

A Study on the Protections and Licensing Related Legal Issues Concerning the Digital Archives

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Summary

The trends of information technology development and digitalization have driven many countries, which highly value information technology or traditional cultures, to devote themselves into the development of digital archives programs. By the virtue of Taiwan's rich multi-cultural resources and information technology capacity, the "National Digital Archives Nation-based Technology Program" has arisen under such background.

The Digitalization of cultural resources is not only contributive to culture preservation, but is expected to integrate the digital archives content and technology with various domains comprehensively, such as the industry, education, research and social development. Through the adoption of the sustainable business model and the cultivation of professional teams, one can then implement the knowledge acquisition and socialization of the digital archives information, and promote industrial upgrading and bring Taiwan's rich digital resources to a global stage, thereby achieving the ultimate goal of enhancing the national competitiveness.

The ambition of this article is to examine the digitalization of cultural heritages in museums, galleries, libraries and other major archives agencies, and to carry out an in-depth discussion of the legal issues involved with the digital data protection and value-added licensing application.

First of all, this article starts with the current domestic legal regulations and protections

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related to digital archives project, then discuss the legal regulations we should pay attention to before digitalization and the relevant legal protections for its fruits.

Digital-archives related legal regulations, which are concerned with those about the concept of IPR, the preservation of cultural heritage, the protection of digital database, and the information distribution of the archives, are what archives agencies should properly deal with when doing the digitalization of cultural heritages.

Then, in the discussion of the value-added application and licensing of Digital Archives content, this article briefly introduces the value-added industries systems of Digital Archives, as well as value-added application modes and transaction mechanisms, and analyzes industrial chains and transaction mechanisms of the digital archives value-added application in the industrial aspect. Meanwhile, through interviews with domestic archives agencies, and introductions and analysis of current situation of digital archives value-added applications in significant foreign archives institutions, this article goes on to analyze the confronted obstacles of value-added application of domestic digital archives materials from, respectively, market and legal aspects.

Lastly, several suggestions, such as the clearance of digital archives, the encouragement to licensing industry, the promotion of public licensing mechanism, the promotion of CC (Creative Commons) as a licensing mechanism to share digital archives, are proposed specifically toward Rights clarification and efficiency proliferation.

Cultural heritages in archives have transformed into digitalization from objects, but the variety of material forms, the changes of retail systems, and the diversity of application ways have confronted archives agencies with many unprecedented new problems, and cast great doubts upon them concerning the applicability of current law, and thus hindered the expansion of digital data use. Through the presence of this research, the purpose of this article is even to arouse other further studies, which can build a more comprehensive legal system for archive agencies, thus the agencies may be more clearly aware of the legal boundaries and legal status of the digitalization work. Therefore, they can properly design the licensing contracts of value-added application in order to promote with success the development of industry that uses the Digital archives fruits to do the value-added applications.

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