2000

Call for Ideas-2000 Charleston Conference

Editor

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Are libraries that perform similar functions to those performed by UnCover likely to be targets for a lawsuit? Do we risk liability by relying on the CCC and publishers to tell us that it’s ok to make a copy of an article? In all likelihood, the risk is quite small for several reasons: libraries do not make a profit on ILL and they don’t have a reputation for ignoring or otherwise harming authors attempting to make the publishing industry recognize their claims to a share of the new revenues coming from electronic uses of their articles.

What about the impact of Tasini? Does Tasini mean that libraries cannot rely on publishers who license databases of electronic articles to have the rights they claim to have (the rights to create and license the database) and to appropriately share royalties with authors who still own copyright in their contributions to the publishers’ collective works? Need libraries worry about such things?

I think we are much more likely to see some increase in the price of databases to accommodate the required “split” with some authors than to see lawsuits against library licensees of those databases. Further, there may be only a small percentage of material in some databases in which the publisher does not own copyright. Remember, these cases are about the rights of freelance authors only and the issues raised would not apply where an author has assigned his or her rights to a publisher, as is often the case in scholarly publishing, or where the author is an employee of the publisher. Libraries were never in the position of making a profit on activities that ignored authors’ claims to a share of that profit. Until these cases went against the various defendants, they did not have the incentive to accommodate the authors’ desires. Now they do.

Even though libraries technically might be liable for infringement of the rights of freelance authors when they rely on publishers and the CCC to have the rights they say they have, the industry conditions that led to these two lawsuits have changed so much that further lawsuits to remedy the problem do not seem likely. Rather, changes in contracting procedures with freelance authors, changes in publishers’ record keeping for authors who retain ownership, and improvements in everyone’s ability to identify authors who own copyright in their works and make payments to them are more likely than lawsuits against libraries to further the changes that began with these suits.

Section 201 Ownership of Copyright (c) Contributions to Collective Works — Copyright in each separate contribution to a collective work is distinct from copyright in the collective work as a whole, and vests initially in the author of the contribution. In the absence of an express transfer of the copyright or of any rights under it, the owner of copyright in the collective work is presumed to have acquired only the privilege of reproducing and distributing the contribution as part of that particular collective work, any revision of that collective work, and any later collective work in the same series.

Visit the Copyright Crash Course at http://www.usystem.edu/ace/intellectual-property/crash.htm. 

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**Charleston 2000 Conference — Call for Ideas/Papers/Speakers/etc.**

**Issues in Book and Serial Acquisition: Is Bigger Better?**

Nov. 1 Preconferences and Vendor Showcase,
Nov. 2-4 Main Conference, Nov. 4 Post Conference

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If you are interested in leading a discussion, acting as a moderator, co-ordinating the lively lunches or simulation rooms, or would like to make sure we discuss a particular topic, please let us know. The Charleston Conference prides itself on creativity, innovation, flexibility, and informality. If there is something you are interested in doing, please try it out on us. We’ll probably like it...

The Conference Directors for the 2000 Charleston Conference include — Rosann Bazirjian, Chair (Penn State University) <vb9@psualas.psu.edu>, Stuart Grinell (Ambassador Books and Media) <bookman@iquest.net>, Heather Miller (SUNY-Albany) <hm76@crsvax.albany.edu>, Jack Montgomery (Western Kentucky University) <jack.montgomery@wku.edu>, Marietta Plank (Chesapeake Information and Research Library Alliance) <mplank@deans.umd.edu>, Katina Strauch (College of Charleston) <strauchk@earthlink.net>. 

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