

MINITEX

Reference NOTES

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Google Maps

Google has created a map tool that is available at <http://maps.google.com/maps>. Still in the beta testing phase, but available for use, it has three types of map searches. You can "Get directions," "Find a business," or "Go to a location."

All about Copyright

This month, our featured topic is copyright. While the mere mention of "copyright" may be enough to make you shiver or send you towards the door, it is essential that librarians and library staff have a basic knowledge and understanding of it. Copyright and its associated issues touch many of our daily activities and how users interact with our services and collections.

Because MINITEX is located at the University of Minnesota, we've been involved in the University Libraries' Copyright Information and Education Initiative. During the past several months, staff have received training in both general copyright issues as well as focused training based on job functions (e.g., reference, interlibrary loan, etc.). In late January, Kenneth Crews, J.D., Ph.D, Associate Dean of the Faculties for Copyright Management at Indiana University-Purdue University Indianapolis, gave presentations to library staff and the larger university community on copyright. For library staff, he focused on fair use issues.

Copyright directly relates to library and research issues including ILL, research guides, print and electronic reserves, and data access and licensing. It also covers an incredibly wide range of protected works. When something is protected by copyright, it means that someone "owns" that copyright. That could be the creator of the original work, or that copyright could belong to a publisher, university, or other entity. The fundamental rights of the copyright owner include the right to reproduce, distribute, create derivative works, and use in a public display or performance. Some lesser-known aspects of copyright ownership include work made in the scope of employment (copyright usually belongs to your employer) and work done by an independent contractor (e.g., a library brochure created by a consultant likely belongs to the consultant).

Dr. Crews elaborated on the idea of "fair use" in regards to copyright. According to Section 107, Title 17, U.S. Code, the factors to be considered when defining fair use are:

- **Purpose** of the use
- **Nature** of the work used
- **Amount** used
- **Effect** of the use on market or value

The example Dr. Crews used to demonstrate these four considerations was electronic reserves. The **purpose** of electronic reserves is to serve educational needs, at the request of an instructor, and in most cases access is password protected. The **nature** of electronic reserves relates to educational objectives serving an educational need with limited parts from creative works. With electronic reserves, the **amount** of the work is usually brief or



includes portions of larger works. The effect on the market of electronic reserves does not compete with available course packs.

While librarians are often fixated on fair use, it sometimes isn't really the issue. Dr. Crews talked about the overall structure of copyright law or a decision tree that you can go through to determine if you even need to worry about fair use: Is it eligible for copyright? Who owns the copyright? What are their rights? Has the copyright expired? Do any other exceptions to copyright owners' rights apply (e.g., library copying)? Dr. Crews also suggested that changing your plans might be an option – find another photograph, use a smaller text excerpt, write your own summary of a topic instead of using someone else's, or link to the information instead of reproducing it.

Although librarians often want specific, clear-cut guidelines on fair use, they don't necessarily exist. U.S. copyright law (plus relevant examples from case law) is the authoritative source, while other "guidelines" are simply someone's opinion. When asked about the authority of various fair use guidelines that libraries or educational institutions follow, Dr. Crews seemed to have the highest regard for the CONTU Guidelines (re: ILL and serials) because of how they were developed.

Dr. Crews mentioned that having a strict copyright policy within your institution may not be the best idea since it can hinder flexibility and it appears to give definitive answers when they don't really exist. Instead, he suggested having copyright procedures, best practices, or guidelines in place. For example, the University of Minnesota Libraries have identified some important copyright issues, developed policies and procedures, clarified Fair Use, and detailed copyright options including permissions, public domain, and licensed works (see the Copyright Information and Education site at <http://www.lib.umn.edu/copyright/>).

Copyright resources for librarians

Books

Complete Copyright: An Everyday Guide for Librarians. Carrie Russell. American Library Association, 2004.

Acknowledging that copyright law is complex and the topic in general can be dry and convoluted, Carrie Russell (copyright specialist at ALA) offers a book that is graphically appealing and intended to be useful for academic, school, and public librarians. *Complete Copyright* offers a cast of characters who help to present and explore copyright issues and scenarios throughout the book. The eight chapters cover areas including copyright basics, exemptions (fair use and library copying), first sale doctrine, educational uses, interlibrary loan, library reserves, the digital environment, permissions and clearances, infringement, license agreements, other intellectual property laws, and tips for advocacy (including educating your patrons). Case studies, FAQs, and tips are scattered throughout the text. *Complete Copyright* was published under a "Creative Commons" license, meaning that text portions can be re-used for non-profit, educational purposes without permission (see book for full details). Helpful resources include sample presentations, portions of the copyright law, fair use guidelines, selected court cases, a glossary, and a bibliography. To top it off, *Complete Copyright* has a spiral binding (lays flat on your desk!) and a website (<http://www.ala.org/completercopyright>) that will track evolving copyright issues and provide teaching tools.

Copyright in Cyberspace: Questions and Answers for Librarians. Gretchen McCord Hoffmann.

Neal-Schuman Publishers, 2001.

(Note: an updated edition was just released in January 2005. For information on *Copyright in Cyberspace 2*, see <http://www.neal-schuman.com/db/0/500.html>).

Attorney/librarian Hoffman presents a substantial guide for librarians about copyright in the context of the Internet, which addresses both general issues and library applications or services. This book is arranged in four major parts: background information on copyright law and on the Internet; copyright law in relation to various web uses; copyright and specific library applications; and

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a “copyright information sourcebox,” that includes numerous documents helpful to librarians. Some of the topics Hoffman addresses include hyperlinking and framing, browsing, using digital images, trademark law, legal liabilities, interlibrary loan, electronic reserves and class-based websites, library instruction, and distance education.

The Library’s Legal Answer Book. Mary Minnow and Tomas A. Lipinski. American Library Association, 2003.

The authors’ intent is to “alert librarians about potential legal trouble.” While copyright is the first issue dealt with and gets the longest chapter, it is only one of many areas where legal issues affect library staff and services. Other topics include library web pages, filters and other restrictions on Internet use, patrons with disabilities, library records and privacy, meeting rooms and displays, professional liability, employment, friends groups, lobbying, and immunity for public institutions/employees. This book is rich in examples of legal cases and includes a detailed index.

Information is presented in a question-and-answer format (more than 600 questions overall), and chapters often conclude with additional material on the topic at hand (e.g., rules for web linking). The copyright chapter includes discussion of determining if works are copyrighted, copyright holder rights, exceptions for libraries and users, duration of copyright, liability, and remedies.

Licensing Digital Content: A Practical Guide for Librarians. Lesley Ellen Harris. American Library Association, 2002.

Harris focuses this accessible and practical guide on providing the basics to the licensing process and covering questions and issues that often surface while interpreting, negotiating, or entering into license agreements. The eight chapters of this slim volume cover when to license digital content, the licensing process (step-by-step), licensing terminology, key clauses and boilerplate clauses in licensing agreements, the negotiation process, Q-and-A on licensing, and some overall advice for successful licensing. Helpful features in this guide include starter-tips for licensing, a list of key licensing issues, a sample licensing policy, tips for negotiating, relevant and brief sections of the U.S. copyright law, a glossary, and a resource list. Harris, a lawyer and consultant who specializes in copyright, licensing, and e-commerce

issues, also has a website of interest to librarians (<http://www.copyrightlaws.com>) that includes content related to this book in the “articles” section.

Websites

Copyright and Fair Use

<http://fairuse.stanford.edu/index.html>

Sponsored by Stanford University Libraries and several other entities, this site focuses on fair use issues but also covers topics such as copyright basics, public domain, permissions, and current issues. It is rich with links to other organizations/resources, including a section just for librarians.

Copyright Quickguide

<http://www.copyright.iupui.edu/quickguide.htm>

Produced by the Copyright Management Center at Indiana University-Purdue University at Indianapolis (IUPUI), this guide gives a good overview of copyright issues and assists users in the most common copyright issues in educational settings (i.e. fair use, permissions, and copyright ownership). Kenneth Crews, well-known expert on copyright and author of *Copyright Essentials for Librarians and Educators* (ALA, 2000), is director of IUPUI’s Copyright Management Center.

United States Copyright Office

<http://www.copyright.gov/>

Although some of the information is beyond what librarians deal with on a daily basis (e.g., how to register a copyright), critical information like the U.S. copyright law and publications from the Copyright Office are available at the authoritative site on copyright.

When U.S. works pass into the public domain

<http://www.unc.edu/~uncnlg/public-d.htm>

This chart is produced by Lolly Gasaway, director of the law library and professor of law at the University of North Carolina and a popular presenter on copyright issues for librarians. Resources such as Gasaway’s “Copyright Corner” column (through December 2004) for the Special Libraries Association, a chart detailing the TEACH Act, and many of her publications are available from <http://www.unc.edu/~uncnlg/gasaway.htm>. A similar, but more detailed, chart of public domain dates is available at http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm.

ALA Revises Intellectual Freedom Policies

At the American Library Association (ALA) Midwinter Meeting in Boston last month, the ALA Council adopted three amended policies proposed by the ALA Intellectual Freedom Committee: "Access to Electronic Information, Services, and Networks," "Access to Resources and Services in the School Library Media Program," and "Labels and Rating Systems" (formerly "Statement on Labeling"). These revised intellectual freedom policies join eight policies that were adopted by the ALA Council at the 2004 Annual Meeting. Most of these policies are interpretations of the Library Bill of Rights, and the revisions are part of the update process for the anticipated release of a 7th edition of the *Intellectual Freedom Manual* in early 2006. For more information on the revised policies, see <http://www.ala.org/ala/oif/statementspols/relatedlinksa/revisedifpolicies.htm>.

REFERENCE NOTES

MINITEX Library Information Network

University of Minnesota, 15 Andersen Library

222 21st Avenue South, Minneapolis, MN 55455-0439

Reference Phone 612-624-4150, WATS 800-462-5348
Reference Fax 612-624-4508
Staats, Beth 612-624-7873, fried004@umn.edu
Parker, Mary 612-624-1024, m-park1@umn.edu
Temple, Heidi Armstrong 612-626-9843, h temple@umn.edu
Main Website www.minitex.umn.edu
Reference Email ref@othello.lib.umn.edu
Office Hours Mon-Fri., 8:00 a.m. - 4:30 p.m.
Reference Intake Form <http://www-minitex.lib.umn.edu/reference/refdb/index.asp>

The Institute of Museum and Library Services, a Federal agency that fosters innovation, leadership, and a lifetime of learning, and State Library Services & School Technology, the Minnesota state library agency, supports MINITEX Reference Services under the provisions of the Library Services and Technology Act (LSTA).

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University of Minnesota
15 Andersen Library
222 21st Avenue South
Minneapolis, MN 55455-0439



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