

## OPENERS

# New Tools for Copyright Education

by Cy Dillon

Perhaps you have already had occasion to notice that we librarians are always asking for things that will make our work more demanding. Increase the book and media budgets, and set loose an avalanche of acquiring, cataloging, shelving, circulating, repairing, reordering, and eventually cancelling. Add staff and expect to spend more time supervising, communicating, and keeping records. Buy a state-of-the-art integrated system, and—I would rather not even think about it.

That said, I should have known that getting a comprehensive information literacy program approved as part of Ferrum's general education goals was going to require me to do much more than help design a rubric or two. It was obvious early in the process that if we expected to teach freshmen something about copyright, we were going to have to be sure that librarians and faculty had a clear knowledge of the intellectual property law that applies to the wide variety of copyrighted materials used in college coursework. So I was very pleased that Claudia Holland, head of the Copyright Resources Office at George Mason University, organized and hosted the first Virginia Copyright Forum on June 24, 2009.

The forum drew a diverse group of information technologists, librarians, network managers, and lawyers who, as Holland explained in the summary she wrote of the event, "usually work alone when dealing with copyright issues that crop up on our campus. We have few people or no one with whom

to discuss our approach to fair use, not to mention the TEACH Act, DMCA, and orphan works." The discussions on illegal music downloads, copyright education, and fair use of copyrighted print and media items in classrooms, student projects, and course management systems were lively and informative. It was interesting to see that

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many of the same concerns were shared by research universities, private colleges, and community colleges. I hope the forum can continue as an annual event, because copyright law is both vague and ever-changing. Librarians need to constantly review trends, important cases, and tools for helping our patrons understand the issues.

One bit of information I garnered from the forum was the value of the work of the American Library Association's Office for Information Technology Policy's Copyright Advisory Subcommittee. The subcommittee recently announced two new resources for copyright education developed by Michael Brewer, team leader for Undergraduate Services at the

University of Arizona. Brewer has a knack for envisioning interactive educational web applications, and, so far, he has developed four online tools that will help any librarian answer copyright questions more accurately. He has worked with the subcommittee since 2005, and has been involved in every stage of the development of the tools described below. This work, particularly in the earlier stages, has been supported by the MacArthur Foundation and assisted by the ideas and leadership of Carrie Russell of OITP.

Brewer's Digital Copyright Slider (<http://www.librarycopyright.net/digitalslider/>), developed in 2007 and also available in hard copy, is an easy-to-use flash application that helps users determine if works are in the public domain. Also in 2007 Brewer and ALA released the Section 108 Spinner (<http://www.librarycopyright.net/108spinner/>) to provide librarians with a resource for understanding the broad special provisions for libraries and library staff members in Section 108 of the United States Copyright Code. Both the Slider and the Spinner are interactive, allowing the user to select a question and read the answer that applies, but they are essentially novel approaches to presenting text. Brewer's two recently produced tools engage participants much more directly, guiding them through a process of evaluation.

I asked him if it would be fair to say that the new tools represented a new generation of interactive copyright resources, and he agreed. Brewer added, "The first two were really print tools put online. The

second pair started pretty much as online tools, though I did experiment with a print version of the fair use evaluator. It was very cool, but was really much too reductive and made evaluations too mechanical, especially for those with little knowledge of copyright law.”

Exceptions for Instructors in U. S. Copyright Law (<http://www.librarycopyright.net/etool/>) leads users through special allowances for educational use of copyrighted materials, answering simple questions about the way the material will be presented. The overall look of the application is clean and clear, but there are also explanatory notes along the way, presented as optional helps. Once the user states whether the copy of the material to be presented is a legal copy and whether the presentation will be in a classroom environment, the application allows for the creation of a PDF document to record both the use of the material and the deliberative process of the user. This provides instructors with date-stamped evidence that they made a good faith attempt to determine whether the copyrighted item was used legally. Of course, the exceptions addressed by this tool are very specific, applying only to one of the many ways copyrighted material may be used by library patrons.

Brewer’s Fair Use Evaluator (<http://librarycopyright.net/fairuse/index.php>) undertakes the more complex task of providing comprehensive explanations of a variety of types of fair use for both individual users and presen-

tations to groups, guiding users through the process of deciding if a proposed use is indeed “fair,” and recording the deliberation process in a file that can be printed or archived electronically. The information organized in the educational portion of the application is covered by a Creative Commons license (<http://creativecommons.org/licenses/by-nc-sa/3.0/>) that allows for sharing and remixing the work for noncommercial purposes, providing there is attribution, so it is excellent for copyright education sessions. It is easy to see why this tool will be appreciated by academic and school librarians called on for interpretations of fair use or for presentations to groups on the subject, or public librarians who are asked by their patrons about fair use. It addresses Holland’s concern that we are often alone and have little access to legal expertise.

On our campus we are even considering requiring faculty to work through the Fair Use Evaluator and send us the resulting file for each item we make available through the electronic reserves function of our course management system. While it might discourage use a bit, the resulting education in copyright law for the faculty and the evidence we would acquire that our policies promote careful review of the use of copyrighted materials would be worth the risk. Even if we decide not to require this process, I still have the educational side of Brewer’s four tools to help me plan and present a faculty workshop on fair use this fall.

Michael Brewer took time this

summer to speak with me about his vision for developing new ways to provide copyright education to librarians and the public. He is intrigued with the possibilities inherent in social networking websites such as Facebook. Polling applications should be an excellent source of data on attitudes about copyright, and the Living-Social applications also have obvious potential, though I’m not sure I would take a quiz titled “What Kind of Copyright Law Violator Are You?” or list my five most recent copyright violations. Knowing Brewer’s ingenuity, I am sure he will figure out just how to get us to participate in his next interactive creation.

### Virginia Reviews

This issue includes the first set of book reviews reflecting our new, more comprehensive approach to Virginia books and media. Rather than limiting ourselves to the history of the Commonwealth, we will review books and media by Virginia creators as well as material about Virginia’s past, present, or future. We appreciate the review copies provided by the University of North Carolina Press, Woodhead Publishing, Louisiana State University Press, Pinyon Publishing, the Maryland Historical Society, and MultiCultural Educational Publishing Company. We also appreciate the efforts of our growing list of reviewers, and look forward to providing our readers with a wide variety of worthwhile reviews in the issues to come. **VL**