

Copyright information sharing: Opportunities for collaboration

Notes for and from a session at DLF, Spring 2007

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Who are we? What are we doing? What are we interested in? What can we do together? What should we do next?

Why are we interested in this?

Get past 1922 – Offer more to our communities – Reuse without fear -- Expand use of public domain & other free content -- Avoid redundant, expensive, risk-laden clearances

What information is of potential interest?

Copyright registration and renewal information

Catalog of Copyright Entries – Copyright Office database – Original registration and transfer records

Copyright and publication research

Time and place of publications – Author death dates – Embedded and derived copyrights

Copyright holder and contact information

WATCH database – Copyright Clearance Center – Harry Fox – Registration Dbs?

Licensing information

Creative Commons and other std. licenses– SHERPA/ROMEO – Other declarations?

What can we do with this information?

Digitize it – Analyze it – Search and browse on it – Decide on digitization actions

Example apps: Periodicals inventory – Stanford Determinator....

Often more useful to **give data** going into a copyright clearance decision rather than just "yes, make it freely available", "no restrict it". Laws, privileges, risk tolerances are different in different places and times.

What are people planning to do?

OCLC databases? – Scanning more records? – Freeing Copyright Office info? --

Automated tools for making decisions based on copyright assertions?

What are small things with big payoffs we can do?

Image copyright renewal data? Documentation of recommended procedures?

Are there big worthwhile things we can do?

Large-scale (millions of works) copyright databases? Distributed registries?

How can we share or link information from various sources? And what do we do about reliability?

If we shared DBs, how do we exchange info? Who can contribute info? Who can view it? Download it for analysis? How do we know the info's good?

What experience can we draw on?

Clearnace: CMU (books) – NYU (music recording) – PBS (video)

What standards may be useful?

UC, Internet Archive work

Some rights expression languages, but copyright status is different from permission specs

Who else can we partner with?

Government (Copyright ofcs?) – Grant agencies (Mellon?) – Commercial (Google, MS?)

What legislation/regulation may be useful or relevant?

Orphan works proposals (CO, Lessig) – Section 108 – Fair use clarifications

Can we help set guidelines on what constitutes reasonably diligent search?

What technical infrastructure could be useful to build?

Small and large scale

What should we do next?

Collaborative project planning? Task force? Followup meeting? [Next DLF?]

Discussion during the meeting

Bill Carney (OCLC): WorldCat of Copyright (extracting © data from WorldCat record, and authority file mining) Aggregation of information about the copyright of particular works/manifestations / Management tool with web services. Funding available for a

pilot.

Colleen Cahill (LC) : Wants centralized copyright information source: Which govt jurisdiction's works are free to reuse or public domain? What about foreign govts (Germany)? Whom do we contact? What are the rules (as a practical matter)? Could just be a simple PHP-like database.

Perry Willett (Umich): Useful to know both item-level and category-level information (as example above illustrates). Can you then apply rules from category back to indiv.l items?

Elizabeth Long (Chicago); Need something simple for faculty to use. Example: Anthro research; what are the various copyright issues involved with the research? Having better guidelines would be useful. Useful if it's in a form we can use to work with legal counsel. Centralized place preferred.

Deb Holmes-Wang (USC): Fair use might not apply with reuses the same way as for original use

Colleen Cahill: Faculty don't always know what status of student work is.

Elizabeth: Faculty papers—universities may have implied license. Not necessarily so for students.

Colleen: Put general copyright rules. Wartime rules get complex for some countries. Include rules for both corporations and individual authors.

Joan Starr (CDL): There's different kinds of info we need. One is general copyright rules; the other is actual copyright data.

Paul Courant (Umich): The times the rules are helpful is small, and they're not helpful with General Counsels. It'd be nice to have a machine that could help us decide what we could do knowing certain information. Michigan will happily put up money for it if it could be built.

Gould (JPL): Record of previous legal cases and how they turned out.

Josh Greenberg (NYPL): Place for practice and use information?

Gloriana St. Clair (CMU): Denise Troll has 3 studies of copyright clearance and interactions with university counsel.

What about fairuse,Stanford,edu?

Colleen Cahill: What about copyright topics that are open questions? (Is digitization count as a facsimile, and therefore not newly copyrightable)

Copyright registration data (from CCE) could be quite useful. Stanford also looking at

Books in Print to rate likeliness of their being in copyright. Problem: Some titles don't match; we're using some approximate pattern matches. Our developer may be able to give more information on how this was done. (Notetaker: I don't have the speaker for this, but I think they were from Stanford)

Images useful?

Kimberly Douglas (Caltech): What role are our general counsels playing?

Paul: The lawyer won't mind concrete guidelines if they came from somewhere else. We all have a common interest here—it's not all that expensive to pay for getting enough data online to determine copyright [renewal] status for what we're interested in. Can we be organized enough to operate above the radar?

Bill: Due diligence is our friend, that can protect us if we do a convincing job.

Gloriana: And we have the bibliographic information, which is key on determinations.

Elizabeth Long: Gathering information about publishers is often a critical component. How do I find out whether a publisher still exists so I can contact them?

OCLC: Needs to be some way of someone pulling things back if someone has a complaint, or info that contradicts copyright claims. There's a project showing which publishers got bought by whom, when.

Gloriana: Things would often break down when we had to track down a publisher.

What about author's estate groups? (Often in hands of agents)

Paul Courant: We can talk to publishers about tracing copyright holders.

OCLC: (It needs to be a win for them, the publishers, too.)

Gloriana: CMU's counsel knows IP is forward-looking, may be willing to work with us

Nancy H (Stanford): American Assoc. of Law Libraries have also done a lot of work here.

Elizabeth: Our federal relations officer was involved: the more we can articulate what our faculty need to do, the more I can do to help you (in advocating for university rights in laws and regulation)

Nancy: NDIIP has a Section 108 group that is gathering info about library use for preservation, advocating changes or clarifications in DMCA to aid in preservation. It's part of their mandate to report back to Congress.

Colleen : Romance writers, Science fiction writers group, other genre groups may also have useful data, may also want to aid in digitization even. Quid-pro-quos possible.

Dale: Match copyright registration info to WorlCat database. May be a manual process. Could open up several million books to the public domain.

Nancy: Would it be useful to have legal experts address us at the next Forum?

Post-cards (?): What about tracking changing nature of copyright?

Followup

A number of people expressed interest in working on the catalog-of-copyrights idea mentioned by Bill and Dale. 19 people signed up their names and addresses to keep in touch with this. They have been added to a mailing list created at Penn, and OCLC will also set up a collaborative workspace.

Contact John (ockerblo@pobox.upenn.edu) if you would like more information.