III. IP Issues in Institute

Since Sahapedia is a relatively new enterprise, the Intellectual Property Rights (IPR) policies and guidelines are in the process of being finalized. Terms of Use, Privacy Policy, Permissions from contributors, Disclaimers and undertakings have been drafted. (Attached as Annexure).

Primarily, Sahapedia is concerned with two kinds of content which would be available in its database in various formats:

Copyrighted content

Sahapedia sources existing/published content from individual authors and institutions and is also in the process of creating fresh content through collaborations with various institutions in the field of art and culture.

- Sahapedia has a section titled the 'Indian Heritage Library.' This would be a resource of scholarly articles and digitized documents. Since some of these articles might have been published already in books, journals, newsletters, etc, the first IP concern would be to identify copyrighted works. In this case the copyright would rest with the publishers and due permissions would be obtained from the copyright owner and author to make the text available online. As the next step in preventing infringement of IP rights, prior informed consent would be procured from the author and copyright owner for the online reproduction, use and display of this copyrighted material.
- The text would thereafter be made available online strictly for educational purposes and will not be for commercial use. It would be available in the form of PDFs that cannot be edited or modified. The content would not be downloadable.

Similarly, there might be content that is copyrighted but has not been published yet, for instance Ph.D. dissertations, etc. In this case also, copyright would remain

with the author and prior informed consent would be obtained for sharing this content online. In accordance with the conditions placed by the copyright owners, and to prevent copyright infringement, certain restrictions might be placed on the content. For instance, images might be made available only in low resolution, or only a portion of the text maybe displayed. Appropriate disclaimers would be used in order to prevent misuse of the content.

- Sahapedia has entered into content partnerships with various institutions to disseminate their existing content online or to generate content collaboratively. For each of these partnerships, memorandum of understanding is drawn up, clearly outlining the roles and responsibilities of each party, and the nature of copyright sharing.

For instance, in the online theatre archive project, Sahapedia would bring online a part of the existing archive of the National School of Drama. The existing archive presently consists of documents, ephemera and audio-video recordings of interviews and performance documentation. This content would be digitised and parts of it would be shared online. In this case the online database would be shared by both parties. However, one issue that might arise concerns the identification of the owner of the copyright and related rights in the recordings, films and documents. Before bringing the archive online, it would be discerned whether the the host institution singularly holds the copyright and the status of performers' rights. This would also involve determination of ownership of both the database itself and its contents. Sahapedia has already obtained prior informed consent from the National School of drama for making parts of the archive available online for non-commercial, educational purposes. Issues pertaining to the digital copyright of dramatic works may be addressed through the WIPO Internet treaties: WIPO Copyright Treaty, 20 Dec 1996, and WIPO Performances and Phonograms Treaty May 20, 2002.

The second case is that of the collaboration between Sahapedia and IIAS. In this case, fresh content would be generated for the purpose of the project by the two parties together. The objective of this project is documentation of knowledge-holders in traditional knowledge, heritage and the arts, mainly within the format of extensive interviews. Since the documentation would be in audio-visual format, related rights for transmission of audio-visual works, copyright in photographs and films, etc. would be referred to, as per the Indian Copyright Act, 1957.

The major IP concern at the stage of maintaining, processing and disseminating information could be regarding the determination of ownership of the database and content; and bearer's ownership rights. IIAS and Sahapedia will have shared

rights on this content and it will be made available in various formats on Sahapedia, only for educational and non-commercial purposes. The content would also rest with the IIAS archives for the use of researchers and scholars. The knowledge-holders would be duly credited and prior informed consent would be obtained from them for the use of this content for research and educational purposes and for online dissemination through Sahapedia.

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Sahapedia encourages crowd-sourced content creation where registered users can contribute content. It also allows the free use of its content. It also seeks to have a number of interactive formats and features to engage users—for instance, interactive maps, learning modules and discussion forums.

- Sahapedia facilitates the participation of users in collaboratively creating content under its 'Encyclopedia' section. Registered online users may contribute to the encyclopedia with articles, photographs and audio-visual resources. At this stage, various IP issues could arise regarding the identification of the owner of the copyright and issues of bearers' ownership. Content in this section is registered under the not-for-profit Creative Commons Attribution Share-alike License. Due credit and acknowledgement would be given to authors for their contributions. A strong and vigilant screening and moderating mechanism would be required to protect against misuse. Therefore, content will be screened by the editorial team before it is uploaded on the website. This would also ensure that no promotional content is uploaded. It would be mentioned in Terms of Use that content should not be used for commercial purpose, it is only for educational purpose and the registered users who are keen to contribute content must accept these terms of use. Guidelines for 'reporting abuse' would be clearly outlined so that the editorial team can be alerted and the issues can be addressed and reported.

- In the section of interactive maps, the representation of disputed areas, for instance the state of Kashmir, would not be open for editing for users. These maps would be guided by the Archaeological Survey of India and Geological Survey of India. All maps would be updated, consistent with the integrity of geographical and political boundaries.

- Sahapedia has a section titled Saha learn which seeks to present learning modules on various topics. Keeping in view the expanding education sector, Sahapedia would ensure that lecture-demonstrations and other audio-visual recordings or text should not contain any promotional content.

Sahapedia is in consultation with IP experts and the legal team at CMC Limited to develop policies and guidelines regarding the same.

Sahapedia aims to have an ethical framework that protects the rights of authors, performers and knowledge-holders while providing free access to users. The IP issue to be addressed here is the integration of traditional holders' cultural interests in the management of their rights and dissemination of ICH works. Apart from overall terms and conditions, there are specific provisions for licensing issues, permissions from contributors and remedies in case of violation. Content in all the databases except for Indian Heritage Library will be registered under Creative Commons Attribution Sharealike License. Copyrights for published articles in the Indian Heritage Library will remain with the author.

Documents attached in Annexure. However, these are drafts and in the process of being finalized in consultation with IP experts.