

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

2008 Symposium Roundtable Sessions: Collected Best Practices

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. The full outcomes of their discussions are available in a separate document on the 2008 Symposium archive page. Excerpted below from the full document are the resulting Collected Standards of Practice.

COLLECTED STANDARDS OF PRACTICE

In Managing Scholarly and Creative Works

Suggested Best Practices, resources and standards of practice that might help clarify the copyright issues facing universities in their development of scholarly and creative works:

1. Create internal documentation of procedures. Often effective procedures are not maintained.
2. Model training and resources created beyond the institutional level
 - a. Use materials already created outside associations
 - i. National Association of College and University Attorneys (NACUA) (<http://www.nacua.org>)
 - ii. North Carolina State University Scholarly Communication Center (<http://www.lib.ncsu.edu/scc/>)
 - iii. Scholarly Publishing and Academic Resources Coalition (SPARC) (<http://www.arl.org/sparc/>)
3. Seek more input from creators on policies
4. Keep policies up to date
5. Develop a collection of model policies
 - i. Non-profits (e.g. Scholarly Publishing and Academic Resources Coalition [SPARC] (<http://www.arl.org/sparc/>))
 - ii. Harvard University (e.g. Office for Scholarly Communication -- <http://hul.harvard.edu/osc.html>)
 - iii. Domains -- physical
 - iv. Consider connecting to Federal realms officers
 - v. Recognize that there may not be one "right model"
6. Provide education & updates on copyright law (brownbag sessions)
7. Develop boilerplate or a standardized list of copyright practices, policies and procedures that all can share or upon which they can build
8. Develop standard negotiating points for licensing
9. Suggest opting out of standard copyright agreements and arrangements (e.g. Creative Commons)
10. Provide for users more clarification of their rights & relationships
11. Turn to associations, organizations and conferences for ideas
 - a. Association of Research Libraries (ARL) -- "Know your Copy Rights" brochure (<http://www.knowyourcopyrights.org/>)
 - b. North Carolina State University Scholarly Communication Center (<http://www.lib.ncsu.edu/scc/>)
 - c. National Association of College and University Attorneys (NACUA) training database on intellectual property (<http://www.nacua.org>)
 - d. Center for Intellectual Property, UMUC (<http://www.umuc.edu/cip>)
12. Develop better communication about best practices across the profession
13. Involve students in best practices discussions
14. Assess fees to cut off runaway reproduction fees
15. Promote more open discussion of university policies and practices
16. Set up copyright first-responders
 - a. Campuses don't have structures in place to address copyright concerns

COLLECTED STANDARDS OF PRACTICE

In Copyright Advocacy and Copyright Education

Suggested educational principles for the use of third party copyrighted works, and the deployment of new technologies and media on campus:

1. Education over policing proper or improper use
 - a. This allows users a chance to explain and understand decisions
2. Get message to students over many access points
 - a. Prior to activating accounts
 - b. In libraries
 - c. In Courses (f2f and online)
3. Provide guidelines and teaching modules for faculty
 - a. Confusion by faculty over differing rules for different media
 - b. Develop relationship with faculty
 - c. Invite faculty to copyright presentations
4. Cultural shift -- the community needs to recognize importance of copyright and become part of the core mission
5. Promote e-reserves as a service
6. Ethics based -- core purpose of copyright law dialog
7. Copyright tutorial online course
8. Student Affairs Council (SAC) interaction with student groups
 - a. Legal/ethical discussion with student groups
9. Overcome notion of the "fear" of copyright
10. Work to resolve issues and questions by faculty and students
11. Know what the law says
12. Consider the ethical and social context
13. Be an advocate for application of fair use
14. Have the support of the institutional General Counsel
15. Promote dialogue re: "Copyright is part of the business of the university"
16. Develop and share the principles about one's own content use
17. Videos for educators
18. Lesson to teach
 - a. "If you were to publish, would it bother you if someone took your work?"
 - b. Ask faculty to consider: "If you want your work to get out there, consider what the publisher is requiring of you. Can you keep permission to teach with it?"
 - c. Urge them to negotiate
19. Be aware that the legal jargon of publishers can be intimidating for some faculty
20. Create new paths to tenure
 - a. Institutional support to open access initiatives (e.g. Harvard University)

COLLECTED STANDARDS OF PRACTICE

In Expanding Public Access to Creative Content at Your Institution

Suggested principles that can guide open access initiatives, information commons or the development of institutional repositories on campus:

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

COLLECTED STANDARDS OF PRACTICE

In Mass Digitization Projects

Suggested standards of practice or principles that could help ensure that mass digitization projects continue to serve users and researchers:

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