

1 December 2010

Attending

Heather Briston (chair), Jean Dryden, Mark Greene, Cathy Henderson, Peter Hirtle, Bill Maher, Richard Pearce-Moses (secretary)

1. Copyright Office Recorded Sound Comment

- Should SAA join ARSC's statement or submit a separate statement. General consensus that SAA should submit its own statement.
- Copyright Office is delaying the deadline for comments until 31 January.
- Peter is concerned that the important themes come out loud and clear
 - Archivists are ignorant of the law, so they just do preservation under incorrect understanding
 - If archivists discover that their preservation work is against law, they may stop preservation
 - Importance of emphasizing access; current draft is buried. The heart of the archival mission is access, not preservation.
 - Current law impedes making even single copies for users at remote locations.
 - Could we highlight access (and other themes) by putting these up front in a cover letter?
 - Why should we collect things if we can't make them accessible? Donors may not be willing to give materials if the repository can't preserve them or make them accessible?
 - Peter feels we need to change 108 to improve access. Without the possibility of access, there's less motivation to pursue preservation.
 - Putting pre-1972 recordings under federal law immediately affects access positively without changing 108(c, d, e) improves access even if we can't provide the greater level of access that changes in 108 would allow.
 - Fine tune in an introduction and in the responses that the major themes come through clearly.
- Bill notes Peter's comments about archivists' lack of knowledge of copyright law may be a bit extreme. "In reality, few archivists are aware . . ." The structure of the argument is based on the ignorance of archivists. Doesn't make archivists look great.
 - Note the complexity of copyright law as the source of confusion, the difficulty applying them.
 - Prefer not follow the letter of the law in the interest of preservation, knowing that keeping the preservation copy
 - Lack of awareness resulting from complexity, lack of consistency from state to state, not under federal law, etc., often results in a lack of compliance, not out of malice but from misunderstanding.
 - Hard to find state law to know what to follow, which state law applies, lack of case law to interpret.
 - Not just archivists, but legal counsel, others.
 - Try to accomplish what was intended in [1979?] -- consistency
- Plan to collectively review and revise document?

- Send draft to Recorded Sound, Oral History, Performing Arts, Mss Repository Section, and Preservation round tables. Could also include Native Americans Roundtable, which often have oral histories.
 - Peter needs someone else to review it so he can get some distance.
 - Bill, Cathy will send a track-changes version
- For cover: Is there any value in referencing similar minded ARSC and ALA texts. That we are aware of and support those groups efforts, but wish to make the points re archives clear.
 - Concern about giving identifiable examples of scofflaws. At the same time Copyright Office would like concrete examples. Can we sanitize the examples a bit? Some members of IPWG might be willing to put forward their names.
 - Send alert to the roundtables and sections, that we hope to get them a draft by 20 Dec for comment asap. Send Helen and Nancy a copy at the same time.
2. White paper on Recorded Sound
- White papers can be cited and repurposed.
 - A short article for Archival Outlook would be an outgrowth.
3. WIPO and Archives
- A white paper
 - Update. IFLA has already drafted a proposed treaty on library and archives exceptions. That document will become the basis for Library and Archives discussions. Anything we want, we should try to get into the IFLA draft treaty first. Based on a quick read, it looked fairly good to Peter. Are there other things that archivists would want to see in the law? What are they, and get them to the drafting committee (Winston Tab).
 - Possibility of SAA participating as NGO observer.
 - Next meeting of SCCR in Spring to have something to go forward next Fall. Deadline probably around March.
 - ICA Committee on Copyright; SAA should have a member.
 - Cathy will touch base with David Sutton.
4. Public Domain Day
- Announcement in SAA "In the Loop"
 - Next year do an article in *Archival Outlook* to get people interested.
5. Drupal migration
- RPM will work on an intern
6. Carl Malamud for Franklin Award
- Would be nicest to do it in San Francisco
 - Who in the Chicago area would be a worthy recipient in 2011?
7. Why were these items in August tabled?
- Ran out of time.