

Meeting Report

*The Tug of War between Faculty, University, and Publisher
for Rights to the Products of Contemporary Education* Saturday, February 26, 2000
College Art Association Conference
New York, NY

- **Introduction** - Robert Baron ([complete paper](#))
- **Overview: Been There Done That!** - Christine Sundt ([complete paper](#))
- **The Issues** - Sanford Thatcher, Rodney Petersen, Jane Ginsburg
- Questions & Discussion, Pt. 1
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Introduction

Robert Baron

Robert Baron, chair of the meeting, thanked the Museum of Modern Art for hosting the meeting, and Josiana Bianchi of the museum and Emmanuel Lamakis and Katie Hollander of the College Art Association, for facilitating it. He reported that about half the audience of 70 were attending outside of the CAA conference.

In his [introductory remarks](#) on the topic for the meeting Mr. Baron addressed the issue of the seductive power of the Internet for authors. They now had access to a potentially huge new audience, and he bore witness to himself every day checking the number of readers viewing one of his scholarly articles posted on his web site. Increasingly scholars were preparing to exchange the "psychic bucks" of recognition of yesteryear for the "cyber bucks" promised by the Internet. Products routinely ceded to publishers or to employers were now seen as potential gold mines.

In referencing a recent *New York Times* article, "[Boola, Boola: E-Commerce Comes to the Quad](#)," which cited the dreams of faculty and university administrators in reaping financial windfalls from distance education classes, Baron worried about the impact on the ecology of education: with a few "brand names" reaping the rewards and the rest left out in the cold: "when education becomes a commodity, content can be bent to financial interests." [1]

On a positive note, others were encouraging all involved in the rights equation to intelligently unbundle the rights as they are needed and to make the "tug of war" between faculty, university and publisher a working partnership in which all benefited. [2]

Mr. Baron introduced the speakers: Christine Sundt, surveying the ownership and use issues the community has struggled with since the Conference on Fair Use; Jane Ginsburg, analyzing several "tug-of-war" rights disputes; and Sanford Thatcher and Rodney Petersen, addressing institutional efforts to create multilateral policies and guidelines that all can recognize as fair.

BEEN THERE, DONE THAT! The State of the Question Regarding Copyright, Fair Use and Intellectual Property in the Arts

Christine Sundt

Chris Sundt, in her paper, "[Been There, Done That!](#)" reviewed the history and successes of the community's wrestling with intellectual property issues over the past five years. Although we had learned a great deal from each other and had inspired others, there were still, in meetings like these, many of the same old questions from both sides of the fence--from "Why do I have to mortgage my house just to have illustrations in my book?", to "How dare they use my website or photo and not tell me -- or pay me!" However, we are learning and in moving mountains, knowledge is power.

Sundt reviewed the experiences of the Conference on Fair Use (CONFU) and how the community was strengthened by the experience and emboldened to create its own resources, guides, principles and policies. Although CONFU itself was a "failure" in its not producing easy-to-follow guidelines accepted across the educational community, it was a success in that it taught us that "fair use could be employed just as efficiently and perhaps with more individual latitude without the guidelines than with them. There is no denying that exercising fair use requires knowledge and work, but we began to feel up to the task. We celebrated a victory for fair use or more accurately for a revival in our confidence and comfort with the doctrine of fair use."

Following CONFU and the question of what should follow, several groups began developing broader principles. One of the first was the Library & Intellectual Property Committee of the National Humanities Alliance. Working on a basic set of principles developed by Martha Winnacker at the University of California, the NHA's "[Basic Principles for Managing Intellectual Property in the Digital Environment](#)" offered a set of standards against which to measure new legislation or any other intellectual property developments. Several universities followed with both guidance and their own campus-based policies. Other by-products of CONFU's failure were a number of very practical useful guides, among them the American Association of Museums' A Museum Guide to Copyright and Trademark, [3] and the Visual Resources

Association's Image Collection Guidelines: The Acquisition and Use of Images in Non-Profit Educational Visual Resources Collections.

One of the most fascinating resources is the [CNI-Copyright discussion list](#), where cultural issues frequently surface. Sundt followed the discussion that spiraled out and back to a question on the list about the legality of making collages from material in the public domain. The question of the artistic use of others' material is one that has cropped up at each of the four town meetings held at the CAA conference over the past four years. Issues debated come and go: "Been there? Done That? Many of us have. Are there easy answers to these questions? Maybe the only reasonable and certain answer to many of the above is: "It depends."

Sundt ended by making a plea to all to consult their institution's or organization's legal counsel on these issues, but emphasized the importance of first taking the time to do some homework, through, for example, consulting the resources uncovered in this town meeting series, the new guides and the discussion lists. Very often this community will know as much as the legal counsels, very few of whom have expertise in the rapidly shifting ground of copyright. Our mission is fundamentally to know what we want and then to move ahead to find ways of getting it.

THE ISSUES

- Jane Ginsburg, Morton L. Janklow Professor of Literary and Artistic Property Law, Columbia University Law School
- Sanford Thatcher, Director, Pennsylvania State University Press
- Rodney Petersen, Director of Policy and Planning in the Office of Information Technology, University of Maryland

Jane Ginsburg

Turning to the central issue of this town meeting, three speakers engaged the topic of the ownership of university faculty production. Jane Ginsburg focused on two current cases that test whether, and to what extent, professors have the right to control the dissemination of their classroom performances. "Unauthorized note-taking services pose one challenge; professorial moonlighting for distance education enterprises present the other. In both cases, the Internet has vastly increased the economic (as well as pedagogic) potential of these ventures. The Internet has also significantly aggravated pre-existing tensions regarding the propriety and legality of these practices. As a matter of copyright law, do professors own their lectures? Or do their university employers? Who may profit from these ventures? Who, if anyone, can prevent them?"

The note-taking cases concern students who sell the notes they have taken during professors' lectures to an Internet service that then sells the notes to students. Legally the professor only has rights if the lecture is written down, is fixed, whether or not it is published, or registered. The professor thus retains all rights, including to reproduce, distribute, or publicly perform and distribute (all of which are entailed by placing material on the Web). Sharing such notes with others is legal, but not if it's for commercial gain. For the professor, registration is not required to enjoy copyright, but to enforce it (to litigate), registration is required (easy to do via a webform on the Copyright Office site). If a lecture is *ex tempore* and unfixed then Federal Copyright law does not apply and it's up to State law to offer protection. Very little state law does cover this (although a recent California proposal would deny any recording whatsoever of faculty's classroom presentations). There is also the issue of who the author would be of a transcription of an unfixed lecture. Many would contend the student is a joint author, especially if there is give-and-take in the classroom, (although the professor is unlikely to grant this) and under current law any joint author can exploit a work without seeking permission from the others. If the professor was the creator of the "underlying work" the student could contend that he or she was an author by adapting or transforming the work (but they can't create the adapted work without the permission of the professor). Even though there may be an implied license to take notes there won't be an implied license to commercialize them; a student would need written transfer of exclusive rights. So it seems that students are acting beyond any rights or privileges granted them.

But then do professors have rights to distribute their lectures to the public, or do those rights adhere to the employer, the university? This brings us to the case of Arthur Miller, teaching Civil Procedure at Harvard Law School, who offered his re-cycled lectures to Concord, an online distance education company. The academic tradition is that authors own the works they create while in the employ of a university, even though they tend to sign over all their rights to publishers, without even thinking about them. This tradition was called into question by the Copyright Act of 1976 that codified the "work made for hire" doctrine, stating that any work created for hire and all associated rights belong to the employer (who is in fact the statutory author). Professors are clearly employees and create lectures as part of their employment, but there is an ambiguity about whether they are created for the university, for "knowledge" or for the professor.

Since 1978, any work within the scope of employment strictly belongs to the university. However a couple of decisions from the seventh circuit court in Chicago ruled that the academic tradition and the "teacher exception" to the "work made for hire" overrule the 1976 law. Ginsburg pointed out, however, that the two judges in

question were also prominent authors and were hardly disinterested. So the upshot is that things, again, are not clear.

Why should we care? The Internet has changed the field of debate through the promise of greater cash. Now universities are beginning to care - they used to allow faculty to keep the rights because usually very little money was involved and they didn't want the ill will for the small amount of cash that would accrue through asserting their rights.

But now there are two problems. First, with the Arthur Miller case, it's clear that faculty could go into competition with the university, lured by the prospect of financial windfalls from distance education contracts. This may be as much a conflict of interest or an abuse of the university's name as it is a rights issue. Such lucrative contracts might only be possible through a professor's association with the illustrious name of a university.

Another issue is that it is accepted that lectures, as their authors, are portable. No university expects a professor to start from scratch. There could then be some perverse incentives: professors would create their best lectures on their own time and commercialize them. Neither are good outcomes; but what is an appropriate copyright policy? Professor Ginsburg hoped there would be good discussion around these issues in the following sessions.

Sanford Thatcher

The meeting then turned to the efforts of institutions to develop policies and principles to guide individuals.

Sanford Thatcher spoke of the efforts of the Pennsylvania State University's task force, of which he is a member. The task force was established in 1998 to create consistent policies and procedures for managing on-campus intellectual property. Its mission was to help faculty better manage their own intellectual property as well as to increase the university's revenue from the intellectual property that it owned. It was quite apparent that the main focus was on patents, the big revenue-producer. However, there was now renewed interest in copyright issues.

The university had completed a previous policy review in 1982, following the 1976 Copyright Act. While recognizing the "academic tradition" of faculty owning the rights to their own books and articles, the 1982 policy did specifically exclude instructional materials, and this became a key issue in this round. In fact the only new policy to be forged was one regarding "courseware" - technology-facilitated courseware materials.

From his own perspective as the university press director, Thatcher noted that when universities typically discuss these issues they forget how much intellectual property is in fact managed by the university presses: the 120 presses making up the American Association of University Presses collectively owned and managed 9,000 books and 800 journals a year.

In attempting to set up a structure for dealing with intellectual property and a process for educating faculty and staff, and in conducting a significant review of other universities' policies, the task force quickly recognized how fragmented intellectual property issues were across the campus and how discussions were mostly driven by professional associations, like the Association of Research Libraries. Education was seen as a key component of any policy and the university understood its obligations under the DMCA to establish an ongoing copyright education program on the rights and responsibilities of all of its members.

Thatcher was a member of the subcommittee on "Copyright, Software and Databases," which took its cue on the ownership of intellectual property from statements by the Association of American Universities (AAU) and the American Association of University Professors (AAUP) as well as the summary of a meeting on this issue held in September 1999 under the auspices of the Committee on Institutional Cooperation (CIC) (see Resources). The Penn State report, currently being drafted, will also include chapters on "Conflict of Commitment and Conflict of Interest" and "Class Notes."

The AAU position was essentially that the universities owned faculty production, while recognizing that faculty had some share in the rights. The AAUP, not surprisingly, saw things differently. For it, courseware fell into the same court as traditional academic production that the faculty owned. Both AAU and AAUP reports emphasized the nature of a university as a collective enterprise; both saw that it was important for administrators and faculty to work together in a time of rapid change, especially in the realm of "early disclosure" of plans for producing courseware.

The Penn State Task Force developed six principles, hinging on:

- the recognition that the university is a "collective enterprise";
- the recognition of prevailing academic practice;
- the question of whether a project makes "significant use" of university resources;
- the recognition of special circumstances that require university investment;
- the importance of early disclosure;
- the need to be flexible because of the rate of change.

The Task Force began by accepting the "academic tradition" whereby faculty own the rights to their academic production and then outlined the special circumstances that required university investment and in which the university deserved to begin sharing rights. These circumstances were broken down into two models. One was where the university initiates a project to create "commissioned" teaching materials, providing staff and facilities. The other is where faculty initiates a project that later requires substantial university investment.

Given some controversy over the use of the phrase "significant use of university resources," Penn State uses the act of faculty request for assistance to initiate university ownership interest. The university also recognizes its own residual ownership interest in professors' course material, needing a non-exclusive royalty-free license to use that material when a faculty member has moved on.

Rodney Petersen

Mr. Petersen opened by sharing some of his discoveries from conducting research into intellectual property policies at research universities, sponsored by ARL and the University of Maryland. One was that, although often not written down, copyright policy did exist in some form on most campuses. Often this was in the form of tradition, or accepted practice; often specific policies were developed for different kinds of intellectual property (patents; copyright; trademark) or for different kinds of material, for example, computer software and courseware. Petersen also discovered that there was interest and activity in related areas, like conflict of interest and around abuse of universities trademarks.

Mr. Petersen's second point was that in this area, one's approach is critical. What are the questions being asked? Too often, he finds, it is simply "Who owns the copyright?" More useful, he suggested, from a hypothetical example of two companies battling over possession of 100,000 oranges, was the question of what participants needs are. Then one might discover, to use the oranges example, that one company wants the juice from the oranges, the other needs only the rind.

Petersen gave examples of interests that did seem important to consider in any "tug-of-war." One was academic freedom. This seems fundamental to most faculty, who would resist, for example, a university's demand that all course material be placed on the web: faculty have traditionally had the freedom to determine "what to teach, how to teach it, and when to teach it." The portability of an academic's research agenda and teaching material if they should move to a different institution is another important faculty need. Another interest was the incentive to create; in other words, who was to own the material

Universities also have interests. They are engaged in competition; they have a reputation and a trademark to protect; they will seek to recoup a certain amount of investment in costly technology-intensive projects; they want to promote access and use of material developed through their investments (and if professors sign over their rights to publishers then the university spends money "buying back" material that they have already invested in).

Petersen referred to one case at Maryland where a professor approaching retirement wanted to digitize and make generally available all the material he'd published in over 500 reports, journal articles and books with close to 100 publishers. The Web development support staff raised the alarm when he requested mass digitization of his work, and only now is he realizing the complexity of the copyright issues and how he might have managed these more responsibly earlier in his career.

He commented on how the University of Maryland, College Park, the only Research I institution in the 13-campus system, had issues and interests that were often different from the other institutions in the system. This was especially true when it comes to distance education, where the relationship between one's research results and teaching is closely related - a very different dynamic than that of an institution that delivers distance education courses that are often delivered (taught) by a person other than the content provider (developer). Thus, after being involved with a system-wide committee that studied the issue, the institution established its own committee in an effort to develop policies that reflected its unique character and mission.

Project NEThics is based in the University's Office of Information Technology. The mission of the project is to promote the responsible use of information technology through education and policy enforcement. Project NEThics is the registered agent to receive complaints of copyright infringement under the Digital Millennium Copyright Act (DMCA) because of its history of implementing information policies that deal with the problems of computer misuse. NEThics also seeks to be proactive and work with all University members in an educational manner. Thus, Project NEThics focuses on developing policy and ethical frameworks within which decisions can be made. The project recognizes there are no model solutions in such a fluid environment. Staff tries to encourage faculty to manage their own intellectual property and to enable them to feel comfortable with questions like how to obtain (and give) permissions and to know what the parameters of fair use are. While legal counsel is always available for consultation, their mandate is essentially conservative, as they must protect the University's liability. Mr. Petersen's office, however, tries to encourage the responsible pushing against boundaries, finding ways to enable faculty do what it is they want to do in a legal and responsible manner.

In the spirit of Penn State's examination of other institution's policies before developing its own, the CopyOwn site has been developed as a central resource for sharing the copyright ownership policies developed by higher education.

Mr. Petersen finally encouraged us all to be principled, to be flexible and to be fair. Forgetting positions but thoughtfully examining needs and interests, we can unbundle rights and make maximum use of our intellectual capital.

Comments, Questions & Discussion: Museums & Ownership

A museum curator opened by confessing confusion over the rights ownership of many of his research materials. He, like many of his peers, had long assumed that an institution owned the copyright of the objects it housed, but realized now that not only was that not true but also that he didn't necessarily have ownership of the materials of his research: his notes, photocopies, photographs and tapes taken during field work.

Ginsburg opined that the heart of the question was whether the "teacher exemption" applied to other contexts, where the motivation is the same. Sundt referenced a discussion on CNI-Copyright about whether photographs taken by the National Gallery and the Smithsonian belonged to the government, the museum or the photographer. Her point was that the answer may depend on what an individual's status is and where they would fit into the many exceptions within copyright law. Sandy Thatcher commented that he knew many senior librarians at Penn State who were also faculty and felt similarly caught between two roles: when do they operate within the "teacher exception," and when are they "staff" librarians?

Tom Bower, of the American Museum of Natural History, affirmed that the Smithsonian was a "trust instrumentality" and neither Smithsonian nor the National Gallery was a government agency. He commented however that they were both trying to be very proactive in supporting fair use and at Natural History were adding a statement to their website advising on the language to use when seeking permission to use material (that there would be no commercial use; that there would be limited distribution, etc). The museum was doing its best to train those working in rights and permissions on the complexities of some of these issues, but often volunteers were deployed so applicants needed to be clear about their use and knowledgeable themselves about the exceptions that applied to them.

This comment on volunteers prompted Petersen to note that volunteers, in the form of graduate students, are often deeply involved in the production of scholarly work in

universities but they do not fit into the same legal framework and certainly would not be covered by "work for hire".

Thumbnails & Fair Use

Michael Shapiro, co-editor of the Museum Guide to Copyright and Trademark, asked the audience to send any comments on the Guide to AAM [via [Barry Szczesny](#)], as the publishers were eager to gather responses to how this book fulfilled the community's needs in this area. He then moved on to the "ditto.com" case that raised the question of whether the reproduction of image "thumbnails" in response to a search engine request was fair use.

Ginsburg thought it was questionable, although obviously any image on the net was fair game for being indexed in a search engine. The more compelling point, that the court failed to seriously address in her opinion was whether in collecting images any search engine should be obliged to also collect the metadata containing copyright management information, revealing what further uses of the image were authorized. She expected further developments in the case.

On the subject of thumbnails, Sundt commented that at one point in the CONFU discussions publishers agreed that thumbnails had no commercial or intrinsic value. This, she felt, was an important concession that certainly helped in the *Bridgeman* case. It also recognized the practice among stock photographers of freely exchanging thumbnails, a practice that confirmed their lack of fiduciary value. Baron cited Stephen Weil's article, "Fair Use/Museum Use," in which he argued that thumbnails were the equivalent in the visual domain to short portions of literary works. [4] Sundt and Baron emphasized that this was yet another illustration of how the copyright laws were written for a text medium and that a separate understanding was called for in the visual medium. Ginsburg noted that the law was more stringent in the UK and in France, where a thumbnail would be considered the equivalent of a complete literary work.

In this case, Ginsburg ventured that there were two kinds of fair use: one is transformative, and builds a new work on an original (and the ditto.com thumbnails were clearly not transformative); the other is redistributive fair use, where a user makes a work available to a different or broader audience than it was designed for. This second is always the less appealing as it runs into the owner's prospect for earning money; so this use is only "fair" if it doesn't cut into the owner's market. A hardcopy thumbnail here could also be radically different from a digital thumbnail, if you could actually expand the thumbnail: so to make a judgment one would need to know what was at issue.

This concluded the first part of the meeting, held at the Museum of Modern Art.

Comments, Questions & Discussion

The second part of the meeting was a one-hour session dedicated to questions and discussion from the audience. The audience remained about the same size but with a 50% turnover between the sessions.

Distance Education

After brief summaries of their presentations by the speakers, Robert Baron opened by asking for responses to the College Art Association's comments submitted to the Copyright Office as material for its [Distance Education Report](#). Section 403 of the 1998 Digital Millennium Copyright Act required that the Copyright Office submit a report to Congress, after consulting with copyright owners and the educational and library community, on how to promote distance education through digital technologies, keeping the balance between the rights of copyright owners and the interests of users.

In [written comments](#), CAA made the distinction between the use of copyrighted materials in a mediated environment, such as in a face-to-face course, and one in which there was no mediation. Thatcher stated that the Association of American University Presses was comfortable with such a position: its chief worry was in seeing the digital equivalent of "coursepacks" put together without permission and distributed over the web. In the digital environment, there is no easy way to distinguish between on-campus instruction and "distance" learning, since Web-based teaching uses the same means of communication in both instances.

Ginsburg reviewed the history of the Copyright Office report, which all panelists applauded for its evenhandedness. The principle point for Ginsburg was in trying to assess what kinds of distance education were in the spirit of the 1976 Copyright Act, and its exemptions for closed-circuit television and classroom-bound learning, and what is a new commercial market in which authors should have their share.

Questions from the audience commenced - many reinforcing Sundt's sense of "Been There, Done That."

Copyright Term

To a question about the terms of copyright protection, Ginsburg reviewed the history:

- 1909: 28 years from publication date, renewable for further 28 years
- 1976:
 - New Works - life of author + 50 years;

- Anonymous, copyright pending, or work-for-hire: 75 years from publication date
- Works granted copyright before 1976: 75 years from publication date
- 1998:
 - New Works - life of author + 70 years;
 - Anonymous, copyright pending, or work-for-hire: 95 years from publication date
 - Works granted copyright before 1998: this act was not retroactive so nothing was retrieved from the public domain but works did get extended protection; works before 1924 were still in the public domain.

To this, Thatcher added information about the GATT Treaty implementation, effective January 1, 1996, that did retrieve many foreign works that had entered the public domain for various reasons, such as failure to register.

Legality of Copy Photography in Art History Courses

A visual arts curator asked whether digitizing slides from an academic slide library, obtained from various sources, could be legally placed on a campus-bound, password-protected, web site.

Christine Sundt answered that as a practicing visual resources curator for some 26 years, she had shared the fear that "copystand photography" was a copyright infringement. Although there was no case law, many practitioners believed this was a fair practice, resting on academic tradition that went back to the turn of the last century, where slide libraries assembled material from many sources. She felt that slide librarians should always legally acquire commercial slides when available. It is when material is not easily available that there is a problem. The same issues clearly occur in the digital world, as we've never solved the problem in the first case. She referred to Macie Hall's article, "Fair Use or Foul Play? The Digital Debate for Visual Resources Collections," which included a good in-the-trenches account of the daily challenges faced by a slide curator, and her own paper on the process of acquiring permissions, "The CONFU Digital Image and Multimedia Guidelines: The Consequences for Libraries and Educators." [5] The process is often tortuous as there is a very complex route from the image in hand to the copyright holder. Another big issue was that the community has been struggling with a copyright law devised for text documents.

There was a need for greater understanding between this community's academic needs and the desire of publishers to control their product. Academics needed quick, inexpensive access and confront complex layers of rights in which it's often impossible to get a clear answer: so we use what we can. There was now the added

frustration of working with images that were licensed, and which would evaporate at the end of a semester.

Licensing

A related question was whether a university press could assemble a CD of images that libraries could license for classroom use.

This in essence is what AMICO is doing. Thatcher specifically replied that it was unlikely that a university press could embark on such a venture as it rarely had the rights to use visual images in a different medium. He noted that some new companies, like netLibrary, are contracting with university presses to create electronic editions of books they are then selling to libraries but that art books can rarely be included in such deals because of the complexity of rights for visual images.

Petersen was concerned with the need to educate students about CD material. Site licensing was also creating the larger issue of how contract law was replacing copyright law in many instances. In the controversy over UCITA (Uniform Computer Information Transactions Act) a major complaint is how the terms in "shrinkwrap" or "click-through" licenses could prevent "fair use", as a matter of contract law. [6]

Sundt referred to available resources, mentioning SASKIA as one company producing high quality digital images. The Public Domain was another source. There was a plea here from a SASKIA representative for the community to honor contracts and not to compromise the company's own licenses with image rights holders. Baron wanted to radically increase the number of available images and pointed to the AIC as a plan to distribute public domain images.

Rights Clearance, the Public Domain and Access

To a question about the difficulty of getting clear answers over the ownership of material, first it was pointed out that, for public domain material, any pre-1924 underlying image is in the public domain, but that the real question is in the ownership of the photograph of the image or object. The Bridgeman decision maintained that a documentation image could not be copyrighted, but Ginsburg pointed out that this was not at all clear and that the case was on appeal. There are also property rights and the question of how one obtains access to the public domain image. Clearly there was a need for more collectives to ease the clearance logjams. Ginsburg reminded the audience of the importance of remembering different regimes in different markets. In the UK and France it was clear that a photograph documenting any art object could be copyrighted.

This related to another question that attempted to clarify the question that the issue of the public domain was at heart an access issue: how one had access to public domain

images. Sundt emphasized how copyright law was entwined with contract and property law; copyright is only one set of laws. She emphasized her main point that one needed to clarify what was wanted and then negotiate. There's the issue of what obligation a museum might have in providing access and how enforceable various rights were.

Petersen reiterated his comments on UCITA, repeating that there were ethical issues when contract law and technology were used to reach a copyright effect without any of the public good intentions of copyright law.

Ginsburg warned not to extrapolate a state of lawlessness from the existence of the public domain: we clearly were not advocating piracy. Sundt took up this point calling for strong freshman classes on copyright and calling for a Copyright Primer for children.

NOTES

1. Jacques Steinberg with Edward Wyatt. "Boola, Boola: E-Commerce Comes to the Quad," *The New York Times (Week in Review)*, Feb. 13, 2000.
2. Gail S. Chambers, "Toward Shared Control of Distance Education," *The Chronicle of Higher Education*, Nov. 19, 1999, pp. B8-9.
3. American Association of Museums, *A Museum Guide to Copyright and Trademark*. Co-authors: Michael S. Shapiro and Brett I. Miller, Morgan, Lewis & Bockius LLP. Edited and introduced by Christine Steiner.
4. Stephen E. Weil, "Fair Use/Museum Use: How close is the Overlap?" in "Copyright and Fair Use: The Great Image Debate." *Visual Resources: An International Journal of Documentation*, Vol. XII, nos. 3-4. (1997)
5. Macie Hall, "Fair Use or Foul Play? The Digital Debate for Visual Resources Collections." Paper delivered at the Association of College and Research Libraries, New England Chapter conference, "Wired and Wary: Legal Issues for Librarians in the Digital World" held at Boston University, November 7, 1997. Christine L. Sundt, "The CONFU Digital Image and Multimedia Guidelines: The Consequences for Libraries and Educators." Version of the paper presented April 4, 1997, at "Fair Use, Education, and Libraries: A Town Meeting to Examine the Conference on Fair Use", Indianapolis, Indiana.

6. See, for instance, Richard Stallman, "Why We Must Fight UCITA," Electronic Frontier Foundation. January 31, 2000