

BARRIERS TO ACCESS

DIGITIZATION AND THE PUBLIC INTEREST A CALL TO ACTION

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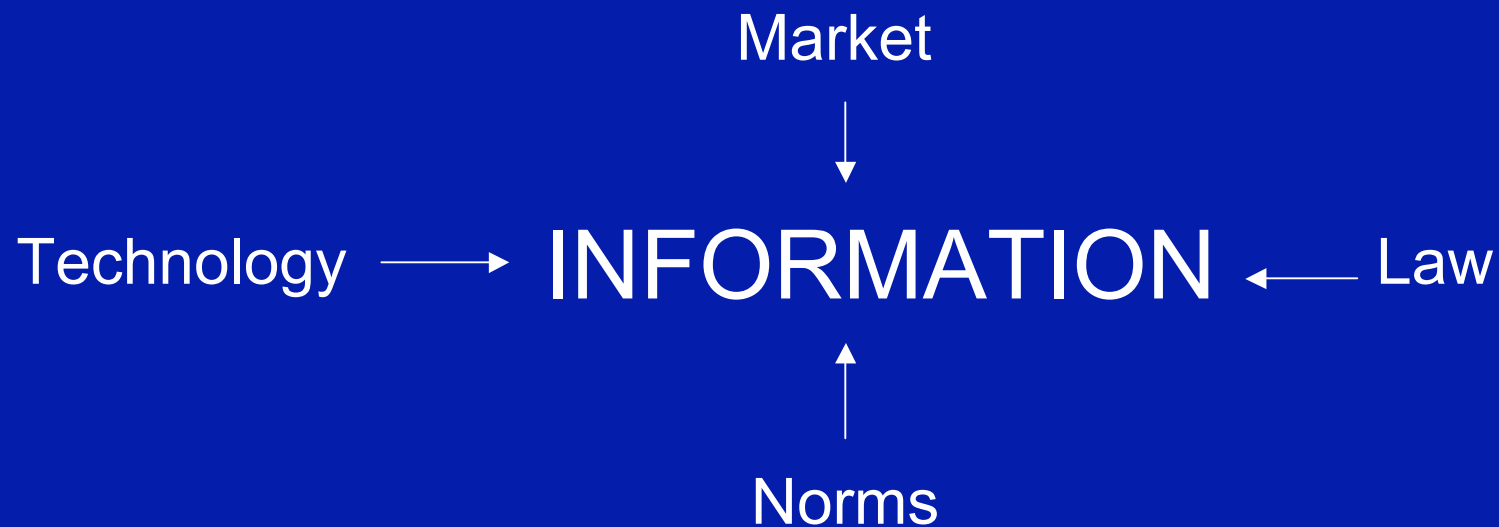
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ADVANCING THE OPEN REVOLUTION

- Open Source
- Open Standards
- Open Archives
- Open Text
- Open Linking
- Open Design
- Open Research
- Open Course Content
- Open Reference
- Open Aggregation
- Open Storage
- Open Access

Lessig Constraints On Open Access To Information



Private Funding
Commercial Technology
Market-Driven Strategies

SHOULD NOT EQUAL RESTRICTIONS ON

Ownership
Access
Distribution
Use
Preservation

CORE SERVICES TO USERS

- Information Acquisition
- Information Synthesis
- Information Discovery
- Information Navigation
- Information Dissemination
- Information Interpretation
- Information Presentation
- Information Understanding
- Information Archiving

CHANGING LIBRARY ROLES

- Libraries as Consumers
- Libraries as Intermediaries and Aggregators
- Libraries as Publishers
- Libraries as Educators
- Libraries as R&D Organizations
- Libraries as Entrepreneurs
- Libraries as Policy Advocates

THE SHIFTING VISION OF THE LIBRARY

- Legacy
- Infrastructure
- Repository
- Portal
- Enterprise
- Public Interest

BUILDING THE DIGITAL LIBRARY

QUALITY = CONTENT + FUNCTIONALITY

- Published/Licensed Content
- Primary Content
- Open Web Content
- Institutional Content
- Multimedia Content
- Integrated Services
- Software Tools

PRESERVING AND ARCHIVING THE CONTENT

- Archive as Repository
 - Archive as Persistence
 - Archive as Curation
 - Archive as Steward
- | |
|--------|
| HOLD |
| ACCESS |
| SECURE |
| CARE |
- Analog
 - Digital Conversion
 - Born Digital
 - Disaster Preparedness

ADVANCING THE REPOSITORY MOVEMENT

- Discipline Repositories
- Institutional Repositories
- Consortium Repositories
- Departmental/School Repositories
- Individual Repositories
- Community Repositories
- National Repositories
- Government Repositories
- Publisher Repositories

RESPONDING TO USER EXPECTATIONS

- CONTENT
- ACCESS
- CONVENIENCE
- NEW CAPABILITIES
- COST REDUCTION
- PARTICIPATION
- INDIVIDUAL PRODUCTIVITY
- INDIVIDUAL CONTROL
- ORGANIZATIONAL PRODUCTIVITY

DIGITIZATION AND LIBRARY RELATIONSHIPS

- Purchasing/Licensing
- Outsourcing/Contracting Out
- Hosted Services
- Open Source Development
- Business Ventures
- Public-Private Partnerships

WHAT IS A PUBLIC-PRIVATE PARTNERSHIP?

- Private sector financing of the economic (transportation or utilities) or social (schools or prisons) infrastructure
- Long-term arrangement for the design, construction, financing and operation of a public facility or capability by a private sector party with provision for payment to private party and ownership remaining with public agency
- A risk-sharing relationship based on complementary interests of public and private sector partners to deliver a publicly agreed outcome or service
- Cooperative research and development agreements and investments among industry, government and university

PUBLIC-PRIVATE PARTNERSHIPS CORE QUESTIONS

- Is this a service that the public sector should deliver? (Priority)
- What is the partnership model that delivers the best value? (Risk)
- Is the public interest safeguarded? (Accountability)
- What is the public sector getting? (Expertise, technology, business experience, revenue)

ADVOCATING THE INFORMATION POLICY AGENDA

- INTELLECTUAL FREEDOM
- PRIVACY
- CIVIL LIBERTIES
- EDUCATION PROGRAMS
- RESEARCH PROGRAMS
- INTERNET DEVELOPMENT
- TELECOMMUNICATIONS
- GOVERNMENT INFORMATION
- APPROPRIATIONS
- WORKFORCE POLICY

FIGHTING THE COPYRIGHT WARS

COPYRIGHT BASICS

- Exclusive Rights
- Broad Exemptions (Fair Use)
- Specific Exceptions/Limitations
- Fixed
- Infringement
- Originality
- Works for Hire
- Public Domain

KEY COPYRIGHT DEVELOPMENTS

- International Agreements
- Laws and Legislation
- Court Cases
- Trade Agreements
- Licensing Arrangements
- Use Guidelines
- Technological Controls/Digital Rights Management
- Ownership of Copyright

COPYRIGHT IN U.S.

KEY LEGISLATIVE AND LEGAL ARENAS FOR LIBRARIES

- Orphan Works
- Digital Fair Use
- Broadcast Flag
- Electronic Reserves
- Peer-to-Peer File Sharing
- Open Access to Government Funded Research
- Section 108 Study Group

COPYRIGHT ISSUES IN THE DIGITAL ENVIRONMENT

- Digital and Network Distribution and Copying
- International Harmonization
- Fair Use and Access Prohibitions
- Online Service Provider Liability
- Copyright Management Systems/Anticircumvention

COPYRIGHT ISSUES IN THE DIGITAL ENVIRONMENT

- Term Limitation and Commercial Exploitation
- Learning and Internet
- Maintenance of Public Domain
- New Licensing Regime for Facts
- Importance of Contract Negotiations

LICENSING ARRANGEMENTS

- Legal Issue
- Economic Issue
- Political Issue
- Psychological Issue
- Social Issue

THE GOALS OF THE LIBRARY COMMUNITY

Develop policies for intellectual property management which enable broad and easy distribution and reuse of materials by scholars and students and which

Foster a competitive and supportive market for scholarly communication and creative work.

LIBRARIAN ACTION AGENDA ON COPYRIGHT

- be knowledgeable resources for their communities, sources of accurate and current information about copyright
- aggressively advocate through political action for the public interest
- educate their users to respect copyright and to practice responsible use of copyrighted works
- document the impact of changes in the copyright laws on their ability to serve users
- effectively negotiate licenses to achieve terms that advance and not erode fair use
- discover, create and share copyright evidence
- use their economic clout to influence the information marketplace
- actively promote open models of information access and to the creation of an information commons for scholarly, educational and creative works

SOME REFLECTIONS

- “Sometimes a scream is better than a thesis.”
(Emerson)
- “If a lot of cures are suggested for a disease, it means that the disease is incurable.” (Chekhov)
- “Every war has been preceded by a peace conference. That’s what always starts the new war.” (Will Rogers)
- “Copyright length of protection should not be permanent term on the installment plan.” (Peter Jaszi)
- “Fair use is not civil disobedience.” (Jim Neal)