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Questions and Answers-Copyright Column-When a library creates a Website, is the HTML code protected by copyright?

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Legally Speaking

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by students enrolled in that course. The Senate version did not include performances by non-profit libraries. At one point the House version did include performances by non-profit libraries; however, that language was removed from the bill during committee markup. For-profit institutions, even if accredited, must pay royalties for a license.

The TEACH Act also amends section 106 to allow digital transmissions to be made to members of the class. Section 106 states that the author has the exclusive right to control copies of his or her work. However, every time you create a digital version of a document or performance, you are making a copy. The TEACH Act allows educators to make a copy in order to transmit the work to their distance education students. In order to claim the protections of the TEACH Act, the non-profit accredited educational institution must be distributing the document or performance for educational purposes. The transmission must be only to those students who are enrolled in the class, so Websites should be password protected. Finally, to the extent possible, the institutions should attempt to make sure that the materials are not transmitted any further by the students. This provision would be satisfied by providing the students with Web pages which may be viewed but not printed or downloaded.

If passed, the TEACH Act would allow accredited non-profit educational institutions to do in their distance education programs what they can do in their on-campus instruction. Rather than being a new type of education, the Internet will indeed be simply a new transmission method for traditional education.

Educators are becoming less bound by distance, and the TEACH Act helps to ease the restrictions. Publishers and authors will know that their work is being distributed only to students in accredited non-profit educational institutions for educational purposes. Educators will be able to transmit some performances for their distance education classes, and students will be able to obtain a quality education via the Internet. By working together on the language of the TEACH Act, everybody wins. And as Ecclesiastes states, there truly is nothing new under the sun.

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Bryan M. Carson.

Endnotes
2. In a previous article (December 2000), I stated that the advent of the Internet has created as big a change in society as the invention of the printing press. However, it is not the Internet itself that has created this change; it is the social changes that accompany the use of the Internet.
3. For example, Touro International University, the distance education section of Touro College in New York, provides Ph.D. degrees in Business Administration and Health Sciences which do not require any residency. This program is fully accredited by The Commission on Higher Education of the Middle States Association of Colleges and Schools. See Touro’s Website at http://www.touro.edu/.
10. id.
13. 147 Cong Rec D 688.
14. I attended the conference Intellectual Property in the Digital Age in Madison, Wisconsin, on May 6-9, 2001. The conference began two days after the joint agreement was negotiated. Many of the negotiators were participants at this conference, and the agreement was reported at that time.
16. According to the TEACH Act, accreditation for post-secondary institutions “shall be as determined by a regional or national accrediting agency recognized by the Council on Higher Education Accreditation or the United States Department of Education; and with respect to an institution providing elementary or secondary education, shall be as recognized by the applicable state certification or licensing procedures.” 107 Markup S. 487.
And They Were There — Reports of Meetings

XI. Transborder Library Forum, 2001 and IUG Meets in Santa Clara

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XI. Transborder Library Forum, 2001
“World Information: knowledge without boundaries”
Hermosillo, Sonora, Mexico, March 15-17.

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Titled “World Information: knowledge without boundaries,” this year’s Transborder Library Forum was held in Hermosillo, Sonora, Mexico, March 15-17. Hosted jointly by the Universidad de Sonora (UNISON), and the Food and Development Research Center (CIAD), the event again attracted approximately 300 professionals, as in previous years, from mostly border states, with a number of representatives of libraries from other areas of Mexico, the U.S., and Canada.

The theme was globalization, a concept that is here to stay and which has had a profound impact on how things are done today. The outcome of newer and better technologies in the realm of information exchange has revolutionized our way of seeking knowledge that may be generated thousands of miles away, anywhere in the world.

For the above reasons, the organizers of this XI. FORO envisioned an event that would present more than a physical space where librarians from our two sister countries, the United States and Mexico, could exchange experiences and share ideas about common problems not just relevant to border areas, but where they could also begin to brainstorm on ways to improve on daily tasks for the ultimate benefit of local users as well as those from remote areas.

From its simple beginnings in the late 1980s, when librarians from Arizona and Sonora realized the need to improve communication between libraries in the border states, attendance and scope have increased considerably. Simultaneous interpretation at all FOROS has eliminated language barriers by providing each attendant with the opportunity to participate actively, while at the same time the number of bilingual librarians able to take part in the discussions regardless of language appears also to have increased. Each FORO has been organized by an extraordinary and dedicated team of volunteers from the host site, and so far, the event has remained the sole responsibility — and sometimes headache — of the local hosts. However, while the informality of the group, the lack of structure, of dues, and of membership obligations, remain one of the major attractions, questions arose at the close of the XI. FORO in 2000, about the continuity of these gatherings. Indeed, after lengthy discussions at the end of the recent XI. FORO, those present decided to look into the feasibility of coming up with some sort of structure that would provide the group with at least a semi-formal identity and standing. While all participants continue to cherish the informality and the social interactions, it is hoped that the group they elected to study and proposed new status will arrive at a solution that ensures the ongoing existence of these meetings.

These transborder conferences have been growing in importance and relevance as libraries and their users access information beyond their physical and geographical borders. There was ample evidence for it throughout the 3-day program that brought together practitioners from all areas of librarianship. It was preceded by a number of workshops presented by librarians from Mexico and the United States, which included a session on searching MEDLINE and MEDLINEplus for biomedical and consumer health information; a workshop on basic serials cataloging, based on the CONSER Serials Cataloging Cooperative Training Program (SCCTP); a session on developing a library accessible to the community through design, attitude and technology; and another one on modern and general archives.

At the close of the opening ceremonies, the two keynote speakers offered interesting views of the present situation. Estela Morales C. of the Universidad Nacional Autónoma de México spoke about globalization and the importance of making more local information available to all users. continued on page 72