

Makerspaces in Libraries: Legal Issues

An Infopeople Webinar

Tuesday, July 22, 2014

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J.D., A.M.L.S.



Legal Disclaimer

Legal information

Not legal advice!

Protecting Libraries and Users

Copyright, Patent, Trademark

Let users take responsibility

Guide users to resources

Policies: 3D Printer et al.

Free speech, rules of conduct, guns, privacy,
disability access

Legal Docs

Permissions, Liability, Permits and Partnerships

- Poll 1

Will 3D printers be used to infringe copyright, trademark and patents?



Wrong question.

Emphatic Yes.

Right question:
Whose problem will it be?

Cory Doctorow by Joi Ito 2008 Some Rights Reserved

<http://www.flickr.com/photos/35034362831@N01/2196901054>

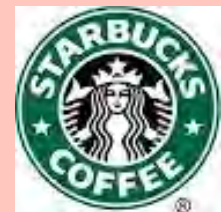
Protect the library

Copyright, Patent, Trademark



Is a library legally responsible when users make copies of someone else's stuff?

- Copyright – expression (songs, videos, stories)
- Patent – applied ideas (inventions)
- Trademark – words or design to identify source
- Trade secret - secrets (can't accidentally infringe)



Copyright: Library protected if “unsupervised” use

Notice: The copyright law of the United States (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement



we have experience ...
and the law

notice on equipment

Put notice on all reproducing equipment

*Notice: The copyright law of the United States (Title 17, U.S. Code) governs the making of **copies** or other reproductions of copyrighted material. The person using this equipment is liable for any infringement*



Rhode Island State Council on the Arts



Chatanooga Public Library

Uses push “print” “copy” “replicate”

Tip: Put notice on old style replicators: scanners, computers ...

*Notice: The copyright law of the United States (Title 17, U.S. Code) governs the making of **copies** or other reproductions of copyrighted material. The person using this equipment is liable for any infringement*



Reference for you: the law

17 U.S.C. § 108(f) Nothing in this section—(1) shall be construed to impose liability for copyright infringement upon a library or archives or its employees for the unsupervised use of reproducing equipment located on its premises: Provided, That such equipment displays a notice that the making of a copy may be subject to the copyright law

**Recommendation:
Users push buttons to make copies**

User uploads to library spaces

**Girls
are like apples
on trees. The best ones
are at the top of the tree.
The boys don't want to reach
for the good ones because they
are afraid of falling and getting hurt.
Instead , they get the rotten apples
from the ground that aren't as good,
but easy. So the apples up top think
something is wrong with them when
in all reality they're amazing. They just
have to wait for the right boy to
come along, the one who's
brave enough to
climb all
the way
to the top.**



Love Poem by [Sue Moore](#) (CC BY 2.0)

<https://www.flickr.com/photos/alpenami/2502414859/>

Character Reference Sheet: Alysan by jesterbells
<http://jesterbells.deviantart.com/art/Character-Reference-Sheet-Alysan-466385957> © 2014 jesterbells
Permission by artist Mira Singer

User uploads to library spaces



Love Poem by [Sue Moore](#) (CC BY 2.0)

<https://www.flickr.com/photos/alpenami/2502414859/>

Character Reference Sheet: Alysan by jesterbells
<http://jesterbells.deviantart.com/art/Character-Reference-Sheet-Alysan-466385957> © 2014 jesterbells
Permission by artist Mira Singer

Law offers **SAFE HARBOR** to Library if:

“user generated content”



www.noaaworld.noaa.gov/postcards/postcard3_w200th.jpg

Register an agent with
Copyright Office
(one time filing)

Put notice on site
*agent contact info
*take-down policy

17 U.S.C. § 512

See also <http://chillingeffects.org>

Check to see if your institution already registered. If not, register.

Copyright | Service Provider Agents - A

Directory of Service Provider Agents for Notification of Claims of Infringement

The following service providers have filed designations of agents for notification of claims of infringement pursuant to Section 512(c) of the Copyright Act. The Copyright Office's current directory of agents consists of this list, with links to copies, in PDF format, of the designations filed on behalf of service providers.

Go To: **A B C D E F G H I J K L M N O P Q R S T U V W X Y Z Numerals/Symbols**

Service Provider Agents List

-A-

- A&E Television Networks, LLC
- A&M Rosenthal Enterprises, Inc.
- A&R Technology, LLC
- A&T
- A&T SU
- A&Z Consulting
- A+
- A+Net, Internet
- A1-Host.com
- A1JobSource.com
- A-1 Real Estate, Inc.
- A-1st Internet
- AA02.com
- A2 Hosting, Inc.
- A2Journal.com

http://www.copyright.gov/onlinesp/list/a_agents.html

Interim Designation of Agent to Receive Notification of Claimed Infringement

Basic fee of \$105 covers indexing of Full Legal Name of Service Provider: _____

Additional \$30 per group of 10 Alternative Name(s) of Service Provider (including all names under which the service provider is doing business): _____

Address of Service Provider: _____

Name of Agent Designated to Receive Notification of Claimed Infringement: _____

Full Address of Designated Agent to which Notification Should be Sent (a P.O. Box or similar designation is not acceptable except where it is the only address that can be used in the geographic location): _____

Telephone Number of Designated Agent: _____

Facsimile Number of Designated Agent: _____

Must be Accompanied by a Filing Fee*
to the Register of Copyrights.

\$105 one page form at
<http://www.copyright.gov/onlinesp>
More info at
<http://www.chillingeffects.org/dmca512>

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK

Email | Quick Links | Main Menu | A-Z Index

Search for people, departments & websites

ABOUT | ADMISSIONS | ACADEMICS | RESEARCH | LIBRARIES | MEDICAL CENTER | Resources for

COPYRIGHT

Home > Copyright

All users of Columbia's network facilities are expected to be familiar with the policies outlined in its [Computer and Network Policy Use Policy](#) and the consequences of violation, and to comply with copyright law.

To Report a Copyright Violation

In accordance with the Digital Millennium Copyright Act of 1998 (DMCA), Columbia has designated an agent to receive notification of alleged copyright infringement occurring on web pages or computer servers under the Columbia.edu domain (Columbia sites). If you believe that your copyrighted work is being infringed on a Columbia site, please notify Columbia's designated agent for receiving such notices at the following address:

The University's registered agent(s) to receive complaints of copyright infringement under the DMCA is [Jeffrey Eldredge](#) (Columbia University Information Technology, 615 W. 131st St., 5th Flr., New York, NY 10025; Phone: 212-854-1919; Fax: 212-662-6442).

Content of Notices

The DMCA requires that such notices of alleged copyright infringement be in writing. In order for the University to take any action on the basis of your notice, the written communication must include the following information:

- Identification of the copyrighted work or works claimed to have been infringed. If multiple works are allegedly being infringed at a single site, please provide a representative list of such works.
- A description of the material that is claimed to be infringing, and information sufficient to permit Columbia's agent to locate the material.
- Contact information for you, including your address, telephone number, and/or email address.
- A statement by you that you have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, the owner's agent, or by the law.
- A statement by you that the information in the notification is accurate, and under penalty of perjury, you are authorized on behalf of the owner to enforce the copyrights that are claimed to be infringed.
- A physical or electronic signature of the copyright owner or the person authorized to act on behalf of the rights owner.

The University will not be able to act promptly on your complaint, or at all, if you do not provide all of the information listed above.

Further Information

For more information on U.S. Copyright Law and the DMCA, visit www.copyright.gov. To learn more about Columbia University's acceptable use and copyright policies, go to: <http://cuit.columbia.edu/cuit/it-policies> and <http://policylibrary.columbia.edu/copyright-information-network-users>.

<http://www.columbia.edu/content/copyright.html>

SAMPLE NOTICE

Copyright agent,
procedures

are readily findable
on your site

REMEMBER, USER
UPLOADS CONTENT

“copyright” or “terms” link in footer

Protect the Library user creations

- don't "actively induce infringement"
- check carefully before taking user creations to city council
 - make sure original or licensed
- check *really* carefully before selling user creations in library store

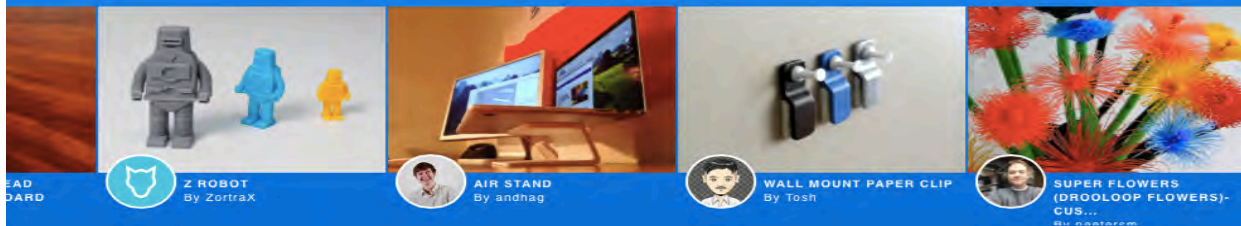


Davis Doherty, "Downloading infringement: Patent law as a roadblock to the 3D printing revolution," *Harvard Journal of Law & Technology* (Fall 2012) <http://jolt.law.harvard.edu/articles/pdf/v26/26HarvJLTech353.pdf>



MAKERBOT THINGIVERSE

The 3D Design Community for
discovering, printing, and sharing 3D
models.



Largest site for
user shared 3D designs

Take-down notices

INTELLECTUAL PROPERTY POLICY

The Company respects the intellectual property of others and asks that users of our Site and Services do the same. In connection with our Site and Services, the Company has adopted and implemented a policy respecting intellectual property that provides for the removal of any infringing or unauthorized materials and for the account termination, in appropriate circumstances, of users of our online Site and Services who are repeat infringers of intellectual property rights or who repeatedly submit unauthorized content.

Copyright Policy Pursuant to Digital Millennium Copyright Act

If you believe that one of our users is, through the use of our Site and Services, unlawfully infringing by submitting unauthorized content, and wish to have the allegedly infringing or unauthorized material removed, the following information in the form of a written notification (pursuant to 17 U.S.C. § 512(c)) must be provided to our designated Content Agent:

- 1. your physical or electronic signature;
- 2. identification of the work(s) or rights that you claim to have been infringed;
- 3. identification of the material on our services that you claim is infringing and that you request us to remove;
- 4. sufficient information to permit us to locate such material;
- 5. your address, telephone number, and e-mail address;
- 6. a statement that you have a good faith belief that use of the objectionable material is not authorized by the copyright or other rights owner, its agent, or the law; and
- 7. a statement that the information in the notification is accurate, and under penalty of perjury, that you are either the owner of the copyright or other right that has allegedly been infringed or violated or that you are authorized to act on behalf of the copyright or other rights owner.

Please note that, pursuant to 17 U.S.C. § 512(f), any misrepresentation of material fact (falsities) in a written notification automatically subjects the complaining party to liability for any damages, costs and attorney's fees incurred by us in connection with the written notification and allegation of copyright infringement.

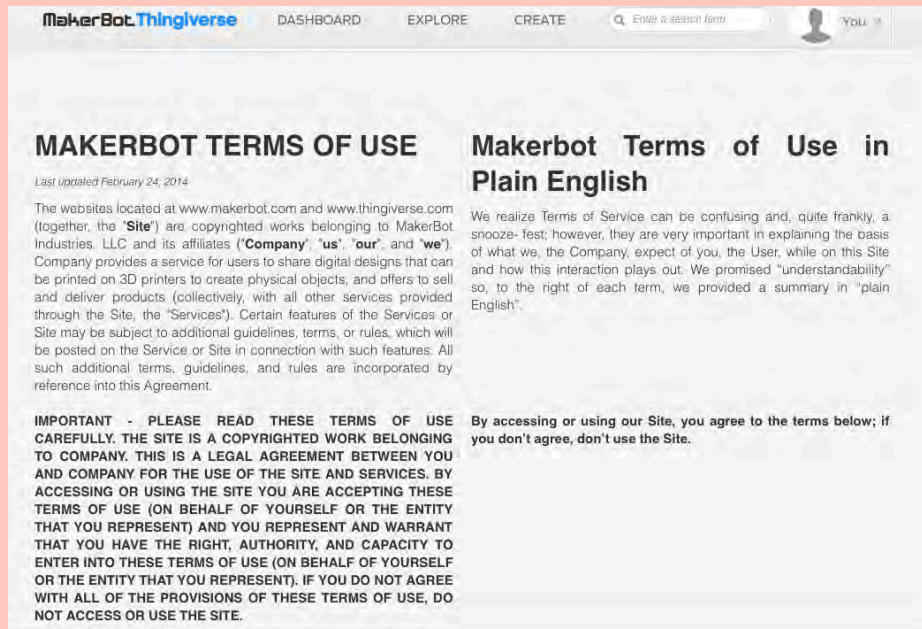
The designated Content Agent for Company is:

Designated Agent: Richard McCarthy
Address of Agent: One MetroTech Center, 21st Floor, Brooklyn, NY 11201
Telephone: (347) 334-6800
Email: dmca@makerbot.com

<http://www.thingiverse.com/legal/ip-policy>

User Thingiverse Accounts

MAKERBOT/THINGIVERSE CONTENT



MAKERBOT TERMS OF USE
Last updated February 24, 2014

The websites located at www.makerbot.com and www.thingiverse.com (together, the "Site") are copyrighted works belonging to MakerBot Industries, LLC and its affiliates ("Company", "us", "our", and "we"). Company provides a service for users to share digital designs that can be printed on 3D printers to create physical objects, and offers to sell and deliver products (collectively, with all other services provided through the Site, the "Services"). Certain features of the Services or Site may be subject to additional guidelines, terms, or rules, which will be posted on the Service or Site in connection with such features. All such additional terms, guidelines, and rules are incorporated by reference into this Agreement.

IMPORTANT - PLEASE READ THESE TERMS OF USE CAREFULLY. THE SITE IS A COPYRIGHTED WORK BELONGING TO COMPANY. THIS IS A LEGAL AGREEMENT BETWEEN YOU AND COMPANY FOR THE USE OF THE SITE AND SERVICES. BY ACCESSING OR USING THE SITE YOU ARE ACCEPTING THESE TERMS OF USE (ON BEHALF OF YOURSELF OR THE ENTITY THAT YOU REPRESENT) AND YOU REPRESENT AND WARRANT THAT YOU HAVE THE RIGHT, AUTHORITY, AND CAPACITY TO ENTER INTO THESE TERMS OF USE (ON BEHALF OF YOURSELF OR THE ENTITY THAT YOU REPRESENT). IF YOU DO NOT AGREE WITH ALL OF THE PROVISIONS OF THESE TERMS OF USE, DO NOT ACCESS OR USE THE SITE.

Makerbot Terms of Use in Plain English

We realize Terms of Service can be confusing and, quite frankly, a snooze-fest; however, they are very important in explaining the basis of what we, the Company, expect of you, the User, while on this Site and how this interaction plays out. We promised "understandability" so, to the right of each term, we provided a summary in "plain English".

By accessing or using our Site, you agree to the terms below; if you don't agree, don't use the Site.

- *no commercial use
- *no copying/modifying content
- *no stealing code

USER CONTENT

- *gives Makerbot permission
- *suggests creative commons
- *disputes are between users
- *"bad" stuff may be removed and action taken against
 - Illegal, pornographic, threatening, abusive, hateful, obscene, and commercially exploitative material...
- *user should backup content

Terms of Use <http://www.thingiverse.com/legal>

Copyright Remixes

Official Remixes



Using and protecting music that you create from scratch is a bit of a no-brainer. Remixes are more complex. Legally speaking, a remix is a "derivative work"; that is a new work based upon an original work. According to the letter of the law, you need permission from the copyright holder of the original work in order to create a derivative work.

If an artist or label sends you a song to remix, that probably constitutes sufficient permission to create a derivative work (though it's a good idea to at least have some written record of that permission - even if it's just an e-mail). What an official remix opportunity like this doesn't always do is determine who will own the resulting remix.


As mentioned, the master side of a copyright covers every stem in the mix, and the publishing side covers the lyrics and music. Since your resulting remix is likely to be comprised of stems, lyrics and music from the original combined with new stems and new music written by you (or a third party), the resulting ownership breakdown is by no means obvious.



enormous headache for
unauthorized remixes

especially if
commercial use or
potential market harm

Changes in the Future?

INSIDE COMPLIANCE LITIGATION INTELLECTUAL PROPERTY TECHNOLOGY MORE

MORE ON **COPYRIGHT/TRADemarks**

Disney decides to 'Let It Go' when it comes to copyright infringement

The movie studio relaxes its position on fan-created parodies and homages

BY RICH STEEVES
MAY 23, 2014

[in](#) [t](#) [f](#) [e](#) [+](#) 30

If you have kids – or a pair of ears, I suppose – you have likely heard the infectious song “Let It Go” from the mega-hit movie “Frozen.” The animated movie, based on the Hans Christian Andersen tale “The Snow Queen,” has won Academy Awards, raked in hundreds of billions of dollars worldwide, and sent toes-a-tappin’ with an Oscar-winning song.



FOLLOW INSIDECOUNSEL

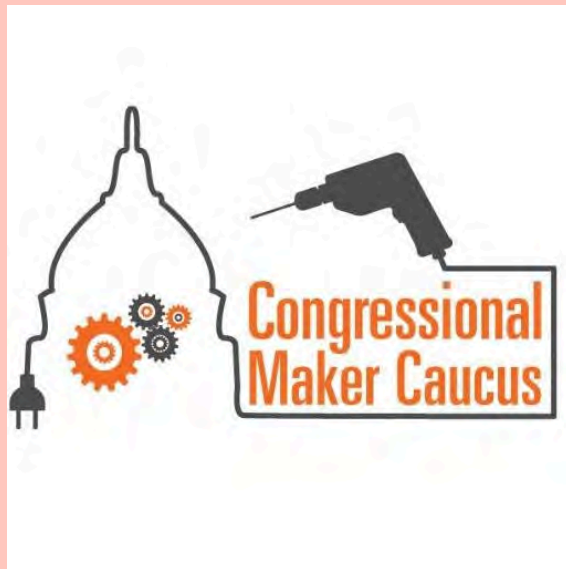
Newsletter Sign-up [in](#) [t](#) [f](#)

Most Popular Articles

1. Top 10 most expensive discrimination settlements of 2013
2. Five comic book copyright concerns
3. 9 noteworthy in-house career moves
4. Could Halbig v. Sebelius unravel Obamacare?
5. Kristin Coleman named general counsel of Sears Holdings

<http://www.insidecounsel.com/2014/05/23/disney-decides-to-let-it-go-when-it-comes-to-copyr>

Your voice? Congressional Maker Caucus



<https://twitter.com/MakerCaucus>



3D Printing Has Fans on Capitol Hill with the Congressional Maker Caucus



BY MICHAEL MOLITCH-HOU ON FRI, FEBRUARY 28, 2014 · INDUSTRY NEWS, MAKERS, NORTH AMERICA

50
SHARES

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Share on Google+



Makers across the United States have found themselves allies in Congress today as Congressmen Tim Ryan [D-OH13], Steve Stivers [R-OH15], Mark Takano [D-CA41], and Mick Mulvaney [R-SC5] announce the formation of a Congressional Maker Caucus. Congressman Ryan already played a key role in the establishment of what is now [America Makes](#), the [nation's institute dedicated to 3D printing technology](#). The members of the new caucus see the tools used by Makers – such as 3D printers, CNC machines, and laser cutters – as a means of lowering the barriers to entrepreneurship and growing the US economy. Additionally, such tools give already-established businesses the ability to hire new team members, research new product lines, and find new customers. The Maker Caucus will do its part to spur this movement and the economy around it by giving voice in Congress to the people and companies that comprise the growing Maker movement.

<http://3dprintingindustry.com/2014/02/28/3d-printing-fans-capitol-hill-congressional-maker-caucus/>

Resources for library user

What if someone takes my idea?

How much of this song can I use?

Maker info on:

- Copyright
- Patent
- Trademark

Home Maker in Residence Answers TimeBank [Online Resources](#)

Online Resources

M CLE Maker Resources

C Copyright Resources

IP Intellectual Property

P Patent Resources

TM Trademark Information

About CLE Maker Hub

This site is a result of a collaboration between three institutions

CIA

CLEVELAND PUBLIC LIBRARY

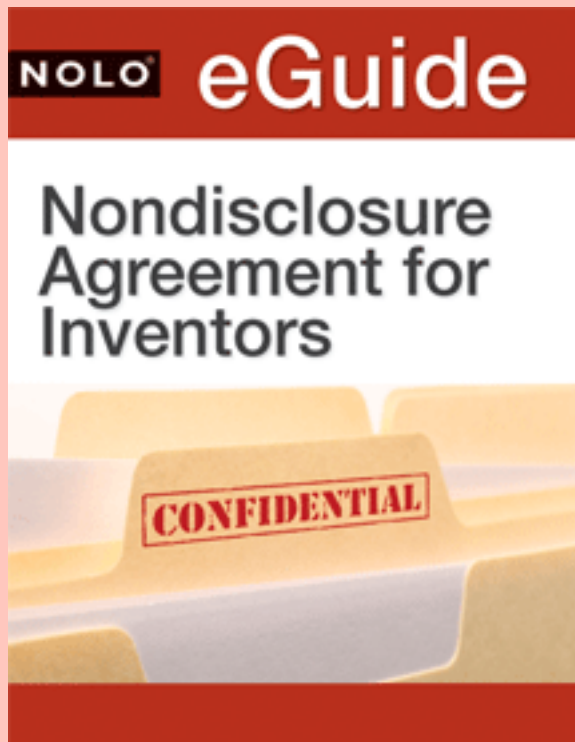
50 YEARS SERVING OUR COMMUNITY SINCE 1963

Lorain County Community College

<http://clemakerhub.org/online-resources/>

See also CakeBoss Software for Bakers interview with intellectual property attorney Michael Atkins on Selling Cakes with Copyrighted Characters <http://www.cakeboss.com/Cake-Stuff/Articles/Copyrighted-Cakes> Katie Long, Esq., Selling Copyrighted Character Cakes: Should you do it <http://www.cakeboss.com/Cake-Stuff/Articles/Licensed-Cake-Pans>

NOLO: Books and website



user ideas in makerlabs are **not protected** without effort

The screenshot shows the NOLO website page for "Patent, Copyright & Trademark". The page has a dark blue header with the NOLO logo and navigation links for "Get Informed" and "Do It Yourself". The main content area includes a search bar, social media sharing options, and a featured article titled "Search Trademark Records" with a sub-headline "Learn how to search trademark records at the U.S. Patent and Trademark Office". Below this, there are several blue buttons for "Search Trademark Records", "Provisional Patent Applications", "Trademark Applications", and "Should You Patent Your Invention?". The page also features sections for "Get Informed" (Articles & Information) and "Do It Yourself" (Products & Services), each with a "LEARN MORE" link. The "Get Informed" section lists articles like "Before You Apply: Qualification and Ownership" and "The Patent Application Process". The "Do It Yourself" section lists legal forms such as "Idea Submission Agreement", "Joint Ownership Agreement for an Invention", "Online Provisional Patent Application", "Online Trademark Application", and "Trademark Cease & Desist Letter".

<http://www.nolo.com/legal-encyclopedia/patent-copyright-trademark>

Patents in 3D

WARNINGS:

INDEPENDENTLY CREATED
does not eliminate liability

ITEM MAY ALSO HAVE
COPYRIGHT
original creative expression
apart from useful article
lifetime plus 70 years

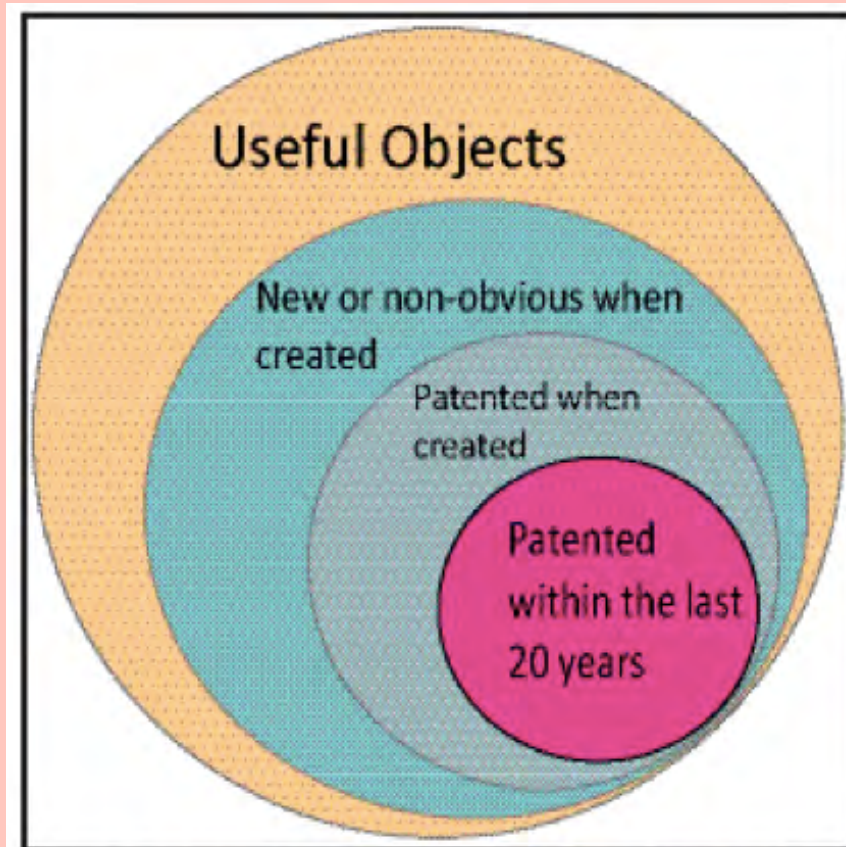
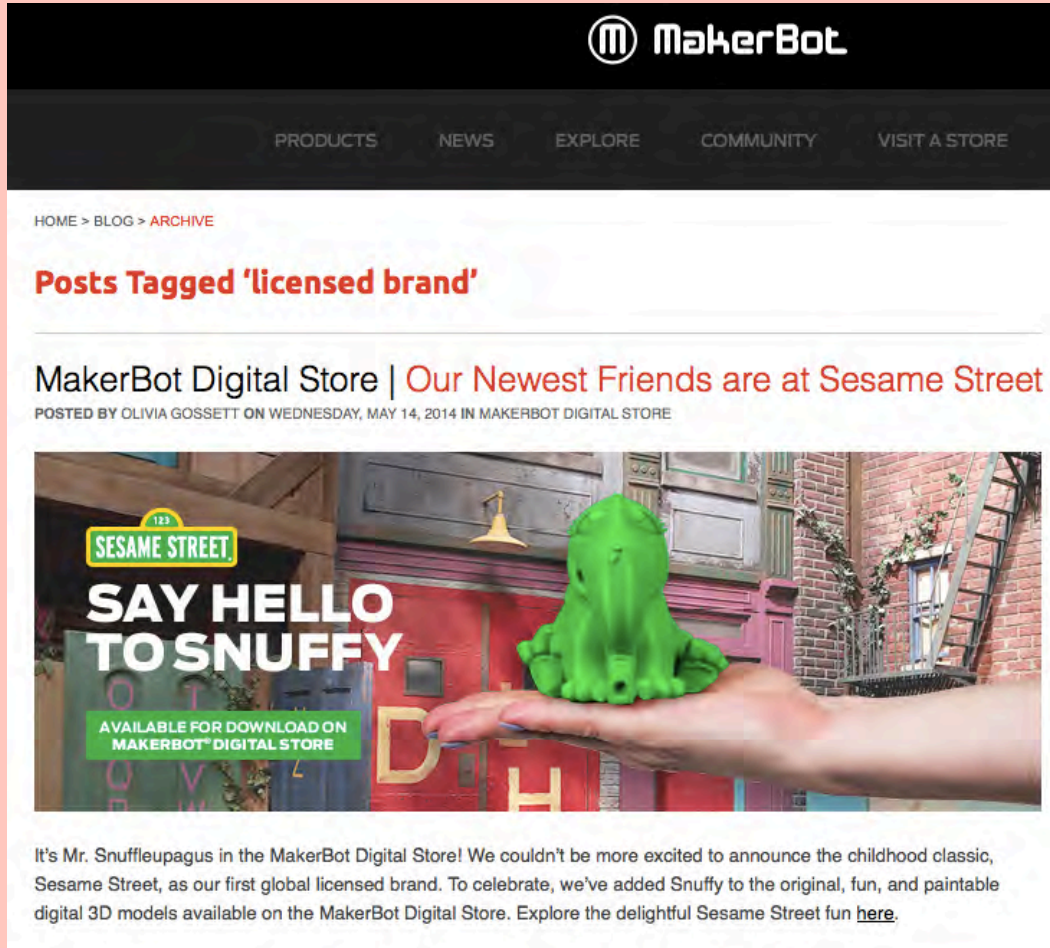


Figure 2: Only a small percentage of useful objects will protected by an active patent at any time

What's the deal with copyright and 3D printing /
Michael Weinberg, Public Knowledge (2013)?
<https://www.publicknowledge.org/issues/3d-printing>

Davis Doherty, "Downloading infringement: Patent law as a roadblock to the 3D printing revolution," *Harvard Journal of Law & Technology* (Fall 2012) <http://jolt.law.harvard.edu/articles/pdf/v26/26HarvJLTech353.pdf>

Licensed brands now MakerBot store




The screenshot shows the MakerBot website's navigation bar with the logo and menu items: PRODUCTS, NEWS, EXPLORE, COMMUNITY, and VISIT A STORE. Below the navigation is a breadcrumb trail: HOME > BLOG > ARCHIVE. The main heading is "Posts Tagged 'licensed brand'". The featured article is titled "MakerBot Digital Store | Our Newest Friends are at Sesame Street" and is posted by Olivia Gossett on Wednesday, May 14, 2014. The article's main image shows a hand holding a green 3D printed Snuffy figurine in front of a Sesame Street building. Text overlays on the image include "123 SESAME STREET", "SAY HELLO TO SNUFFY", and "AVAILABLE FOR DOWNLOAD ON MAKERBOT DIGITAL STORE".

HOME > BLOG > ARCHIVE

Posts Tagged 'licensed brand'

MakerBot Digital Store | Our Newest Friends are at Sesame Street

POSTED BY OLIVIA GOSSETT ON WEDNESDAY, MAY 14, 2014 IN MAKERBOT DIGITAL STORE



123
SESAME STREET

SAY HELLO TO SNUFFY

AVAILABLE FOR DOWNLOAD ON
MAKERBOT DIGITAL STORE

It's Mr. Snuffleupagus in the MakerBot Digital Store! We couldn't be more excited to announce the childhood classic, Sesame Street, as our first global licensed brand. To celebrate, we've added Snuffy to the original, fun, and paintable digital 3D models available on the MakerBot Digital Store. Explore the delightful Sesame Street fun [here](#).

<http://www.makerbot.com/blog/tag/licensed-brand/>

Using trademarks

Make:



AMERICAN MAKER

MAKER PRESS

MAKER SHED

Test:

Is a consumer likely to be confused?

*ok to put MAKE magazine on table

*ok to license mini Maker Faire

The image is a screenshot of the Maker Faire website's guidelines page. At the top, there's a blue header with the 'Maker Faire' logo in red and white, and navigation links for 'WHAT'S IT ABOUT' and 'CHECK OUT THE PROGRAM'. Below the header, the word 'Guidelines' is prominently displayed. The main text explains that Maker Faire has developed a set of guidelines for Mini Maker Faires. To the right of the text is a vertical menu with links: 'Make a Maker Faire', 'Vision', 'Planning', 'Resources', 'Guidelines', 'Apply', and 'Find a Fair Near You'. Under the 'Guidelines' section, there's a sub-section titled 'Application Basics' with a bulleted list of requirements: 'Who Can Apply', 'License', 'Advance Planning', 'Renewal', 'Location', and 'Size'. Each bullet point provides specific details about the application process and event requirements.

<http://makerfaire.com/mini/guidelines/>

More trademarks

TechShop chain of for-profit spaces offering public access to high-end manufacturing equipment – membership fees



FabLabs, inspired by MIT, have core set of tools including lasercutter, vinyl cutter, space requirements 1000-2000 sq ft ...



<http://makezine.com/2013/05/22/the-difference-between-hackerspaces-makerspaces-techshops-and-fablabs/>

Choosing your own name

Check to see if already
trademarked

Do your own knockout search
Attorney / professional search once
you choose a name

JUSTIA Trademarks

Enter your search here

Easier to use

<http://trademarks.justia.com>

The screenshot shows the USPTO Trademark Electronic Search System (TESS) website. At the top, there is a navigation bar with the USPTO logo and the text "United States Patent and Trademark Office". Below this is a menu with links: Home, Site Index, Search, FAQ, Glossary, Guides, Contacts, eBusiness, eBiz alerts, News, Help. To the right of the menu is the "through TEAS?" logo. The main content area is titled "Trademarks > Trademark Electronic Search System (TESS)". Below the title, there is a welcome message: "Welcome to the Trademark Electronic Search System (TESS). This search engine allows you to search the USPTO's database of registered trademarks and prior pending applications to find marks that may prevent registration due to a likelihood of confusion refusal." A warning message follows: "WARNING: Before conducting your search, you must understand the following: (1) what the database includes; (2) how to construct a complete search; and (3) how to interpret the search results. Click TESS TIPS for detailed information on these and other important search topics." Below the warning, there are links for "HELP" and "News!". The main content area is titled "Select A Search Option" and contains three search options:

- Basic Word Mark Search (New User)**
This option cannot be used to search design marks.
- Word and/or Design Mark Search (Structured)**
This option is used to search word and/or design marks. NOTE: You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.
- Word and/or Design Mark Search (Free Form)**
This option allows you to construct word and/or design searches using Boolean logic and multiple search fields. NOTE: You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.

USPTO - Official

<http://tmsearch.uspto.gov/>

Makerspace

“makerspace” is generic
community centers, for-profit,
nonprofit, schools, libraries ...

...





but read Makerspace playbook
before using their logos



Font and Colors
MAKE magazine and Maker Faire use a font called Benton Sans. You can buy these fonts for about \$40 each at <http://new.myfonts.com/fonts/fontbureau/benton-sans/>
If you're only want to purchase one, purchase Benton Sans Bold. The far more common fonts of the Helvetica family closely resemble Benton Sans and serve as a reasonable substitute.

Maker Media Maker Faire Logos and Usage

BENTON SANS FONTS:

Benton Sans Bold Benton Sans Medium Benton Sans Book Benton Sans Light	 C=100 M=0 Y=0 K=0 PANTONE Process Cyan C
Benton Sans Bold Italic Benton Sans Medium Italic Benton Sans Book Italic	 C=0 M=100 Y=100 K=0 PANTONE 185 C
<small>*DO NOT USE BENTON SANS REGULAR</small>	 C=0 M=20 Y=100 K=0
<small>NOTE: If necessary, Helvetica family can be substituted for Benton Sans family.</small>	 C=25 M=0 Y=80 K=30 PANTONE 7495 C

Logo
When you sign up as a Makerspace affiliate, you are agreeing to use the Makerspace and Maker Faire logos in particular ways:

- Use the logo only in conjunction with your Makerspace.
- The only thing you may alter about the logo is the size, and alteration in size must be proportional.
- Don't combine or overlay the logo with other elements.
- Keep the logo separated by white space (the required rule of thumb is "empty space around the Marks must be X, where X equals 1/2 the height of the Mark.")
- Don't delete the ® symbol(s) or ™ mark in the logo.

Design Elements, Assets and Templates
Makerspace has provided a variety of branded design elements and assets you can use for design direction. This index of links gives you access to these files.

Makerspace playbook (April 2012 draft)

<http://makerspace.com/wp-content/uploads/2012/04/makerspaceplaybook-201204.pdf>

- Poll 2

Makerspace Policies

Use existing policies to
FEND off lawsuits

Free Speech

Equal treatment

Notice to users

Due process (appeals)



First Amendment and govt libraries

CONTENT NEUTRAL

Too loud (may enforce)

Not bad words (trickier)

Ok to ask for civility

Check with lawyer before removing
someone for bad language

3D Printing Policies

- American Library Association is collecting policies and working on recommendations
- Remember First Amendment
 - Don't prohibit "inappropriate for library environment"
 - Do prohibit "illegal"
 - Uphold agreement with 3D printer company (e.g. no guns)

3D Printing and Guns in California



RELEASE: GHOST GUN BAN MOVES TO THE ASSEMBLY

January 30, 2014

SACRAMENTO—The Senate today approved legislation (SB 808) by Senator Kevin de León (D-Los Angeles) to ban the sale, manufacture, purchase and trafficking of plastic and self-made firearms – referred to as “ghost guns” – in California. The bill requires self-made or assembled firearms to contain permanent pieces of metal and to be registered with the Department of Justice (DOJ) through a serial number and gun owner background check. The Senate floor vote was 21 ayes – 9 noes.

June 25, 2014 – passed out of Assembly public safety committee, referred to Appropriations

AMENDED IN SENATE JANUARY 21, 2014
AMENDED IN SENATE JANUARY 6, 2014
AMENDED IN SENATE APRIL 23, 2013
AMENDED IN SENATE APRIL 11, 2013

SENATE BILL No. 808

Introduced by Senator De León

February 22, 2013

An act to amend Sections 11106, 16520, 23910, and 28230 of, and to add Chapter 3 (commencing with Section 29180) to Division 7 of Title 4 of Part 6 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 808, as amended, De León. Firearms: identifying information. Existing law authorizes the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a mark of identification, or whenever the mark of identification or distinguishing number or mark of identification has been destroyed. This bill would, commencing January 1, 2016, require the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a mark of identification, or whenever the mark of identification or distinguishing number or mark of identification has been destroyed. The bill would also require the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a mark of identification, or whenever the mark of identification or distinguishing number or mark of identification has been destroyed. The bill would also require the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a mark of identification, or whenever the mark of identification or distinguishing number or mark of identification has been destroyed.



<http://sd22.senate.ca.gov/news/2014-01-30-release-ghost-gun-ban-moves-assembly>

Policies: Children and Privacy

Look at library's policy

If collecting personal information online (e.g. for badges)
use best security practices



LAW only requires *commercial* users to get parental consent

California Civil Code § 3344 parental consent for commercial use name, voice, photograph ..under 18

Federal Children's Online Privacy Protection Act (COPPA)
commercial use .. Under 13

http://www.ftc.gov/system/files/documents/amicus_briefs/jo-batman-v.facebook-inc./140321batmanfacebookamicusbrief.pdf

<http://www.scribd.com/doc/214214378/CalAG-Facebook-COPPA-state-regs>

California New Guidance on Privacy Policies

MAKING YOUR PRIVACY PRACTICES PUBLIC

Recommendations on Developing
a Meaningful Privacy Policy

May 2014



Kamala D. Harris, Attorney General
California Department of Justice

RECOMMENDATIONS

Your general Privacy Policy should provide a comprehensive overview of your collection, use, sharing and protection of personally identifiable information. At a minimum, comply with legal requirements for such policies. The following recommendations are offered as suggestions to make your general Privacy Policy statement more meaningful than a policy that simply meets minimum legal requirements.

SCOPE OF POLICY

Explain the scope of the Privacy Policy, such as whether it covers just your online data collection and use practices or both your online and offline practices. Clearly indicate what entities the Privacy Policy covers, such as subsidiaries or affiliates.

AVAILABILITY

Make the policy recognizable by giving it a descriptive title. Make the policy conspicuously available to users and potential users of your web site or online service.²⁷

In the case of a web site:

Use a conspicuous link on your homepage containing the word "privacy." Make the link conspicuous by using larger type than the surrounding text, contrasting color symbols that call attention to it.²⁸

Put a conspicuous "privacy" link on every web page where personal information is collected.

Format the policy so that it can be printed as a separate document.

In the case of an online service, such as a mobile application:

Post or link to the policy on the application's platform page, so that users can review the policy before downloading the application.

Link to the policy within the application (for example, from the application configuration, "About," "Information" or settings page).²⁹

HIGHLIGHTS OF RECOMMENDATIONS

Readability

- Use plain, straightforward language. Avoid technical or legal jargon.
- Use a format that makes the policy readable, such as a layered format.

Online Tracking/Do Not Track

- Make it easy for a consumer to find the section in which you describe your policy regarding online tracking by labeling it, for example: "How We Respond to Do Not Track Signals," "Online Tracking" or "California Do Not Track Disclosures."
- Describe how you respond to a browser's Do Not Track signal or to other such mechanisms. This is more transparent than linking to a "choice program."
- State whether other parties are or may be collecting personally identifiable information of consumers while they are on your site or service.

Data Use and Sharing

- Explain your uses of personally identifiable information beyond what is necessary for fulfilling a customer transaction or for the basic functionality of an online service.
- Whenever possible, provide a link to the privacy policies of third parties with whom you share personally identifiable information.

Individual Choice and Access

- Describe the choices a consumer has regarding the collection, use and sharing of his or her personal information.

Accountability

- Tell your customers whom they can contact with questions or concerns about your privacy policies and practices.

Aimed at commercial sector but demonstrates best practices

https://oag.ca.gov/sites/all/files/agweb/pdfs/cybersecurity/making_your_privacy_practices_public.pdf

Medical Policies

Time to review and train staff on local policy



Band aids?

Defibrillators?

make sure everyone is on the same page

Disability Access

ADA.gov
United States Department of Justice
Civil Rights Division

**Information and Technical Assistance
on the Americans with Disabilities Act**

Search ADA.gov
 go
More Search Options

Law / Regulations Design Standards Technical Assistance Materials Enforcement

**TEXT OF THE ADA
As Amended**

PDF

**STATE AND LOCAL GOVERNMENTS
TITLE II**

PDF

**PUBLIC ACCOMMODATIONS
TITLE III**

PDF

ADA STANDARDS FOR ACCESSIBLE DESIGN

PDF

**The Americans with Disabilities Act of 1990
and Revised ADA Regulations Implementing Title II and Title III**

THE LAW

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services. The current text of the ADA includes changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009. The ADA was originally enacted in public law format and later rearranged and published in the United States Code.

THE 2010 REGULATIONS

On Friday, July 23, 2010, Attorney General Eric Holder signed final regulations revising the Department's ADA regulations, including its ADA Standards for Accessible Design. The official text was published in the Federal Register on September 15, 2010 (corrections to this text were published in the Federal Register on March 11, 2011).

The revised regulations amend the Department's 1991 title II regulation (State and local governments), 28 CFR Part 35, and the 1991 title III regulation (public accommodations), 28 CFR Part 36. Appendix A to each

http://www.ada.gov/2010_regs.htm

Infopeople Webinar Feb. 16, 2011 ADA Update: Revised Regulations for Disability Accommodations for the Public

Stronger obligations for government

The screenshot shows the ADA.gov website. The header includes the ADA.gov logo, the text "Information and Technical Assistance on the Americans with Disabilities Act", and a search bar. Below the header is a navigation menu with categories: Law / Regulations, Design Standards, Technical Assistance Materials, and Enforcement. The main content area is titled "Project Civic Access". It features a sidebar with links to "Civic Access Fact Sheet", "Cities and Counties: Solving Common ADA Problems", "Tool Kit For State and Local Governments", and "PCA Agreements in Chronological Order". The main text describes the Project Civic Access initiative, stating that it involves settlement agreements to ensure compliance with the ADA in 50 states, Puerto Rico, and the District of Columbia. A map of the United States is shown with callouts to various states, indicating the locations of these settlements.

200+ settlements with localities in all 50 states

Title II: Materials Specifically for State & Local Governments

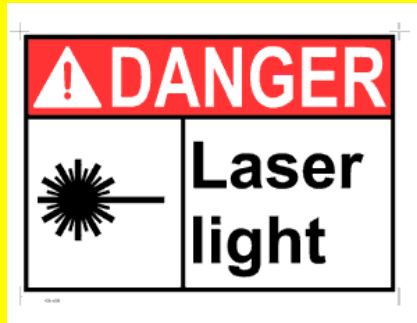
Stronger obligations for government

Title III: Materials Specifically for Businesses & Non-Profits

than for nonprofit partners

<http://www.ada.gov/civicac.htm>

Legal Docs : PERMISSIONS and WAIVERS



If I don't have waiver form for craft sessions, do I need one for makerspace?

- Safety certifications (all ages)
- Permissions for minors
- Examples in resources handout



<http://makerspace.com/wp-content/uploads/2013/02/MakerspacePlaybook-Feb2013.pdf>

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Program Team

Recommended Suppliers

Tips from Mentors of the Computer Clubhouse

Samples and Templates

- *Application Form to submit to a funder*
- *Maker and Mentor "Job Descriptions"*
- *Liability Waiver*
- *Project Match for Members and Mentors*
- *Project Plan*
- *Proposal Form*
- *Safety Plan*

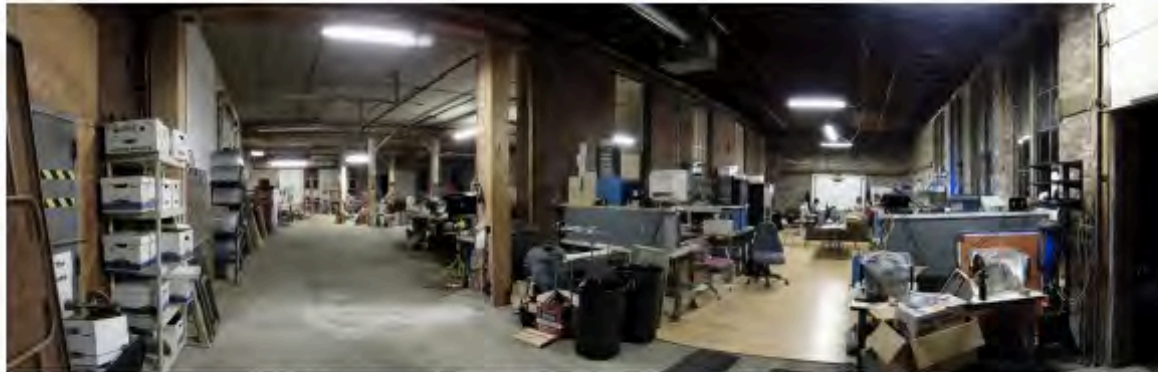
The Safe Workshop

Makerspace-in-a-Box First, Next, Additional Purchases of Tools & Consumables

Legal Docs : PERMITS

MAKE Interviews Makelt Labs' Adam and Joe About Shutdown

By John Baichtal Posted January 11th, 2012 11:00 am Category Makerspaces View Comments



Hackerspaces have been flying under the radar for a few years, but now it seems as if they're starting to encroach on the public consciousness in both good and bad ways. In the latter category, recently Nashua, NH's Makelt Labs was shut down for code violations. Recently I emailed Adam Shrey and Joe Schlesinger of Makelt Labs to find out what was going on.

If renting or building new space, adding **laser cutters** etc. check with municipal inspectors

May need ventilation

<http://makezine.com/2012/01/11/make-interviews-makeit-labs-adam-and-joe-about-shutdown/>

Legal Docs : PARTNERSHIPS

- Write memorandum of understanding
- Short timeframe (try six months)
- Example: TekVenture (501c3) and Allen County Public Library (handout)
 - Insurance, clear roles

Legal Docs :

Liability and Insurance

- Check your library's liability waiver forms
- Compare to samples in Resources handout
- Insurance – lots of online discussion; read and call your agent

“Product liability” murkier than traditional production
Nora Freeman Engstrom, 3-D Printing and Product Liability: Identifying the Obstacles (2013)

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Common Makerspace / Workshop Rules

The emergency phone number is

9-1-1

(or describe your emergency procedure here.)

Report all injuries.

- Do not attempt to remove foreign objects from the eye or body.
- If chemicals get in the eye(s), wash eye(s) for 15 minutes in an open flow of water before proceeding for medical treatment.

Use protective gear. Dress right.

- Wear eye protection: safety glasses with side shields, goggles, or face shields at all times, whether working or not!!
- Do not wear loose-fitting clothing around moving or rotating machinery.
- Remove ties, jewelry, gloves, etc. especially around moving or rotating machinery.
- Tie back or cover long hair to keep it away from moving machinery.
- Wear only shoes that cover the entire foot, no open-toe shoes or sandals.
- Wear suitable gloves when handling hot objects, glass, or sharp-edged items.
- Wear appropriate clothing for the job (i.e., do not wear short sleeve shirts or short pants when welding).

Prepare.

- Safety is your top priority when using the shop. If you are not sure what you are doing, ask.
- Know all the locations of all first aid, fire, and safety equipment.
- Never use a tool unless you've been trained to use it safely.
- Never work alone when using power tools. Two persons must be present and be able to see one another.
- Sign in before using any equipment.
- Do not work in the shop if tired, or in a hurry.
- Do not fool around, startle, or distract anyone (not even with a conversation) while either one of you is using a tool.
- Think through the entire job before starting. Prepare prints or drawings with all dimensions and specifications prior to using machines.

Use tools right.

- Use tools only as they were designed to be used. (A wrench is not a hammer.)
- Never use a broken tool.
- Report any broken tools or machines immediately.
- Do not remove tools from the room.
- Never walk away from a tool that is still on.
- A hard hammer should not be used to strike a hardened tool or any machine part. Use a soft-faced hammer.
- Operate machines only with all required guards and shields in place.

Clean up.

- Clean up every time whenever you leave an area, including sweeping the floor.
- Clean and return all tools to where you got them.
- Use compressed air sparingly; never aim it at another person or use it to clean hair or clothes.
- Shut off and unplug machines when cleaning, repairing, or oiling.
- Never use a rag near moving machinery.
- Use a brush, hook, or a special tool to remove chips, shavings, etc. from the work area. Never use the hands.
- Keep fingers clear of the point of operation of machines by using special tools or devices, such as push sticks, hooks, pliers, etc.
- Keep the floor around machines clean, dry, and free from trip hazards. Do not allow chips to accumulate.
- Mop up spills immediately and put a chair or cone over them if they are wet enough to cause someone to slip.

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Recap:

Protecting Libraries and Users

Copyright, Patent, Trademark

Let users take responsibility

Guide users to resources

Policies: 3D Printer et al.

Free speech, rules of conduct, guns, privacy,
disability access

Legal Docs

Permissions, Liability, Permits and Partnerships

Questions?



Comments?
Mary Minow
consult@librarylaw.com



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