

Event ID: 1763156

Event Started: 6/9/2011 2:50:43 PM ET

Please stand by for realtime captions.

Hell will and welcome to today's info people webinar. In for people is dedicated to bringing you the best of practical library training and improving access to the public. I am -- a library worker. This webinar is funded in part of the Library services -- act as administered by the Institute of Museum and Library services. I am Marlena Shay and I am a people consultant.

I'm going to take care of the housekeeping portion of the one of. I like to start by going over the WebEx interface. On the left is the main window into the right you'll see a purchase of goods panel and below that a check panel. Flex jet is one of those acoustic mitigate with the presenter and your fellow attendees. This is also how you can text meeting. Type your text chat at a bottom -- the drop-down below where you type chat is where you can send your message. -- Is typing into chat present and the accessibility issues for you, please feel free to dial-in on our 800 number and we will on mute you so you can ask your question via audio.

You will also see a Q&A panel. Question cemented the of the Q&A panel are only seen by the presenters so if you want your comment or questions to be viewed by everyone, submit them via text chat. Be -- to meet moved by dragging the panel edges right or left or done. You can reopen them by clicking on the little triangle next to their name. If any panels are missing you can click on the icon.

You'll also notice a box is in the lower left of your screen. If you need to increase the size of the text on your skin, you can use the drop-down box. You will only see a list of a host of presenters by

default. To see a list of all of the attendees click on the link to view all attendees you can find below your name in the attendees section of the participants panel. At the bottom of the participants panel you'll see a button with a hand in it. This can be used -- if the presenter asked for it will hamstring the one of. The button with the chat market can be used to answer yes or no questions. Clicking on the raise hand button -- if you hear an echo during the webinar you may be logged into WebEx twice and have two windows open. Close the extra session and the echo should disappear. If your sound drops or is very spotty during the webinar you can call and via telephone. Just click on the request on that's located at the bottom of the participants panel next to the raise hand button. Will get a dialog box with Colin information. Should you close the dialog box I exited, you can retrieve the information by clicking on the info button.

Those captioning is available for this webinar. To access the closed captioning be sure that the media player panel is open. You can find that panel in the lower right of your WebEx -- below the chat panel. At the end of the webinar when you exit you will see a short survey that we ask you to complete. After completing the survey, you will be taken to a page that you can print as a certificate of attendance at today's webinar. That wraps up our brief WebEx interface tour.

Today's webinar is entitled operate law updates 2011. Edicts -- the books, Google books -- and international development presented by Mary Minow. -- Stanford operate and use website. Author of a rarely used blog and put a few. She teaches digital copyright at Stanford University. Also served as a consultant on a variety of library copper it projects and as a special interest in e-books, copyright, and library ownership. I'm not happy to introduce Mary Minow.

They failing. And although I'm a licensed attorney I want to make sure everyone knows that is his legal information, not legal advice. I am happy to answer your questions that are hypocritical, it always talk to your own attorney for specific legal of ice. Will take a look at this agenda. I was talking with -- the info people webinar producer grew are -- guru and he said it's been a busy year. It certainly has. Copyright is only heating up and getting more and more active, and more more important in the library world, as well as the rest of the digital world.

Today's agenda does presume that you are to have some copyright background. As a quick refresher for those of you at least on my webinar or have copyright background on your own, the essential flowchart starts in most copyright analysis questions it is what you want to make a copy of or you want to use, is in the public domain? -- If not, is there a specific copyright exception? I have that diamond is yellow and -- library because there's a specific library exception but there other specific absent -- exceptions that can help us. If not, not one of those specific exceptions, is there fair use? And that I colored gray because it's a gray area. We will look at these cases one at a time.

If you can't find a specific exception, fair use, and it's not in the public domain, then you are the last rectangle which is going, get a license, pay money can't give free permission, but in the scenario that we are going to be talking about today it's a sickly get a license.

In it that is in a nutshell the summation of the background for copyright. And e-books, we will look at additional aspects of the legal framework for e-books because we are talking about licenses and digital rights management. We will look at e-books for people who have been disabilities, lending e-books, we have a topic I'm

the planet right now after budgets, and what's the current update on the Google book search and -- works. I'm going to give you the current update so you can talk intelligently, hopefully -- with your friends and colleagues amount. That's a very complicated one.

And I will give you a brief look at more cases and legislation that affect us in our world. User generated content, a flurry of challenges to sites that host user generated content. Libraries are doing that more and more, and if your users are perhaps potentially infringing symbiosis copyright, a review from a newspaper for example, then it's something we need to be more and more cognizant of what you can do to protect yourself. And you can protect yourself pretty readily. It's not that hard. I'll show you how.

An update on -- case that's blazing fire right now in the academic library world, that's where users -- students are and factually are putting on what used to because text in the printed world would certainly still exist but now these are now electronic -- and publishers have gone after Georgia state, and there is a trial going on in Atlanta. The coppery offices take a look at sound recordings, -- if that affects you, then you will want to know about that. And there's a very important case going on right now that could change the contours of the public domain. That's -- versus holder. Also an extremely busy year on the international front, which radius, draft treaties on making copyright exceptions with people with print disabilities. Copyright exceptions for libraries, the first time that I've seen this, international level III.

Very exciting and traditional cultural expression, which is actually something that could be very difficult for libraries if that draft treaty goes through. And that's moving along pretty quickly. That was a quick rolling, I will slow down now as they go through the specific topics.

Legal framework for e-books, it's not just copyright. That controls content. If you are a content owner, you have many different ways to try to control the content at your disposal. Back in the old days of the physical books, the old paper book, you could lock it down. That is not what we are talking about. It's the next -- copyright license -- digital rights management and DMC eight. Copyright is the flowchart that I was talking to about. Copyright is the set of US laws that protect a work that also allows some access, and has for example the exceptions for libraries, to make it a library loan. That's why it put a yield them. Copyright is one way to control content. But it's not enough in the digital world. If you are a copyright owner. It's not enough, because the fear in real threat of piracy is too great.

In addition, we have licenses and the licenses can override -- in fact they do override copyright. If you have two parties negotiating, say library and the offender, then copyright forms the basis of the starting point for negotiations. But what really counts is that private agreement that the library makes to the vendor, and copyrights pretty much disappear from the picture. Any exceptions that you have a copyright argon, if the licensed disposes of them. Then you got encryption and digital rights management. Commonly known as DRM. And it can be a legal, in fact most of the time it is, illegal to tamper with digital rights management.

On the one hand, it's like going back to the physical all base where it was a lock on the book, and self-help digital lock. But on top of the self-help lock, there is this blog called the DMC a, Digital millennium copyright act and that makes it a criminal act to tamper with -- the legal term is to circumvent be the technological measure which is a type of digital rights management. You cannot -- even though it's easy to do so, to DC velocity digital rights

management, you should never do that without checking with an attorney to see what it is to be doing. The very first case of somebody who is accused of doing that and had to go to a criminal trial was from hacking into an e-book. Was a Russian programmer who was not doing anything illegal back in his own country, but he came to give a talk in this country and that arrested. And went to trial. He was found not guilty.

Because he didn't have any kind of defense. Let's look at copyright, first of all, in that line of ways to control content on e-books. Let's look at the copyright diamond. The copyright and the public domain diamond. If you've got an e-book that's in the public domain, and there are 2 million of them out there that are there for the getting. That he can do whatever you like with it. You can integrate it into your catalog, you can -- you can print it out, you can tell it even if you have somebody who is willing to bite. Public domain, there is absolutely no restrictions. And the research guide from the -- public library the points you and readers to e-books that are in the public domain.

I would also like opera and library.work has to million and I like the open library.org because you don't need to create an account, you don't need to login, there's no privacy issues, does that delete the IP addresses that hit that site everyday. And there is a -- all the different popular formats including the Kindle format and even a button where you can send to Kindle region Sunday public domain e-books your candle.

Google now has public domain books. It's a little tricky to find them, so that's why to this light out. You go to Google, as of today, and you click on the books, and then and only then does it say free Google e-book short. If you look closely at this light, it's only left-hand column. Under any books preview, Google e-books, and then

free Google e-books. And you can download PDF from Google. It's not quite as -- in my opinion as the open library in terms of what you can do that. But it's also Google, so it's easy to find.

That was public domain books. In the e-book world. What about other books that are still under copyright? Other any provisions under copyright that allows to do what we want? Under copyright law, you may be familiar with a specific provision called the first sale doctrine. -- Section 109. That's what actually allows libraries to function. It allows libraries to buy a book from a publisher or a vendor and put it on the shelf and landed out. Is something that if you grew up in this country, you pretty much take for granted.

The library can loan the book, they can withdraw the book, give it to friends, the French could sell the book. All that is permissible under US copyright law section 109. Which says that the owner of an authorized copy, not a pirated copy but an authorized copy that was essentially purchased or was a gift, but was not a purloined copy, may sell or otherwise dispose of it.

I'm going to take a look at if there any questions of our. We do have a question. From Catherine, I have a question about a photograph on the website. It is of a piece of music on a musician - - music stand, that only a portion of the music. Does this need any copyright clearance?

I will check that in mind. I was just checking to see if it was in the -- but I was just talking about. Before still got and is not available everywhere. I have here a chart of countries in which the public lending right, so that the copyright owner not only has the right for reproduction, distribution, derivative work, or formants, but they'll say the right of public lending rights and that means that the libraries or their governing authorities have to pay the author when

the books alone. It's generally in countries that want to encourage their national authors and import books from the us. They want to encourage their national authors. Than libraries need to do surveys periodically and then pay the authors based on how much circulation their book has had.

The next question is what does this for sale look like in the digital world?

US copyright office did a study 10 years ago and didn't come to any conclusions. But he people think that it time to do another study or take a look at this and really figure this out. In the meantime, cases have been making their way to court on the for sale doctrine in other arenas. And the ones that are especially important for us to know it art -- D. four a -- versus Omega. And that was a case in which Costco, the discount -- we'll go to discount warehouses, was importing some watches from Omega, then selling them at a low price. Omega put a little design on the back of the watch so that there was a copyrighted image. And the question came up as to whether or not Costco could legally import these copyrighted images on the back of the watch, and then resell them under the for sale doctrine. And the Supreme Court recently decided this case. Actually, it was eighth -- decision and it upheld the appellate court decision ruling that the for sale doctrine does not apply to copies that are manufactured abroad. Which is actually a lot for a library. What does is it boils away on the for sale doctrine. And then the question for libraries is a what if we were to buy books that were manufactured abroad, could we then lend those out?

This was studied by the library content alliance, which is a smart folks in the Library copyright world, and this memo, which I give this site to at the bottom of the site, likely yes. Libraries could still

lend books that are manufactured abroad, and he gives a number of reasons. First of all, there is a specific exception in the copyright law, section 602 that allows libraries for education institutions to import five copies. If you're only doing five copies of such a book, you're okay. For educational purposes. There's also a -- decision which is where I am in California, that allows books or items that were bought in the US global, authorized purchases, and then the memo goes on to analyze that there is an applied license in that if you are buying from an authorized vendor that they can apply -- owing to be lending it. I know you are a library. Something that you would have to absolutely go to court to know, but go through it very is used analysis. That's a whittling away right now of the for sale doctrine by this report. There's another case that came to light this past year that will sway on for sale, and this is in the Ninth Circuit. -- Versus Autodesk. And this was a case where a man bought some software and aggressive. An authorized copy. And he put it on eBay and he sold it and he got a. Too many people surprise, the man lost the case and it was a whittling away of the for sale doctrine by the court. Which said that the software was really only to be licensed, that the original owner who put it in the garage sale was not an owner in the sense that we own a book, but really just a licensee, a licensed software. It was a license another sale and therefore anything that happened subsequently, was not sitting under the -- for sale doctrine. What is the impact for libraries?

If somebody were to donate used e-books to you, and I've heard that that is happening, then the license, if the book was license initially and not purchased, which was going to be the case 99% of the time. Than the license is likely to prevail. If you're getting donations of a used e-books, they want to make sure that it was not originally licensed. If it is licensed, then you would have to relicense and likely to use would be seared the early -- severely limited and you wouldn't be able to do we wanted with it.

So, when you're looking at an e-book, you want to look at the copyright, the license, and then if there's encryption on it, which there is going to be for a copyrighted work 99% of the time, you want to make sure that you do not pack that in Christian without talking an attorney and ready -- really getting the lowdown on whether you can or cannot do that.

One more thing about licenses. When you are negotiating licenses for your e-book. Take a careful look at the termination clause. What happens if you no longer continue with that vendor for whatever reason? Do you actually get to keep a copy, or do the copies disappear? That's something I want to especially point out because I think a lot of libraries think that they're buying the book, but in fact they are licensing them. And maybe there may be commercial literature that says by these e-books. That's not what counts. What causes the license for the library side. Otherwise agrees to. So that's a negotiated point as to what happens to those e-book copies when the relationship with the vendor is no longer going.

Here's a question, if the library allowed to make more than five copies of a book of lists a broad? It's not a clear answer clear answer 55 but after that you would be relying on fair use and it's going to be -- also your type of making one of five copies as opposed to buying five copies was only talking about whether you allowed to buy and lend five or more copies of think about physical books it was a physical item in case. If you are talking about making copies, making e-book copies, if that's the case you can never make copies unless you have -- or a license certainly e-book vendors that they you can make up to three or five copies and that would be determined by the license but under copyright law itself, remember that there is different layers of content control,

copyright and the license which -- the but if the license allows a, you still want to see if there's a restriction under copyright. In most cases there would be. Because the copyright owner has the right to reproduction. You can make copies unless you have an exception, and it have to see with this scenario is to have an exception.

Moving onto patrons with print disabilities. Is there an exception that allows you to make copies for your patrons who have print disabilities? Yes. The -- 121 of the US copyright Law title 17 USC 121 does allow an authorized entity, you would have to be an authorized entity to make copies and to distribute those copies of published works. There's exception to this -- so you can make copies of dramatic works which are essentially plays. The copies they make would have to be in a specialized format so they can't get around to people who'd don't have print disabilities. Notice of no further distribution. Authorized entity you have to have some of your primary purposes the mission to serve people with free disabilities. That what I believe most libraries. There is a question now -- couple questions. Do have a recommendation and distributing e-books today? Candle -- can you adequately safeguard yourself copyright, copying, sharing with a global format like PDF? Not sure I completely understand the question, because there's a format issue and there is the particular vendor issue. I am a fan though of the books in browsers, and Google books is going -- and are not archived with the -- is doing books in browsers. There you don't have to worry about format because it will -- those books can be read on any device that has a browser. You don't have to worry whether it PDF or -- or the -- format etc. But in terms of safeguarding yourself, like if you are -- your patrons have been making copies, offers copies, that is something you can be concerned about. The books in browsers -- because the average person can't download a make copies of it. Providing books of formats that you want the user to be able to make the download, then the Adobe Digital editions is the standard DRM,

digital rights management, the people are using today, and that's how you protect yourself. A vendor would be doing that for you already. If use the Internet archive, as resource, also uses the Adobe addition.

Arthur, are you using e-books to use audio e-books? Books on CD. At the e-books were simply the software. I'm not sure -- e-books. One of the talking, I've been using the word e-books to me the digital file, and I had in my mind, a -- I can't a printed e-book, not an audio. Audio e-books I can think off hand way that would be anything I've spent so far. There additional layers of copyright with an audio book, because we'll have a publisher on top of the original publisher a different rights holders that has the rights of the audio book. That the only thing that comes to mind. Your relationship is the library with a vendor wouldn't change that I can see. Somebody can jump in her -- I may make more than five print copies of a book published abroad. Biber program since it's hard to find multiple copies. You did make five print copies. If that's the case, you would go back to copyright law look to see if there's an exception to see things to make this. You would probably be relying -- which are purpose, educational, you're not telling them that's a plus. With the nature of the work, and the more factual the book, the better off you are. The more creative the book the worse off you are begin, this is for people have any -- because I'm not going into great detail here. But then the amount third factor in the be taken of all thing. In the market sector, are you -- for the original book. That's where a lot of the -- would go on and so you have to evaluate purchase five copies. Are you hurting the -- for the purpose of selling and reasonable fair use analysis. If you are a nonprofit library and you make a reasonable fair use analysis, then you might want to make a marking, label paper trail as to what you are analysis is based on, but that's going to help you because under the section 504 who consider you for what damages, if you've made a reasonable fair use case and you are a nonprofit library,

then they can't get any dollars out of you, which certainly discourages people from serving you but it has to be it -- prefer for that.

Here's the open Library which is part of the Internet archive, and they have 2 million books that are made accessible to than what they've done not only the public domain book but also books that are in France books under copyright they are using that section of the law to make those copies available to print disabilities. And only two people with print disabilities. And they pass, if you have a user who has print disability, this is a fantastic resource. If they qualify for the national Library service for the blind and physically handicapped, and then they would qualify for -- a vast array of Daisy formatted books. You can go to open Library and this one unfortunately is not easy to find, so I'm going to show you how to do it. Open Library.org/-- -- or you can type in accessible and -- will help you get there. Dominican definitely point to see your patrons or yourself if you have a disability. 2 million public domains and 150,000 modern -- that could be something very current even. Made accessible through the open Library.

What is this -- if we are licensing all of these e-books, and if we are not negotiating successfully to retain the e-books when the contract is over, where are we? I think is exciting initiatives going on in Colorado at the -- have negotiated with independent book publishers in Colorado to buy the book. Not license them, but to buy them. Think about that. If you buy the book, you don't have that extra layer of the lessons control. We do have is the copyright -- but you still can't make a but you still can't make 1 million copies and share them with your best friend. We are still limited under copyright as to what you can do. Copyright law is a balance between the -- and the users. A reasonable balance a least is determined by Congress. Buying e-books is a great option for libraries. I highly recommend that libraries do as much as they can

to follow that path. The open Library in the archive is working to buy e-books, and they bought a few. -- Longer copyright making them available to participating libraries, to lend. There's only one copy. One of time, and then it disappears and that's available for the next -- in two weeks. The -- is under copyright law that would be -- only one copy in use at a time. And it would be a fair use. This library lending project was just launched in February. And the -- labor system is one of the pilot libraries, and you can see from this map, you can go to the page and click on it to see what the other libraries are. And if you're interstate in joining up with that, you can contact Robert at And if you're interstate in joining up with that, you can contact Robert@archive.org And if you're interstate in joining up with that, you can contact Robert@archive.org. Are looking to expand the number of libraries. Lending e-books. Must travel and method we have out there is licensing, but what's emerging is the buying and/or scanning of authorized copies and then if you're scanning, you make sure that that authorized copy is not in use anywhere, you put it in a warehouse, you store, there's only one copy. You want to make sure that the copyright owner, the right owner gets the fair money. We don't want them to go out of business. There should only be one copy at the time when you bought an e-book. Or you scan an e-book. You still have to buy a copyright. There's no additional restrictions that you would have on a license. You would have -- you can print or you can only print the page. The multiple restrictions that a license might impose when -- I recommend the buying and/or scanning approach whenever possible. 3 there's a twist I want to point out for older e-books. Because libraries there in Colorado perhaps even the authors by the books. Before the Internet took off, before the 90s, the older contracts with the publishers, generally did not disclose electronic rights. -- The compact on libraries, you're probably familiar with that. Was that if the contract between an author or publisher is -- on electronic rights, not entire contract, but just pieces of it. Audio book rights, things like that, and the author retains the electronic I

rights. It wasn't specifically given over. That the author retains it. The implication for libraries is that if you're dealing with authors, for some of those earlier books, you may be able to -- or get an authorized permission to scan one of their books. And again, you would only have one copy at a time. Sagging skin and making copies because all of my -- you would want to buy 10 copies if that was the case.

Now related to this is the Google bookstore court case. And also related is the orphan works possible legislation. Let's review that. These numbers are what we say or old, but it's Nikon number, at that time there were about 10 million books scanned, 2 million were in the public domain, and Google is making those available fulltext. 2 million were in the program with publisher consent. Those were authorized, and to the publisher to determine how much they were willing to let Google so. And what was the issue was the 6 million that were in the middle. The 6 million that were essentially older, not authorized by the publisher, but not so old that they were in the public domain. Many of these would be considered urban works. The definition of orphan works is a little separate depending on who you are talking to. Most typically defined as books that you either cannot identify who the right holder is we've identified them but you cannot trace him. They are not findable. This is a little broader than that because certainly a number of these books would be findable, it would just a massive effort to track down all the publishers and current right holders, but they're not necessarily dead and. These form the purpose of the -- and now when you look in Google books you can get snippets. There was a lengthy period of negotiation between the author publishers and the Google. In the proposed settlement would allow Google to display 20% of a book. And it went much further, the proposed settlement, when from what was originally just scanning the book from library shelves -- library shelves, scanning the books and displaying snippets by all of us. You could look at this as

something you're familiar with if you go to a Google search. Now the -- show up just in regular Google search. You don't have to go to Google books and work. We still have that -- available to the -- 20% will display and an online bookstore in the club. There is a Google bookstore today but it doesn't have any of these books that were at issue. And has the books that were authorized by the publisher. -- Would also allow libraries to get one for each subscription and then -- could get additional subscriptions of all of the books. Come into your library and research their how -- hearts content. What's going on right now with that settlement? It was a proposed settlement, it has to be proposed by a court. And judge in March rejected the settlement. The amended settlement is not fair and adequate. And reasonable. That was the standard that the judge had to go by then it was a class-action suit. A class action had to fully represent all of the members. In fact, there were a number of authors who posted objections to the settlement and authors are not a monolithic class. They are academic offers -- who tend to have very different interests, and it was just not determined to be fair adequate and reasonable. So it's going right now is the -- art renegotiating. The judge said if you were to have the right holders in opt in instead of opt out, the back to be fair. Essentially saying is that the 6 million books, right now under your proposed settlement, Google can scan them and make them available and make them in the bookstore, and the plans this book drive registry where people can purchase the books and then the money goes back to the authors and publishers. The -- that could be okay, the Oscars, publishers, whoever the right holders, and these who opt in not opt out. The -- July 19, 2011.

This is energized -- reenergized the notion of passing orphan book legislation. It has been proposed a number of times and then it went on hold waiting to see what would happen with Google books settlement. And there hasn't been out a legislation introduced is yet and the Library copyright issued a statement recently saying what

we've seen in the past was really not very good for libraries. -- We want to start over. What are some options? -- Has written a paper called the legislative -- on the books settlement. And align the number of options including extended collective licenses and a number of nations especially the Scandinavian companies that have extended collective licensing that pretty much is an opt out. The nations go ahead and make all of the literature available, and the money being goes to the -- but it's not a one by one negotiation another option is to allow the -- make preservation copies they do have provisions in our law for to allow snippets that was the regional issue under the litigation, and many people think that it's fair use but it's not clear until you either have legislation or go to court. Or from books or soul for grabs. At a national level.

Were cases and legislation, new wave of that's based on users posting new super articles on Internet service provider or just a website. Easier to protect yourself. You need to file \$105 forms. Only gotten one inquiry from a -- labor and the biggest really on the rise because of definitely on the rise on sites nationwide. Here's what you need to do. You set it and forget it. You fill out a form -- called the intern designation of the -- notification of claimed -- that's not to make falsely, that is just a one-page form that asks you to designate somebody in your library as the copyright agent. It does require that you put the light was up on your site in here sample language that lets users know who they can contact if they see, their book review that they published in the paper has been posted on your site without permission. You just have to do those simple things. And then you protect him. Under the copyright law, you are in a safe harbor if you designate the agent, file the simple form of the copyright office, the agent on your site number it will limit your copyright liability. If at that point you get a notice -- will warm procedure what to do next. In terms of -- there's a takedown procedure, and they -- actually it's not -- you get more information. You have to do this first. By filing this \$105 farm I talked about

this earlier webcast the time to talk about it again definitely on the rise something called the copyright patrol some people refer to it as a company that buys the right to newspaper goals trolls the Internet to see if those article are being posted anywhere and go ahead and file a lawsuit. Moneymaking opportunity for some people and something that we can be aware of because they would potentially go after you. This would not be be as you posted something in Libra, that because one of your users did.

If the user is posting content, then you can get the safe harbor as long as you have no direct financial benefit, no knowledge that they were doing that, though specific knowledge. If you have generalized knowledge that is a possibility -- copyright policy, -- agent. I just really wanted to get this point across. Because of something that makes you want to go I don't really want to do this. But they were once. The only thing you have to do is if they copyright agent leaves the library to change the name and you file an amended form at the copyright office. And then you are good to go.

What's going up with this Georgia State case. It's a very hot case right on the academic library. Closely watched trial in Atlanta. In June this month. Publishers one after Georgia State, the professor - - at one point the court that the university was not contributorily or vicariously liable but the publishers filed motion to reconsider and during the trial underway, in which the publishers have a specific injunction that they want the court to impose to stop the university from doing this and only allow -- very narrow provision of how much you can make copies of without permission give your eyes to limit in that explosive story going on in a higher education community.

If you're with working with sound recordings pre-1972, the figure

digitizing them for local history, then you may know that they are not protected by the federal copyright law but instead protected under state common law. To say roundtable on this issue, should the earlier recordings, under federal copyright law?

The -- research libraries just a comments analyzing the impact of this issue for libraries. And concluded that putting these earlier recordings under federal law would not be advantageous for us. It would -- penalties -- I just got a question from crystal, we are in academic library. I want to say everybody, but what you want to do is you want to go to the copyright office age him up for online service providers. And you can see if somebody from your is the tuition argued it. If you are in an academic library, it's possible they are needed this. That would most likely be the appropriate level -- if they didn't, then it's time to really check into it as soon as possible. If you're any public library that is likely that the library itself would be the one to -- the notice that answered your question. Great.

If you want to check if the library today, it's just an alphabetical listing. Not keyword searchable.

Baby case right now on the public domain is going to be Holder, and the Supreme Court is getting ready to hear that. Pretty soon. The question is whether Congress can restore copyright works that were are ready in the public domain. In this case, it's from other countries that enter the public domain in this country because they didn't comply with the -- US law at the time. So there's a treaty, you're going -- amendment act that international copyright treaty the -- to mention, and it requires when the US join the Berne Convention it changed relationship with a lot of countries, and the main thing is that there's a number of formalities that the US required, had to put a copyright notice in the date and the right

holder on the document, you no longer have to do that, it's a Berne Convention. What happens was a lot of foreign works enter the US, didn't comply with the formalities and entered the public domain. They didn't expire they just didn't qualify. Now anything qualifies for copyright. The question is whether or not something that already entered the public domain can have its copyright restored. And it's very contentious issue. District court are ready rolled now, -- it's in the public domain. That got reversed on appeal. This -- should be able to enjoy copyright and inspire an international treaty. It's a huge issue as to whether or not the public domain has the stability that we are going to expect that it had. And examples of works that would -- works subject to copyright restoration.

In this case, it's a conductor who has derivative work from Shostakovich and would really impact him. That's something to watch out for.

On the international front, there's been a flurry of activity in terms of a treaty for people with print disability, and that is -- several levels, directly through the national legislation and then indirectly through the international treaty. Other instruments that affect national up. And for decades, the people would -- who have visual stability have been moving for -- access to copyrighted work.

In 2005, Chile made some proposals to the world intellectual property organization to address exceptions and limitations for work for people with disabilities, for libraries, and for education institution. And so it -- commission the studies, and the world blind Union in 2009 submitted a draft treaty at the same time that there was that Kindle -- with the text to speech and he remained remember there were hundreds of protesters organized by the reading rights coalition. Gathering in front of the office building.

But in fact, Amazon did change its policy, and it's up to the publishers whether or not those books are available for text to speech.

Well, the agenda from 2009 was -- US support, was to accept this treaty, but there were several competing -- and negotiations, unless June and -- meeting again this month this issue. Why April is also looking to adopt a treaty additional cultural expression and that's gathering a lot of steam, multiple dress, and this is covered the work I indigenous peoples in traditional communities they had a big impact on libraries and museums, -- collections of -- recordings, even collections of -- and the library copyright only and February 2011 related to the problems of these traditional cultural expressions treaty.

Saying the expressions are defined so broadly it was called -- into question and it would have image -- huge impact on library's. Would you go to for permission. That's something that you can find out more about in -- if you have an interest. But the most direct treaty that has interest to libraries is the library to read it, which is for the first I'm going to be on the agenda, November is the draft -- treaty for research institutions, library's, and archives. And I put a first page of the -- draft, you can take a look at if you're interested. It's incredibly comprehensive. Covers library lending, a great -- preservation, orphan works, very elegant language for an international -- that if approved would then flow to our national --. There's also an African proposal that you can take over to that.

Making it to the end, if you made it to the end, I am really impressed. A lot of the stuff is really complicated. I am -- to take any questions you have. From Barber, with the university have paid the \$105 or would an academic library have to pay also?. This \$20. When it first came into a lot. They would've repaid it, but --

whether or not the library should register also, it has to do with your operating structure. I'm assuming that if you're an academic library, the university would be sued, that's really the test. With a soup? Would they sue the library or the university? If it's a Libra, you're covered. If you've got independents that is and they would sue you, then you would want to pay also and file also.

I'm so glad to hear there are people who made it through to the end. It was not an easy call. Thank you -- and Catherine. I just got a question from Donna, is there a basic issue of copyright regarding scanning a document versus texting a document, we have an issue with faxing music request. The real issue is the music. If you are faxing or scanning, that's not -- because the copyright law is so old it doesn't make those kinds of distinctions, but if you're doing music, she music, that's a problem because under section 108 you can make copies on a -- request within the -- exceptions for interest. That something you need to know. If you're doing -- then it doesn't matter. What the content was. Perhaps making a digital scan in that case for -- that's if you cannot do it -- if you're the copyright doesn't me on an academic campus, or you're liable in any way fugue about the incorrect information?

That's an interesting question a lot of campuses are either -- for the first time are revising copyright policies and what I really like to see their is language that says that the university will cover you. Will indemnify you, that you are not responsible for giving out incorrect information if you are doing so in good faith. If you're doing the best you can or you are just not even better, if you're not circumventing policy then you are not responsible. And that's the kind of language you want to see in a policy and terms of whether that's what is going to sue, where they going to sue? You don't have a policy. The bad news is they could sue everybody who's involved. And the person pushes a button on the copier or the scanner is a university administrator.

Whether or not you would be responsible, I would think is unlikely. If you're making good-faith efforts. But I love to any -- that make selling which really there. Not sure what you mean by -- but if I said that I would probably be doubling. Probably scanning. A book. I was talking about scanning from the question. From the earlier. If purchasing e-books to the additional -- labor server for access? I would say yes. You want to make sure that there's only one copy unless you have an exception to the copyright law that you are relying on or you have -- or such. What are the legal issues regarding -- the readers? That still in flux. The reader companies, as far as I've heard, have not gone after any leverage. For lending them, and clearly know they are being -- and levers. The question then becomes what the content on the e-book readers, and certainly -- but if you're talking about copyrighted content, then I think you can make a fair use argument that it's only going out one person -- and that libraries -- fair doctrines 109, actually have an exception to lend out -- that anybody else is. So I'm working on writing a piece that legal justifications for lending out e-books that are scanned.

With you think about a professor using e-book further class test?

Interesting issue there with Sprint stability. There was a lawsuit filed against the university and some Department of Justice complaints made against the number of universities, they had a candle BX pilot project because the candle BX was not acceptable for people with disabilities. The -- was to stop the public, and wait until they -- and the equipment was accessible. The new candles, I am told, not the -- as far as I know but the candle to is more accessible than the iPad is extraordinarily accessible, I am told. Please pick up if you have anything to sure and that. That would be an issue if the professor is -- e-book, you want to make sure it's

accessible to people with disabilities. Thank you Eileen, planes giving a link to the American libraries article, reading the fine print. -- One issue with -- single user code is that the student is not just access to the text.

Thank you, Donna, -- on his website. Other any Great issues with directions -- good question, maybe post a link? Good news on this front, let's are not copyrightable if you're just putting some of its willing, that is completely okay. A link is a fact -- if on the other hand you were to copy that -- and put it on your website, then do something else with it, that's when you have to hundred down and analyze whether you have the right to do so. But if you're pointing to a link, that's an outstanding solution because that's completely permissible. The only possible time that would be permissible is if you're pointing to a link which is not an authorized site. But to the best of your knowledge, authorized a, you are doing fine.

-- Chronicle of higher and five excellent articles, CR, in academia. Because of the Georgia State case, there's been a lot of discussion at the Chronicle of higher Ed, I don't know about the 5X model -- to own a candle or iPad, what is the -- for purchase?

Racer fan -- raise your hand if you own a candle. Or if your preference is to own a candle. Akin to the answer maybe I link to type things in to let me know what's going on. Razor hand if you prefer the candle for purchase. Assume talk about libraries. Raise your hand if you prefer the iPad. Blissett, I know the public library district -- were iPad. Thank you Eileen. Thanks Jessica for asking the question.

Is a -- Arthur, what am I form -- the American Library Association does have a copyright form as questions and answers. Not necessarily -- it's a place to discuss issues. If you do a -- I don't

know a URL, do a Google search. Copyright usually get it. I think there is one more word that I might suggest. Copyright -- Jen of any the reader come to his begin equipment specifically geared for academic libraries. Do any of you know that you reader company taking equipment specifically for academic libraries? I do not, it would be nice. For wanting it would be nice to have a durable reader, one that you could drop.

Thank you, info people, you can get a candle app for your -- or your iPhone or your iPad. I myself have a candle and iPad and an iPhone and the nice thing about the iPad is that you can have the candle app for the all different you reader apps, these are all the ones I've looked for. You can get the candle out for the iPad. There's all kinds of issues. Dribble, which is going to be the most expensive, a lot of issues. We have run over, thank you all for staying, and I look forward to seeing you in the next one. We are probably going to do this one every year.

And thank you Mary and thanks everyone for sticking around. As a reminder, this will be archived and available later today on the info people website. Additionally, remember when you exit the webinar you will be taking to a survey and after you complete the survey, you can -- the certificate of attendance. We will see you at the next webinar. [Event Concluded]