

# LIBRARIES AND COPYRIGHT: FAIR USE & E-RESERVES

October 5 & 12, 2010 :: 1:00 – 2:30 p.m. EDT

## TESTIMONIALS FROM PAST ATTENDEES

**“Clear, concise and well paced presentation. Presenters were not only subject matter experts but engaging. Very few extraneous words in a meaty topic.”**

**- Karen Bambacus, Director, Instructional Technologies, Frostburg State University, Maryland**

**“The program provides a great foundation in the fair use dimensions of copyright law useful in faculty and staff development.”**

**- Dr. Rodney Vliet, Dean of Library and Media Services, Biola University (La Mirada, CA).**

**“We are training library staff to handle copyright management at our institution and this was a very thorough introduction to the concept of “fair use”. We will use this information to compile our policies to share with faculty, staff, and students as we administer copyright on campus. The speakers were very clear and concise and gave pertinent, real-life examples.”**

**- Penny Cowan, Digital Systems Librarian, University of the South**

**“This provided an extremely valuable overview to the issues of Fair Use in a variety of venues. I recommend this to librarians and other educators involved with copyright and campus policies.”**

**- Jon Ritterbush, Electronic Resources Librarian, University of Nebraska-Kearney**

ACADEMIC · IMPRESSIONS

WEB CONFERENCE



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## OVERVIEW

Even though institutions of higher education are the most significant users of copyrighted materials, their policies frequently fail to reflect current copyright frameworks. For fair use issues, your institution likely restrains its policies more than necessary out of fear of copyright infringement in the face of uncertainty. Conversely, the use of electronic reserves – and the untested legal issues they present – may well be creating potential copyright liability for your institution and your staff.

Join us online for a two-part webcast designed to help you effectively guide your institution to full compliance with its fair use and e-reserve legal obligations.

## WHO SHOULD ATTEND

Librarians, archivists, and staff responsible for the creation and enforcement of institutional copyright policy will leave this event with the knowledge they need to apply fair use doctrine and establish e-reserves policy.

Session 1: Applying the Fair Use Doctrine – participants will:

- Understand the origins, evolution, and context of fair use and other relevant principles of copyright law
- Learn how to analyze what constitutes fair use under the law
- Gain comfort in approaching fair use issues as a matter of risk management

Session 2: Copyright Considerations for e-reserves – participants will:

- Apply copyright law to library reserve collections
- Explore a variety of approaches to e-reserves
- Obtain guidelines for developing e-reserves policy
- Gain tips for educating your communities about your policy

## PRE-WEBCAST SURVEY: BENCHMARKING YOUR E-RESERVES CHALLENGES

Most of you have experienced some level of trepidation when planning, implementing, and managing e-reserves for your libraries. Leading up to the webcast, we'll ask you to complete a short survey in which you can indicate your successes, challenges, and concerns with your e-reserves system. We'll share these results to give everyone a sense of your relative positions on this issue.

## SESSION 1: APPLYING THE FAIR USE DOCTRINE

TUESDAY, OCTOBER 5, 2010 :: 1:00 – 2:30 P.M. EDT

### AGENDA

- The place and importance of fair use in the copyright scheme
  - The exclusive rights and their limitations
  - Other statutory rights for education
  - Educational fair use as a “catch-all” and “safety valve”
  - The erosion of the right of educational institutions to use © material

Guide your  
institution  
to full  
compliance  
with its fair  
use and  
e-reserve legal  
obligations.



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TUESDAY, OCTOBER 5, 2010 (CONTINUED)

- Applying the fair use factors
  - Purpose and character of the use
  - Nature of the copyrighted work
  - Published v. unpublished
  - Amount and substantiality of the use
  - Impact on the market
- Fair use as risk management
  - Finding and defending the reasonable middle ground
  - The good faith fair use defense
- Main take-aways
  - Using fair use as a “last resort” rather than a first defense
  - Fair use as policy choice and risk management

## SESSION 2: COPYRIGHT CONSIDERATIONS FOR E-RESERVES

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TUESDAY, OCTOBER 12, 2010 :: 1:00 – 2:30 P.M. EDT

### AGENDA

- Existing “fair use” guidelines and their meaning for e-reserves
  - Classroom guidelines
  - Conference on Fair Use (CONFU)
  - ALA model policy on reserves
  - Coursepack cases
- Current case studies
  - Cornell University guidelines
  - Georgia State University litigation
  - UCLA video reserve controversy
- Decision points for implementing e-reserves
  - Identifying the materials to be reserved
  - Print works
  - Photographs and slides
  - Music
  - Video
  - Considering and coordinating licenses
  - Developing and communicating a policy
  - Establishing procedures
- The future of e-reserves



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## INSTRUCTORS

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### **Kevin L. Smith, M.L.S., J.D., Scholarly Communications Officer, Perkins Library, Duke University**

Kevin works in the main university library and is a resource to university faculty, staff, administration, and students for advice on a wide variety of copyright, publishing, and licensing issues. He serves on the faculty of the ARL's institute on scholarly communications and on the ALA's legislation subcommittee on intellectual property. Kevin maintains a highly-regarded weblog on scholarly communications (<http://library.duke.edu/blogs/scholcomm/>) that regularly discusses copyright and publication in academia and he is a frequent speaker on those topics.



### **Steven J. McDonald, J.D., General Counsel, Rhode Island School of Design**

Steve has experience with a wide variety of copyright-related issues, including the development of intellectual property policies, guidelines, and educational materials, IP licensing, and alleged infringements of copyrighted materials both on and off the internet. He previously served as associate legal counsel at Ohio State University, began his legal career in private practice, and has taught courses in internet law at Ohio State's College of Law and at Capital University Law School. Steve is a fellow and past member of the Board of Directors of NACUA and is the editor of NACUA's *The Family Educational Rights and Privacy Act: A Legal Compendium*.

## LOGGING IN TO THE WEBCAST

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After registration, each registrant will receive a confirmation of payment or an invoice, depending on method of payment. Each registrant will also receive an email with appropriate login information and more information regarding the event a few days prior to the start of the event. The day of the conference, you will receive another email with the same information. To participate, you will need a computer with a high speed internet connection. You will have the option to receive audio via your computer speakers or telephone.

## WHAT IS A SINGLE SITE CONNECTION?

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A site connection allows a single connection to the web conferencing software and teleconference. We encourage you to set the event up in a conference room or classroom from a single computer in order to allow multiple stakeholders from your campus to participate. Remember, as long as only a single computer connects, you can bring as many people as you want to the event. Because there are no travel expenses and only a single registration fee is required, each additional participant lowers the cost per person significantly. Purchasing a site connection and inviting everyone involved in a particular topic is a great way to provide cost-effective professional development. Please note that you will have the option to receive audio via your computer speakers or telephone.

If for any reason a relevant stakeholder cannot co-locate for the session, we encourage you to include that person by purchasing an additional connection at the reduced fee of \$195 per session. This will ensure that every member of a team receives the same relevant, timely information in the most efficient way. If an interested party cannot participate at the designated time, or if someone would like to view the presentation again, an archived copy of the event will be available for 60 days. If you have any technical or purchasing questions, please contact us at 720.488.6800.



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## REGISTRATION FORM

Make the most of the presentation: invite your whole team to participate from a single location at no additional cost.

Questions about the event? Call us at 720.488.6800 to help determine if this event is right for you.

Register online at [www.academicimpressions.com](http://www.academicimpressions.com)

## REGISTRATION FEES

**Single Site Connection:** Libraries and Copyright: Fair Use & e-Reserves

**Both Sessions (BEST VALUE)** \_\_\_\_\_ \$650.00 USD

**One Session**     Session One     Session Two \_\_\_\_\_ \$350.00 USD

Additional Site Connections: Libraries and Copyright: Fair Use & e-Reserves \_\_\_\_\_ \$195.00 per session

Session One, Quantity: \_\_\_\_\_ Session Two, Quantity: \_\_\_\_\_

Registrants receive a 50% discount on a CD recording of all sessions in this event. Please send me the CD \_\_\_\_\_ \$325.00 USD

Can't attend the live sessions? Please send me a CD recording of this webcast \_\_\_\_\_ \$650.00 USD

Total amount enclosed or to be charged: \$ \_\_\_\_\_

**How did you hear about this event?** (email from AI, colleague forwarded email, *The Chronicle*, etc.) \_\_\_\_\_

## WEB CONFERENCE REGISTRATION INFORMATION (PLEASE PRINT CLEARLY)

Name \_\_\_\_\_ Job Title \_\_\_\_\_

Institution/Organization \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ State/Province \_\_\_\_\_ Zip/Postal Code \_\_\_\_\_ Country \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

(Additional contact information for registration confirmations and pre-conference communication.)

Additional Contact Name \_\_\_\_\_ Additional Contact Phone \_\_\_\_\_

Additional Contact Title \_\_\_\_\_ Additional Contact Email \_\_\_\_\_

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We accept Visa, MC, and AmEx credit cards. To pay by check, include the check with this form or select the "invoice me" option. Fax form to 303.741.0849 or mail form along with payment to: Academic Impressions, 4643 S. Ulster St. Ste. 350, Denver, CO 80237.

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Billing Zip Code/Postal Code \_\_\_\_\_

Security Code (last 3 digits on the back of Visa and MC or  
4 digits on front of AmEx) \_\_\_\_\_

### CHECK/INVOICE

My check is included and covers \_\_\_\_\_ registration(s)  
Check # \_\_\_\_\_

Please invoice me  
Purchase Order # \_\_\_\_\_  
(PO# not required to receive invoice)

## REFUND/CANCELLATION POLICY

Refunds will be issued only if cancellations are received in writing by July 30, 2010. A \$75 processing fee will be assessed. After July 30, 2010 a credit (less \$75 processing fee) will be issued. The credit will be valid for 12 months and can be used toward any future conferences, web conferences, audio proceedings, or web conference archives. In case this event is cancelled, Academic Impressions' liability is limited to a refund of this registration fee only.

