

# 2019 Minutes

VRWG Notes - Copyright

Wednesday, December 4 at 11 in Olin 703

In attendance: Simon Ingall, Amanda Kiesel, Tabitha Carey, Susette Newberry, Tre Berney and Marsha Taichman

Special guests: Matthew Koppel (MK), Laura Libert (LL)

How do we deal with the content over time and make it durable?

LL:

She didn't have much experience with copyright before HFJ

40,000 objects in HFJ permanent collection

Most requests in rights and reproductions are external

People ask for what they want and HFJ asks for details about what they are using it for

There is a set fee schedule, and almost always waives everything for Cornell.

HFJ is getting high-res photographs of the collection on an ongoing basis, and LL and others "feed the photographer" items to be photographed beyond what is acquired or used in exhibitions (these are almost always objects in the permanent collection, and, beyond what has been recently acquired, they are collecting images of permanent collection materials that have not been photographed). Once there is a receipt number (which happens before accession number), there is still a way to track the item. It can take a year to get something into the system. One person is doing all of the accessions, and there can be hundreds every year.

When a reproduction request comes in, LL reaches out to the appropriate curator (there are 5). There is a standard permission form (with information including that the image can have one use in a publication written in one language), and there are very specific caption requirements. The copyright is often apparent (fair use is anything in the public domain [old] - before 1974, manuscripts have copyright in the US in perpetuity). The onus to clear copyright is on the user.

The museum requests a complimentary copy of the publication for the collection as part of the history of the object.

No copyright is maintained for any material in HFJ, but for RMC it depends. The library does not want to license images in the public domain (MK says that you can't, but HFJ does it anyway).

The National Gallery in London spliced up some of their images on their website, and someone downloaded them, patched them up and put them into Wikimedia Commons. NG sued and lost.

RMC asks people to pay for everything, including the donors of materials.

We discussed the DCAPS model and cost-recovery.

MK:

Supports a variety of in-house things through A&S grants

Before consideration with any A&S grant, there is a 15 minute copyright chat

Sometimes it's a quick process to get copyright, but looking at those IP pieces first is important in order to prioritize and figure out workflows.

He drafts agreements, and reviews materials.

His work is not about policing, but enabling and facilitating using the rules.

No one except University Council can make a fair use assessment.

They get about 24 external emails a week just asking for help, and he gives resources.

He does not work specifically with visual materials, ALL materials

Creative Commons certification - Any fixed piece of work has copyright, and CC gives a license from the rights holder (not copyright) - Provided to enhance fluency in it

Google "CC image search" for finding Creative Commons images.

CCC provides guidance to anyone at Cornell

Copyright releases, FERPA release if it is part of a class

Trying to do workshops, and more advanced things like departmental drop-in that rotate, but they are not currently staffed for this

Risk assessment is really tough. MK can say, here is the risk, here is where it is on the spectrum, but you have the choice to deal with it. We are more risk-averse without a clear risk policy. What is our mission, and how does sharing the material have with our mission? Hard to push boundaries in a way that is not formulaic. Not arbitrary. If we have a pattern, that's helpful.

We do not have a risk assessment policy (long tail of policy strategy).

Sensitive items, indigenous artifacts -- need to keep in mind the ethics

Institutional priority

Copyright policy difference between public and private institutions

Idea of a virtual reading room to make copyrighted materials more accessible.