

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:

"7 Things You Should Know about . . . Creative Commons," EDUCAUSE Learning Initiative, 2007. (2pp) <http://www.educause.edu/ir/library/pdf/ELI7023.pdf>

The Association of American University Presses. AAUP Statement on Open Access. (6pp) <http://aaupnet.org/aboutup/issues/oa/statement.pdf>

AAU, AAUP, ARL, AAP. Campus Copyright Rights and Responsibilities: A Basic Guide to Policy Considerations. NP, ca. 2005 Part II Institutional Policy Issues (23-29).

ARL and ALA Respond to Section 108 Study Group Regarding Interlibrary Loan and Other Copies for Users. 2007 (8pp) <http://www.arl.org/pp/ppcopyright/sec108/>

Alford, William P.. "No Mickey Mouse Matter: U.S. Policy on Intellectual Property in Chinese Society" in *To Steal a Book Is an Elegant Offense: Intellectual Property Law in Chinese Civilization*. Stanford, CA: Stanford University Press, 1995 (112-123)

Anderson, Sheila. "How do we ensure that researchers know what is available to them?" Paper delivered at conference entitled 'Humanities Beyond Digitisation' September 2005 Institute of Historical Research, U.K. <http://www.history.ac.uk/digit/conf2005/> [Click on Session 6 Presentation 3.] Audio presentation. 26 minutes

Arnold, Bruce. "One Correct Text?" in *The Scandal of Ulysses: The Life and Afterlife of a Twentieth Century Masterpiece*. Dublin: Liffey Press, 2004 (287-308)

Barlow, John Perry. "The Economy of Ideas," *Wired* 2.03, March, 1994. [http://www.wired.com/wired/archive/2.03/economy.ideas\\_pr.html](http://www.wired.com/wired/archive/2.03/economy.ideas_pr.html)

\_\_\_\_\_. "The Next Economy of Ideas," *Wired* 8.10, October 2000. <http://www.wired.com/wired/archive/8.10/download.html>

Becker, Gary H. *Copyright: A Guide to Information and Resources*. Lake Mary, FL: Gary H. Becker, 1992.

Borgman, Christine L. "Acting Locally, Thinking Globally" in *From Gutenberg to the Global Information Infrastructure: Access to Information in the Networked World*. Cambridge, MA: MIT Press, 2000 (209-223)

Conference on Fair Use. Guidelines. [http://www.ptc.edu/Copyright\\_Center/CONFU.htm](http://www.ptc.edu/Copyright_Center/CONFU.htm).

Crews, Kenneth D. *Copyright Law for Librarians and Educators: Creative Strategies and Practical Solutions*. Chicago: ALA, 2005. ON RESERVE: KF2995 .C74 2005

Davis, Tricia. "Legal Issues: The Negotiator's Experience in Getting to the Heart of the License." *Virtually Yours: Models for Managing Electronic Resources and Services*. Ed. Peggy Johnson and Bonnie MacEwan. Chicago: ALA, 1999. (118-126)

Digital texts of Digital Millennium Copyright Act; Net Neutrality; Bono Act; The TEACH Act; USA PATRIOT Act; Fair Use Act

Ekman, Richard and Richard E. Quandt. *Technology and Scholarly Communication*. Berkeley, CA: University of California Press, 1999 (53-70)

Hahn, Trudi Bellardo. "Impacts of Mass Digitization Projects on Libraries and Information Policy." <http://www.asis.org/Bulletin/Oct-06/hahn.html> (8pp)

Harper, Georgia. "How Does Analog Fair Use Apply to the Multimedia World?," "Specific Multimedia Copyright Issues," "Protecting Multimedia Creations," *Copyright Issues: Multimedia and Internet Resources—Using & Creating 2001* <http://www.utsystem.edu/OGC/INTELLECTUALPROPERTY/mmfruse.htm#prot>

Hoffmann, Gretchen McCord. *Copyright in Cyberspace: Questions and Answers for Librarians*. NY: Neal-Schuman Publishers Inc., 2001.

Johnson, Richard K.. "In Google's Broad Wake: Taking Responsibility for Shaping the Global Digital Library." *ARL Bimonthly Report* 250. (15pp)

LeClercq, Angie Whaley. *Unpublished Materials: Libraries and Fair Use*. Washington, D.C. ARL, 1993.

Mills, Elinor. "Google Suffers Setback in Copyright Case." *CNET News.Com* February 14, 2007 <http://www.news.com>

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

Minow, Mary and Tomas A. Lipinski. *The Library's Legal Answer Book*. Chicago: American Library Association, 2003.

Patterson, L. Ray and Stanley W. Lindberg. *The Nature of Copyright: A Law of Users' Rights*. Athens: University of Georgia Press, 1991.

Russell, Carrie, ed. *Complete Copyright: An Everyday Guide for Librarians*. Chicago: American Library Association, 2004.

Michael Seadle. "Copyright in the Networked World: Orphaned Copyrights." *Library Hi Tech* 23:3, 2005 (453-459)  
<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\\_authorrightrights.html](http://www.arl.org/sparc/author/letter_authorrightrights.html)

Staincliffe, Paul. "The Nonsense of Copyright in Libraries: Digital Information and the Right to Copy." [http://eprints.rclis.org/archive/00007466/01/Nonsense\\_copyright.pdf](http://eprints.rclis.org/archive/00007466/01/Nonsense_copyright.pdf) (16pp)

TRLN Copyright Policy Task Force. "Model University Policy Regarding Faculty Publication in Scientific and Technical Scholarly Journals: A Background Paper and Review of the Issues." *The Public-Access Computer Systems Review* 4:4, 1993 (4-25)  
<http://epress.lib.uh.edu/pr/v4/n4/trln.4n4>

U.S. Congress. Copyright Act of 1976. Excerpts

Willinsky, John. "Copyright Contradictions in Scholarly Publishing." *First Monday* 7:11, 2002.  
[http://www.firstmonday.org/issues/issue7\\_11/willinsky/index.html#w1](http://www.firstmonday.org/issues/issue7_11/willinsky/index.html#w1)

### Assignments and Grading

Short paper I	10%
Short paper II	10%
Research paper	30%
Class discussion/participation	20%
Journal and One-minute Response Papers	20%
Group presentation in class	10%

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

[SUBJECT TO CHANGE]

CLASS	DATE	TOPICS	Assignments & DUE DATES
I	JUN 11	Kamehameha Day—No Class	
II	JUN 12	Course structure, requirements, rubric setting The current copyright landscape in the U.S.	READINGS: Hoffman, 3-13, 15-41, 51-56, 113-136, Patterson & 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
III	JUN 13	The publisher's view Panel: Publishers	READINGS: Minow & Lipinsky, 36-53; Becker, 2-3, 6-12, 40-42*
IV	JUN 14	Copyright/Digital Rights Management	READINGS: Minow (online), "Section 108 Library Exception" (4pp) and "Permissions" (2pp)
V	JUN	Establishing policies (fair use;	READINGS: Davis, 118-126; Crews,

	15	reserve readings, document delivery) Guest speaker 2:00-3:40	74-92, 123-124.* Short Report I Due
VI	JUN 18	Copyright for information service providers	READINGS: 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)
VII	JUN 19	Copyright/Digital Rights Management/Licensing Panel: UHM librarians	READINGS: Staincliffe (16pp)*; Ekman, 53-70
VIII	JUN 20	Legal aspects of copyright & public domain Guest speaker <i>Group presentations 1</i>	READINGS: Unpublished Materials, 3-6, 21, 37-45*
IX	*JUN 21* *AM *319 Bilger	Permissions, good faith, restrictions and disclaimers for published and unpublished works. <i>Group presentations 2</i>	READINGS: Hahn (8pp), Mills (1p), and Johnson (15pp)
X	JUN 22	Guest Professor Digitization issues and current cases I . <i>Group presentations 3</i>	READINGS: Seadle (453-459), Barlow, <a href="http://www.wired.com/wired/archive/8.10/download_pr.html">http://www.wired.com/wired/archive/8.10/download_pr.html</a> ; Anderson (73-76) Short Report II Due Research Paper Topics Decided Upon
XI	JUN 25	Digitization issues and current cases II (Google Print, Net Neutrality, orphan works, etc.)	READINGS: Online “ Copyright at the University of Hawai’i West O’ahu,” Online “Copyright<” 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
XII	JUN 26	Interpreting information policy for users. Panel: UH librarian, Eric Flower: 1:00 p.m. with videos	READINGS: Peruse the copyright Website of Stanford University Copyright & Fair Use Center <a href="http://fairuse.stanford.edu/">http://fairuse.stanford.edu/</a> , the University of Texas Austin Copyright Crash Course

			<a href="http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm">http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm</a> , or North Carolina State University Scholarly Communication Center <a href="http://www.lib.ncsu.edu/scc/main.html">http://www.lib.ncsu.edu/scc/main.html</a>
XIII	JUN 27	Government policies & actions.	READINGS: ARL & ALA Respond to Section 108 (8pp);
XIV	JUN 28	The international copyright and intellectual property landscape	READINGS: Alford, 112-123; Arnold, 287-308, Borgman, 209-223 Research Paper Due
XV	JUN 29	Information professional's role Five-minute presentation by each student on his/her formal paper Wrap-up, your requested topics	

List of supplemental readings

Adams, Helen R. Privacy in the 21<sup>st</sup> Century: Issues for Public, School, and Academic Libraries.

Westport, CT: Libraries Unlimited, 2005.

American Library Association. "Library Bill of Rights:"

<http://www.ala.org/work/freedom/lbr.html#rights> and

<http://www.ala.org/work/freedominterpret.html>

American University. Center for Social Media. "Documentary Filmmakers' Statement of Best Practices in Fair Use," Washington, D.C., 2005. 8pp.

<http://centerforsocialmedia.org/rock/backgrounddocs/bestpractices.pdf>

ARL. "Applying Fair Use in the Development of Electronic Reserves Systems"

<http://www.arl.org/info/frn/copy/ereservestatement.html> (2pp)

ARL. "Campus Copyright Rights and Responsibilities: A Basic Guide to Policy Considerations," Washington, D.C., 2005. 30pp.

<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)

Besek, June M. Copyright Issues Relevant to the Creation of a Digital Archive: A Preliminary Assessment. Washington, D.C.: Council on Library and Information Resources, 2003.

<http://www.clir.org/pubs/reports/pub112/pub112.pdf>

Copyright Clearing Center. 2006 Annual Report.

[http://www.copyright.com/media/pdfs/AR\\_CCC\\_06\\_Single.pdf](http://www.copyright.com/media/pdfs/AR_CCC_06_Single.pdf)

Gregory, Donald A., Charles W. Saber and Jon D. Grossman. Introduction to Intellectual Property Law. Washington, D.C.: Bureau of National Affairs, 1994. Introduction (1-6)

Copyright: A Guide to Information and Resources. Chapters 5-9 (16-39); Appendix A Copyright Policies, and Appendix B Wording of Copyright Warning Notices (45-48)

Jones, Barbara M. Libraries, Access, and Intellectual Freedom: Developing Policies for Public and Academic Libraries. Chicago, ALA, 1999.



Licensing and Copyright Management: Best Practices of Academic, Special and Research Libraries. NP: Primary Research Group, 2004 (8-15, 27-33, 39-48, 62-80).

Medical Library Association Copyright Management Guidelines

[http://mlanet.org/government/positions/copyright\\_mgmt.html](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/>

Peck, Robert S. Libraries, the First Amendment, and Cyberspace. Chicago: ALA, 2000.

“Preserving Printed and Digital Heritage.” BBC News 2007/01/22

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/technology/6287181.stm>

“The SERU Approach to e-Resource Subscriptions: Framework for Development and Use of SERU (Shared E-Resource Understanding)” [http://www.niso.org/committees/SERU/SERU\\_FAQ.html](http://www.niso.org/committees/SERU/SERU_FAQ.html)

Smith, Kay Hogan, Rajia C. Tobia, T. Scott Plutchak, Cynda M. Howell, Sondra J. Pfeiffer, Michael S. Fitts. “Copyright Knowledge of Faculty in Two Academic Health Science Campuses: Results of a Survey.” *Serials Review* 32:2, 2006 (59-67)

[http://micro189.lib3.hawaii.edu:2374/science?\\_ob=ArticleURL&\\_udi=B6W63-4K7X49X3&\\_user=989483&\\_coverDate=06%2F30%2F2006&\\_rdoc=3&\\_fmt=full&\\_orig=browse\\_srch=doc-info\(%23toc%236587%232006%23999679997%23626315%23FLA%23display%23Volume\)&\\_cdi=6587&\\_sort=d&\\_docanchor=&\\_view=c&\\_ct=22&\\_acct=C000049917&\\_version=1&\\_urlVersion=0&\\_userid=989483&\\_md5=706bf0731f72253431e11b6aeb15de0f](http://micro189.lib3.hawaii.edu:2374/science?_ob=ArticleURL&_udi=B6W63-4K7X49X3&_user=989483&_coverDate=06%2F30%2F2006&_rdoc=3&_fmt=full&_orig=browse_srch=doc-info(%23toc%236587%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)

Toobin, Jeffrey. “Annals of Law. Google’s Moon Shot.” *The New Yorker* Issue of 2007 (Feb 5) (8pp)

<http://micro189.lib3.hawaii.edu:2433/?sid=36520&genre=article&issn=0028792X&title=New+Yorker&atitle=GOOGLE'S+MOON+SHOT.&author=Toobin%2c+Jeffrey&authors=Toobin%2c+Jeffrey&date=20070205&volume=82&issue=48&spage=30>