

Heather Briston (chair), Aprille McKay, Peter Hirtle, Bill Maher, Jean Dryden, Richard Pearce-Moses
Margery, Council Liaison

Guests

Merrilee Profitt, Nancy McGovern, Gunder V, Leanna Lee Whitman

1. Program Committee – Nancy McGovern

75th Anniversary

Theme: Archives 360.

Call for proposal on website. Preconference workshop proposals on website.

What are the big challenges? How are we moving forward?

Taking endorsements seriously. Each group gets two endorsements.

One track devoted to the anniversary – update and modernize classic sessions for the past

2. Introductions

3. Review

- Traditional Cultural Expressions: Review of proposed WIPO language
- Three successful conference call meetings
- Assisted SAA Council with information on:
 - Copyright infringement costs for comments to Copyright Czar
 - Copyright terminations issue
 - Speaking out against ACTA

4. Panel with Peter and Bill Thursday, 10:00 (Marriott 1)

5. Current activities and opportunities

- ARL Principles for Large Scale Digitization
- Cultural Property Working Group

6. Well-intentioned Practices – Merrilee Profitt

- Not an OCLC document. OCLC was a catalyst, but OCLC does not consider itself the author
- In addition to
- Generally based on current practices; nothing surprising
- Endorsements: CALM, ARLIS, RLG Partnership Council, individuals
- Request that SAA would also endorse
- Must go through Standards/Best Practices group. They saw it yesterday.
- IPWG may want to send a note of encouragement/endorsement to standards
- Discussion: Does this fall under fair use? Fair use may be an open question, but certainly falls within reasonable risk.
 - Establish a process
 - Follow it
 - Good take-down policy
 - Practice “in the wild” influences judicial rulings
 - Desire to develop exemplar take-down policies (e.g., Eastman House)
 - Concerns: Hopes that this document would be closer to best practices document for orphan works. Is the goal of this document to find a way around the goal of the inability to find the rights holders. The only thing the document tries to hang on is fair use; some disagreement as to whether fair use is

appropriate argument. New step: Use Peter's new book to help assess risk. Needs resources to help apply this document wisely.

- From an actuarial approach, there have been no cases based on digitization of collections.
 - Because it's unpublished materials, none of it makes use subject to statutory damages.
 - Need to document – and publicize – how you came up with your fair use decision, for example use of Kenny Crew's checklist.
 - Merrilee: Current document is "done." Would like to see a collection of supplemental resources, case studies. **Maybe** a session for Chicago 2011 based on their experience trying to apply it.
 - **-** Should SAA endorse: If so, with a gloss that anyone relying on this document should be well informed regarding copyright issues and that it should be used in conjunction with other tools to help assess copyright restrictions.[to be amended with a list of exemplary tools – Peter's book, Kenny Crew's list, Peter's chart, Best Practices]. Would like to see an article with rationale behind endorsement.
 - right after this meeting, the language will be refined before being sent to standards group.
7. ARL document on large-scale vendor digitization projects
- Some question regarding a specified embargo period. "As short as time as possible."
 - Will photo people be concerned about open access after a period of time? Independent
 - **-** Table discussion.
8. 2010-2011 workplan
- Session ideas for Chicago
 - Application of Well-intentioned, well-informed practices
 - Jean's proposal resubmitted with endorsements
 - Intellectual property audits. Could be part of a risk management/assessment panel. Could be part of the tools associated with well-intentioned practices
 - Someone from Archives and American Art
 - Plan for continuing quarterly conference calls
 - Valuable and worth continuing
 - **-** Does someone have conference call facilities? Aprille has voice bridge. RPM will pursue webinar and continue scheduling.
 - Update website in Drupal. By December 2010.
 - **-** Can RPM get a student intern through Cherie?
9. Heather Briston will continue as chair with laurels and accolades.
10. Cultural Property Working Group
- Chaired by Jeannette Bastian
 - First meeting concurrent with SAA IPWG
 - IPWG members welcome to participate
 - Host Joint Forum
 - Christian spoke about CPWG
 - Best practices, not definitions
 - Are there ethical concerns that need to be addressed. Concerns for core values statement.
 - Look at draft values statement
 - **-** Table further discussion: Future discussion with Bastian on how IPWG works with CPWG. Liaison?
11. ARL Fair Use – Brandon
- In midst of Mellon Funded effort to develop code of best practice. What is current community practice? E.g., documentary film makers don't consider fair use; they pay for all uses.

- Report will analyze how copyright is influenced by fair use. Based on confidential interviews with more than seventy groups/individuals.
- Distill best practices – bottom up approach. How is practice shaped by copyright? How could things be different? Based on notion that fair use decisions can be influenced by community practice.
- Importance of promoting guidelines and get buy in.
- Phase I diagnosis began in April 2010, report due in Jan 2011; highlighting good and bad. Phase II – coming up with principles from grass roots will take about a year.
- Scope: Fair use is a principled way to address issues with copyright. Archivist often worry about other problems with copyright as materials are unpublished: term, orphan works. What is the difference between librarians and archivists? Breadth of people working in collections, range of problems. Potential solutions for librarians do nothing for archivists.