

Enhancing the Practice and Craft of Librarianship: Augmenting the Component of Intellectual Property

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As the gatekeepers of various and sundry types of analog and digital intellectual property, it behooves the practice of librarianship to be aware of the basic components of the property use of copyrighted materials in whatever form they may be used.

Familiarization of copyright basics for intellectual property is imperative for librarianship. A good starting question to ask is, "What is intellectual property??"

Cornell University has this definition of intellectual property [IP]: "Intellectual property refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce." It follows then that intellectual property refers to text, art works, music, lyrics, videos, and images including photographs. These are just a few of the major examples of IP and no matter what the type of IP it is, there are legal rights involved in the creation and ownership of intellectual property.

What are the rights of a copyright holder?

As defined by the U.S. Copyright Law, IP has a bundle of legal rights for all things that people originally create in a tangible medium. More often than not, these creations are called "works." These legal rights for works are defined in Section 106 of the Copyright Law and the copyright owner controls what are known and defined as Exclusive Rights.

The person who owns the copyright has the following six rights guaranteed by the Copyright Law that apply to their creation, their work:

1. The right to allow reproduction
2. The right to allow distribution
3. The right to allow public performance
4. The right to allow public display
5. The right to allow derivative works
6. Moral rights [for the visual arts]

The Copyright Law allows the owner of a work to say Yes or No to any of these five rights. Anyone wanting to reproduce a copyrighted work, distribute it, perform or display it, or create a derivative work from the original needs permission from the owner of these five rights.

More Basics

The practitioners of librarianship should be conversant with some of the more basic components of intellectual property. These basics can be addressed in asking and by being able to answer five basic questions.

- 1. Why do we have copyright?** It's in our Constitution: Article 1, sec. 8, clause 8, which states that Congress is: "[T]o promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries."
- 2. How do you get something copyrighted?** It's automatic protection and quite frankly, a no-brainer. All you have to do is to satisfy two conditions:
 - The work has to be an original work of authorship, and
 - The work has to be fixed in a tangible form
- 3. How Long Is Copyright?** The duration is the life of the author plus 70 years!
- 4. Who Owns the Copyright?** There are several possibilities:
 - The original creator
 - The work-made-for-hire doctrine may apply: someone is paid to create intellectual property for someone else
 - Institutional policies may apply: for example, through a mutual agreement, some exclusive rights can be shared by the creator and the institution
 - A copyright can be transferred to someone else [in whole or in part]
 - *N.B.: Students own their works*
- 5. What is Fair Use?** Fair Use allows for the educational use of someone else's copyrighted material without having to get their permission to use it. The Law allows a "limited use" and these limitations are defined by the Four Factors of Fair Use [Section 107 of the Copyright Law]:
 - *Purpose: why are you using someone else's copyrighted material?*
 - *Nature: what kind of material is it?*
 - *Amount: how much of that copyrighted material are you using?*

- *Effect: By using that copyrighted material, are you taking any money away from the copyright owner?*

It should be noted that there are many considerations when invoking Fair Use such as requiring the making of proper copyright attributions and/or bibliographic citations, various types of uses, duration of uses, and more. For additional assistance on Fair Use, please consult and make use of the [Columbia University Fair Use Checklist](#).

IP Internet Resources for Librarians

As a result of various consultations over the years, discussions at the University Libraries' [annual copyright conferences](#), and copyright presentations throughout the State, of Indiana, the need for a distinct, resource copyright page for librarians and media specialists became apparent.

There are many very informative Internet pages available for librarians and media specialists to access on copyright to assist not only the K-12 teachers and students, but also for those at the academic level as well. However, the vast majority of these pages are "how to" or "what you need to do" or "FAQs" or "self taught" modules in their content and presentation of copyright.

On the other hand, there are not many copyright pages for librarians that provide just a listing of useful resources only as links for librarians and media specialists to review to assist them in support of their K-12 and academic classrooms. The new addition to the University Libraries' suite of intellectual property pages is the [Copyright for Librarians](#) page and is intended to not only provide a list of useful links that can impinge on libraries and media specialists but also on those issues that can impinge on the classroom use of copyrighted materials.

[Copyright for Librarians](#) is a work-in-progress and will continue to expand in its scope and listings of resources of intellectual property links. The Copyright for Librarians page is an attempt to provide an IP resource of current and useful copyright information for media specialists and librarians.

The suite of intellectual property pages that the University Libraries at Ball State University have developed can be used to assist in enhancing both of the proper use of copyrighted materials. Along with the [Copyright for Librarians](#) page, the University Libraries also offer these unique resources:

[Copyright for Students](#)

Library Education Units [LEUs] and Professional Growth Points [PGPs]

All worthwhile professions obligate their practitioners to continue their education in their specialized field in order to keep abreast of up-to-date information that can be used to assist their clientele. Librarians and media specialists are no different and have this obligation and respectively, need to accumulate LEUs and PGPs. Indiana provides a number of relevant and timely conferences and workshops that help to fulfill these obligations for continuing education.

The University Libraries' [annual copyright conferences](#) are a rich venue that provides both LEUs and PGPs for those attending. This year, the 2011 Copyright Conference offers a total of four (4) LEUs for these programs:

- Warp 10 Galactic Glossary (1 General LEU)
- Decision Trees for Digitization Project (1 General LEU)
- Cell Phone Jailbreakers, Unlockers, and Assorted DMCA Tactical Corrections (1 Technology LEU)
- iPad, Kindle, & E-Issues (1 Technology LEU)

In regards to PGPs, K-12 track program attendees are eligible for four (4) Professional Growth Points [PGPs] or four (4) Contact Hours for attendance in the K-12 track programs.

The University Libraries' annual copyright conference is a convenient and affordable resource for LEUs and PGPs that will keep librarians and media specialists current on many relevant topics of intellectual property.

Copyright can be somewhat daunting but with the resources that Indiana librarians and media specialists have available to them through the University Libraries a Ball State, those practicing our craft and our practice have a suite of intellectual property pages to assist and augment their growth in matters of intellectual property.

For additional information or to answer any questions please feel free to contact:

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