

3.4: Top Tips for Issuing Licences to Third Parties Wishing to Use Your Content

Naomi Korn and Professor Charles Oppenheim, March 2009

Context

This resource is based upon the IPR Toolkit created by the JISC-funded Web2Rights Project (www.web2rights.org.uk) and adapted for SCA sponsors and other organisations across the public sector. It is intended to form part of a toolkit, which can be further adapted to suit specific requirements and issued to content creators and content users across the public sector who are responsible for rights management and rights clearances. This paper provides some headline issues to consider when issuing licences to third parties who wish to use content generated by public-sector bodies.

Top Tips

Whatever use you allow:

- Remember that if you have obtained licences from others (staff, volunteers, freelancers, etc) to use their content and/or technology, the licences you issue to users cannot go beyond any limitations in these licences that have been granted to you
- Make sure you clarify who you want to allow access to the content, and how your users will be able to use it
- Ensure that any licence you propose to issue to users (whether in the form of a template, one you have developed with your own terms and conditions, or if you have decided to use an open content licence) is fit for purpose: if it does not do what you want it to do, then find or develop another one that is more appropriate
- If you are using a 'ready made' licence, read the provisions and make sure that it covers what you want to allow and under what conditions
- Where possible issue a licence that is governed by the law and courts of the country/region where your institution is located
- Check with your institution who has the authority to grant the licence
- Consider issuing a licence that disclaims liability for any subsequent unauthorised activities by users
- Ensure that the licence does not include any clauses that might present legal risks for your institution, or your users
- Copyright is not the only legal issue – make sure you cover other legal issues that may arise, such as defamation and liability for inaccurate information
- Take legal advice if you are at all uncertain

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