

UMUC Center for Intellectual Property
8th Annual Symposium
“Copyright Monopoly: Playing the innovation game!”
May 28-30, 2008

2008 Symposium Roundtable Sessions

Introduction:

The Center for Intellectual Property’s 8th annual symposium—“Copyright Monopoly: Playing the innovation game!”—was held May 28-30, 2008, and explored the relationship between the U.S. copyright monopoly, technological innovation and higher education institutions. The program focused on the tension and high-stakes conflict between copyright law and culture occasioned by two facts: 1) the default rules in U.S. copyright law encourage exclusive ownership and create a limited monopoly; and 2) today’s technological and cultural landscape encourages sharing and collaboration. Speakers and participants probed such questions as: Where do higher education interests reside? Participants discussed these issues in the context of: The Development of User Generated Content; Mass Digitization Projects; The Transformation of "Authorship"; and the Use of Wikis, Blogs and other Technologies in the Development of Scholarship.

On May 30, 2008, the attendees assembled to identify benchmarks that would assist in managing copyright in their daily work activities. In addition, they worked to articulate standards of practice that may better help their colleagues and students’ reach their goals of effective teaching and the creation of academic scholarship. This unique gathering of librarians, academic administrators, curriculum and IT professionals broke into four best practice topic discussions including:

- A. Avoiding Income & Luxury Taxes: Best Practices for Handling Copyright Issues When Creating Content for Your University or Library
- B. University Innovation & Copyright: How to Become an Effective Advocate and Move Your Community from Baltic Avenue to Park Place
- C. Creating a Community Chest: Best Practices for Expanding Public Access to Creative Content at Your Institution
- D. Best Practices that Guide Mass Digitization Projects

Participants in each of these four topical groups discussed challenges and concerns and shared some of their perspectives and experiences in each of these respective areas as well as suggesting their ideas for standards of practice. Summary excerpts from the full document, notably the Collected Standards of Practice, are available separately on the 2008 Symposium archive page. The full outcomes of their discussions, including the Standards of Practice, for **Discussion C** follow below.

Collected Best Practices Topic C.

Creating a Community Chest: Best Practices for Expanding Public Access to Creative Content at Your Institution

We create content while using the content of others. Each time new content is created, we face the decision of whether – and when – to open up access to and use of that content for public uses. Public access initiatives include the establishment of institutional repositories, the publication of scholarly research in open access journals, the use of *Creative Commons* licenses for electronic content, etc.

Part I. What is the best example of an academic public access project (e.g. Open courseware; institutional repositories, open publishing license agreements, etc)? Outline disciplines, methods, media, and projects that you feel would better promote an open and active academic environment on your campus.

1. Open courseware
 - a. Yale courses
 - b. MIT Open Courseware
 - i. Syllabi, lectures, content, images, graphs
2. Faculty addendum
3. Course materials for language instruction
4. Online tutorials
 - a. iTunes U
5. Educational Games
6. Digitization of archives and archival collections
 - a. History of institution
7. Libraries making special collections available.
 - a. Subject guides and pathfinders
8. Courses in Second Life
9. YouTube videos
10. Use of public domain materials?
11. What you might put into Institutional Repository Systems (IRS)
 - a. Dual submission
 - b. Dissertation/ProQuest
 - c. Thesis
 - d. Scholarly output
 - e. Yearbooks
 - f. Tutorials & educational games
 - g. Syllabi
 - h. Course materials
 - i. Subject guides pathfinders & TIP sheets

Part II. What principles would you suggest should guide open access initiatives, information commons or the development of institutional repositories on your campus? What established practices would you like to share? (e.g. Should depositing be mandatory? For all materials? What about file formats for preservation? Duration of license terms with publishers? Etc.)

1. Embargoes
2. Encourage a pro-active constituency
3. Mandatory deposit requirements for faculty (which can also be an obstacle)
4. Deposit final copy for which author holds copyright
5. Promote "contributing is for the common good!"
 - a. Extensive access
 - b. Sharing
 - c. Preservation
 - d. Promotes creativity
 - e. Answer the question: "How do we accomplish this?"
6. Be tenacious in seeking contributions
7. Develop systems to ensure quality of content
8. Encourage collaboration with IT and other departments on campus
9. Share data sets between organizations
10. As necessary, unbundle rights
11. Negotiating timeframe for inclusion in database
12. Develop author addendums for multiple uses (e.g. distributing at conference)
13. Be NIH compliant; (Can other agencies follow suit?)
14. Develop standards for:
 - a. file formats
 - b. metadata tags
15. Subsidize access and creativity in the public venue
16. Promote awareness of established standards among faculty, librarians and students
17. Consider how to handle that some digital projects don't fit into either open courseware or repositories
18. Sharing teaching materials and resources makes it easier to teach, especially in subjects with few resources
19. Promote broad access policies
20. Ensure preservation of contents
21. Marketing is important to longevity and success

Part III. What are the greatest obstacles to expanding public access or creating open access initiatives at your institution? What method of access to information (databases, repositories, blogs) can be used to promote the use of public domain materials?

1. Ownership of issue (copyright, repository, commons)
 - a. Who sets priorities?
 - b. What are the priorities?
 - c. Can collaboration take place when necessary?
2. Constituents need to understand the purpose of the repository
3. Workflow integration processes
4. Rights issues moving from local to global
5. Broad based buy-in by faculty & staff
6. Financial requirements for implementation
 - a. Cost recovery
7. Staffing requirements for implementation and maintenance
8. Time requirements
9. Sustainability and preservation issues
10. Usefulness and ease of use
 - a. Getting appropriate metadata
 - b. Search capability
11. Guidelines
 - a. For use
 - b. Format
12. Adjustment of current tenure requirements with regard to scholarship
13. Impact on scholarly associations
 - a. Impact on author's attitudes
14. Need an economic study of the permission industry
15. Scholarly associations; also have a great impact on author's attitudes
16. Cultural resistance within the university
17. Smaller institutions may have to take relatively small steps toward moving content into the public domain and making it searchable
18. Sometimes getting people to create and submit content for open access is a problem
 - a. faculty & staff (buy-in)
 - b. For example not everyone takes SL or the content created therein seriously.
19. Expanding from local level to global access & rights issues
20. Technological infrastructure

OVERALL SUMMARY

* Have clear, accessible, up to date policies that are shared between institutions with input from stakeholders

- Transparency, communication, good faith!