

## 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

### REFERENCES

- Creative Commons. 2009. <http://creativecommons.org/about/>.
- Crews, Kenneth D. 2006. *Copyright Law for Librarians and Educators: Creative Strategies and Practical Solutions*. 2nd ed. Chicago: American Library Association.
- Hill, Kenneth C. 2002. "On publishing the *Hopi Dictionary*," in *Making Dictionaries*, ed. by William Frawley, Kenneth C. Hill, and Pamela Munro, pp. 299-311. Berkeley & Los Angeles: University of California Press.
- Leaffer, Marshall A. 2005. *Understanding Copyright Law*. 4th ed. Newark, N.J.: LexisNexis/Matthew Bender.
- Newman, Paul. 2007. "Copyright essentials for linguists," *Language Documentation & Conservation* 1: 28-43. <http://nflrc.hawaii.edu/ldc/June2007/>.
- Strong, William S. 1999. *The Copyright Book: A Practical Guide*. 5th ed. Cambridge, MA: MIT Press.
- UNESCO. 2003. "Convention for the safeguarding of the intangible cultural heritage," <http://www.unesco.org/culture/ich/index.php>