

## **Digital Humanities research and intellectual property rights: the case of The riddle of literary quality**

*Tjeerd Schiphof (UvA, Mediastudies), Karina van Dalen-Oskam (Huygens ING and UvA)*

The aim of the paper is to describe the ways in which Dutch copyright law may severely hinder research in Digital Humanities, based on experiences so far in the project The riddle of literary quality. We will list possible solutions and relevant developments in copyright law. Digital Humanities research into material dating from the last 100 years or so generally runs into IPR problems. This happens when researchers want to use digital data still under the protection of copyright law, which commonly means for original works whose creator is still alive or died less than 70 years ago. A slightly different situation goes for works created for an institute or business; then copyright ends 70 years after publication.

Even if a digital copy is available, making a copy of this file could be interpreted as an act of reproducing it, which falls under the monopoly of the rightowner; and therefore usually (there are exceptions) needs permission. Circumvention of security measures is unlawful. This forces researchers to find and to contact rightowners to obtain the necessary permissions. This has to be done for each work separately. If a work is a translation the translator (and his copyright) is also involved. Other complications might make things even more difficult:

- a copyright could be transferred;
- a copyright can be split up into different competences;
- a copyright can be undivided but having more owners (f.i. when inherited);
- the rightowner might be impossible to find (the 'orphan work' problem);
- There might be unjustified copyright claims, f.i. because of bluffing or mistakes;
- If a license is involved it might be difficult to establish the content of such license.

We will describe the steps that have been taken in the project The riddle of literary quality, a digital humanities project aiming to research which formal elements of modern novels may contribute to them being evaluated by readers as bad or good and as not very literary or very literary. For this search for formal patterns, the digital files of 400 novels ideally can be used to give the analyses a firm grounding. The ways in which this project deals with the IPR issues will be sketched. Also, some other options will be presented, such as contacting interest groups acting for publishers, authors and translators.