

Legal Considerations for Descriptive Linguists and Language Archivists

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I. Central characters: (a) Linguist/Depositor; (b) Archive

II. Core actions: (a) Do; (b) Prohibit; (c) Authorize

III. Sources of rights and obligations

A. Non-legal:

1. Indigenous Intellectual Property Rights (actually, Indigenous IP *Interests*)
2. Professional and ethical factors

B. Legal

1. *Contractual agreements*

- a. between archive and depositor
- b. between archive and patron/user
- c. between depositor and the language community
- d. between depositor and funding agencies

2. *Copyright*

- a. *Who* owns the copyright?
 - (i) Joint ownership; (ii) "Work for hire"; (iii) Transfer
- b. *What* does who own?
 - (i) Copyright status of data; (ii) Open access vs. open use
 - (iii) Voluntarily foregoing rights; (iv) Creative Commons and other licenses
- c. *How long* does who own what?
 - (i) Very! (ii) Problem of orphan works

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