LIS 693: Copyright and Libraries  
Summer 2007

Class meets daily June 11-29, 1:00-3:40, Webster 104

Instructor: D.E. Perushek, Professor

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Office Hours: Daily 10:00-11:00 a.m. and by appointment

Course Description

Examines issues in copyright and intellectual property pertaining to libraries of all sorts from the perspective of both theory and praxis. Beginning with a history of copyright, we will analyze theories of copyright and its application, especially in the digital age. The practical aspects of copyright as it applies to licensing contracts for electronic resources will be explored, including the economics of licensing. Attention will be given to interpretations of copyright law, fair use, liability and the responsibility of the individual librarian to introduce copyright concepts to library users. The approach will be worldwide, but case studies and current issues in copyright and intellectual property in the United States will predominate.

Prerequisites: none

Program Learning Objectives

This special topic class will address the following LIS Program objectives:
1. Demonstrate an understanding of the history, philosophy, principles, policies and ethics of library and information science and technology;
2. Demonstrate an understanding of the development and communication of knowledge;
3. Apply basic competencies and knowledge that are essential for providing, managing, and designing information services and programs in a variety of information environments;
5. Demonstrate theoretical understanding of and basic competencies in evaluating, selecting and organizing information sources;
6. Demonstrate theoretical understanding of and basic competencies in storage, retrieval, dissemination, and utilization of information sources;
10. Demonstrate the professional attitudes and the interpersonal and interdisciplinary skills needed to communicate and collaborate with colleagues and information users.

Professional Expectations
See http://www.hawaii.edu/slis/students/profexp.html

Course Learning Objectives
1. Demonstrate understanding of basic concepts and objectives of copyright and intellectual property as found over time and around the world, and their crucial importance to contemporary information service providers; (Research paper, discussion, journal, short report, One-Minute Response Papers)
2. Apply tenets and legal terminology in a contract to license digital resources, display ability to read and negotiate such a contract, discern between desirable and undesirable contract clauses; (Discussion, class exercises, group presentation)
3. Exhibit how to explain and advise users on scholarly communication, author’s rights, copyright and fair use; (Short report)
4. Demonstrate an appreciation of contemporary issues regarding copyright found in national policies, and the place and ability of the librarian to influence legislation regarding such matters as copyright extension, Net neutrality, open access; (Discussion, journal, team exercises)
5. Display comprehension of how copyright plays a global role in the publishing industry, and its influence on the acquisition and accessibility of information resources. (Research paper, team exercises, debates, journal, One-Minute Response Papers)

Teaching Method

The course will be conducted through a combination of lectures that give introductions to concepts and information; analyses of various information, as through the examination of Web sites and laws; guided small-group and team work, full-class discussions, in-class case studies, debates, e-mail postings and oral presentations by you. Particular emphasis will be given to analyzing and criticizing the application of copyright, fair use and intellectual property rights by libraries and archives.

Research Methods
3. Case Study
5. Content Analysis
9. Evaluation Research
14. Information Retrieval

Requirements

Attendance is required; assignments will be both oral and written; active participation in class is also essential, including reports on readings. Students will gain skills to deal with relevant practical aspects of librarianship, such as negotiating contracts with publishers for digital resources.

Readings

There is no required text to purchase. Required and recommended reading materials will be available on reserve in Sinclair Library, on-line and in course packets. Instructions will be given in class on how to obtain them. Students will be expected to read extensively beyond the minimum requirements in recommended materials.
Readings will be taken from the following materials:
A R L and A L A Respond to Section 108 Study Group Regarding Interlibrary Loan and Other Copies for Users. 2007 (8pp)  
http://www.arl.org/pp/ppcopyright/sec108/


Anderson, Sheila. “How do we ensure that researchers know what is available to them?” Paper delivered at conference entitled ‘Humanities Beyond Digitisation’ September 2005


http://www.wired.com/wired/archive/2.03/economy.ideas_pr.html


http://www.utsystem.edu/OGC/INTELLECTUALPROPERTY/mmfruse.htm#prot


Minow, Mary. Library Digitization Projects and Copyright (Website LLRX.com – Library Digitization and Copyright)

http://micro189.lib3.hawaii.edu:2361/pqdweb?index=3&did=917863271&SrchMode=1&sid=1&Fmt=4&VInst=PROD&VType=PQD&RQT=309&VName=PQD&TS=1180831122&clientId=23440#fulltext
SPARC. Author Rights (brochure) http://www.arl.org/sparc/author/letter_authorrights.html
http://epress.lib.uh.edu/pr/v4/n4/trln.4n4
U.S. Congress. Copyright Act of 1976. Excerpts

Assignments and Grading

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<tr>
<th>Assignment</th>
<th>Percentage</th>
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<tr>
<td>Short paper I</td>
<td>10%</td>
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<td>Short paper II</td>
<td>10%</td>
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<tr>
<td>Research paper</td>
<td>30%</td>
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<tr>
<td>Class discussion/participation</td>
<td>20%</td>
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<tr>
<td>Journal and One-minute Response Papers</td>
<td>20%</td>
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<tr>
<td>Group presentation in class</td>
<td>10%</td>
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In- and out-of-class group work, journal writing that reflects on readings and what you learn in class, and one-minute response papers, a class presentation on group work (10%)

Part of most classes will be given over to small group discussions and reporting back to the class. The student will be expected to participate actively and knowledgeably. Each student will be the group reporter on a small group discussion at least twice during the course. Topics will range from debate-like discussions on, for example, the merit of copyright extension to an analysis of a topic such as the legality of current practices in electronic reserve services at college and university libraries.

Class discussion/participation (20%)

You will be expected to have read all assignments for discussion and application in class in group assignments such as analyzing case studies. It is important that you demonstrate your grasp of the assigned readings by participating in each class segment. This will include responding to questions, brainstorming questions for guest specialists and panels, reporting back on group work, commenting reflectively on what others say.

Two short reports (3 pages) and one longer paper (10 pages) (10% for each report; 30% for paper)
Class Discussion/Participation Requirements

In order to understand and demonstrate understanding of the concepts and resources taught in this course, discussion in the form of give and take by you is essential. You will be required to: attend all classes, read all assignments, keep a journal, examine bills, statutes, licenses and contracts, conduct group work on projects and exercises, actively participate in class by responding to questions, offering constructive comments and observations, and verbally reacting to course topics. Full points will be given only if all criteria are met.

(20 pts) All assignments submitted on time, daily and multiple contributions to class discussions, full participation in small group work, completion of all class assignments, perfect attendance, encouraging others to participate in asking questions and making relevant comments during class discussions and lectures; active engagement in discussions with specialist visitors.

(15 pts) Perfect attendance, completion of all class exercises and homework, regularly contributing to class discussions, frequent contribution to small group exercises, encouraging others to participate in making relevant comments during class discussions and lectures. Some questions directed at visiting specialists.

(10 pts) Complete homework and class exercises, near perfect attendance, occasional contributions to class discussions, frequent contributions to small group exercises.

(5 pts) Complete homework and class exercises, regular attendance, contributing in a few instances to class discussions, regular contributions to small group work.

(1 pt) Two or more absences, incomplete exercises, no contributions to class discussions, some contributions to small group work.

Assignments

Short Report I (10%; due Friday, June 15)
Write a 2- to 3-page report:
Compare three articles on the syllabus, from either the required or supplemental readings, or both, and comment on 1. their applicability in either a research, public or special library 2. how fair use or copyright as portrayed in the articles affects how the users of that library access materials.

Short Report II (10%; due Friday, June 22)
Write a 2- to 3-page report:
Prepare a document to be distributed in a hypothetical library of your choice as a handout or in a seminar setting that explains an aspect of copyright, fair use or scholarly communication.

Group Presentation in Class (10%; June 20, 21, 22)
Make a presentation in class with your work team
Analyze the online reserve policies of a college or university library or the digitization policies of any library as found on their Web sites. Exhibit the legality or illegality of all sections of the policy, and try to apply to it the concept of fair use. Make recommendations to improve the policy, and write language describing the policy to post on said library’s Web site. Audiovisual graphics will be welcome as will lively and
animated presentations

Paper (30%; due Thursday, June 28)
Write a formal research paper no less than ten pages in length.
This paper will be on an aspect of copyright or intellectual property that interests you and shows your grasp of the values and issues involved. Consult with me about the topic by Friday, June 22.

Paper Requirements:
1. The paper should be original, not merely a recounting of the Web sites, articles and books you have read.
2. In it you should demonstrate that you are familiar with course readings as well as supplemental readings.
3. You will be graded on the originality of your thoughts and the academic maturity with which you express them.
4. Grammar, spelling, correct citing and clear, non-repetitive thinking will help to raise your grade.
5. Also important are the research you do and the quality of resources you select.
6. Use topical subtitles in this paper and all reports to logically organize your thesis and points in support of it.

Journal and One-minute Response Papers (10% each)
You will keep a journal on at least half of the class days to record your responses to the readings, what you’ve learned in class, and what questions you still have. You’ll share these with another student, and I’ll go through them in class from time to time. The One-minute Response Papers will ask you in class such questions as what are the most important things you’ve learned so far. I will compile the responses and distribute some of them back to you.

Course Schedule

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<thead>
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<th>CLASS</th>
<th>DATE</th>
<th>TOPICS</th>
<th>Assignments &amp; DUE DATES</th>
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<tr>
<td>I</td>
<td>JUN 11</td>
<td>Kamehameha Day— No Class</td>
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<tr>
<td>II</td>
<td>JUN 12</td>
<td>Course structure, requirements, rubric setting The current copyright landscape in the U.S.</td>
<td>READINGS: Hoffman, 3-13, 15-41, 51-56, 113-136, Patterson &amp; Lindberg: 1-15. Online Willinsky* (14pp); AAUP (6pp)*. Choose one PDF text this week: Digital Millenium Copyright Act, or Sonny Bono Copyright Term Extension Act, or TEACH Act, or USA PATRIOT Act, or Copyright Act</td>
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<td>III</td>
<td>JUN 13</td>
<td>The publisher’s view Panel: Publishers</td>
<td>READINGS: Minow &amp; Lipinsky, 36-53; Becker, 2-3, 6-12, 40-42*</td>
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<td>IV</td>
<td>JUN 14</td>
<td>Copyright/Digital Rights Management</td>
<td>READINGS: Minow (online), “Section 108 Library Exception” (4pp) and “Permissions” (2pp)</td>
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<td>V</td>
<td>JUN</td>
<td>Establishing policies (fair use;</td>
<td>READINGS: Davis, 118-126; Crews,</td>
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<td>Week</td>
<td>Date</td>
<td>Event</td>
<td>Readings</td>
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<td>15</td>
<td>JUN 18</td>
<td>Reserve readings, document delivery</td>
<td>74-92, 123-124.* Short Report I Due</td>
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<td>VI</td>
<td>JUN 18</td>
<td>Copyright for information service providers</td>
<td><strong>READINGS:</strong> NISO: Shared Resource Understanding Website; Okerson (15pp); two sample license agreements from libraries*. Choose second PDF text this week: Digital Millenium Copyright Act, or Bono Act, or TEACH Act, or USA PATRIOT Act, or Copyright Act</td>
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<td>VII</td>
<td>JUN 19</td>
<td>Copyright/Digital Rights Management/ Licensing Panel: UH M librarians</td>
<td><strong>READINGS:</strong> Staincliffe (16pp)*; Ekman, 53-70</td>
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<td>VIII</td>
<td>JUN 20</td>
<td>Legal aspects of copyright &amp; public domain Guest speaker: Group presentations 1</td>
<td><strong>READINGS:</strong> Unpublished Materials, 3-6, 21, 37-45*</td>
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<td>IX</td>
<td>JUN 21</td>
<td>Permissions, good faith, restrictions and disclaimers for published and unpublished works. Group presentations 2</td>
<td><strong>READINGS:</strong> Hahn (8pp), Mills (1p), and Johnson (15pp)</td>
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<td>X</td>
<td>JUN 22</td>
<td>Guest Professor: Digitization issues and current cases I. Group presentations 3</td>
<td><strong>READINGS:</strong> Seadle (453-459), Barlow, [http:// <a href="http://www.wired.com/wired/archive/8.10/">www.wired.com/wired/archive/8.10/</a>](http:// <a href="http://www.wired.com/wired/archive/8.10/">www.wired.com/wired/archive/8.10/</a>) download_pr.html; Anderson (73-76) Short Report II Due Research Paper Topics Decided Upon</td>
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<td>XI</td>
<td>JUN 25</td>
<td>Digitization issues and current cases II (Google Print, Net Neutrality, orphan works, etc.)</td>
<td><strong>READINGS:</strong> Online “Copyright at the University of Hawai‘i West O‘ahu,” Online “Copyright&lt;&quot; The Library at the University of Hawaii Windward Community College; Author Rights (brochure), TRLN Copyright Policy Task Force (4-25), Online “Seven Things You Should Know...” (2pp)Choose third PDF text this week: Digital Millenium Copyright Act, or Bono Act, or TEACH Act, or USA PATRIOT Act, or Copyright Act</td>
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<td>XII</td>
<td>JUN 26</td>
<td>Interpreting information policy for users. Panel: UH librarian, Eric Flower: 1:00 p.m. with videos</td>
<td><strong>READINGS:</strong> Peruse the copyright Website of Stanford University Copyright &amp; Fair Use Center [http:// fairuse.stanford.edu/](http:// fairuse.stanford.edu/), the University of Texas Austin Copyright Crash Course</td>
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### List of supplemental readings

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<tr>
<th>Date</th>
<th>Event</th>
<th>Readings / Resources</th>
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<tr>
<td>XIII JUN 27</td>
<td>Government policies &amp; actions.</td>
<td>READINGS: ARL &amp; A LA Respond to Section 108 (8pp);</td>
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<td>XIV JUN 28</td>
<td>The international copyright and intellectual property landscape</td>
<td>READINGS: Alford, 112-123; Arnold, 287-308, Borgman, 209-223</td>
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<td>XV JUN 29</td>
<td>Information professional’s role Five-minute presentation by each student on his/ her formal paper Wrap-up, your requested topics</td>
<td>RESEARCH PAPER DUE</td>
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**American Library Association.** “Library Bill of Rights.”
http://www.ala.org/work/freedom/lbr.html#rights and http://www.ala.org/work/freedominterprept.html


**ARL.** “Applying Fair Use in the Development of Electronic Reserves Systems”
http://www.arl.org/info/fm/copy/ereservestatement.html (2pp)

http://new.arl.org/bm/doc/campuscopyright05.pdf

**ARL Website on copyright:** http://www.arl.org/scomm/copyright/principles.html

**Cornell University “Copyright Information Center”** http://www.copyright.cornell.edu/ (“Cornell Policies and Guidelines” and “Resources: sections)


**Copyright Clearing Center.** 2006 Annual Report.
http://www.copyright.com/media/pdfs/AR CCC_06_Single.pdf


Medical Library Association Copyright Management Guidelines
http://mlanet.org/government/positions/copyright_mgmt.html (5pp)

Moyers on America: The Net@ Risk. PBS Films for the Humanities & Sciences. 2006.

NISO. Shared E-Resource Understanding (SERU) Website
(http://www.niso.org/committees/SERU/)


“Preserving Printed and Digital Heritage.” BBC News 2007/ 01/ 22
http://news.bbc.co.uk/go/pr/fr/-/2/hi/technology/6287181.stm


http://micro189.lib3.hawaii.edu:2374/science? ob=ArticleURL& udi=B6W63-4K7X49X3& user=989483& _coverDate=06%2F30%2F2006&_rdoc=3&_fmt=full&_org =browse_srch=doc- info%23toc%23587%232006%23999679997%23626315%23FLA%23display%23Volume) & _cdi=6587& _sort=d& _docanchor=&view=c& _ct=22& acct=C000049917& _version=1 & _urlVersion=0& _userid=989483&md5=706bf0731f72253431e11b6aeb15de0f

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