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Questions & Answers -- Copyright Column

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of expression, censorship, filtering, electronic privacy, surveillance, and monitoring. While our professional organizations have their own basic codes of professional ethical conduct, these codes are often too general to answer such complicated questions. (Besides, not only are the codes often inconsistent with one another, principles within the same codes often conflict.) As a result, it is important for information professionals to learn not just a list of “thou shalt do” and “thou shalt not do.” Rather, we should use ethical reasoning as a tool in much the same way that we use books, computers, software, and databases as tools to get to our intended results. Ethics is a tool that helps us perform in our daily lives. An understanding of ethical conduct should underlie the making of decisions with which we can live in comfort.

Please note that we use a number of specialized philosophical terms in this essay, including some specialized forms of ethical reasoning. For more information on these terms, please refer to one of the following works:


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QUESTION: What are the copyright rules for downloadable books?

ANSWER: It is more likely that the downloading of eBooks is governed by a license agreement (contract) than just by copyright law. Copyright certainly applies, but a license agreement most likely covers issues such as access, reproduction, distribution, display, etc.

QUESTION: When a for-profit company files for approval from the Federal Drug Administration, either for a new drug or medical device, the company must provide copies of all articles and other literature, along with the filing. Now, in Europe, there is a Medical Device directive, MEDDEV.2.7.1 Rev.3 – Guidelines on Medical Devices, that requires all manufacturers who want to sell product in European Union countries to provide a clinical evaluation of their product. Part of the provision states that the literature search, along with copies of the articles and other materials that support their evaluation. Must copyright royalties be paid for these copies provided in response to a government directive?

ANSWER: If the company has a Copyright Clearance Center annual copyright license (often called a blanket license), the librarian can provide copies of these articles to accompany federal and international filings without concern. If the company does not have a CCC license, then it should look at its various license agreements for full-text journals to see if this activity is covered by the license agreement. Otherwise, royalties should be paid.

QUESTION: A librarian with curatorial responsibilities for a university library music collection is making an educational/promotional film about one of the collection’s donors, a classical musician of note. As a member a performance group, the donor made many classical music recordings on the Philips label, and the librarian wants to obtain permission from Philips Records to use part of one track from one of these recordings in the film. The film is part of the fund-raising efforts to support the collection.

ANSWER: Assuming that the music on the recording is under copyright, the right the librarian is seeking is called the synchronization or “sync” right which involves the use of a recording of a musical work in audiovisual form such as in a film. It is called the synchronization right because the music is “synchronized,” or recorded in timed relation with the visual images. The music publisher sync rights are licensed by the music publisher (the publisher of the sheet music) and not the recording company. Sound recordings do not have public performance rights, and the sync right is a part of the right of public performance.

Biz of Acq — Video Streaming Services at Indiana University
Bloomington

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Background

Ten years ago, Media Librarians speculated that the DVD would last over the next 100 years. Now, it is predicted that the DVD might see the way of the dinosaur within the next ten years. This news is of concern for many librarians since it has only been within the past ten years that many librarians began to convert their VHS collection into a DVD collection. Blogs, RSS feeds, and video listservs discuss trends for the future of video streaming services in libraries. At the same time, free or low-cost video-on-demand services — local cable and satellite companies, Amazon, Hulu, Internet Archive, Netflix, YouTube, Vimeo — provide easy and affordable online access to popular television programs, and feature films. In spite of these open options librarians will continue to purchase individual titles as well as subscriptions to collections.

Our Video Streaming Service is a suite of applications and utilities that facilitate the digitization, metadata entry, and online delivery of videos. What began as a pilot in 2006 spearheaded by the Media Librarian has since grown into a full production service serving 40,000 students and faculty. A lifetime of experience teaches the librarians that new initiatives traditionally require long-term planning and collaboration between key library staff and faculty. Without full cooperation between key personnel, a successful project cannot be fully realized. Our video streaming service is a partnership of four units in the library: Media Services, Acquisitions, Digital Library Program (DLP), and Cataloging.

Standards and policies, archives and preservation, preferred file formats, tiered pricing, and the availability of titles used to support teaching and research are issues we have had to address. The final product of any video streaming service should be user-friendly, easily accessible, and functional in order to ensure the project’s success. A team might be formed to assign responsibilities, to problem-solve the acquisition process, equipment needs, and logistics/workflow, and to develop policies and procedures. Technical Services staff should be knowledgeable, capable, and willing to tackle the many issues associated with the acquisition and cataloging of digital files. We hope our experience will be helpful to those colleges and universities that are considering implementing a video streaming service.

From Pilot to Production

In 2006 the Media Librarian collaborated with 15 faculty members from the Department of Communication and Culture, Fine Arts, Gender Studies, and History who were experienced users of media and routinely incorporated media into the curriculum each semester. The Media Librarian then met personally with each faculty member to discuss copyright issues, logistical procedures, and criteria needed to ensure a successful pilot. The criteria which were developed by the Media Librarian and Digital Library Program staff included:

• Students were enrolled in a credit course
• Class enrollment exceeded 50 or more students (large lecture-hall classrooms provided the libraries with a large pool in which to gather feedback about the streaming project)
• Films were required viewing directly related to a class project
• Films had the potential to serve faculty in other disciplines
• Students had to download digital files either via QuickTime, Real Media, or Windows Media
• Students could reside either on or off campus, and
• Faculty and students were required to participate in a survey

The next step was to identify those distributors who could provide digital content to meet the needs of faculty members based on subject area specialization. Working with several distributors, such as California Newsreel, Films Media Group, Media Education Foundation, and PBS, the pilot provided access to 50 streaming titles to nearly 800 students via electronic reserves. After two years of testing, it was determined that the libraries had enough support and feedback from faculty and students to fully implement digital streaming broadly.

Since 2006, the number of streaming titles has increased from 50 licensed titles to over 1,160 licensed titles (http://www.libraries.iub.edu/index.php?paged=7092). Of these 1,160 titles, approximately 90 titles are now available for use via the electronic reserve system only. Statistics from 2008 through June 2009 indicate that the majority of students access digital streaming files via electronic reserves:

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