

Attending: Heather Briston, Jean Dryden, Mark Green, Eric Harbeson, Cathy Henderson, Peter Hirtle, Aprille McKay, Bill Maher, Lisa Mangiafico (SAA liaison), David Sutton

Guests: Lowell Bassett (WWI Museum), Julie May (Brooklyn Historical Society)

Introductions

SAA 2014 program proposal ideas: **due September 30**

Aprille will develop a sound recordings session proposal and seek endorsement from the Sound Recordings Round Table. Possible participants include David Wallace and Paul Conway who are digitizing three genres of music at the University of Michigan; Eric who is surveying and analyzing music library access policies and who wrote his thesis on recordings created by institutions in the course of their business; and Pacifica Radio which conducted a risk management review of its own archive.

Peter (?) proposed a Creative Commons 101 session, explicating how it might apply in an archival setting. Possible participants include an ARL program officer and a Creative Commons representative.

Bill and Aprille will craft a point/counterpoint session proposal bringing Maria Pallante and other D.C. area constituents, such as ARL and the ALA Washington Office, in for a discussion of the archival point of view. Why is copyright law so inadequate for archives and special collections? Articulate what the profession is up against and how we have to tailor our solutions to that environment.

There is interest in either developing a session or encouraging research on the impact of best practices guidelines. The College Art Association is developing fair use guidelines for images. Eric reported that developing fair use guidelines for music is stalled right now for lack of funding. Peter Jaszi's voice as a key player in the development of various industry best practices guidelines should perhaps be balanced by a more independent voice, someone from the Copyright Office, perhaps, or even someone who opposes the best practices approach—an attorney at Loyola Marymount [whom Aprille suggested] and Kenneth Crews are two possibilities.

Copyright for researchers text

Discussion of the draft copyright for researchers text centered on what revisions—in organization, terminology, examples, and tone—might be needed for it to better reach the intended audience, itself a moving target. Views included the belief that many researchers think they know the answers or don't realize they should be asking questions, and need to be shaken up a bit. Others felt researchers are worrying too much and need to be reassured. Jean's research suggests researcher's either don't really want to know about IP issues or only want minimal information, no more than will fit on one page.

With this variable targeted audience in mind, suggested revisions are to be circulated to the group and Cathy will compile a new, ideally one-page draft **by the end of September**.

#### Funding options for WIPO

David reported that the WIPO SCCR 27, December 16-20 meeting in Geneva that would address library and archive exemptions has been confirmed; an SCCR 26 interim meeting is still anticipated but the timetable is less certain. Bill emphasized that the precedent for exemptions to accommodate the visually impaired is extraordinary and presents an opening that could work for library and archive exemptions. This is the moment for the archival voice in particular to be heard. The archival community needs a Stevie Wonder (who spoke persuasively to WIPO on behalf of the visually impaired). In the absence of an archival Stevie wonder, we need compelling case studies.

The challenge of securing funding to represent SAA in Geneva was discussed. Possible strategies include encouraging Council to create an advocacy budget line, requesting direct funding from SAA to be matched with solicited foundation funding (successful with Sloan in the past; cautiously encouraged to approach Delmas). Alternatively, secure foundation funding and request a match from Council. NHPRC, ARSC, and SAA regionals were also suggested as potential contributors to this initiative.

#### Added agenda item: Government Affairs Working Group update

Mark reported that the old Government Affairs Working Group is now the Committee on Advocacy and Public Policy (CAPP) with Frank Boles as Chair. The refinement and focus of CAPP's charge impacts IPWG in that CAPP has been asked to develop position papers on major advocacy issues, including Orphan Works and Revisions to Section 108, **by a projected completion date of mid-October, 2013**. Mark volunteered IPWG to develop two subcommittees to help CAPP work on Orphan Works and Section 108 revisions.

Mark, Peter, and Bill volunteered to work on a Section 108 position statement. Mark and Jean will draft one for Orphan Works.

#### Added agenda item: Developments to watch out for in the coming year

Maria Pallante's push to move legislation forward on Section 108 and orphan works; uncertainty over likelihood or impact of a complete overhaul of copyright legislation; fall 2014 comment period for DMCA revisions that are due out January 2015; status of Trans-Pacific Partnership discussions that are all being done in secret; and federalizing of pre-1972 sound recordings. Of other note, Victoria Espinel resigned from her post as United States Intellectual Property Enforcement Coordinator.

### Other group updates

David Sutton reported that ICA will be at the SCCR meeting in December and can give IPWG feedback.

Peter referenced a September 27 London CREATE meeting. See CREATE's July 13 report Archives and Copyright: Risk and Reform <http://www.create.ac.uk/wp-content/uploads/2013/03/CREATE-Working-Paper-No-3-v1.0.pdf> for an example of past activity.

Eric (?) referenced another conference in London on copyright and music.

In conclusion, Heather Briston stepped down as chair of IPWG. Aprille McKay now takes on that role. Peter Hirtle called up and played the YouTube Copyright Basics video.