

SAA Intellectual Property Working Group Quarterly Conference Call:

17 Sept. 2012

Participating: Heather Briston, chair; Jean Dryden; Mark Greene; Cathy Henderson; Peter Hirtle; William Maher, Aprille McKay

1) 2013 Annual Meeting proposals status - how is it going, assistance needed?

After kicking around a lot of ideas and background info, we decided to propose two sessions:

A. Legislation and Litigation Update

Aprille will chair, Peter, Bill and Elizabeth Townsend Gard will present. Aprille will pull the session description together. Mark suggested that the Archives Management Roundtable be asked to endorse this proposal.

B. Unpublished/Published

Cathy will chair and serve as a commentator. She and Peter will prepare the description. We will ask Bob Spoo to talk about EU efforts to grant a 25 year copyright to the first publication of unpublished works. We hope that he can talk about the implications this may have for US archivists, and what is happening to change it. We will ask Deborah Gerhardt to present on her research on whether and when deposit of unpublished material in a repository could be considered to be divestive publication.

2) Potential candidates for new member(s) - list of compiled names to follow separately

We discussed the list of suggested names and agreed that Heather should contact nominees to see if they are interested in becoming members. If the answer is yes, Heather will ask them to provide a CV and brief statement of why they want to join/what they would bring to the table.

3) Items for SAA Standards Portal

a) There was discussion both for and against adding RLI 279 (from ARL - the issue with the Deeds of Gift)

b) Discussion re: whether we should formally submit to the Standards Committee for proposed endorsement any of the external standards that we have submitted to the portal

We discussed whether we only wanted to list on the Standards Portal standards that IPWG had endorsed and could whole-heartedly recommend. Bill noted that there could be standards out there with which we disagree. He gave as an example a fair use best practices statement from a group of free-

lance photographers. (ASPP's "Best Practices for Locating Copyright Owners of Photographic and Visual Art.":

<http://mobile.aspp.com/detail.php?id=247>) It was noted, however, that the mandate for the Standards Portal was standards that relate to and support archival practice (*"SAA's Standards Portal is designed to educate the archives community about the value and role of standards, enhance the application of standards to practice, and facilitate successful partnerships with related information standards organizations with mutual concerns and interests. The portal includes SAA-approved standards, guidelines, and best practice documents. The Society's long-term goal is to establish a comprehensive clearinghouse that includes contextual information to assist archivists and allied professionals in moving these, and other external standards, from theory into practice"*).

Documents (standards/best practices/guidelines) may come to us in three ways 1) Suggested by a group/person external to the IPWG and requesting that we submit to SAA for endorsement. (We then have the option to decide whether to endorse or not, if we chose not to endorse, we can consider them as a #3 on this list.) 2) Suggested or written by the IPWG or a member of the IPWG. (We then have the option to decide whether to endorse or not, if we chose not to endorse, we can consider them as a #3 on this list.) 3) Those we think provide a valuable, interesting or potential useful perspective, but not something that is endorsed, but is submitted to the Portal.

The consensus of the group was that both SAA approved standards as well as standards/guidelines/best practices that we find useful or which present a valuable or interesting perspective should be listed on the Standards Portal and on the IPWG resources page. Such a listing, however, doesn't imply endorsement. We will continue to recommend to Council formal adoption of what IPWG considers to be particularly important standards with which we most agree.

Discussion of possible endorsement of RLI 279 (from ARL - the issue with the Deeds of Gift) was moved to a future meeting.

[Peter and Bill left at this point in the discussion]

4) Next meeting November?

There was general agreement that we should meet in November. Heather will send out a doodle poll to find a date in the first 2 weeks of Nov.

5) New Items

Bill reported that he will propose that his revamped copyright workshop be offered in New Orleans.

Heather asked Bill to review the draft annual report, after which she will submit it.

Peter brought to the attention of the group an all-day conference on Section 108 reform on 2 November at the Columbia Law School. The conference is being co-sponsored by the Copyright Office and may lead to draft legislation.