

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 B** follow below.

Collected Best Practices Topic B.

University Innovation & Copyright: How to Become an Effective Advocate and Move Your Community from Baltic Avenue to Park Place

As students and faculty begin to use new technologies (Flicker, Facebook, Second Life, etc.), we are charged with understanding the associated copyright concerns. What barriers have you run into when promoting the proper use of copyrighted materials within the campus community? Are the challenges different for new technologies, the online classroom or online course matter? Is there a difference between being an effective advocate and being an effective copyright educator or "point person"?

Part I.

A. Outline the specific technologies or applications that present copyright concerns on your campus.

1. Peer to peer (P2P)
 - a. IT department autocratic -- incorrect copyright conclusions
 - b. Quantitative rules/conclusions rather than understanding the spirit of the copyright law.
2. Course management systems
 - a. Blackboard
 - b. D2L
 - c. Sakai
 - d. Passes responsibilities to faculty who may have no knowledge of copyright policies and laws
 - e. TEACH
 - f. Streaming
3. Reformatting issues
 - a. analog to digital
 - b. VHS to DVD
4. Application of TEACH Act
5. E-repositories
6. Dissertations
7. Podcasts
8. Captioning
9. Personal web pages -- Not sure we want to know what content is included.
10. Blogs
11. Streaming video
12. Disappointing legislative process
13. Cumbersome permission process
14. Downloading services
15. Distance learning
16. Handouts -- creating own packets (particularly part-timers)
17. Social networks
18. E-reserve system -- an opportunity to educate.

B. In what areas are you experiencing difficulties expressing the importance of appropriate copyright use with faculty or students??

1. Faculty use
 - a. Faculty communicating misinformation to students
 - b. Faculty overzealously protecting or claiming ownership of course material
2. Users want hard fast rules and quantitative conclusions rather than a fair use analysis
3. Inconsistent application of copyright law
4. Side-stepping the copyright holder (publisher) and going directly to the author or peer
 - a. Is it too difficult to get to publisher?
 - b. Does it take too long to get permission?
 - c. Owners may say "no", then what?
5. Social networks and university system resources are seamless to undergrads and they do not see a copyright concern
6. How to get administration to take copyright concerns seriously
7. How to keep one's self current & educated
8. New technology and services brings new copyright, or at least "re-thinking", copyright issues and resolutions.
9. Access to media and other educational resources before class sessions.
10. Changing teaching approaches and styles
11. Legal paradigm -- should be what we can't do, not what we can do
12. Legislative process (often ineffective) -- forces to replicate the physical
13. Lack of understanding within community
14. Not enough resources to fund and support copyright expertise
15. New Media curriculum puts pressure for expertise on librarians
16. Diversity of communities seeking advice from librarians not yet equipped.
17. Faculty resistance to IP issues and their lack of understanding.
18. Copyright educator vs. Advocate vs. Copyright Cop
 - a. Library does fair use analysis and run permission checks for patrons
 - b. Policy enforcement vs. advocating for fair use, getting IP discussions & citizenship issues into classrooms
 - c. Be visible, everyone knows name and face so that we can be approached informally with questions
19. New faculty orientations in community colleges allow you to reach full time faculty, but it is "impossible" to reach 700+ part-time faculty. Part-time faculty reached once at the beginning of the semester
20. (Military Library) All administrative assistants were invited to a presentation where they explained "here's what we do, what we need". This has eased some issues. They understand timelines now & the need for permissions.
21. Copyright policy update every couple of years
22. For writing teachers:
 - a. 1st day of class: "here's the policy"
 - b. Need faculty buy-in
23. Content Creators:
 - a. Coursepacks go to the bookstore

- b. For some faculty CMS to avoid any concern with copyright
 - c. Video on Blackboard
 - i. Because faculty can place themselves
 - ii. Some use IT assistance
 - iii. Some use the library for help
24. Faculty Attitudes:
- a. "I'm a scholar, why should I worry about copyright?"
 - b. "This is not what I do; this is someone else's job".
25. Libraries are seen as obstacles
- a. Can we use this mindset to reach faculty?
26. Copyright Clearance Center (CCC)
- a. Are educators aware of the CCC can and cannot do?

Part II.

A. What is your experience being a copyright educator or advocate for the proper usage of new technologies?

1. No centralized copyright education department
2. It becomes the business of the library by default
3. It's just under the radar, need more resources.
4. Disconnect with IT department
 - a. Do they see it as a concern?
 - b. Will they cooperate with libraries?
5. Academic technology unit -- partnership with technology
6. Apathy on part of faculty -- also in caring & students
7. Lack of institutional commitment (beyond policy)
8. Library has no jurisdiction; and are sometimes not centralized

B. Do you think universities need copyright advocacy or educational principles for the deployment of new technologies and media? If so, what would be included in these educational principles?

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)

OVERALL SUMMARY

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

- Transparency, communication, good faith!