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From the University Presses -- Copyright R&R

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traial called, The Birth of A Nation: Australia's Historic Heritage From Discovery to Nationalhood, by Robin Smith (Viking O'Neil Penguin, 1978). This magnificent book of Australia's architectural history has beautiful color photography, very readable text, a nice mix of buildings, terrain and artifacts. Anyway, Colin has agreed to begin writing a column for Against the Grain beginning in the fall. In the meantime, he's finishing a major government report, writing an article for Learned Publishing, and traveling the Globe looking for trends. Whee!

Missed this last time. Sent by our long-time friend and Charleston Conference regular, the rip-roaring publisher, Steve Dane <sdane@brillusa.com> — On January 1st 2006 Brill Academic Publishers completed the acquisition of IDC Publishers. IDC Publishers, also based in Leiden, The Netherlands, is one of the world's leading academic publishers in publishing rare archival materials and other primary and secondary sources on microform and online. In the past fifty years, IDC has amassed a library of over 70,000 collections, comprising more than 800,000 volumes in the areas of Religion, History, Art History, Middle Eastern Studies, Asian Studies, Jewish Studies, International Law, Slavic & Eurasian Studies, and Biology IDC Publishers will continue to operate independently as an imprint of Brill, minimizing the disruption of customers and trading partners. www.idc.nl

Was talking to Richard Werking <twerking@usna.edu> the other day. He was just back from China which was a great trip. He was asking for the PDF of the Claire Dygert article in v.1766, December 2005-January 2006 issue of ATG. He was going to email the article to the Maryland directors. Richard was talking about perhaps “Revisiting Abel and Newlin 25 Years Later.” Hmmm... What do you think?

And, last but not least, we are planning the 2006 Charleston Conference. The Website should be updated with the latest information by the time you read this. The theme of the

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Libraries, the Association of American Publishers, and the Association of American University Presses in order to convey their common understanding of copyright's basic meaning and practical significance for the higher education community.

After an Introduction and a statement on the importance and purpose of copyright, the booklet is divided into two parts: "Copyright Basics," and "Institutional Policy Issues."

"Copyright Basics" is a short primer on the aspects of copyright law likely to be of most concern to faculty, students, and librarians, from the definition of copyright and its ownership, duration, and transfer, to the various exceptions and limitations that may apply in higher education, like fair use, distance education, first sale, the library exemptions, and so forth. "Institutional Policy Issues" then addresses the requirements of the TEACH Act and the service-provider liability limitations, and then discusses the main hot-button issues a policy should address: faculty ownership of copyrights, fair use and the classroom guidelines, coursepacks, and e-reserves.

I was the AAUP representative on the working group that developed the document (the other members were John Vaughn, AAU, Duane Webster and Mary Case, ARL, and Allan Adler, AAP). We also had the expert assistance of Laura Gasaway, well-known to this audience, and Bruce Joseph, Wiley Rein and Fielding, LLP. So I'm in no position to try to review the booklet: maybe some other ATG contributor will. I hope you'll take a look at it.

I would like to tell you a little about the process we went through in order to create "Copyright R&R," as we came to call it among ourselves, because the process taught me a great deal. The earliest draft I have on my computer is dated July 7, 2000; the pamphlet was published in December, 2005. The mills of the gods grind slowly, they say, but they do grind exceedingly fine. Over those five-and-a-half years we met 2-3 times a year, five hours a meeting, in a conference room at AAU's offices in Washington. At each meeting we would review a draft document written to capture what we had discussed, argued over, and — most of the time — agreed about at the last meeting to see if we still agreed with it or wanted to argue some more. Only when we had finished that process did we inch forward into new territory, but always with the understanding that exploring the new territory might raise new questions about matters we thought we had settled and require us to revisit them.

This is a familiar process in trying to deal carefully with complex issues; sometimes a step forward is just a step forward, and sometimes it's really two steps back in order to clarify something incompletely understood the last time. Progress isn't made in tidy, measurable increments. It's iterative, but each iteration covers more and more ground. The basic rule for this process, as I've heard it described in another context, is that nothing is decided until everything is decided. That apparent paradox is deeply pragmatic: it's impossible to understand details without a sense of the whole, but it's equally impossible to grasp the whole without working through the details. It's slow, and sometimes tedious, and always messy, but if you stay with it, it works.

I'm now involved in another set of discussions attempting to find common ground among copyright stakeholders — the Section 108 Study Group, charged by the Office of Strategic Initiatives at the Library of Congress with making recommendations to the Register of Copyrights for how Section 108 might be changed in order to function effectively in the digital age. Almost all the meetings of the Group have been for two days, and we've had six of them so far, with four more scheduled. We've also had two days of public roundtables, one in Los Angeles on March 8 and the other in Washington, DC, on March 16, and there will probably be more held in the fall.

The Study Group is a relatively large and diverse group. The nineteen of us come from publishing, libraries, films, music, museums, journals, archives, software, and photography, and the conversation, though limited to just one three-page section of the copyright statute, is correspondingly difficult and complex. Some areas of agreement have emerged, though, for one thing, we're all agreed that the purpose of Section 108, to allow libraries and archives to preserve and provide access to our written cultural heritage, is important and should be facilitated. How best to accomplish that worthy end in ways that recognize the rights of all the stakeholders, though, is the question.

We're just a little more than halfway through our review of Section 108 now, and although I feel reasonably confident that we will be making some recommendations to the Register, it's impossible to predict what they will be because of the process: nothing is decided until everything is decided.

I wish there could be more of these difficult conversations about copyright. We all enjoy talking to people we agree with; I certainly do. But we may learn more from trying to understand how and why others disagree with us, and in the process they may learn more from us.

I don't mean to be naïve about this; even where there's disagreement, no conversation progresses without a basic level of reciprocal trust and belief in each other's good faith, and they aren't always there. We've all had the experience of trying to talk to someone who couldn't hear any point of view but his own. But in general, librarians and scholarly publishers already have a lot in common, and I think it would be worthwhile to recognize how much those common aims translate into common ground on copyright. If we start there, then perhaps we can make some headway on the copyright issues that do seem to divide us.

You can download "Campus Copyright Rights and Responsibilities" from the AAUP website at www.aau.net/about/aaup/issues/Campus_Copyright.pdf, and information about the Section 108 Study Group and its work is on the Library of Congress Website at www.loc.gov/section108.

Drinking From the Firehose - It's Never Too Late: 10 New Year's Resolutions to Suggest to Publishers of E-journals

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In this column I would like to suggest some New Year’s resolutions for publishers of e-journals. If I hadn’t been so busy linking up new e-journals I could have written this column in time for the ATG issue that came out in January, hence making the New Year’s Resolution theme a bit timelier. But what the heck, it’s never too late to make a resolution to improve something, right?

So here are my top 10 New Year’s resolutions for publishers of e-journals:

1. Send/post/display lists of titles in true alphabetical order. This seems like a no-brainer, but it’s not. Your readers will be grateful for a well-organized list.

<http://www.against-the-grain.com>