

Academic Special Collections and the Myths of Copyright

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Abstract: This poster will present the results of a 2018 collaborative research study between a copyright librarian and an archivist who examined the copyright policies posted on the websites of 99 ARL academic special collections. The authors wanted to better understand the current policies and practices of special collections when addressing copyright law as it pertains to unpublished manuscripts and unique materials in their holdings. While digital collections professionals have been leading the quest for balance between copyright and access to online cultural heritage materials for the past decade, embracing more rights transparency and using collection-specific and standardized rights statements, the authors wanted to discover how copyright issues were being addressed by more traditional archivists. Research questions focused on how complicated copyright laws are being translated into policy and presented by academic special collections, whether what was stated was accurate, and how those policies affect researcher access, use, and potential publications. The results show a wide variety of information being given; a sizable amount of misinterpretation of the principles of fair use, Section 108, and the public domain; a trend of inappropriate use fees being charged when copyright is not owned by the library; and many policies that are overall more restrictive of access and use than the law actually requires. The authors are hopeful that this study is the first step in encouraging archivists to examine copyright laws more carefully and to clarify their policies going forward to benefit access, use, and scholarship.

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