NELIG Meeting - September 27, 2013

New England Library Instruction Group

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Panelists:

Arlene Bielefield, J.D., University of Connecticut; Assoc. Professor, Southern Connecticut State University: Teaches courses on “Copyright in the New Millenium,” and “Ethics & the Information Professional”

Martha Kelehan, Social Sciences Bibliographer & Gifts Coordinator
Tisch Library, Tufts University: LibGuide on Copyright:
http://researchguides.library.tufts.edu/copyright

Greg Wallace, Public Services Librarian/Reference & Instruction, MassArt
Runs a mock game show: Jeop-Art-y; "The Cite is Right" = artistic appropriation of these names; talks about legal means of citing: Creative Commons, etc. Students voted on "fair use" or not with clickers/phones: anonymity made shift to siding with copyright holders.

Panel Questions:

1. Could we start with the basics? What exactly is intellectual property? What does fair use mean? Why should librarians even care – it’s not like we’re lawyers.

A: Intellectual Property=trademarks, patents (17+5 yrs), copyright. Can be passed on to heirs, sold/rent, similar to personal property. Fair Use only applies to copyright, only specific to the 1976 law.

Fair Use = Use of a copyrighted work by someone else, not asking permission, for specific purposes. Teaching, research, scholarship, newspaper reporting, comment and criticism.

See the Fair Use Checklist from Columbia: http://copyright.columbia.edu/copyright/fair-use/fair-use-checklist/

Note: No magic number of text (e.g. 10%): the numbers are guidelines not the law. (But Georgia State case (out there on the web without authentication): 10% got back in.)


2. Many librarians are a bit skittish about teaching their patrons anything related to copyright. What role do you think the librarians should be taking in intellectual property literacy and how have you addressed some of the concerns that may have come up at your own institutions?
Librarians are the experts because when people think of copyright they think of books, and we're the keeper of the books, information. Who would do it if not us? Technology Depts? They are project focused, license focused. They are cautious. We're rebels.

M: we have to do it. MPAA, motion picture industry, etc: good marketing for NO. Critical thinking opportunity: we need to help faculty reason it out. We can point out issues, but the risk is theirs.

3. What do you think is the most important thing for students/faculty to understand about intellectual property?

G: How pervasive copyright is. Everything you create. Registration not necessary. Terms of copyright and how they've grown: life of author + 70. Corporate= life of creator +120.

Alternatives: Creative Commons, etc..

A: Make sure they understand that stuff they find on the Internet is copyrighted.

M: The myth that because we're educational: everything is covered by Fair Use. Not true. There's a big gap between NO and everything.

4. Have the recent court decisions (GSU v Cambridge, Haithi Trust v Author's Guild, etc.) changed the way you think about or talk about intellectual property?

[This was broadly answered in the panelists’ opening statements.]

5. What common misconceptions do your patrons have about intellectual property?

A: K-12 are the most conservative! Using old guidelines. No one is an expert (even A). Online world, distance learning and Blackboard, all add new complications.

G: MassArt migrated to GMail: anything in Gmail is (being watched and) the property of Google. Uploading to YouTube = belongs to Google. Urban legends.

Ironically there's a belief that everything is online, but it's difficult to find the truth there! Lots of layers of illegitimacy.

7. How do different media complicate copyright?

M: it's really the same. Use the same logic: comment and critique the image, cite the image, etc.

G: artists have been borrowing for centuries, but it's easier now.

How has your teaching changed?
A: always trying to keep up with what Congress is doing, new laws to make illegal the recording of movies in the theatre.

M: hearing that it's sounding good for Google Books for fair use.

8. What changes might there be in the future that will have implications for librarians who teach intellectual property (or, for that matter deal with intellectual property issues in a non-teaching context)?

A: copyright is outdated? Congress couldn't do anything now. Publishers, NPAA: they have the money to market NO.
G: patents: discoveries (something in nature)? Instead of creations? Couldn't patent the breast cancer gene. Colors?
M: but terms of patents is shorter than copyright.
Licensing? No license on a book, but license on an eBook. Text-mining? This will be hard.
G: lobby our institutions: MIT and JSTOR/Aaron Schwartz
A: sometimes copyright questions can be political ones: be careful, esp. with academic institutions and licenses.

Q&A

Linking?
A: You can go TO something, but you shouldn't TAKE something and bring it back. Stealing Amazon covers? Amazon doesn't own the copyright to those covers. Amazon wants you to link to buy. Politics: CNN is delighted to have you take a screen shot or link to an article.
M: you're transforming the article by teaching and talking about the article; it's not for the information CNN is providing.
A: and it's ephemeral, you're not keeping it up there, etc.

Georgia State case: yes, a win for fair use.

International enforcement of US copyright is tricky (even with the Bern Conv.).

G: recommends Common As Air: Revolution, Art, and Ownership Lewis Hyde: copyright from 1700s, physical Commons (pasturage), to Creative Commons.

MOOCs: open up to world: no authentication.
M: Harvard is assigning two people per class: leader and deputy. Not scalable. Let them work out the links. Wait to see how it shakes out.
Course materials (slides) as well as required readings: two issues.

Librarians be more daring?
Know the Fair Use doctrine: 504c
K Aydelott asked: we at Phillips Academy--one of those conservative K12 schools--bought a CCC license. Can I take anything back from here today to share with my faculty?


Where does the liability lie? Legal methodology=buckshot approach: they'll sue everybody. Often to scare everyone. And people will settle.

NELIG Winter Meeting Dec 6 - Five Sites
More info forthcoming