

COPYRIGHT ROUNDTABLE DISCUSSION
NCNMLG/MLGSCA/PNC Joint Meeting, Sacramento, 1/29/04

Introductions. What do you expect to gain from the discussion?

Possible discussion points:

Interlibrary Loan (ILL)	Document delivery
Photocopying by library patrons	Copyright notices or warnings
Getting permissions from copyright holders	Paying royalties
Reserves	Classroom use
Electronic media	

Example of warning concerning copyright compliance to put on ILL form that patron fills out, and signs or submits if form is electronic:

WARNING CONCERNING COPYRIGHT COMPLIANCE:

The Copyright Law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of Copyright Law. I understand that the material I request may be subject to copyright restrictions (Title 17, U.S. Code) for the service.

Example of copyright warning to place by library's photocopiers or printers for use by library's patrons:

WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Example of copyright warning for a copy the library makes for a patron (could be stamped on copy):

WARNING

This material may be protected by copyright law (Title 17 U.S. Code)

MLA Guidelines for Selecting Copyright Management Options:

http://www.mlanet.org/government/positions/copyright_mgmt2.html

Copyright (U. S. Government Copyright Office): <http://www.copyright.gov/>

Copyright Clearance Center: <http://www.copyright.com>

UC Davis Library's copyright Web page: <http://www.lib.ucdavis.edu/access/ipinfo.html>

**Copyright Roundtable: NOTES
NCNMLG/MLGSCA/PNC Joint Meeting 2004**

Trouble spots in copyright:

- Faculty are prone to misunderstandings and misinterpretations.
- People can find the topic to be boring or intimidating.
- For libraries, we want to make things as accessible as possible while abiding by the law.
- It's an iffy, murky topic.

Guidelines for following copyright:

- CONTU Guidelines (5 ILL articles in the last 5 years of publication)
- Copyright Clearance Center
 - Can be a somewhat controversial topic.
 - One method of paying copyright.
 - All for profit document delivery requires payment of copyright royalties.

With electronic subscriptions, contract law supersedes copyright.

- Librarians need to be aware of the details of each individual license.
- They often prevent the electronic transmission of PDFs.
 - Notices regarding these restrictions should be posted, like the copyright notices placed by public photocopiers.
- Interlibrary Loan capabilities may also be restricted.
- Licensing can be counterproductive, requiring large amounts of staff time (even for renewals) and highly trained personnel to handle large-scale agreements.
- Publishers do monitor remote access to their materials.

Course materials:

- Professors may post copyrighted materials on course web pages without receiving permission.
- Restrictions on access through authorization are important to qualify for fair use status.
- Using only portions of the item also enhance the possibility of fair use.
- Where do journal clubs fit in?
- Campus-wide copyright education needs to be integrated into technology training.
 - When teaching web page creation, copyright law should be emphasized.
 - The educational provisions of the DMCA and the Teach Act should also be discussed.

What can libraries do?

- Librarians are in a good position, since they are not directly aligned with either the publishers or the faculty. They can be more objective and their opinion is somewhat respected.
- There is a fine line between educating and offering legal advice.
 - Instead, direct patrons to information so they can make a reasonable decision.
 - Same concept as when dispensing medical information.
- Encourage your faculty not to give up their rights when publishing. At the least, they should request distribution rights on their home campus.
- Negotiate your license agreements. It can be as easy as crossing out and initialing what you disagree with.
- If you're unsure about accepting license agreements (e.g. 'click-through' online access agreements), contact your local legal counsel for advice.

Resources

- UC Copyright Education (<http://www.universityofcalifornia.edu/copyright/>)
- MLA Guidelines for Selecting Copyright Management Options (http://www.mlanet.org/government/positions/copyright_mgmt2.html)
- U.S. Government Copyright Office (<http://www.copyright.gov>)
- Copyright Clearance Center (<http://www.copyright.com>)