

# DOBES Legal and Ethical Aspects

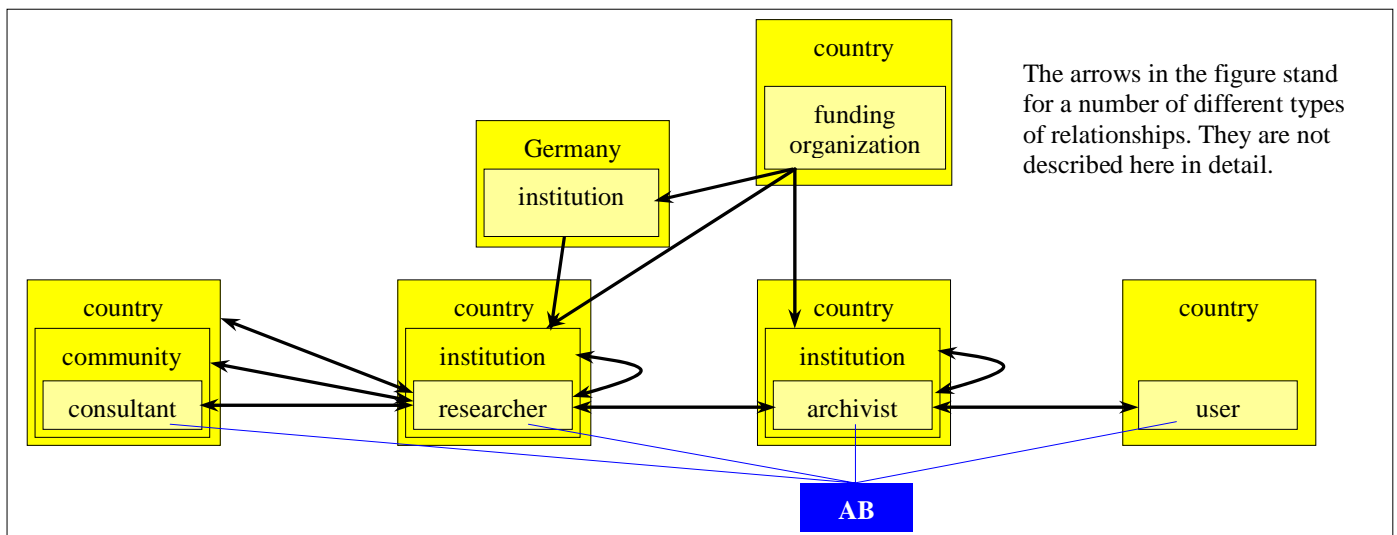
This guide summarizes the ethical agreements and legal basis under which the DOBES archive operates.

## General Framework:

- The DOBES archive stores endangered language material that is recorded at many locations all over the world. These recordings contain information of various sort that has to be protected against misuse.
- Therefore the DOBES programme discussed the complex legal situation and defined an ethical foundation, both defining the constraints for all parties involved.

## 1. Legal Situation

The following picture describes the complex legal situation within the DOBES programme. Different actors and organizations embedded in different law systems are involved.



The archivist will adhere to the following rules:

- The responsible researcher is the central switch and the archivist relies on the correctness of the specifications made by the teams. In particular, it is assumed that access matters were discussed extensively with the consultants and the language community.
- According to the European law all persons/institutions that are involved in the creation chain are copyright holder. The archivist will reserve all rights for the consultants and donators.
- The archivist has the right to store and archive the donated resources. It also has the duty to take care of long-term preservation aspects.
- The archivist also has the duty to make resources open to the interested public via web-based techniques. However, it will do this in close consultation with the responsible researchers.
- Metadata information is openly accessible on the web.
- Donators and consultants have open access to "their" data. Efforts to provide copies of the whole sub-archive will be supported by the archivist.
- In case of copying actions with other institutions, the archivist has to assure that these institutions adhere to the legal and ethical agreements of DOBES.

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## 2. Ethical Considerations

Due to the complex legal situation, the DOBES programme strengthened the importance of ethical guidelines. Therefore, a Code of Conduct was created that is the guideline for all activities of all actors that have to do with the data. This CoC was the result of the extensive discussions amongst all teams in the pilot phase. It will be subject of further debates to assure that the DOBES programme is based on a high degree of trust by all actors – in particular by the consultants and their communities. The CoC is available on the web.

Most important is the statement that all actors will respect the Intellectual and Cultural Property Rights of the individual consultants and their communities. Wishes with respect to protecting the privacy of individuals and to protect religious feelings will be respected. Commercial use by anyone else than the consultants and their communities is forbidden.

## 3. Usage

We will distinguish four types of resources:

- Some resources will be available as general PR and demonstration material on the web. They are open and can be used according to the copyright statement and according to the CoC.
- Some resources will be available on the web. However, the potential users have to first accept the CoC by electronic means to get access.
- Some resources will be made available to interested persons when they have specified their usage. They have to accept a usage declaration and the CoC by electronic means.
- Some resources will not be available for users.

## 4. Documents

The following documents are available and serve as basis of all parties involved:

- |                                    |   |
|------------------------------------|---|
| • Code of Conduct                  | a first version was approved by the pilot teams |
| • Data Access and Protection Rules | a first version is being discussed              |
| • Depositor-Archivist- Agreement   | has to be worked out                            |
| • Usage Request                    | a first version is being discussed              |
| • Usage Declaration                | a first version is being discussed              |

Those documents that are approved will be made available on the web.

The DOBES programme will follow the international discussions in this respect and adapt its documents when wide agreements have been achieved that do not change the fundamental constraints.