



# Academic Special Collections and the Myths of Copyright



Dana Miller, Collections Management Librarian, Oregon Historical Society  
 Teresa Auch Schultz, Social Sciences Librarian, University of Nevada, Reno

## Abstract

In Spring 2018 an archivist and a copyright librarian undertook a research study examining trends and patterns in the copyright policies of traditional (as opposed to digital) academic special collections.

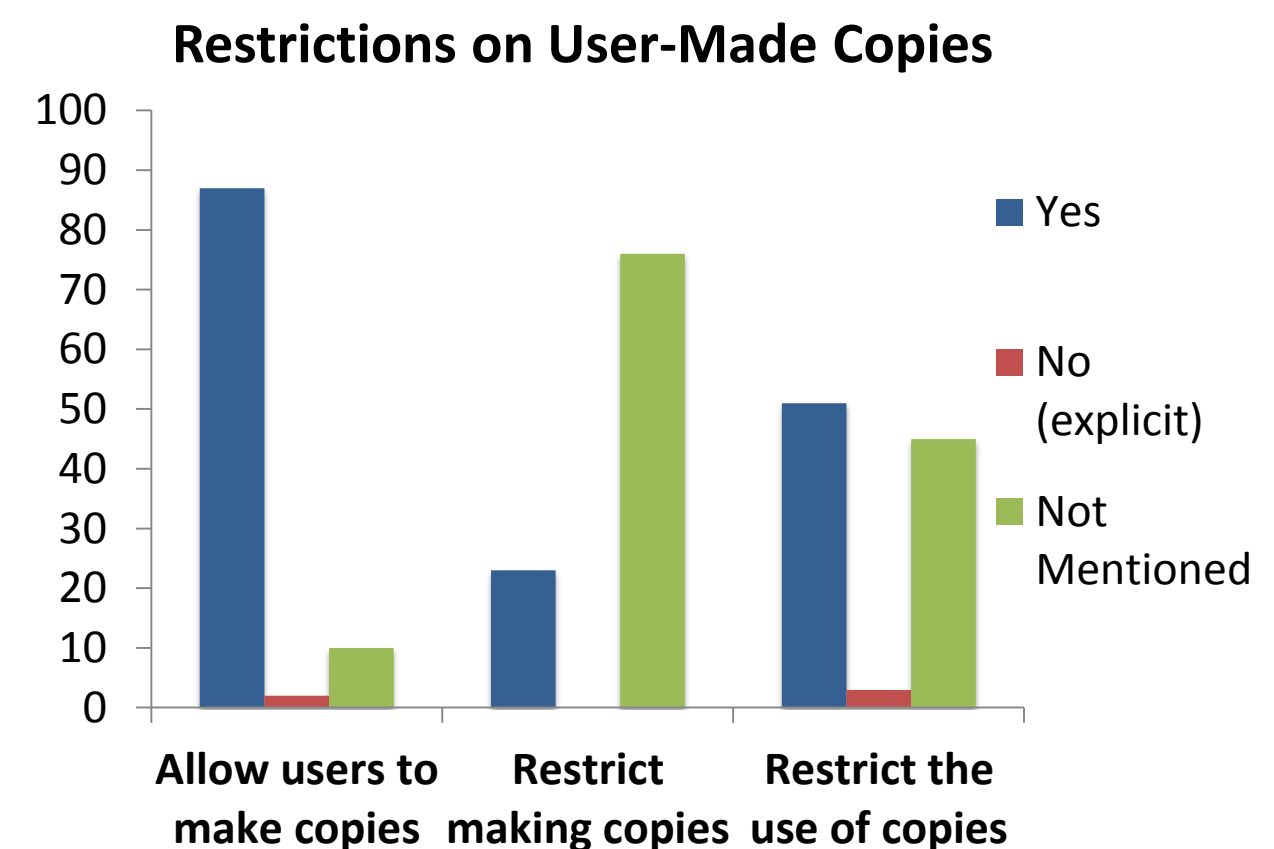
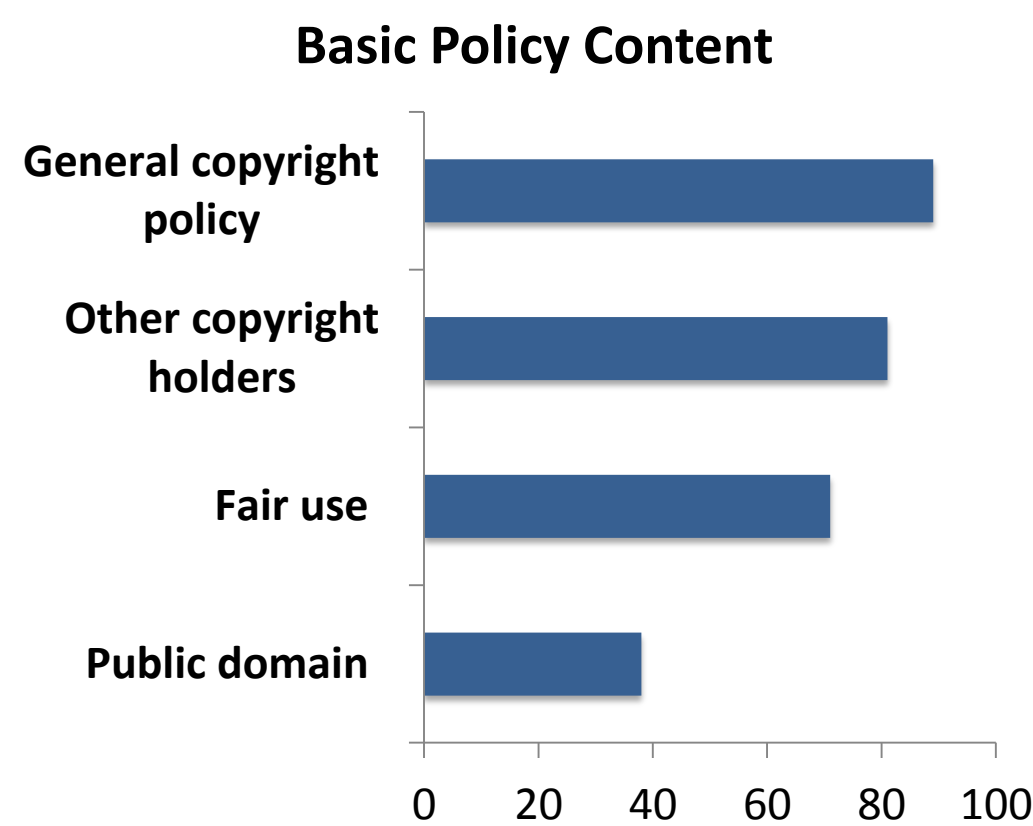
## Methodology

To create a study sample, researchers narrowed the list of Association of Research Libraries to only U.S. academic libraries (n=99). Researchers surveyed and analyzed copyright and use fee policies and other information posted on the websites of these ARL special collections.

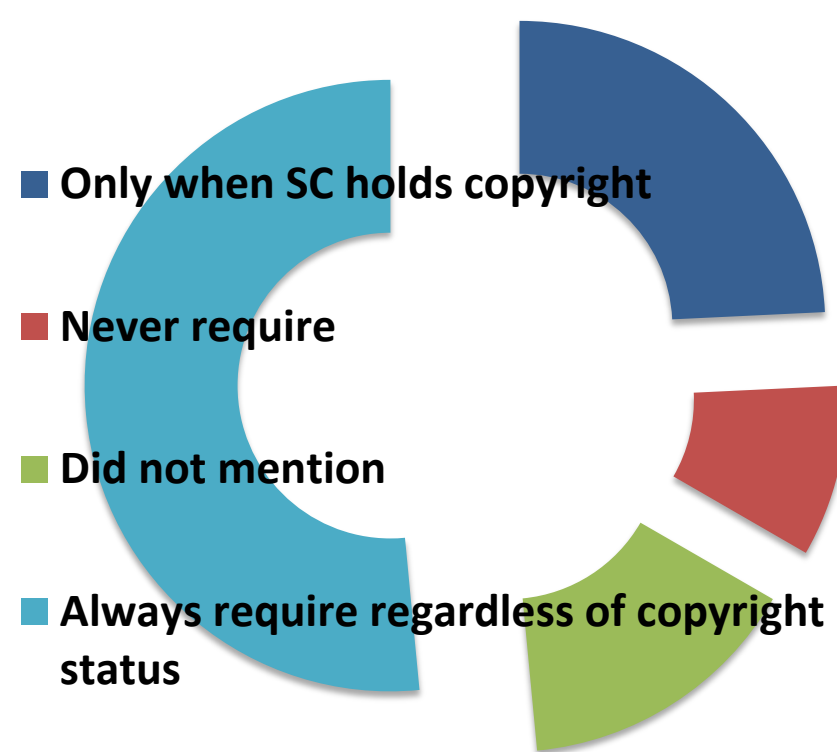
Data was collected in an Excel spreadsheet. This copyright assessment rubric had 15 fixed data points with drop down options and six note fields to document possible details on every website reviewed. A variable code sheet helped researchers make decisions.

Website structure and policy content and locations varied widely. Both researchers reviewed and coded all policies independently and then exchanged, compared, and discussed results - and in some cases revisited websites - to negotiate a final score for each special collections. Aggregate results were tallied at the end to produce several results, the highlights of which are included below.

## Of 99 ARL Special Collections Policies Surveyed



## SC Permission to Publish



## SC Charges Use/Licensing Fees

Policy States	Non-profit uses	Commercial uses
Always (regardless of copyright status)	13	30
May charge	32	24
Fees not mentioned	43	37
No fee (explicit)	11	8

## Discussion and Take-Aways

Examining the policies in very close detail allowed the researchers a clear understanding of the current climate of copyright policy. While some are heeding the calls made over the past decade for more transparency and less restrictive policies, they are still in the minority. Many special collections are still more involved than necessary under Section 108 with what users do with their materials. Fair use is often misunderstood, misrepresented or conflated with other concepts. More clarity is needed when communicating public domain to users. Special collections should make better efforts to avoid copyfraud, chiefly by not charging use fees for items in the public domain or those for which copyright is held by a third party. Both archivists and users would benefit from more education in copyright law and how it interacts with special collections holdings.

Publication forthcoming in 2019!

Dana Miller: [dana.miller@ohs.org](mailto:dana.miller@ohs.org) Teresa Auch Schultz [teresas@unr.edu](mailto:teresas@unr.edu)