

IPWG Conference Call -- Minutes
January 22, 2016 at 4 pm (est)

1. Welcome Menzi and Jasmine
2. Writing the comments on DMCA. Comments due February 26. (Review the [Request for Public Comment](#), Peter's message to the IPWG on December 28 and my response on the 30th)
 - a. The request for public comment ask that responses speak to administrative law.
 - b. By Monday (January 25), Peter will provide the group with brief comments and an outline for how we might respond to the questions in the RPC.
 - i. No evidence that this has stopped the pirating of software or anything else that it was supposed to do. However, it has created issues for information professionals, particularly as it relates to the preservation of encrypted and controlled data.
 - ii. Suggested changes to the law: if a fair use, then libraries and archives can circumvent the anti-circumvention provisions. Or, if a 108 exemption, then libraries and archives could ignore DMCA and section 1201. If it is proven, after a few years, that it is not damaging to the market, then these changes could presumptively be adopted.
 1. The suggested changes would be confined to the distinct needs of our profession.
 - c. Peter will also reach out to the Berkman Center's Cyberlaw Clinic to see if they will take us on as clients and help us draft a statement for the RPC.
 - d. We likely do not have to respond to all the questions in the RPC, but they are written so broadly that we probably could.
3. Approval of suggested [IPWG Social Media Policy](#)
 - a. Taking Jean's comments into account, the policy has been adopted.
4. Inside baseball on SCCR meeting from Bill and Jean
 - a. Museum study and relations with ICOM
 - i. Reiteration of Bill's report to Council.
 - ii. ICOM's statement in July is more aligned to what they are doing. ICOM does not want to do anything to derail the library/archives efforts.
 - iii. ICA, IFLA, and ICOM will be discussing how the library and archives proposal could be modified to address/include museums.
 1. Winston and Christina were going to be reactivating this conversation around mid-January. Jean will follow up with them shortly.
 2. Everyone is on side with this. The three organizations could use this to abate any member states' concerns by asserting that the three organizations have everything under control and are working on a proposal that speaks to the commonalities between their requests.
 3. Museums are a powerful ally, with regard to visibility and greater understanding (by the public) of what they are/do.
 - b. Educational exceptions -- is the effort dead?
 - i. Again, reiteration of Bill's report to Council.
 - ii. Education is lacking anybody to provide it definition, and there aren't any NGOs coming forward with specific proposals.
 - c. Regional meetings idea
 - i. Though not desired this time around, the chair is going to raise the idea of regional meetings at the next SCCR.
 - ii. This applies to non-North America and EU areas.

- iii. IFLA and WIPO folks are reasonably placed to send someone to these regional meetings. It will be difficult for ICA to get buy-in from actual archives practitioners, in those parts of the world, that also understand IP.
 - d. How did SAA/ICA teamwork play out?
 - i. Bill was a wonderful help in shepherding Jean through the process, and Jean had a great presence there.
 - ii. Jean will not be able to be there in May (for SCCR 32). Tim will be there in her stead, and Jean has volunteered to write the statements for him.
- 5. Status on TPP
 - a. We published our amended brief.
 - b. In Canada, there will be a parliamentary debate sometime in 2016. Michael Geist is up to 15 newspaper columns about TPP, specifically with regard to copyright, pharma, and privacy. There is a lot of publicity about it in Canada right now.
 - c. U.S. congressional action is delayed in part because of the elections. The agreement will be signed in New Zealand on 4 Feb. Speculation now is that the White House wants to introduce enabling legislation in July, but Congress may feel that is too quick because a vote needs to take place 90 days after introduction. Congress doesn't want it as an election issue. Thus proponents are talking about passage during the lame duck session after the elections. Many analysts feel the vote total is still in favor of it passing, though it is likely to be close. It may rest on whether further protections for favored industries can be added. For example, Mitch McConnell is rumored to want more protections from lawsuits for the tobacco cartel.
 - d. EFF has come out with a petition site that allows the public to get in contact with their representatives about TPP. (<https://act.eff.org/action/tell-congress-to-vote-no-on-the-tpp>)
 - e. ARL and LAC has not come out with anything about TPP yet. On January 22, ARL came out with an article, "Meaningful Transparency is Needed in Trade Negotiations, about past action on TPP.
 - f. Peter is not sure if SAA should tell its members to write to their representatives yet. Bill thinks that IPWG should put out a message to the SAA members relaying that we are watching TPP closely and will share information with the membership, when there is more information to be had.
- 6. Fair Use/Fair Dealing Week. Do we want to participate? (Peter's email dated January 6)
 - a. Defer for now. This will be placed on the agenda for the IPWG meeting at the annual meeting.
 - b. Jasmine will tweet about fair use during Fair Use Week.
- 7. Funding request for IPWG advocacy FY2017
 - a. Next fiscal year will have funding for domestic and international trips. Aprille submitted a funding request to Nancy Beaumont on January 21 for \$11,700 (2 domestic trips, 2 trips to Geneva).
 - b. Nancy will send a message to Aprille if it gets hung up in the approval process.