

IPWG Notes – Annual Meeting, August 13, 2014

All members present. (Jean Dryden via Skype)

Visitors - Jasmine Jones – UCLA, Los Angeles Aqueduct Digital Project; Molly Tighe -Mattress Factory and Consultant w/Pittsburgh Symphony Orchestra; Sam Roche – Harry Truman archives.

Panel proposal ideas -

- Copyright update – we normally do one every other year, and this is an “on” year.
- A music copyright themed session – particularly with proximity of Rock and Roll HOF. (Eric has a contact at HOF.)

- Basic level for people with music in their collections - music IP issues for the archivist
- Panelist ideas: Marr sound archives at UKansas - Kansas City, Chuck Haddock
- Copyright 101 - music, audio & video - single person or few people for an hour? – Eric Harbeson
- David Sutton could do an international copyright perspective for the update
- David Sutton, Pete Hirtle, Heather Briston, Bill Maher- Copyright update

Action Items: Heather will shepherd the copyright update proposal; Eric/Aprille shepherd the sound/music proposal.

Lisa Magnifico - Council Update

IPWG/SAA representation at WIPO: We are in the budget this year for \$5800. While Council might be able to locate additional funding, we are encouraged to obtain outside funding support for subsequent activities. Most members of council are supportive, but still a few have questions, we need to insure that our actions connect to the SAA strategic plan.

- Good to know there is support and IPWG will be following WIPO events to see if continued participation at this time is valuable.
- Those with concerns in Council – concerned characterized as preferring a focus on US needs and advocacy for these issues. (Taking care of home first.)

Action Items: Aprille McKay will talk to Nancy Beaumont about which organizations are appropriate to approach for funding. Peter Hirtle can sound out Don Waters at Mellon informally once we have a go ahead, but Peter can't do a formal proposal.

Copyright for Researchers pamphlet

- On sale now in the book store, on line version in September.
- Pamphlet will be useful for William Maher at WIPO to demonstrate the educational role that archives and archivists take regarding copyrighted materials in their collections.

WIPO

- Report on events by William Maher to supplement written report of July SCCR meeting.
- Biggest challenge is the rights management associations which see the solution as a licensing issue.
- Broadcast treaty discussions – discussion regards creating a right in the broadcast signal

- Much of the challenge of the SCCR meetings is for the chair to balance the amount of time spent on the broadcast treaty and on the library/archives exceptions.
- - Future of both issues is in hands of General Assembly during their meeting in October. Generally felt that it is highly unlikely that discussions abandoned. What the GA says is important as it will determine Dec. meeting agenda. General Assembly meets September 20-28. IP Watch & KEI will have daily reports/update. We should know by the end of Sept what will be going forward, but what it means will take longer - by end of October we should know what's going on.
- Group came to the agreement that if L/A exceptions are on December agenda, that Maher should go. We'll know more after the General Assembly.
- The General Assembly can put into the mandate creating a text based work - trumping EU objections.
- Barriers to a text based work are the EU, the International Publishers Association, and other rights management organizations. US needs to be moved in order to break the EU blockade. The US represents 6-7 federal agencies, and must address all of those stakeholder needs.
- Discussions with the US delegation are seriously hampered by the lack of engagement from ALA.
 - Can we bring more power to bear by influencing more American library groups?
 - How would we do it? We need to make an effort. Are you going to trust archivists to represent you?
 - LCA might be a barrier. It would help if we had some library delegates to talk to IMLS and the librarians. Prue Adler & Jonathan Band - would Peter be willing to talk to them to find out what discussions they've had?
 - Package w/most promise would be Objectives & Principles + mandatory + model law
- The importance of having real life examples available for use in WIPO presentation and conversations.

Action Items: Monitor the General Assembly meeting in September. Seek external funding sources. Reach out to library policy community (Peter Hirtle). Other possibilities – do presentations on WIPO issues at ACRL/ALA (Cathy Henderson will find out groups available for short presentations. There is the possibility of making common cause re: contracts. ALA - webinar discussion - get an audience to speak to that group (Harbeson has a connection to their agenda.) Possible speakers – Maher or Winston Tabb.) Connect with the Council Liaison for CALM.

William Maher receives the IPWG True Grit award for all of his work at WIPO - moved and seconded.

Review of SAA Best Practices for Orphan Works Document

- Cathy Henderson agrees that it needs to be updated (proposed by Jean Dryden)
 - Henderson has reviewed and has changes to submit.
 - Dryden has reviewed and proposed changes discussed.
- Sutton – the UK group has used OWBP as a model and current update is on hold pending new law in the New Year.

- The structure and organization of the document are good, we need to go through the sections and update.
- Hirtle: document needs more of an introduction. Rules are for those times when you actually need to worry about orphan works. Put this emphasis earlier in the document and provide more context for using the document. More information about the context of when a reasonable search is necessary for risk management purposes. May not need to do all of this when digitizing a whole collection, may want to do more risk management.

Action Items: Read for changes and updates submit to Aprille McKay and create a contextual paragraph at the beginning.

- Had discussed an annual revision, but that didn't come to pass and does not seem necessary. This is a good time for review.

Proposed Code of Fair Use

- Aprille shared concerns and comments with Peter Jaszi who is making changes based on comments from SAA.
 - Some things seem good - view on fair use and risk management. Fundamental difference of opinion on risk management.
- MLA has declined to endorse, ARSC has endorsed it 6-5 - Tim Brooks doing lots of revision.
- If we can move it along to be something we can live with we can feel good.
- Needs to be a well-informed use of fair use - changing policy has to always be a part of the agenda. Jeans research practices and the fair use best practices.
- We don't have a statement of fair use practices as the SAA. A question of how far to push it. Proposal to continue to think about - develop plan and proposal for costs - see it would be worth (Revisit at next quarterly meeting.)
- Risk management approach - Wellcome project and W-iP.
- A question regarding acquisitions and abandoned property - the Acquisition Section might be a good section.

Hearings Related to Changes in US Law

- Congressional hearings are on the horizon, but no detailed information yet.
- PTO discussions relate to their Green Paper.
- CO – no new information after their hearings and requests for comment from the winter. At least one year away from 108/OW legislation discussion from the Copyright Office.

On the legislative front

- Close to 20 years since 1997. Term extension discussion? - be ready to be very quick out of the block with an SAA reponse.
 - Be prepared to think about nicely designed advocacy statements. Formal collaboration with CAP on producing something like this.
- DMCA announcement should come out soon.
- Changes in British law

- Introducing sets of legislation on copyright issues:
 - Duration and OW: Should come up in September to start in January 2015
 - Powers in Enterprise and Regulatory Act
 - Archival copyright duration - abolish transitional duration period - runs through 2039. Unpublished - still scheduled to have no transition periods - life plus 70.
What this will mean re: variable duration - the longer duration in the US.
Respect the shorter duration of the copyright in other countries.