

Running Head: COPYRIGHT REFLECTION

Copyright Reflection

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LI 866 Introduction to Copyright

Copyright is very difficult for the average person to understand. Copyright rules have a lot of exemptions, and then exceptions to the exemptions. Reading copyright selections can cause confusion and insanity. Any novice will find § 304 extremely tough to decipher. Even the extensive guidelines for classroom copying are mind-boggling for the ordinary user.

Many people do not understand copyright and will do what they can to avoid it. However, technology has changed the way people share their ideas and the way they obtain them. It has also made the owners and investors of information concerned about their investments in labor, money, and other resources. My goal is to provide a discussion on how a librarian can use the information I learned about open source, illegal downloading, image collection guidelines, public domain, fair use, and the need to have a proper balance in copyright law.

As a librarian in training, I am beginning to realize that librarianship is more than shelving books; it is about creating the most efficient and affordable route to help users obtain access to information found in all media outlets. Through the use of computer software, this accessibility can and is happening. Ordinarily, commercialized software has an irritating tendency to require regular expensive updates. However, open source changes the commercialized software model and provides affordability. Open source mandates free redistribution, provides access to source code, freedom to create derived works while protecting the authorship credits of the original creator, does not allow for discrimination, and provides flexibility in licensing. (Open Source Initiative, 2006).

According to Bruce Peron's 1999 article, "open source definition [has become] a bill of rights for the computer user [and] companies that use open source software." This

creates the advantage of “very rapid development...much of which is contributed by individuals who simply need an improvement to serve their own [computer] needs (Perens, p. 1).” The advantage to this is that these programmers contribute to open source because they are assured certain rights: “the right to make and distribute copies, the right to access the source code, and the right to make improvements (Perens, p. 2).” These rights encourage originality because the software is often tailored to a specific market as opposed to mass marketed for general purpose. For the budget conscience library, this can become an advantage for both the IT staff and library users. Library IT staff can take the opportunity to create software according the accessibility needs of the library and then share it with other libraries strapped by budget crunches as well as create workshops for library users who are interested in developing their own open source software and learn the ins and outs of artistic licensing in the public domain.

In addition to uses for library IT staff, individual librarians also find personal and professional uses for open source software. Both my personal and work related computers have open source software that is designed to eliminate spyware. For working on my webpages, I also use a free open source FTP client. These examples of open source material has greatly benefited me and other librarians because the software costs nothing, is easy to find, and has been improved upon by numerous experts since nobody has exclusive control of the information.

The Internet has it own quirks primarily because people make the assumption that the information found on the World Wide Web is free for the taking. The Jennings (2002) Internet fair use article points out that “merely browsing a website containing copyrighted material may constitute copyright infringement [since] a copy of the website

is made in the computers random access memory (RAM) to permit the viewing of the websites material, the copyrights public display rights are potentially violated (p.4-5).” However, this is considered a legitimate fair use as it the purpose of a website is to be seen. Direct downloading including Napster violations, unauthorized MP3 downloads, and some thumbnail images that have been found infringing artistic copyright. Librarians must educate patrons as to what kind of downloading is authorized.

The rules for downloading are complex, however, guidelines can provide easy to understand rules. The Image Collection Guidelines (2006) help librarians define and protect relevant information through proper practice. Librarians understand the importance of protecting both the creators and users of information. They protect creators by purchasing large packages where royalties are allocated. Users are protected because a large amount of images are available. Archival repositories follow acquisition principles from the Image Collection Guidelines (2006) in order to fulfill both licensing and research needs. In order for an image to be scanned and displayed, the repository needs to purchase the rights to that image or gain permission to display it to the public. Archival librarians understand that the importance of the right to information and ownership as a package to be protected. They serve as a conduit between the information owners/creators and the information users.

Public domain is something I always took for granted. I assumed public domain was simply free stuff. However, it is much more than that. It is, and should be, a vast wealth of information that nobody owns. Everyone is allowed to take pieces of the public domain and create their own creations. Without a large and healthy public domain,

creative individuals will not be able to come up with excellent creations that benefit all of society!

As a lifelong fan of music, I enjoy it when newer artists borrow material from other artist to recreate a newer sound. During the Nineties, this was very popular. Many considered this fair use. The song “You Can’t Touch This” by M.C. Hammer heavily borrowed the melody from Rick James’s “Superfreak.” Not only did music fans enjoy Hammer’s new creation, but many also purchased James’s original creation. However, James sued Hammer and received monetary damages and was credited with co-authorship of the song in an out of court settlement (Cuomo, 180). Now, society will never hear the creations of many new and old artists. This includes “a seventeen-year-old mixing rap music in her garage” and the (now) washed-up over the hill musician singing on a “long-forgotten disco song” (Vaidhyanathan, 10).

Court cases have gone too far in cases of music sampling. Even borrowing a two or three second riff can be an expensive endeavor. How does this “promote the progress of useful science and arts (Russell, 1)?” Artists who would otherwise be creating cool music are now sitting around worried someone may sue them because their song vaguely sounds like another person’s song.

The purpose of copyright is to balance the rights between information owners, creators, and users. Creators are provided a limited monopoly on their creation in exchange for what would eventually become part of the public domain. Owners/investors of information enjoy this similar limited monopoly in exchange for their investment. Without creators and their investors, society will not have all the creations that help us progress. Unfortunately, the creators, owners, and investors are an extremely powerful

group with large concentrations of wealth that can influence lawmakers. The Sonny Bono Copyright Term Extension Act was a windfall for information owners because it extended copyright “to seventy years beyond the life of the author and granted all current copyrights twenty more years.” (Vaidhyathan, 79.) If the purpose of copyright is to help provide incentives for creators to create, how can retroactively providing them with more rights be an incentive for past creators? This is flat out corporate welfare.

One way I can use my knowledge of the current imbalance of copyright interest is become an activist librarian by writing letters to lawmakers and encouraging my patrons to do likewise. While issues like the PATRIOT Act allow librarians to stand up to government intrusion, an issue like copyright allows this future librarian to stand up to corporate issues. A librarian’s job is to look after the interests of the patrons. Along with censorship and privacy issues, copyright will be one of my causes.

The information age has transformed the way people share and research information. However, some of these methods may be illegal and unethical. Librarians have a responsibility to recognize the basics of copyright so that they can provide better service and ensure the rights of everyone that copyright law is designed to protect. This responsibility may mean taking a beginning copyright class, reading *Copyright in a Nutshell*, and/or studying the workings of Creative Commons. With that knowledge, the ordinary gal or guy can learn how to create open source software, practice caution when conducting online research, and observe how librarians practice the foundations of fair use. Librarians also have a duty to look after the rights of information users and perhaps even advocate for changes in public policy.

Resources

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