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## **Making the Transition as the New Copyright Librarian**

Emilie Algenio

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# Making the Transition as the New Copyright Librarian

Emilie Algenio  
Texas A&M University Libraries

Author Note: Emilie Algenio, Copyright/Fair Use Librarian, Texas A&M University Libraries

Correspondence concerning this article should be addressed to Emilie Algenio, Texas A&M University Libraries, 5000 TAMU, College Station, Texas 77843. Contact: emilie\_a@library.tamu.edu.

## So, You're the New Copyright Librarian...Now What?

In today's academic library environment, librarians are finding themselves in the position of being the campus copyright expert. Some have applied for the copyright librarian position through a formal posting process, and others have been tasked with taking on copyright issues while retaining their other job responsibilities. The author, a librarian holding a Masters of Library Science degree, reflects back on her first year working as a full-time copyright librarian at a research institution in the United States to share the lessons she has learned. The purposes of this manuscript are to help incoming copyright librarians know what to expect, to provide specific guidance and "hands on" best practices, and to ease them into this new role.

The importance of a first-year copyright librarian's lessons learned is reflected by several trends. Open positions are posted regularly.<sup>1</sup> The Kraemer Copyright Conference, the only copyright confer-

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1. The University of California, Berkeley posted a Scholarly Communication & Copyright Librarian position on May 15, 2017; Florida Gulf Coast University posted a Scholarly Communications Librarian position on May 11, 2017; Brigham Young University posted an Assistant Director of the Copyright Licensing Office position on May 5, 2017; the University of Texas at Arlington Libraries posted a Copyright and Fair Use Librarian position on September 11, 2016; the University of Waterloo posted a Copyright and Licensing Librarian position on August 16, 2016; the Leibniz Information Centre for Economics posted a Copyright and Licensing Librarian position on July 6, 2016; Ball State University posted a Copyright and Scholarly Communications Manager position on February 24, 2016, and the University of North Carolina at Charlotte posted a Copyright and Licensing Librarian position on March 28, 2016.

ence for librarians, started 5 years ago with 68 attendees. By 2016, the attendance had increased 34 percent, including international representation (C. Myers, personal communication, April 25, 2017). In addition, academic libraries are hiring in the areas of scholarly communications, digital scholarship, open educational resources, and scholarly publishing.<sup>2</sup> The personnel in these positions, along with administrators who develop the job descriptions, are faced with copyright questions and would benefit from what the author has learned over this past year.

It is not surprising that copyright librarians, as a whole, are a diverse group and not easily categorized. A person engaged in this work could be placed in a library or, for those with a Juris Doctor degree, be placed in the Office of General Counsel. Other differences include how a copyright librarian's position is embedded relative to existing staffing levels, organizational goals, availability of resources, and the institution's culture. Adding even greater complexity is the percentage of time focused on copyright work. Copyright librarians could hold full-time, part-time, or even quarter-time positions.<sup>3</sup> Keeping all of these conditions in mind, the author provides practical guidance for a number of situations that will help new copyright librarians.

Particularly, this article begins by addressing issues related to copyright librarians who hold split positions or those who hold more than one position at the same time. This section highlights how copyright librarians need to prioritize copyright tasks while juggling their other job responsibilities. The next section consists of a discussion on how to build a foundation. The section lays out the groundwork for any copyright librarian, covering

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2. One definition of Scholarly Communications is “the system through which research and other scholarly writings are created, evaluated for quality, disseminated to the scholarly community, and preserved for future use” (Association of College & Research Libraries, “Principles and Strategies for the Reform of Scholarly Communication 1,” 2003). One definition of Digital Scholarship is “the use of digital evidence and method, digital authoring, digital publishing, digital curation and preservation, and digital use and reuse of scholarship” (Abby Smith Rumsey, Scholarly Communication Institute 9: New-Model Scholarly Communication: Road Map for Change, Charlottesville, Virginia: Scholarly Communication Institute and University of Virginia Library, 2011, 2, <http://www.uvasci.org/institutes-2003-2011/SCI-9-Road-Map-for-Change.pdf>). The OER Commons defines Open Educational Resources as “teaching and learning materials that you may freely use and reuse, without charge” (<https://www.oercom-mons.org/about#about-open-educational-resources>). Scholarly Publishing, within the context of academic library services, “is to provide resources and expertise surrounding the scholarly publication cycle, from initial stages of data management planning through the dissemination and archiving of scholarly works” (<https://www.lib.utexas.edu/services/scholarly-publishing>).
  3. For more information, see Donna Ferullo's *Managing Copyright in Higher Education, A Guidebook*, Chapter 5, “Role of a Copyright Office.”

the position's priorities, conducting an environmental scan, and marketing a copyright service. In the next section, how copyright librarians can develop a "community of practice" is discussed. Issues such as finding a community and collaborators and embracing the advocate role are addressed. Answering copyright questions is the subject of the ensuing section, which applies two frameworks to any inquiry. "Final Considerations" is the last section, covering important points not already discussed. The five appendices are functional supplements; "Calendar/Events/Key Time Frames" is an organizational tool. The second, "Local Resources," includes recommended items for an individual library. The third and fourth, "Frameworks #1" and "Frameworks #2," are places to start when faced with a copyright problem. The final appendix, "Continuing Education," lists educational resources.

### **Part 1: Split Positions**

To begin, some copyright librarians have split positions, juggling copyright and non-copyright responsibilities. The author started her librarian career in a split position in which 50% of the work day was spent dealing with electronic reserves and 50% was spent on digital initiatives. Both supervisors were in agreement regarding the balance of duties, but maintaining the relationships with both supervisors required tending, spending time, reporting out regularly, and managing up.

The flexibility to shuffle duties and accommodate needs is critical for part-time copyright librarians and all supervisors. For example, a professor calls at 4:00 pm, needing the copyright ownership details for 20 images by tomorrow. Such a significant last-minute request is likely to conflict with other duties, so the copyright librarian's performance is best supported when their manager(s) have a tacit agreement in place regarding how such situations will be addressed.

The copyright librarian needs to be very organized, keeping a log of questions, projects, and corresponding deadlines. Time-sensitive and project-based tasks, such as graduate students meeting theses/dissertation submission deadlines, demand special attention, as do other projects, such as teaching a workshop and reviewing material for publication or digitization projects. Being well-organized will allow the copyright librarian to manage such projects in the most productive way possible.

The copyright librarian should meet with supervisor(s) regularly, review the workload, and offer solutions to problems. The supervisor(s) may not know what the copyright librarian's activities look like. At its core, the work is outreach and education. The focus is outward-facing, essentially a customer service point, although the position may not be formally stationed as one. Time also matters, as it is a part-time commitment. Having

enough copyright work to fill the part-time hours takes time to develop. When meeting with supervisors, copyright librarians should clarify how time is spent on different copyright transactions, share the progress of current projects, and report statistics.

## **Part 2: Building a Foundation**

### **Priorities and Goals**

Early on, a copyright librarian should establish boundaries by defining the scope of the job, the library's priorities, and which patrons are library patrons. The question of priorities should be found in the position description, job advertisement, the library and university strategic plans, and conversations with the supervisor and library director. Typical library patrons are the staff, students, and faculty on campus. However, the following are also potential patrons: alumni, members of the general public, and students at the university's satellite campus on another continent. Setting boundaries may be challenging for state university employees, while referrals may be appropriate for positions at private academic institutions.

Setting boundaries is also important when clarifying the scope of the job. An example is a library planning to digitize collections when digitization staff members do not have experience with copyright issues. Since the copyright librarian's main role is as an educator, he or she could draw the line by educating the digitization staff to the point of self-sufficiency, rather than vetting the collection, making fair use determinations, and processing permissions.

Additionally, the author, who was trained in U.S. copyright law, was often in the position of being mistaken for having a law degree. Copyright librarians should draw the line about what they can do and when a lawyer is needed. For example, a librarian who only knows U.S. copyright issues will need to decide how to handle international copyright law questions.

Generally speaking, the job responsibilities cover educating faculty, staff, and students on copyright issues and offering consultation services. Copyright librarians must also follow state, national, and international legal developments. A copyright librarian may be an advocate for the library's open access and scholarly communication endeavors and may review contracts.

A copyright librarian needs to establish a relationship with a member of the university's Office of General Counsel, or the local campus lawyer. Once that person is identified, the copyright librarian should read their curriculum vitae in advance of a meeting and ask the library director, or associate director, for a formal introduction as a courtesy to let the counsel

know that a copyright service is now available. Then, the copyright librarian should be prepared to share what their activities look like and should encourage the attorney to have open lines of communication. How the job is a form of triage (i.e., it deals with copyright issues on the ground and mitigates risky behavior) should be explained. The counsel should be asked what they want brought to their attention and how they prefer to be contacted.

Any copyright librarian, from the start of their appointment, is advised to document the impact of their efforts. Libraries serve their patrons and are accountable to their communities. Copyright librarians should be prepared to ask their supervisors, administrators, any assessment staff members, and other copyright librarians what the important impact metrics are. This information should be gathered in a spreadsheet, including the responses from colleagues, a list of collaborations with other departments, and an account of the faculty members who have participated in fair use workshops.

In academia, numbers have greater weight when one can show the final output. For example, stating that copyright assistance resulted in 20 dissertations being processed, 15 articles being submitted, and two books being published is more effective than simply noting 37 one-on-one consultations. To gain this information, copyright librarians should ask questions when helping patrons. For example, they should ask about the funding agency, the proposal name, the corresponding dollar figure, and the project's principal investigator when helping researchers. When a grant-funded project is completed, the copyright librarian can then provide a dollar amount in relation to the services they contributed.

### **Environmental Scan**

The copyright librarian must find opportunities to educate staff within the organization. To accurately identify these opportunities, they need to conduct an environmental scan. Typically, an environmental scan is a process of systematically surveying and interpreting data to note external threats and opportunities. However, the scan should be focused internally, and library staff members should be asked to share their experiences involving copyright issues. This way, the strengths and challenges within the organization are easier to pinpoint. To start, colleagues in preservation, special collections, interlibrary loan, media/course reserves, outreach, instruction, digital collections, and reference, as well as liaisons, should be interviewed. The same staff, should there be more than one library, should be interviewed at discrete locations on one campus.

Two useful interview questions are: "What are their observations and concerns in their copyright work?" and "What kind of education re-

lated to copyright issues do they think faculty, students, and staff want and need?" The answers may reveal something internal and specific, such as the reserve staff wanting clarification about how much to scan and upload into the learning management system. Alternatively, they may reveal something broad and external, such as the liaisons wanting the university's copyright policy "translated" into plain English.

The copyright librarian uses the environmental scan to grasp the context of where and how to focus their efforts. The goal is to understand what the organization needs and where it wants help. Once this feedback is in hand and documented, informed decisions can be made for short-term and long-term planning. Short-term efforts address issues noted in the scan and move the library in a strategic direction toward its long-term goals. In the long term, the issues and concerns are also preliminary data points, which can be parlayed into planning and building a full-fledged education program.

### **Marketing**

A new copyright librarian should inform the community that a person is now serving in the role and how they can be contacted. At the beginning, the campus should be notified about the service, and a web page should be created for the staff directory policy with pictures. The policy should be checked for library-wide email announcements, and a welcome message within the telephone system should be created. A whiteboard should be posted on the office's front door with a cordial greeting, and business cards should be ordered and given to the Reference Desk staff. New copyright librarians should also consider hosting a lunch within the office suite and invite colleagues to drop by and snack.

The word should be spread within the library and beyond. An efficient way of spreading the message is to identify regular meetings with high turnout and ask the chair for a few minutes on the agenda. Some meetings could involve the entire library, all of the liaisons, or a whole department. Additionally, the heads of different departments (e.g., Preservation, Media/Reserves, Special Collections, Interlibrary Loans, Outreach, Reference, and Instruction) should be approached to seek formal introductions to staff.

Face-to-face contact can be strengthened by other outreach efforts. One method is providing a visual reference, equating the copyright librarian to the service they provide. For example, the words "Ask me about copyright" could be embroidered on a polo shirt, perhaps alongside the library's logo. This inviting phrase is a conversation starter when bumping into a dean on the elevator, socializing at a new employee meet and greet, or waiting in line with students buying coffee. A fiscally conservative idea is to customize a

nametag. As a new hire, copyright librarians should attend university and library offerings for new employees, approaching them as an opportunity to connect.

Another way to collaborate is through marketing and communications. If the library has its own team, it is a good place to start, or the university's central office may be a good place to make acquaintances. A relationship should be cultivated so that the copyright librarian can learn about the workflow, the lead time required for various initiatives, and the busy periods throughout the year. The option of employing the library's news channels could be explored. One idea is to create a color print flyer, including contact information, a photographic portrait, and three bullet points (research interests, last book read, and favorite movie). A second idea is to create a web page, including an interview with the copyright librarian.

For an external hire, the fact that building trust with coworkers takes time and effort should be addressed. As a new employee, the copyright librarian has a responsibility to publicly display his or her skill as a team player and to demonstrate credibility and the ability to create and nurture trust. One model to follow is Franklin Covey's "The 13 Behaviors of a High Trust Leader."<sup>4</sup> Of the 13 behaviors, four are invaluable: keep commitments, talk straight, clarify expectations, and demonstrate respect. One practical way to engender trust is to help with library events, unrelated to copyright and scholarly communications. Volunteering for outreach events after hours, during busy periods, and for major occasions is an option. Should more than one library exist, new hires should request a tour and visit all of them. To get the conversation rolling, they should ask what makes this library unique, what the most unusual, valuable, and popular objects or collections are, and what more incoming students should know about?

An open meeting could be hosted within the library, perhaps called Copyright Conversations. The copyright librarian could use this type of forum to educate staff on topics of interest. One format could be to vet, summarize, and share news covering the last six months, as an update during the fall and spring Copyright Conversations. Incentives, such as snacks, are highly recommended.

Copyright news falls on a continuum of importance. News that qualifies for bringing to the attention of the community is what impacts the day-to-day library operations in the near future, but not in the distant future.

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4. For the full model, see Franklin Covey's "The 13 Behaviors of High Trust Leaders Mini-Session" ([http://archive.franklincovey.com/facilitator/minisessions/handouts/13\\_Behaviors\\_MiniSession\\_Handout.pdf](http://archive.franklincovey.com/facilitator/minisessions/handouts/13_Behaviors_MiniSession_Handout.pdf)).



An instance of the latter is the Georgia State University court case,<sup>5</sup> which involves library reserves. As of June 2017, it is unresolved, and the resolution may come in early 2018.

When reviewing the news, library staff members should be asked whether they would give their time to hear what you have to say, and how it might affect them. In terms of what to say, the points made should be germane to the audience, pragmatic, and in plain English. Talking straight, rather than talking up or talking down, should be a priority. People's time should not be wasted, and providing too much information should be avoided. They are likely not interested in hearing about the District Court's oral arguments for *Cambridge University Press, Oxford University Press, Inc., Sage Publications, Inc. v. J.L. Albert*.

One example of an update involved these news categories: federal, the Georgia State University court case, relevant bills in the state legislature, activity at the Copyright Office, upcoming local workshops and events, and new resources, such as the Creative Commons certificate program.

Finally, new copyright librarians should take advantage of national and international celebrations to promote copyright awareness on campus. Ripe opportunities include Public Domain Day, Fair Use Week, World Intellectual Property Day, Open Education Week, and Open Access Week. Staff, faculty, and students should be incentivized to participate using interesting trivia and accompanying prizes. A Copyright Conversation about fair use could be hosted during Fair Use Week. General dates and founding organizations of all potential events are listed in Appendix A, Calendar, in chronological order. The Appendix also lists professional development events and key dates for calendaring purposes.

### **Part 3: Developing a Community of Practice**

#### **Talking About It**

Once the Copyright Librarian has established the position's priorities, conducted a scan, and publicized their role, he or she should talk about copyright. The author found it was best learned, understood, and mastered within a group. Sorting out complicated concepts, such as the idea-expression divide, is better managed through the exchange of ideas, talking through an issue together, and debating court case details. Like-minded

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5. For the Georgia State University (GSU) lawsuit, see GSU's College of Law Library LibGuide (<http://libguides.law.gsu.edu/gsucopyrightcase>). As of July 2017, the case is referred to as *Cambridge University Press, Oxford University Press, Inc., Sage Publications, Inc. v. J.L. Albert*.

people among former classmates or discussion forums should be found.<sup>6</sup> Beyond those social circles, liaisons and faculty in music, media, law, journalism, and education could be engaged.

Branching out, other copyright librarians may be employed at universities and colleges in the area, state, and region. What is more, these colleagues may be within a multi-school system, state library association, or consortia. A guaranteed networking method is attending the Kraemer Copyright Conference or catching copyright webinars.<sup>7</sup> A final suggestion is to start a copyright reading group, covering American University/Center for Media and Social Impact's *Codes of Best Practices* or landmark court cases.<sup>8</sup>

Having a community of fellow practitioners will help new copyright librarians become comfortable talking about copyright and prepare them for communicating with patrons. New hires could start by sharing a recent project (e.g., with a friend employed off-campus) in less than two minutes and without using library or legal terms. If the listener is confused, loses interest, or hits a limit, the conversation should be reframed. Are they getting an answer to what they need to know, or are they being told what is nice to know, but inconsequential? Recognizing the answer to this question comes with practice and patience and is especially relevant when teaching.

Collegial phrases and explanations that can be used for common scenarios include the following: (a) informed opinions, but not legal advice, is available, (b) follow-up questions are necessary to discern the context and facts surrounding the initial question, (c) a response may not be instant because more research is needed, and (d) the copyright librarian's expertise is copyright, not \_\_\_\_ (insert as appropriate). It takes time and practice to develop readily available, friendly remarks to use in everyday conversation, in email, and on the telephone to convey that a copyright service is not a one-stop service.

Diverse perspectives should be sought. The opinions of students, colleagues, and professors fall on spectra of conservative to liberal, uninformed to well-informed, and cautious to assertive. Having an open mind and learning from people thinking across these spectra is invaluable. This approach is

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6. Two forums are the Association of College and Research Libraries' Scholarly Communication list (<http://lists.ala.org/sympa/info/scholcomm>) and the Center for Research Libraries' LibLicense-LDiscussion Forum (<http://liblicense.crl.edu/discussion-forum/>).
  7. Two organizations that host webinars are the Association of Southeastern Research Libraries (<http://www.aserl.org>) and the American Library Association's CopyTalk (<http://www.ala.org/advocacy/pp/pub/copytalk>).
  8. Some recommendations are Kelly v. Arriba-Soft, Bill Graham Archives v. Dorling Kindersley Ltd., Perfect 10, Inc. v. Amazon.com, Inc., Campbell v. Acuff-Rose Music, and Eldred v. Ashcroft.

also important in understanding the business of content industries, such as publishers and record labels.

Once the 3-month anniversary arrives, the statistics should be reviewed, and a story about the copyright librarian's work should be constructed. The story should be ready when the copyright librarian meets an associate dean, a professor, or an administrator.

### **Finding Partners**

Once the community knows a copyright service is available and the copyright librarian is conversant, collaborators internal and external to the library should be found.

The librarians who support graduate students and faculty, if any, should be discerned. These candidates may include certain liaisons, a graduate studies librarian, or coworkers in Outreach and Instruction. The copyright librarian should express interest in learning about all things related to copyright and intellectual property on campus, whether they are events, classes, webinars, or news.

Outside the library, connections should be made with any department that also supports faculty and graduate students. These departments need to be centered on research, technology commercialization, and theses and dissertations. Hosting a library table at orientations and resource fairs for new faculty and incoming graduate students should be considered. Services for disabled students, a law school, a writing center, and a university press are also well-suited partners.

Whether there is a department that assists faculty with becoming better teachers and using new technology should be determined. If so, such a department would be an optimal cohost when offering copyright workshops. The department would likely have the institutional knowledge, social connections, and an in-house communication network in place. Sharing resources to incentivize attendees (with refreshments) might be possible.

One way to make connections outside the library is to seek out programs that serve undergraduate honors students and graduate student groups, such as contacting the president of the local postdoctoral association chapter. University events should be used as opportunities to socialize, meet people, and hand out business cards. The author found the faculty and support staff in Media Studies, Journalism, Education, Law, Music, Fine Arts, and Radio/Television/Film to be receptive to discussing the role that copyright plays in their fields.

In addition to forging partnerships, outreach also means being an advocate for the library. The library director should understand the scope of copyright librarian's involvement. Understanding advocacy means com-

prehending why it matters. At the federal level, the United States' House Judiciary Committee is currently reviewing copyright law, with the intent to change it. The gravity and importance of this review, and how it progresses, cannot be overstated.

The copyright librarian's role as an educator applies to elected government officials. New hires should exercise their freedom of speech and write Committee members about how the law helps libraries, and senators and members of the House of Representatives should be contacted to explain how sections § 107, 108, 109(a) and (c), 110(1) and (2), and 121 of the Copyright Act are beneficial as they stand. For state employees, this endeavor is not a conflict of interest, as state resources are not spent electing a political candidate to office.

A second possible avenue is advocating at the state level. The copyright librarian should confer with the library director again, and once given the green light, determine whether the university has its own liaison. This post may be in Government Relations or housed in the President's Office or located elsewhere in the administration. The liaison's goal is to "elevate teaching, research, and service in partnership with federal and state government entities."<sup>9</sup> First, how the liaison evaluates bills while the state legislature is in session should be determined. If it is within their purview, copyright librarians need access to this process to review pertinent bills. The librarian can then weigh in, should these bills relate to copyright, higher education, or academic libraries from the library's perspective.

#### **Part 4: The Questions**

A copyright librarian can generally expect questions on three broad topics: licensing, ownership, and fair use. A system should be set up to organize when questions come in, when a response is needed, and whether a deadline is flexible. Addressing a patron's turnaround time is excellent customer service, and having a system in place will help when questions come faster and more often.

From the outset, questions should be documented. Recording the following details will help the supervisor identify how much time an exchange took, student/staff/faculty status and department, how the patron found this service point (referral, web form, etc.), and the main subjects of inquiry. Over time, the data should be revisited, and emerging patterns should be noted. Significant patterns to observe include the average turnaround time, multiple questions from the same department, and assessments of how

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9. Texas A&M University, Office of Government Relations (<http://governmentrelations.tamu.edu/federal/index.html>).

much research is involved. Another idea is to use textual analysis software, or a word cloud generator, to see what words come up most often.

Copyright Librarians have two frameworks to rely on when answering questions. One is “A Framework Analysis,” by Anne Gilliland, Lisa Macklin, and Kevin Smith, and the other is “A Copyright Analysis” by Dr. Donna Ferullo. They are shown in Appendices D and E. Both ask key questions about the situation at hand and follow a linear progression. First, a framework examining the public- and private-facing issues should be worked through. Next, a response that satisfies patrons’ underlying concerns and that answers their question, makes sense, and is beneficial should be composed.

The author, from the beginning, stipulated the standards of customer service. She consistently tracked her workload and deadlines so that patrons received an accurate and reasonable time frame when to expect an answer. In some cases, negotiations ensued, which involves a balancing act between the time needed to craft the answer and the patron’s deadline. Additionally, a stressed graduate student would call at a moment’s notice, and this negotiation would be extemporaneous.

### **Part 5: Final Considerations**

Copyright is about managing risk, and the copyright librarian should get comfortable with it. The library administrators may expect the boundaries of fair use to be pushed. Copyright librarians should keep in mind § 504(c)(2) of the Copyright Act, which deals with statutory damages and employees of nonprofit educational institutions or libraries.

Self-reliance is important. Applying a copyright education to the day-to-day job has no guide book. Copyright librarians should pretend that they are the only person in the world doing this job; this will make them better at the job. A list of resources that can help guide new hires is in Appendix B, under Resources.

Copyright Librarian is a fairly new profession.<sup>10</sup> New hires should manage up and help their supervisors and administrators comprehend what copyright work looks like on the front lines, how the work flows, and how the rhythm changes throughout the year.

Copyright librarians should engage in continuing education and revisit difficult subjects a second, third, and fourth time. Appendix E lists self-paced online classes that are free and some that are at cost and require travel or face-to-face engagements. Appendix B includes Resources, Blogs,

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10. Kenny Crews held the first copyright librarian position, 23 years ago, in 1994 at Indiana University-Purdue University Indianapolis.

and notes about major figures and organizations that follow and comment on legal developments.

In closing, copyright librarians work with departments across the library and their campus. In this paper, the author focused on the processes of building a foundation and developing a community of practice. Hopefully, new copyright librarians will be informed by the practical takeaways of what to expect in the first year that are offered in this work.

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## Appendix A: Calendar/Events/Key Time Frames

This Appendix serves as an organizational tool. The first section, the Calendar, lists national and international celebrations related to copyright. It also includes a call for nominations for conferences and their corresponding registration dates that occur consistently year to year.

The second section, Events, is a list of resources for copyright professional development events. The third and final section, Key Time Frames, delineates significant periods for a copyright librarian's calendar.

### Calendar

#### January

Public Domain Day, Duke University School of Law, <https://law.duke.edu/cspd/publicdomainday/>

Kraemer Copyright Conference, University of Colorado Colorado Springs, [www.uccs.edu/copyright/kraemerconference.html](http://www.uccs.edu/copyright/kraemerconference.html), registration is available.

#### February

Fair Use/Fair Dealing Week, Association of Research Libraries and Harvard University, <http://fairuseweek.org/>

#### March

Robert L. Oakley Memorial Scholarship, American Library Association, <http://www.ala.org/awardsgrants/robert-l-oakley-memorial-scholarship>

Freedom of Information Day, American Library Association, <http://www.ala.org/advocacy/advleg/federallegislation/govinfo/opengov/freedomofinfo>

Open Education Week, Open Education Consortium, <https://www.openeducationweek.org/>

#### April

Preservation Week, Association for Library Collections and Technical Services, <http://www.ala.org/alcts/preservationweek>

World Intellectual Property Day, World Intellectual Property Organization, <http://www.wipo.int/ip-outreach/en/ipday/>



## June

Kraemer Copyright Conference, University of Colorado, Colorado Springs, [www.uccs.edu/copyright/kraemerconference.html](http://www.uccs.edu/copyright/kraemerconference.html)

## September

International Day for the Universal Access to Information, International Federation of Library Associations, <https://www.ifla.org/>

## October

Open Access Week, Scholarly Publishing and Academic Resources Coalition, <http://www.openaccessweek.org/>

Open Education Conference, Dr. David Wiley (founder), <https://openedconference.org/>

## November

University Press Week, Association of American University Presses, <http://www.aaupnet.org/index.php>

The Kraemer Copyright Conference is the only conference dedicated to copyright, offered each year, and lasts longer than a day. The following national conferences have a minor focus on copyright: the Association of College and Research Libraries, the American Libraries Association, the Society of American Archivists, the Charleston Conference, and Electronic Resources & Libraries. The following section provides resources for other events.

### Other Event Resources

**Academic libraries with a copyright office.** For example, Brigham Young University's Copyright Licensing Office held a Copyright Symposium in 2015 and will do so again in fall 2017, <https://copyright.ce.byu.edu/>.

**Regional conferences.** For example, the University of North Texas Libraries holds an Open Access Symposium, with different themes each year (<https://openaccess.unt.edu/>). The focus was the law and public information in 2015.

**State-level library associations.** For example, the Texas Library Association held two copyright sessions during the 2017 annual conference.

**Organizations focused on scholarly communications.** For example, Force11 is hosting a Scholarly Communications Institute on July 2017 (<https://www.force11.org/>).

**Law schools.** For example, The Berkeley Center for Law and Technology, part of the University of California Berkeley School of Law, regularly hosts events on intellectual property topics, <https://www.law.berkeley.edu/research/bclt/>. Also, The Program on Information Justice and Intellectual Property, Washington College of Law, American University, regularly hosts webinars about copyright, <http://www.pijip.org/>.

### Key Time Frames

All of the following are significant and specific to the copyright librarian's situation.

**Immediately after hiring:** Key recurring meetings (e.g., staff and liaisons) should be noted, and the copyright librarian should ask for 5 minutes on the agendas to make introductions and identify goals.

**Evaluation period:** Invitations to speak, feedback from patrons, the number of workshop attendees, and details about questions should be documented.

**At 6-month intervals:** Open forums to share news should be established.

**Late spring to early summer:** Workshops for staff, faculty, and graduate students should be booked during the summer and fall semesters.

**Late summer to mid-fall:** Workshops for staff, faculty, and graduate students should be booked during the spring semester.

**Fall:** An outreach strategy should be implemented to figure out the best events to attend.

**Deadlines for graduate students:** The copyright librarian received more time-sensitive questions preceding these deadlines when students must submit their theses and dissertations to the graduate school office.

**Legislative Sessions:** The workload expands to include reviewing bills when the legislature is in session.

## Appendix B: Resources

The author uses the following resources on a regular basis.

### Blogs

Authors Guild, <https://www.authorsguild.org/whats-new/>

In the Open, <https://intheopen.net/>

IP Watch, <https://www.ip-watch.org/>

Rebecca Tushnet's 43(B)log, <http://tushnet.blogspot.com/>

### Duration

Hirtle, P. (2017, January 1). *Copyright Term and the Public Domain in the United States*. Retrieved from <http://copyright.cornell.edu/resources/publicdomain.cfm>

### Education Programs

Harvard University. (n.d.). *Copyright First Responders Program*. Retrieved from <http://copyright.lib.harvard.edu/>

The University of North Carolina at Chapel Hill University Libraries. (2017, April 26). *P2P Copyright Network Training*. Retrieved from <http://guides.lib.unc.edu/P2PCopyrightNetwork/Welcome>

### International Law

Crews, K. D. (2015, June 10). *Study on Copyright Limitations and Exceptions for Libraries and Archives: Updated and Revised*. Retrieved from [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=306216](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=306216)

Goldstein, P. (2001). *International Copyright: Principles, Law, and Practice*, New York, NY: Oxford University Press.

Seng, D. (2016, May 9). *Draft Study on Copyright Limitations and Exceptions for Educational Activities*. Retrieved from [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=337160](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=337160)

### News

The United States' Copyright Office's NewsNet, <https://www.copyright.gov/newsnet/>

### Print Documents

College Art Association. (n.d.). *Fair Use in the Visual Arts: Why We Need It*. Retrieved from <http://www.collegeart.org/pdf/fair-use/best-practice-fair-use-infographic.pdf>

Copyright Act of 1976, 17 U.S.C. § 108.

Copyright Act of 1976, 17 U.S.C. § 504(c)(2).

Crews, K. D. and Buttler, D. K. (n.d.). *Fair Use Checklist*. Retrieved from <https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>

Enriquez, A. and Lindsay, T. (2014, June). *Understanding Judicial Opinions*. Retrieved from

<http://blogs.harvard.edu/copyrightx/files/2015/01/2015-Understanding-Judicial-Opinions.pdf>

Ferullo, D. (2014). *Managing Copyright in Higher Education: A Guidebook*. [Kindle version]. Retrieved from Amazon.com

Gilliland, A., Macklin, L., and Smith, K. (2015, June). *A Framework for Analyzing Any Copyright Problem*. Retrieved from <https://www.coursera.org/learn/copyright-for-education>

Hirtle, P. B., Hudson, E., and Kenyon, A. T. (2009, January). *Copyright and Cultural Institutions: Guidelines for Digitization for US Libraries, Archives, and Museums*. Retrieved from <http://tigerprints.clemson.edu/cheer/>

## Local Referrals

Student Legal Services, the Ombuds, the Office of Technology Commercialization, the Office of General Counsel, and the School of Law's Intellectual Property Clinic.

Scholarly Publishing and Academic Resources Coalition. (n.d.). *Author Rights: Using the SPARC Author Addendum*. Retrieved from <https://sparcopen.org/our-work/author-rights/brochure-html/>

Texas A&M University System. (2012, August 3). *Intellectual Property Management and Commercialization*. Retrieved from <http://policies.tamug.edu/17-01.pdf>

## Professional Library

Crews, K. D. (2012). *Copyright Law for Librarians and Educators: Creative Strategies and Practical Solutions*. Chicago, IL: American Library Association.

Ferullo, D. (2014). *Managing Copyright in Higher Education: A Guidebook*. Lanham, MD: Rowman & Littlefield.

Patry, W. F. (2012). *Patry on Copyright*. Eagan, Minnesota: West.

Smith, K. (2014). *Owning and Using Scholarship: An IP Handbook for Teachers and Researchers*. Chicago, IL: American Library Association.

### **Referrals**

American Library Association's Copyright Advisory Network, <http://librarycopyright.net/>

Gretchen McCord's Copyright Officer on Call, <http://digitalinfolaw.com/services-training/copyright-officer-on-call/>

### **Teaching Materials**

Columbia University Libraries' Copyright Advisory Office, <https://copyright.columbia.edu/>

Copyright in Higher Education Elements Resources, <http://tigerprints.clemson.edu/cheer/>

Ohio State University Libraries' Copyright Resources Center, <https://library.osu.edu/projects-initiatives/copyright-resources-center/>

Purdue University's Copyright Office, <https://www.lib.purdue.edu/uco/index.html>

University of Minnesota Libraries' Copyright Services, <https://www.lib.umn.edu/copyright>

## **Appendix C: Framework #1**

This Framework is the original work of Anne Gilliland/University of North Carolina at Chapel Hill, Lisa Macklin/Emory University, and Kevin Smith/University of Kansas. For the full explanation of this Framework, see the Coursera course, "Copyright for Educators & Librarians," <https://www.coursera.org/learn/copyright-for-education>.

### **A Framework for Analyzing Any Copyright Problem**

One of the most difficult issues for educators and librarians, when faced with a copyright problem, is simply knowing where to begin—and which parts of the legal rules and doctrines apply to this specific problem.

To deal with this uncertainty, we suggest working through the following five questions, in the order they are presented. They are simple questions, but they are not easy to answer; all of the material we cover in this course is

relevant to addressing one or more of them. But by working through them in order, it is possible to identify which of the parts of copyright law apply to the specific problem or fact pattern that you need to address.

The five questions that form this framework for copyright analysis are:

1. Is the work protected by copyright?

a. Is the work I want to use protected by copyright, or is it in the public domain?

b. If I wrote it, do I still own the copyright, or did I sign over rights for my intended use to the publisher?

2. Is there a specific exception in copyright law that covers my use?

a. Is my intended use covered by a specific exception to the exclusive rights in the copyright law, such as the one for libraries or for classroom performances and displays?

3. Is there a license that covers my use?

a. Is there a Creative Commons license attached to the work? If so, can I comply with the terms of the license, or can I find another useful work that is CC-licensed?

b. If affiliated with an educational institution, is there a license that governs how the copyrighted material I'm accessing through my library can be used? If so, can I comply with the license terms? If you are uncertain, your librarian should be able to help you.

4. Is my use covered by fair use?

a. Four factors are as follows:

i. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

ii. the nature of the copyrighted work;

iii. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

iv. the effect of the use upon the potential market for or value of the copyrighted work.

b. The questions for transformative fair use under factor 1 are as follows:

i. Does the copyrighted material help me make my new point?

ii. Will it help my readers or viewers get my point?

iii. Have I used no more than is needed to make my point? (Is it “just right”?)

5. Do I need permission from the copyright owner for my use?

a. If so, first locate the copyright owner, and fully explain your intended use in your permission request.

b. If no response or the answer is no, reconsider your use of this work to see if you can make a fair use, or consider using another work.

More information regarding each of these questions is available in the lectures that make up this course. After completing this course, we hope you will be able to use this framework with confidence.



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or send a letter to Creative Commons, P.O. Box 1866, Mountain View, California, 94042, U.S.A.

## Appendix D: Framework #2

Dr. Donna Ferullo also offers “A Copyright Analysis” as a guide for the Copyright Librarian to start tackling copyright problems. The below analysis is the original work of Dr. Ferullo; see her book for the full version, *Managing Copyright in Higher Education: A Guidebook*.

1. Ascertain if it is a copyright issue that is being posed.
2. If it is a copyright question, then is it one of ownership, or of use?
3. If it's an ownership question, then the status of the ownership needs to be determined.
4. If it is a use question, then the analysis becomes a two-pronged one. Is the work protected? How can the work be legally used?
5. The first prong of the analysis is to determine if the work is protected under the U.S. Copyright Act.
6. If the work is protected, then the next step is to determine how the work will be used and what exceptions might apply.
7. If the work is for teaching, then is it for use in a face-to-face classroom, for a hybrid course, or for a distance education course?
8. Is this a question about using copyrighted works to create new works?
9. If it is a question on digitizing library materials, then 108 specifies the conditions under which a work can be digitized if the libraries are doing the digitizing for works in their collections.
10. What types or formats of work will be used?
11. Is it a lawfully made work under copyright law?



## Appendix E: Continuing Education

The following are resources for continuing a copyright education.

### Free, online, self-paced

“CopyrightX,” Harvard University, self-paced (<http://copyx.org/self-paced-study/>), or upon acceptance of an application for the spring course (<http://copyx.org/contact/>).

“Copyright for Educators and Librarians,” (<https://www.coursera.org/learn/copyright-for-education>), and “Copyright for Multimedia,” (<https://www.coursera.org/learn/copyright-for-multimedia>), Coursera; Certificate of Completion has a financial cost.

### Online, at cost, structured times and dates

“Becoming the Copyright Specialist in Your Library” eCourse, Leslie Ellen Harris, American Libraries Association Store, <http://www.alastore.ala.org/detail.aspx?ID=11186>

### Online, at cost, self-paced

“Introduction to Copyright and Fair Use, Parts 1 and 2” Workshops, Institute for Professional Development, Online Learning Consortium, <https://onlinelearningconsortium.org/>

### In-person, at cost, structured times, dates, and location

Certificate in Copyright Management, Special Libraries Association, <https://www.sla.org/>

Intellectual Property Summer Program, Program on Information Justice and Intellectual Property, Washington College of Law, American University, Washington D.C., <https://www.wcl.american.edu/summer/>

“Copyright Law,” Professional Legal Education, School of Law, University of California at Berkeley, <https://www.law.berkeley.edu/academics/professional-legal-education/>