

SAA Council's Intellectual Property Working Group Meeting

Wednesday August 15, 2018 8:00am - 11:00am

Park Tower 8209 (Lobby Level), Marriott Wardman Park Hotel, 2660 Woodley Road NW,
Washington, DC 20008

Attendees: Aprille McKay (chair), Menzi Behrnd-Klodt, Heather Briston, Peter Hirtle, William Maher, and Jean Dryden via Skype.

SAA Council liaisons: Courtney Chartier

Members not present: Eric Harbeson, Cathy Henderson

Special visitors: Brandon Butler, Peter Jaszi, (Harvard), Larry Kinsel, General Motors; Michael Maire Lange, The Bancroft Library; Dennis Reiley; Sarah Quigley; Josh Kitchens, Clayton State; Janice French, Iowa Transportation Department; Bill Landis, Yale; Sharon Farb, UCLA.

Notes: Heather Briston

- Welcome – Introduction of any new attendees. Designate a minutes/note taker. Review order of agenda items (Aprille)
- Rep Courtney Chartier, Council Update
 - Update from Council Meeting on Monday – see report
 - Native American Protocols resolution passed
 - IPWG would like to propose a preamble to go with the protocols regarding legal applications. Members to re-read previous document from 2007 to see if we still agree with previous statements and see what would be most appropriate now.
 - Jean can assist based on similar discussions in Canada. In Canada they have not decided whether or not to have two copyright systems for group and individual ownership. Issue of donation by a group management of group restrictions.
 - ACTION ITEM: Review 2007 document and discuss next steps.
- International advocacy planning 2018-19: Review of objectives and tactics for SCCR (Bill)
 - SCCR 36, May 28-June 1, 2018, Geneva
 - Keeping the archives needs at the forefront of the discussion, particularly with librarian colleagues.
 - The challenge of independent studies for archives that keep getting suggested.
 - Revised action plan currently under discussion
 - Lead representative for EU will change.
 - Heavy lobbying from collective licensing groups.
 - SCCR 37, November 26-30, 2018. Geneva, agenda not yet published
 - Jean is trying to organize a side event in November
 - ACTION ITEM: Wait for requests from Jean/Bill for November meeting.
 - SCCR 38, not yet scheduled
- Domestic advocacy planning 2018-19
 - CLASSICS Act (Eric)
 - Not available by Skype for discussion, will create a brief report and circulate.
 - Public domain – term of copyright
 - Nothing has been heard at this point.
 - Institutions are preparing to digitize materials published in 1923.
 - Archives on the Hill event (Aprille)
 - Menzi and Aprille participated
 - Included training and teams of more/less experienced advocacy colleagues
 - Issues on the agenda included:

- Stable funding for IMLS, NEH, NHPRC
 - Reauthorizing IMLS and NHPRC
 - Electronic governmental records
 - Training materials were really good and will be available on SAA website. Could be repurposed by IPWG for lobbying.
 - We have a handout ready, but it was not used because there was not pending legislation to discuss.
 - The importance of creating regular relationships with the staff. Make them aware of issues that are important to us; help them to understand that there is an issue.
 - Items that should be added to IPWG legislative statement:
 - Copyright Office
 - Marrakesh Treaty
 - Section 108?
 - ACTION ITEM: Resolve public state on Section 108. Make a case that 108 is a robust exception that are relied upon by archives and users. Maintaining the extent of exceptions. Retitle it “Archives and Copyright”
 - ACTION ITEM: Streamline the SAA communication plan around WIPO activities and what we do there.
- Special guests Brandon Butler and Peter Jaszi: Draft of the Software Preservation Code
 - Requesting an endorsement of the Best Practices when it is released.
 - Currently document is in the outside legal review phase.
 - Issues are primarily retrospective in nature. Based on copies of programs, no matter how originally received.
 - Not resolve
 - Open discussion as to how it will apply to cloud computing
 - Emerging communities – video gamers
 - Community didn’t want to exclude individuals: based on whether there is a preservation mission and responsible activities.
 - Utilitarian software tools – doesn’t reach games – sensitive to the fact that use might be substitutational.
 - Code covers:
 - Preservation
 - Access is the issue – assumes that some level of access is required.
 - They did find that people are not preserving because of legal constraints.
 - Working in isolation however, has lead people to be bolder in their activities due to a sense of invisibility.
 - Emulation as a service is particularly worrisome to the community.
 - Can’t share skills, techniques, and environments because there is a concern about admitting to the activity.
 - Concern of the community that permissions are the only way to address.
 - If software with content – use a content best practice in addition to the software best practices.
 - What is the timeline? Publish electronically by the end of September, with endorsements in time for printing.
 - Receive the draft for endorsement in the first week of September.

- ACTION ITEM: Follow up on document for review and move through endorsement process. Work with Nancy, Courtney, and Standards Committee to move through in time.