doctrines and the use of such mechanisms by users. If the rights language does not allow for easy expression of such doctrines by information providers, the ability of scholars to pursue both research and teaching will be significantly impaired.

   That impairment will take two forms for academic users. First, as information providers, difficulty in expressing such doctrines will lessen the use of such a rights language, thereby reducing its utility to the academic community. Second, omission of such expressions in digital rights statements due to difficulty of expression may negatively impact the ability of scholars to make use of intellectual materials or to make use of them in accordance with the digital rights expressed for the resource.

4. **First Sale:** Any rights language should be able to express in a simple and straight forward manner the "first sale" doctrine for a digital resource.

   Reasoning: Current rights to intellectual property are governed in part by the "first sale" doctrine and it forms an important part of the use of resources purchased by libraries and other repository institutions. Any rights language should be capable of expressing that doctrine such that the current use of such resources by academics are not diminished by a lack of expressivity in the rights language. Diminution of the ability of academics to use resources purchased by libraries or other repository institutions will have a negative impact on their roles as both scholars and teachers.

5. **Archiving:** Any rights language should be able to express in a simple and straightforward manner an expression of rights to create an archival copy of a digital resource and how the original expression of rights can be expressed as an informational part of the archival copy.

   Reasoning: The inability of NASA to read data tapes simply by loss of the format information required to read an otherwise accessible byte stream, is an illustration of the problem of electronic archives. Archival copies should carry the original expression of digital rights and a rights language should express how those rights

should be expressed to allow creation of archival copies that carry those expressions as an informational part of the resource.

A rights language that fails to provide for expression of rights on archival copies and the protection of owners of such documents harms both the producers as well as owners of digital resources protected by such statements. Owners are harmed if archival copies cannot be accessed in the event of loss or corruption of licensing information.

Producers are harmed because in the absence of rights language to meet the archival needs of owners, such copies may be made that do not carry the rights expressions originally imposed by their producers. Such copies could result in further copying in contravention of the rights of the producers or increased support requirements for recovery of previously licensed resources. A rights language should provide a manner for expressing rights for archival copies that avoids this very real danger to both owners and producers of digital resources.

Respectfully submitted,

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