

IPWG ANNUAL MEETING  
24 August 2011

#### MINUTES

Heather Briston, Jean Dryden, Mark Greene, Cathy Henderson, Peter Hirtle, Bill Maher, Richard Pearce-Moses, Kate Theimer.

Guest: David Sutton (University of Redding), Racheal Lyons, Hans Kulevich (Austrian State Archives), Kim Schroeder (Archive Media Partners, Wayne State Faculty)

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#### Review of 2010-2011 Activities

- Endorse WiP with Preface
- Drupal conversion of website
- Creative Commons license added to OWBP
- Recorded sound comment and response
  - = Archival Outlook article by Mark Greene
- Comment on Code of Ethics
- Investigation of WIPO observer status
- Dryden conveyed IPWG's unofficial concerns to IFLA about draft
- Endorsed session: 204. Rights, Risk, and Reality: Beyond "Undue Diligence" in Rights Analysis for Digitization
- Quarterly conference calls (three)

Council endorsed WiP, but must be circulated with Preface

- Question: Had there been discussion in IPWG whether Council's endorsement might incur any liability. General sense that the intent of the preface is a disclaimer.

#### Drupal

- Aprille is currently webmatrix

Expect more work on sound recordings when Copyright Office issues report.

- Can we come to agreement with ALA and ARL

#### Code of Ethics

- Committee on Ethics and Professional Conduct hopes to have a draft by the end of the meeting

#### Conference calls

- Test Google+
- Hirtle and Pearce-Moses will test

#### Session ideas for San Diego 2012

- Beyond borders theme, looking at participation in WIPO with recap of international developments. SAA has a continued obligation to education the profession on the wider world. Someone on Traditional Cultural Expressions. David Sutton, Tim Padfeld interested. Padfeld could also talk about UK Open Licensing. Include: Tim, SAA Rep to WIPO (Maher), David Sutton, Victoria Owen.

Native American to speak to TCEs. Justin Hughes (adjunct faculty at Fordham representing US at TCE discussions for Commerce Dept.; spoke at ARL.) Hirtle will take lead on proposal with help from Dryden.

- Legislative update session. E.g., Google settlement. Wiley v. Kirtain. Possibly recorded sound report. Maria Pallente, Register of Copyright. Briston will take lead on proposal.
- Recorded sound: Copyright gotchas and urban legends. Pre 72s sound recordings, copyright termination rights. Concern that many archivists are already so hesitant deal with copyright, we don't want to scare them further. Flip side: the only way archival perspectives will be at the table will be if archivists are aware and ready to push. Include something with Oral history and Recorded sound roundtables. Address risk assessment and advocacy. It's not as scary as you might think (you're not going to jail) and here's information you can use to help raise the issue with policy wonks. David Seubert from UCLA. Could Mark Greene talk about common rule, or someone he knows? Include: Seubert, someone on common rule, copyright termination. Get Bob Spude's (sp?); Kim Schroeder has a contact (313-963-6355; kim@archivemediapartners.com). Hirtle will take lead on proposal.
- Brandon Butler believes the ARL report on fair use would be out and they'll want to publicize.
- Making copies of entire collections for deposit at another repository under 108(B). Not sure that there's a session idea. Probably not a great session.

#### WIPO

- IPWG had recommended SAA have a representative at the next WIPO meeting in Geneva.
- Council approved recommendation. In principle, move forward.
- Next steps:
  - Submit request to WIPO for ad hoc observer status (should be ready to go). Briston
  - Close the loop with Nancy regarding permission to seek funding. Submit a letter to Nancy.
  - Letter of Intent to Sloan to request funds. Basically adapting email exchange between Hirtle and Sloan rep. Instructions on Sloan website (Henderson provided a copy). No more than two pages, to program director. Letter should note that we won't know we have observer status until we're there. Greene.
  - Ideally, coordinate attendees from ICA, SAA, IFLA, others would be a delegation that could help cover sessions. Strength in numbers. Hans will check to see if Austrian archives is involved.
  - Report to Sloan re what we got from the November meeting. Whoever goes in November.
- Maher: Note that library and archival perspectives are different. Libraries' concerns have no purchase for archives, libraries often don't fully understand archival concerns.
- Importance of telling stories – finding the stories.
- Who will go to WIPO? 17-28 Nov. Bill Maher, tentative. Dryden might be available.
- Jonathan Brand has done an analysis of the IFLA treaty.

#### IPWG Web Page

- Aprille McKay has been doing yeoman work into Drupal, but she needs content.
- Need a plan for what we're going to put on it, how to keep it current, who will be in charge.
- Need to publicize content so people will look there.
- Getting news on the front page: request of Nancy and Brian
- Promote through section, roundtable, students, others
  
- Entire working group
  - Develop list of readily available educational resources we can provide or point to for Aprille

- Discuss at next conference call.
- Think of outreach channels

#### Standards Liaison (Dryden)

- Revision to DACS, which contains a section on restrictions on reproductions; we might want to review.
- Guidelines for reappraisal and deaccessioning; might rights have been assigned. Does a reappraisal consider rights issues?
- Anne Kenney is chair of ARL's special collections working group. They're coming up with standard language for deeds of gift, especially rights to digitize and use of Creative Commons license. Based on deeds at UCLA. Peter will circulate.

#### ICA Committee on Copyright

- Sutton reporting for Maher.
- ICA agreed to set up the committee in 2010.
- Goal: Establish a presence at WIPO
- Not setting up a huge work program, but to have an archival presence and available to coordinate with other organizations. Commission works.
- First commission: Tim Padfield introduction. Should be on ICA site next month.
- ICA CoC. More strongly represented by Anglophones, including some who prefer English as the second language. Challenge of getting input from other countries when there's a language barrier.
- Important areas of collaboration between ICA and SAA
- Access principles document (being worked out for potential approval in Brisbane). Calls for broadest access possible with respect to privacy and regulation. Copyright is lurking in the background. If ICA endorses these principles, the follow on ought to be supporting advocacy and policies for as broad usage as possible, including in the sphere of copyright.
- Hirtle: EU has proposals for orphan works. Have archivists in the EU had any discussion on what constitutes due diligence; no reports produced yet.
- Public Domain Day on 1 Jan
  - Ways to promote, recognizing that the timing is far from ideal
  - Danger of losing access if public domain continues to shrink
  - Promote later in January.
  - RPM will check with McMillan re the day McMillan finds important.
  - Encourage institutions that have some interesting that's come into public domain for promotion. Also to emphasize orphan works – something in 1941 that is now open, but an older orphan work that is still not accessible. Comparison.

Table remaining items for conference call