

World Café 2: Have a Thirst for Adventure? Travel the Uncharted Path of Teaching Copyright to Archivists
I Can't Believe It's Not Icepops!

14:30-15:15 British Summer Time, 1:30 pm Greenwich Mean Time

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Introduction:

I drafted this document because I was tasked with educating a cohort based in the Cushing Memorial Library and Archives, at Texas A&M University. I was employed there, previously. The below was my initial curriculum, updated over time.

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Cushing Copyright Facilitators Training Program

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I. Overview

Cushing Library understands that, in order to address copyright issues that arise during the course of their everyday business, all those that interact with the public and with collections must have a working knowledge of U.S. Copyright Law. For example, copyright issues come into play when accepting a newly-donated collection, when answering patron questions at the Reading Room service point, and when deciding what to digitize. Some questions can be answered quickly, while others can take weeks to discern. Regardless of the type of question, they are all important copyright questions and are most frequently dealt with in special collections libraries. This Program is intended for three Cushing Library employees: John Bondurant, Anton Duplessis, and Leslie Winter, who will be referred to as Copyright Facilitators.

This Training Program will achieve its learning outcomes using problem-based learning techniques. This school of learning theory, common in medical and business education¹, is well-suited to teaching the mixture of theory and practical analysis that is necessary for making copyright judgments in special collections.

¹ L. Wilkerson and W. H. Gijsselaers, [Bringing Problem-Based Learning to Higher Education: Theory and Practice](#) (San Francisco: Jossey-Bass, 1996); M. Theall (Ed.), [Motivation from Within: Approaches for Encouraging Faculty and Students to Excel](#) (San Francisco: Jossey-Bass, 1999).

II. Materials, as of Dec. 6

Essay: Libraries as Creatures of Copyright: Why Librarians Care about Intellectual Property Law and Policy, by Carol C. Henderson, former Executive Director, American Library Association, <http://www.ala.org/advocacy/copyright/copyrightarticle/librariescreatures>

Book: *Copyright and Cultural Institutions: Guidelines for Digitization for US Libraries, Archives, and Museums*, by Peter Hirtle, Emily Hudson, and Andrew Kenyon, http://tigerprints.clemson.edu/cheer/library/all_crlibrary/11/

Principles: Society of American Archivists, Basic Principles for Managing Intellectual Property in the Digital Environment: An Archival Perspective, <https://www2.archivists.org/statements/basic-principles-for-managing-intellectual-property-in-the-digital-environment-an-archiva>

Statutes: United States Code, Title 17, Chapter 1, § 101-102, 104-105, 107-108, 111-116, 118-119, 120, 122, 170, 201-202, 204, 301-305, 412, 501-504, 506, 1115, 1125, 1201, 1203-1204, 2117, 2319

Best Practices: Center for Media & Social Impact, *Statement of Best Practices in Fair Use of Collections Containing Orphan Works for Libraries, Archives, and other Memory Institutions*, <http://cmsimpact.org/wp-content/uploads/2016/01/orphanworks-dec14.pdf>

Center for Media & Social Impact, *Code of Best Practices in Fair Use for Academic and Research Libraries*, <http://cmsimpact.org/code/code-best-practices-fair-use-academic-research-libraries/>

Upcoming topics: Unauthorized Practice of Law, Some Advice on What's Legal Advice

Fair Use Scenarios: Provided by Cushing Library employees.

Tool: A Framework for Analyzing Any Copyright Problem, by Anne Gilliland, Lisa Macklin, Kevin Smith.

III. Outcomes

- Copyright Facilitators can determine, to the best of their ability:
 - if an item protected by copyright,
 - if the item's copyright is current and who owns it,
 - and what, if any, permission is required.
- Copyright Facilitators are comfortable and qualified to make sound fair use decisions and accurately scrutinize fair use issues, without assistance.

- Copyright Facilitators can identify when to call in the Copyright/Fair Use Librarian for specific clarifications needing further investigation.
- Copyright Facilitators can identify when to call in University Counsel for specific clarifications needing formal legal experience.
- Copyright Facilitators can successfully, as per Benjamin Bloom's cognitive domain model², accomplish all of the following in regards to copyright:
 - **remember:** recognize facts, terms, basic concepts,
 - **comprehend:** demonstrate understanding of facts and ideas by organizing, comparing, translating, interpreting, giving descriptions, and stating the main ideas,
 - **apply:** solve problems in new situations by applying acquired knowledge, facts, techniques and rules,
 - **analyze:** examine and break information into component parts, determining how the parts relate to one another, identifying motives or causes, making inferences, and finding evidence to support generalizations,
 - **synthesize:** build a structure or pattern from diverse elements, and
 - **evaluate:** present and defend opinions by making judgments about information, the validity of ideas, or quality of work based on a set of criteria.

IV. Structure and Delivery

- Copyright Facilitators will meet once a month, for twelve months, in two-hour meetings.
- Homework assignments: Copyright Facilitators will have required readings, to be completed by the set meeting time.
- Webinars: as available and as needed, Copyright Facilitators will take advantage of online resources.
- Consultations: as available and as needed, Copyright Facilitators will have access to copyright specialists, for further education. An example is having a conference call with a music copyright specialist, to field their questions.

² Bloom, B.S. and Krathwohl, D. R. *Taxonomy of Educational Objectives: The Classification of Educational Goals, by a Committee of College and University Examiners*. (New York, New York: Longmans, Green, 1956).

V. Timeline

- The program will run from January 2018-January 2019.
- There will be two-hour monthly meetings, along with occasional webinars, conference calls, and email communications for point-of-need support.

VI. Assessment

- Copyright Facilitators will be assessed on their ability to synthesize and evaluate the following subjects:
 - Copyright Fundamentals
 - Duration and Ownership of Copyright
 - Exclusive rights and Infringement
 - Fair Use and Other Exemptions
 - The Libraries and Archives Exemptions
 - Copyright Permissions and Licensing
 - Locating Copyright Owners
 - Other Types of Intellectual Property, Contracts, and Jurisdictional Issues
 - Risk Management: How to Digitize Safely

and for the following materials:

- unpublished,
- works first published in US,
- works first published abroad,
- sound recordings, and
- architectural works.

- Copyright Facilitators will be measured on their sound application of a Fair Use analysis, and on the logic used when defending their opinions.