Questions & Answers -- Copyright Column

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Copyright Column

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QUESTION:	How are oral history recordings and transcripts affected by copyright? Once the interviewee is deceased, does the library that holds the recordings and transcripts have any restrictions?

ANSWER:	Oral histories present interesting copyright issues for libraries. Older histories, such as those recorded as WPA projects during the Depression, may have little documentation concerning releases, etc. Today, most interviewees require the interviewee (person being interviewed) to sign a release. The release states what will be done with recording, the transcript, etc. Assuming that there is no release oral histories clearly belong to the interviewee, although the interviewee may hold copyright in the question he or she poses. The most important material, however, is the text or words spoken by the interviewee, and the interviewee owns the copyright in his or her words.

Through a release, the interviewee may give the library all rights to use, publish and distribute via the Web an oral history. Death of the interviewee changes only who owns the copyright. It passes to the heirs of the deceased interviewee. Therefore, the library still may not do as it pleases with the recording and transcript unless there was a release that permits it to publish, distribute, etc.

QUESTION:	A library has a cost-recovery outreach program where it provides library services for small hospitals that do not have a library or only have a core collection, for attorneys and for individual health care professionals. The program provides reference service including searches of the literature, training on locating medical information, and supplies copies of books and articles, either from its collection or via interlibrary loan from another library. When using interlibrary loan, does it matter if the patron is unaffiliated? Should the lending library be notified of the status of the user?

ANSWER:	The unaffiliated status of the user is not particularly relevant in the interlibrary loan equation. The issue is whether the borrowing library counts the ILL request in its suggestion of five and pays royalties when it exceeds the CONTU guidelines. If the user’s request will take the library over the suggestion of five, then royalties should be included in the cost recovery calculation. The legislative history that accompanied the Copyright Act indicated that while the system of interlibrary loan may be systematic, the use of ILL alone does not violate section 108(g)(1).

QUESTION:	Is the library liable when a user infringes copyright by downloading from an electronic database an entire online textbook?

ANSWER:	Generally no. License agreements typically detail the rights and permissions.
Business of Acq — Learning @ Your Library [Conference]: Kolb’s Experiential Learning Model and the Institutional Learning Process

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Abstract

Library conferences offer the chance for individuals from different institutions to share information. This paper explores how an institution can itself undergo the same learning process as its constituent individuals through the actions taken before, during and after a conference. Kolb’s Experiential Learning Model provides an analytic framework for this exploration.

How much do we learn at library conferences? To quote a phrase much beloved by librarians everywhere (and particularly by a certain professor from library school): well, it depends. As information professionals, we operate under an ideology that information should be shared. Conferences offer the opportunity for individuals from different institutions to share information on such topics as best practices, future trends, and methods of handling specific problems. Such an environment fosters learning at an individual level.

By examining only the possibility for the individual to learn from library conferences, however, we ignore the opportunity for learning to take place within an institution itself. Actions taken by individuals within an institution before, during, and after a library conference provide support for this paper’s perspective — that institutions undergo the learning process through the actions of their constituent individuals. Kolb’s Experiential Learning Model (ELM) serves as an analytic framework for this exploration of the institutional learning process. This model was chosen because it is both process- and individual-oriented, making it easily adaptable to the paper’s focus.

It is important to acknowledge that the institution is comprised of individuals, and that individual learning drives institutional learning. However, this paper outlines how the process of individual learning is mirrored by the institution itself, through the actions of information dissemination among an institution’s constituents. While it is possible to explore this process in theory alone, this paper takes the form (if not methodology) of a qualitative case study of the author’s institution. This introduces the potential for biased observation; however, it is necessary to frame the analysis as a case study rather than simply as a theoretical exploration in order to provide valuable context for any reader wishing to apply this model to his or her own institution.

Background

In order to establish context for the utilization of Kolb’s ELM it is necessary to provide some background information on the conference attendee (the author) and the needs of both the attendee and the institution. The steps taken before and after the conference to address these needs will be explored under the appropriate stage of the experiential learning model.

The attendee is a recent library school graduate working in his first professional library position as Head of Acquisitions. In this position, the attendee supervises a staff working in a number of different areas: monographs, gifts, binding, print and electronic journals, and databases. For seven years prior to his

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