

**Society of American Archivists
Council Meeting
November 10, 12, 2021
Virtual Meeting**

**Annual Report: Intellectual Property Working Group
(Prepared by Aprille McKay, Chair)**

ACTIVITIES

Completed:

- Submitted comments on the amendment of DACS related to Rights Statements in archival description to the Standards Committee
- Advised the SAA Dictionary Working Group on copyright licensing
- With regard to the FOIA case Ahmad v. University of Michigan: Working group members advised attorney Jonathan Band on ARL amicus brief, advocated that SAA sign on to it (which was not approved), in collaboration with COPP wrote articles to inform archivists about the issues for Archival Outlook and proposed and presented a debate session at the 2021 SAA Annual Meeting
- Member William Maher, representing SAA, attended virtual meetings of the Special Committee on Copyright and Related Rights (SCCR40) at WIPO in November 2020 and SCCR41 in June 2021. (See, his report <https://www2.archivists.org/sites/all/files/0821-1-VI-F-WIPORep.pdf>)
- Prepared text related to SAA's intellectual property goals to be included in SAA's letter to Biden's transition team.
- Proposed that SAA should sign a community letter together with ALA, ACRL, ARL, PIJIP and Create Coalition to the incoming US Trade Representative urging that she advocate for balanced copyright and protect Fair Use in international treaty negotiations.
- Provided advice to the Committee on Public Awareness as to copyright licensing issues for webinars
- Suggested and received approval for SAA to sign on to an IFLA commentary on a proposed WIPO "toolkit" for Collective Management Organizations in March 2021

Ongoing:

- International copyright advocacy: If WIPO SCCR schedules an in-person meeting this year, support William Maher's representation in Geneva, Switzerland

- Monitor and respond to opportunities for SAA advocacy in the domestic copyright sphere

New:

- Think about the issue of how more open access during COVID has impacted desire/likelihood of better access. How could we elevate this issue?
- Think about providing feedback about the identities and balance of the proposed new 3-member copyright small claims panel under the new CASE act.
- Review and provide feedback on Berkeley's Responsible Access Workflow with an eye toward recommending it as a possible best practice
- Respond if necessary to Copyright Office Study on Allen v. Cooper on the sovereign immunity for copyright by states

STRATEGIC PLAN

Goal 1: Advocating for Archives and Archivists

Our work representing SAA at SCCR meetings at WIPO exposes the work of archivists to international policy-makers. Our work drafting letters and suggesting SAA sign on to community documents helps archivists lift their voice in the domestic copyright debate.

Goal 2: Enhancing Professional Growth

Our work with regard to educating SAA members about FOIA and the Ahmad case enhanced community knowledge. We were also pleased that our debate at the Annual Meeting demonstrated respectful dialogue across disagreement. Members of SAA led numerous educational webinars over the pandemic year on issues related to copyright, privacy and ethical access to archives

Goal 3: Advancing the Field

Several IPWG members published articles in journals this year related to copyright and intellectual property and Eric Harbeson authored an important guide on the Music Modernization Act for the National Recording Preservation Board in May 2021.

Goal 4: Meeting Members Needs

Held our open annual group meeting and welcomed non-member attendees in our public meeting. Supported other SAA groups by advising on copyright licensing for their publications and programs

ANNUAL MEETING

Number of Attendees: 11

Summary of Meeting Activities: Discussed past and future copyright advocacy efforts. Discussed getting to know new Executive Director. Discussed how IPWG's work intersects with social justice and anti-racism. Discussed program proposal possibilities for next year.

Link to Meeting Minutes:

[https://www2.archivists.org/sites/all/files/SAA%20IPWG%202021%20Annual%20Meeting%20Minutes.docx%20\(1\).pdf](https://www2.archivists.org/sites/all/files/SAA%20IPWG%202021%20Annual%20Meeting%20Minutes.docx%20(1).pdf)

SELF-ASSESSMENT

Staff Note: This assessment was only intended for SAA section steering committees, not for appointed groups (including working groups).

How would you describe the health or energy of your section? How engaged are your members?

Members are engaged but many are nearing retirement age. It would be good to add two new members this year

What forms of communication work best for your section members? (For example: email listserv, conference calls, in-person meetings)

We use the listserv primarily, but also convene conference calls somewhat less than quarterly, and have done in-person meetings at the conference, though we have had to accommodate virtual attendance of working group members for several years so a virtual

SAA is exploring programming and topical affinities between sections. ([Learn more here.](#)) Does your section share issues or scope overlap with other sections? If so, which sections?

Our primary partnership is with COPP, but we have also worked with the Standards Group, COPA, and Privacy and Confidentiality

If your section were to be part of an umbrella of affiliation with other sections, how would you describe the overarching theme of that umbrella?

Advocacy and public policy

Do you have any concerns or questions about the potential for your section to merge or affiliate?

The attention paid to copyright might become too diffuse

QUESTIONS FOR COUNCIL

We would want to be sure that William Maher's twice per year trips to Geneva would be covered if they are needed.