More Sunshine: Shedding Light on Copyright Instruction & Open Access

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SCHOLARLY COMMUNICATION INSTRUCTION

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Hello from University of Washington Seattle!

AGENDA

I. You and your work

II. Scholarly communication generally

III. Teaching about copyright and related issues

IV. Depository librarians' unique teaching advantages

V. Conclusion

POLLS

- What best describes your work environment?

- How do you teach, broadly speaking? Check all that apply.

- Who are your audiences? Check all that apply.

WHAT IS SCHOLARLY COMMUNICATION NOW?

Scholarly communications librarians at University of Washington recently tried to diagram the work they do . . .
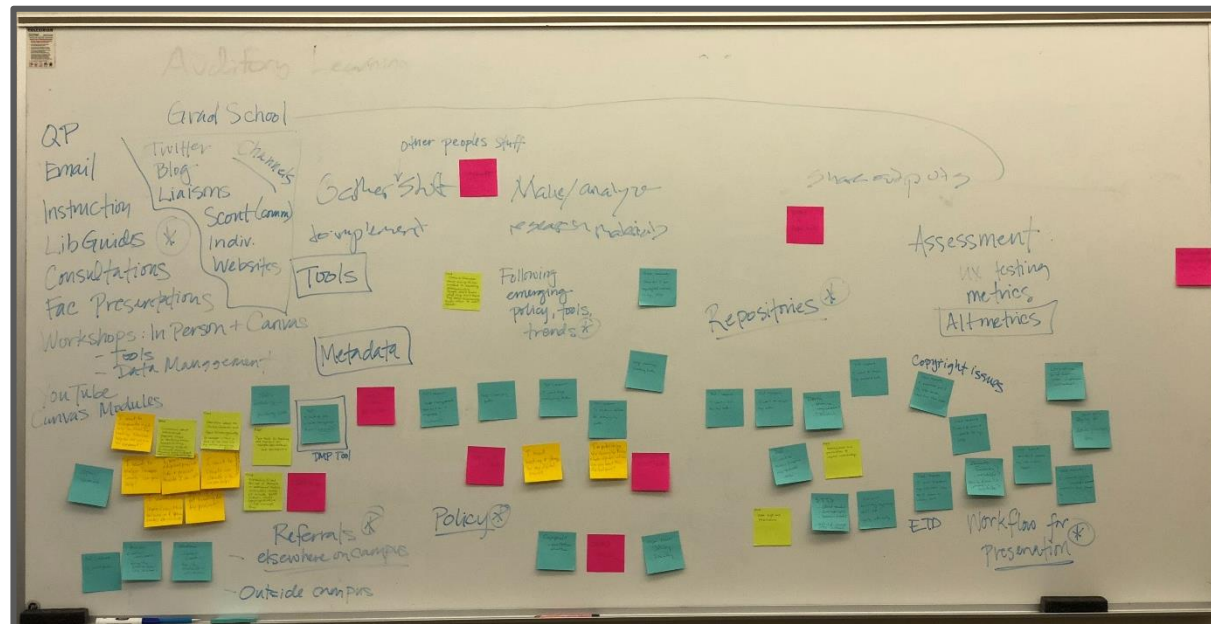
SCHOLARLY COMMUNICATION GENERALLY

- It's a broad spectrum of topics that touch all phases of research.

- It's a changing landscape.

- Definitions vary, and often include peer review, rights management, preservation, and sharing of research.

POLL

What aspect(s) of scholarly communication do you explain most often as a government documents librarian?

• Authors' rights

• Accessibility of research, e.g., is it available to the public?

• Questions of research quality, e.g., is this a trustworthy source?

• How to publish in an open publication

• None

• Other – Please fill in the blank.

TEACHING COPYRIGHT and RELATED ISSUES

Sometimes intellectual property law seems like this.

Tangle of Yarns—Needlepoint Thread by Cross Duck is licensed under CC BY NC ND.

TEACHING COPYRIGHT and RELATED ISSUES

- [P]erhaps someone from the library might be willing to come to the class and present a short talk (perhaps 20-30min?) offering practical guidance on how to properly approach IP issues . . . .

- I'm hoping you can present to my class for an hour or so . . . on copyright and fair use.

- Is it possible to go over the 5 Pillars and the university, and perhaps a quick case study, then do questions? (30 minutes)

- Perhaps Maryam could lead the discussion on copyright (roughly 20 minutes) . . .

TEACHING COPYRIGHT and RELATED ISSUES

"It's difficult to have a short conversation about copyright."

- Maryam Fakouri

TEACHING COPYRIGHT and RELATED ISSUES

Ask for more class time!

Consider your audience's needs. Syllabi provide context.

Consider class format. Can you do group activities?

TEACHING COPYRIGHT

Copyright protects "original works of authorship fixed in any tangible medium of expression." This is a lot of stuff. But federal government information is an exception!

Activity: Sort works that are protected by © from things that are not.

TEACHING COPYRIGHT

Copyright lasts a long time, and figuring the end date can be complicated. It's prudent to assume anything created after 1923 is protected.

Activity: Think of a work, research its date of creation, and use an online tool to determine whether it's still protected by copyright.

- Copyright Term and the Public Domain in the US https://copyright.cornell.edu/publicdomain
- Digital Copyright Slider http://librarycopyright.net/resources/digitalslider/index.html

Bonus challenge: Who owns the rights?

TEACHING COPYRIGHT

Copyright is a bundle of exclusive rights.

Activity: Sort activities that are exclusive rights of copyright owners from activities that are not.

Asparagus by Pat Kight is licensed under CC BY NC ND.

TEACHING COPYRIGHT

Decision tree for using works whose copyright is owned by someone else

1. Is the work in the public domain? If yes, stop.

2. Does the work have a Creative Commons license that allows your use? If yes, stop.

3. Does the university have a license that allows your use? If yes, stop.

4. Is there a safe harbor in copyright law the allows your use? If yes, stop.

5. Is your use fair use? If yes, stop.

6. Seek permission to use the work.

TEACHING COPYRIGHT

Fair use is very important and takes time to understand.

Share practical tools.

- Fair use checklist
- Fair use evaluator

Discuss cases that relate to your audience's needs.

Fair use checklist

FACTOR	AGAINST FAIR USE	FOR FAIR USE
Purpose of use		
Nature of work		
Amount and substantiality		
Effect on market		

Fair use evaluator

http://librarycopyright.net/resources/fairuse/index.php

Fair Use Evaluator

What this tool can do for you:

- Help you better understand how to determine the "fairness" of a use under the U.S. Copyright Code.
- Collect, organize & archive the information you might need to support a fair use evaluation.
- Provide you with a time-stamped, PDF document for your records [example], which could prove valuable, should you ever be asked by a copyright holder to provide your fair use evaluation and the data you used to support it. [why is this important?]
- Provide access to educational materials, external copyright resources, and contact information for copyright help at local & national levels.

What this tool cannot do for you:

- This tool does not provide legal advice. It records the information you provide it as well as your own judgment on the fairness of the use. See the tool [disclaimer] for more information.
- Only a court of law can definitively rule on whether a use is fair or unfair. This tool does not assume or predict a court outcome.

TEACHING COPYRIGHT

Fair use activities

- Case studies

- Guided fair use analysis

- Role playing

GOVERNMENT DOCUMENTS LIBRARIANS' TEACHING ADVANTAGES

Most federal government information is available to the public at no cost!

You have a natural platform to explain scholarly communication issues such as database costs, licenses, initiatives to make information publicly available.

Depository Library Council
Spring 2018
Virtual Meeting
#DLCVirtual18
April 18-20/2018

THANK YOU!

Hopefully copyright education
now seems less like this . . .

. . . and more like this.

Tangle of Yarns—Needlepoint Thread by Cross
Duck is licensed under CC BY NC ND.

Finish by MitsukoTonouchi is licensed under
CC BY NC ND.

Library Support for Open Access

Liz Bedford

Scholarly Publishing Outreach Librarian

University of Washington Libraries

What do you mean 'Open Access'?

- It depends…
  - Open Data
  - Open Educational Resources
  - Open Monographs
  - Public Scholarship

- For today:
  - Scholarly Journal Publishing

What do you mean 'Open Access'? (Free Beer vs. Free Society)

- Freedom to access materials

- Freedom to re-use materials

Why bother?

- Access Issues
  - Better for authors
    - More eyes = more exposure
  - Better for scholarship
    - Allows the global south to take part in the scholarly conversation
  - Better for society
    - Doctors and patients
    - Journalists
    - K-12 educators and students

- Rights Issues
  - Authors need copyright to:
    - Teach with their work
    - Upload their work to their websites
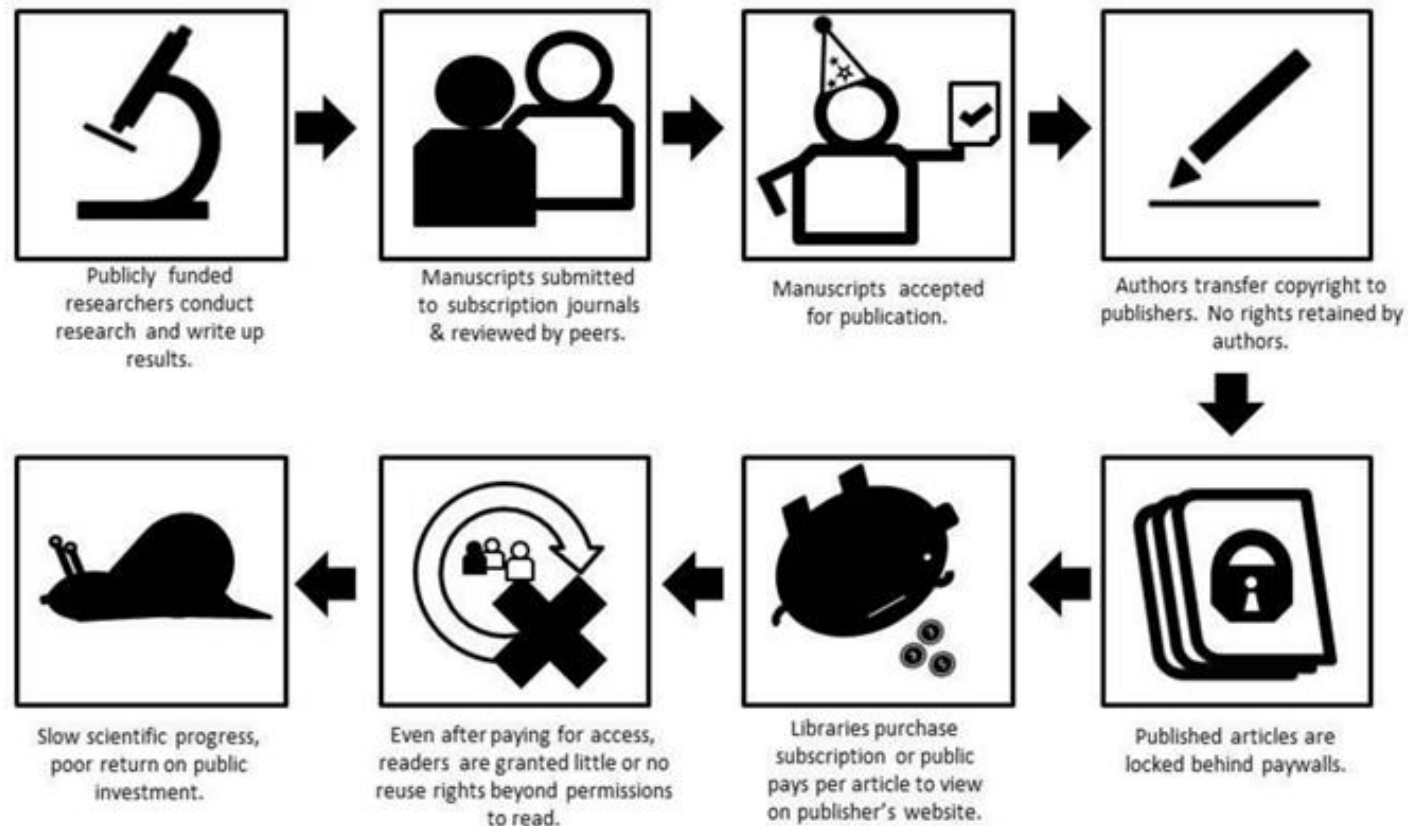   - Re-use charts and graphs
    - Email articles to friends

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Scholarly Publishing Landscape

Journal Publishing Cycle

Publicly funded researchers conduct research and write up results.

Manuscripts submitted to subscription journals & reviewed by peers.

Manuscripts accepted for publication.

Authors transfer copyright to publishers. No rights retained by authors.

Published articles are locked behind paywalls.

Libraries purchase subscription or public pays per article to view on publisher's website.

Even after paying for access, readers are granted little or no reuse rights beyond permissions to read.

Slow scientific progress, poor return on public investment.
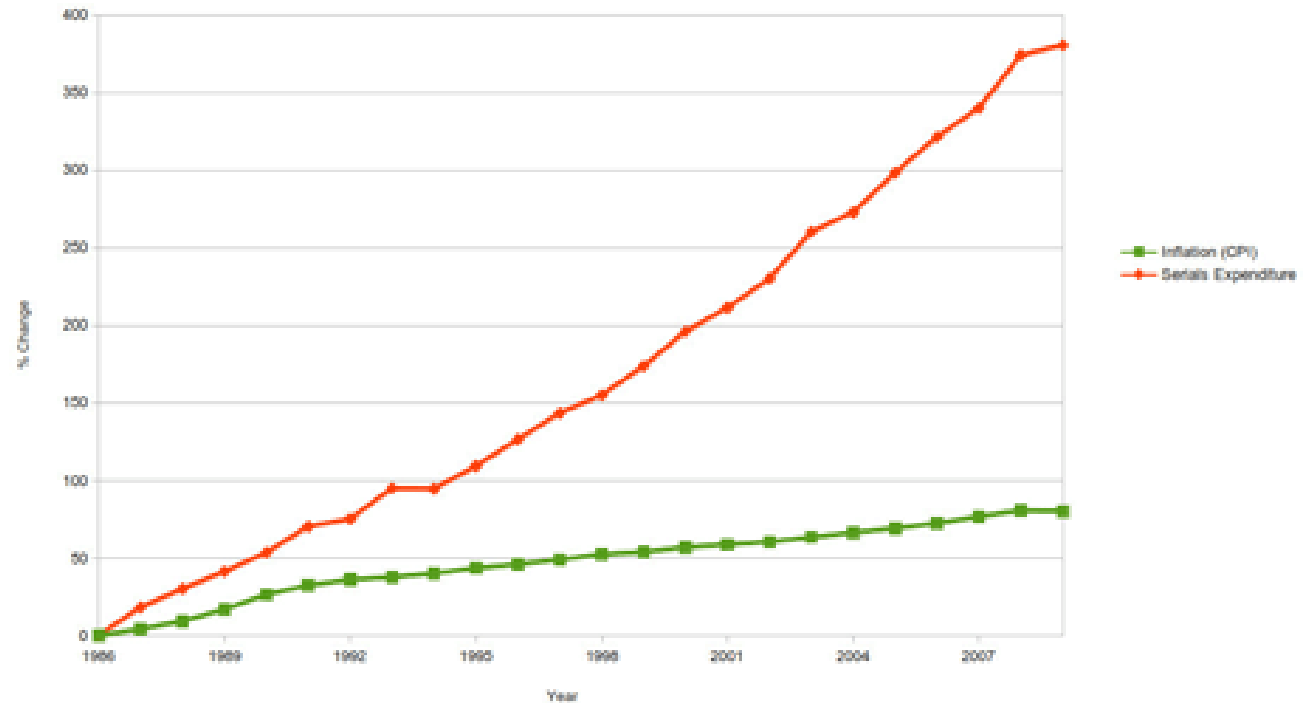
Importance in Tenure & Promotion

Serials Crisis

- Libraries on the front lines of for-profit publisher dependency

- Expenditures increased at nearly 5 times the rate of inflation 1986-2008

Martin Paul Eve

Libraries' Role

Then: Now???
- Access
- Preservation

Open Access Landscape

Changing Conversation Among Scholars

- Funder mandates

- Reproducibility

- Growing awareness of injustice of the current system

OA: Two General Strategies

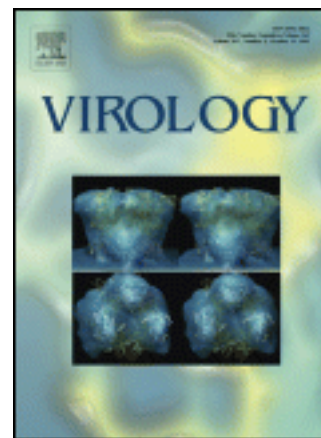# Green OA – Alternate Distribution Models

• Disciplinary OR Institutional repositories

Green OA Issues

- Versioning

- Where to look

- Where to deposit

- Confusion about rights

Gold OA – Alternate Funding Models

F1000 Research

- Author pays - Article Processing Charges (APCs)

VIROLOGY

- Hybrid - APCs PLUS Subscription Fees

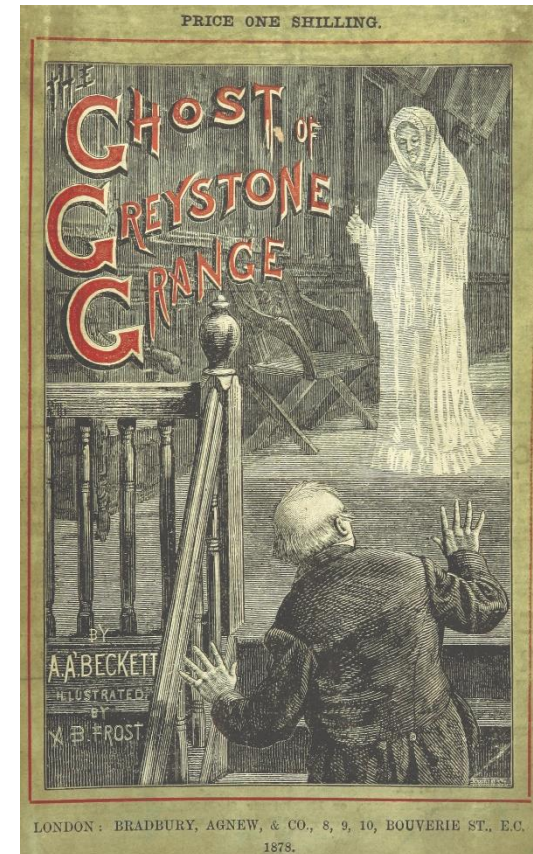**OLH Open Library of Humanities**

- Funder/society/libraries pay

Gold OA Issues

- Excluding researchers who can't pay

- Scholarly infrastructure still owned/controlled by for-profit publishers
  - Enormous APCs
  - Limited re-use (in some cases)

Specter of 'Predatory Publishers'

- Yes, it's a problem.
  An info lit problem.

PRICE ONE SHILLING.

THE GHOST OF GREYSTONE GRANGE

BY A.A.BECKETT

ILLUSTRATED BY A B FROST

LONDON : BRADBURY, AGNEW, & CO., 8, 9, 10, BOUVERIE ST., E.C.
1878.

Re-thinking Libraries' Role

- What are we good at?
  - Discipline-neutral
  - Long-term thinking
- What's falling through the cracks?
  - Access and/or preservation

Thank you!

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Questions?