

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 D** follow below.

Collected Best Practices Topic D.

Best Practices that Guide Mass Digitization Projects

The process of digitizing information involves thinking about the rights and responsibilities involved in the use of both the previously existing work and the digital copy. On a large scale, these issues can be compounded by outside factors, such as licensing agreements, collaborations with for-profit entities, and institutional policies.

Part I. What are the biggest drawbacks in the implementation of mass-digitization projects (e.g. Google Book Search, Microsoft Live Search Books and the Open Content Alliance)? Imagine that commercial partnerships were “off the table:” how would you go about successfully implementing a mass digitization project?

1. Resources
 - a. Financial \$
 - b. Staffing
 - c. Equipment
2. Sustainability – S-curve
3. Integration -- across project
4. Different definitions of “Mass”
5. Quality control
6. Legal concerns
7. Procedural concerns
8. Term extension & clearance issues for the public domain
9. Commercial interest may pull pot of projects
10. Lack of precedent in case law
11. Lack of precedent and examples of successful projects
12. Orphan works uncertainty
13. Technological literacy
14. Storage
15. Metadata
16. Preservation
17. Selection & access
18. Promoting use
 - a. Awareness
 - b. Marketing of digital collections
19. Bargaining power between libraries / common entities

Part II. Identify standards of practice that may help clarify these issues. What principles would you develop to ensure that mass digitization projects continue to serve your users and you as a researcher?

1. Defining the scope of a project at the onset
 - a. Outline contents
 - b. Allow for growth
 - c. Assess costs
2. Transparency of contributor and user rights & responsibility
3. Identifying user needs
4. Community practice
5. Organization
6. Capital replacement
7. Provide for robust metadata and search capability
8. Learn from private, federal and educational institutions
9. Evolving content & services = continuing to stay relevant
10. Provide model license agreements
11. Develop awareness of legal counsel expertise, esp. litigation
12. Comply with technological standards that consider interoperability and access

OVERALL SUMMARY

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

- Transparency, communication, good faith!