DCMA & DIGITAL COPYRIGHT: OVERVIEW

Friday, February 4, 2000
Syracuse University Hotel, Syracuse University
Syracuse, NY

- **Copyright Workshop** - Kenneth Crews
- **Digital Imaging: Faculty on the Web** - Frank Macomber, Elizabeth Kahl, Stuart Thorson
- **Intellectual Property and Access** - Kenneth Pennington, Jeffrey Rubin, Marjorie Hodges Shaw

Introduction

George Abbott, local organizer of the town meeting, opened the proceedings; Syracuse University Librarian **Peter Graham** welcomed participants and stressed the importance of the day's topic; and **David Green** put this meeting in the context of the other town meetings funded by the Kress Foundation to explore the "increasingly complicated and increasingly unavoidable" topic of copyright. Mr. Green thanked Kress and cosponsors Syracuse University Library and Cornell University Library for making this event possible.

COPYRIGHT WORKSHOP
Kenneth Crews

The first part of the town meeting consisted of a lively three-hour copyright workshop conducted by Dr. Kenneth Crews, with active participation by the audience of 160.

Kenneth Crews with staff and faculty at Syracuse

Topics covered by Dr. Crews included the basics of copyright law, major copyright developments (including the Digital Millennium Copyright Act), and consideration of how researchers, teachers and students can be good stewards of their own works as well as respectful, and legal, users of the works of others.

The issue of the ownership of copyrighted works in a university context became a primary issue for discussion. The question of whether faculty produced works under an accepted

"works-for-hire" arrangement or whether there existed a "teaching exception" was much debated. Crews emphasized the importance of understanding how rights to a particular project can be assigned and negotiated by contract (get the assignment in writing and make sure the rights end up where they make the most sense). He emphasized the usefulness of the unbundling of rights, asking parties to state their specific needs rather than to fight over gross ownership of rights. Dr. Crews has assembled many useful resources on the issue of faculty ownership on the "Rights & Claims of Ownership" page of Indiana University's Copyright Management Center (CMC) website.

Crews testified to the difficulty in educating faculty about the basics of copyright and ownership issues but reiterated how crucial copyright education is and that it should be seen as part of general education rather than as a legal curiosity. Some ventured that professional societies could have a role here in educating membership and in negotiating rights with publishers.

There was an interest in model university policies and agreements on the management of intellectual property.

Dr. Crews' overall message was that the broad university community needs to be more fully engaged in these issues and that the law invites us to be creative in our efforts to advance research and knowledge.

DIGITAL IMAGING: FACULTY ON THE WEB

- Frank Macomber, Emeritus Professor of Fine Arts, Syracuse University
- Elizabeth Kahl, Computer Consultant, School of Engineering, Syracuse University
- Stuart Thorson, Director of Information Technology, Maxwell School of Citizenship and Public Affairs, Syracuse University

Frank Macomber
Frank Macomber spoke of his experiences teaching an "Introduction to Music History" course in which he had developed a rich, multimedia, cross-disciplinary digital toolbox, combining text, sound, and moving images, to assist students grasp the lessons. The results were a dramatic 20% increase in students' performance. Macomber had organized this on an intranet and had paid little attention to copyright concerns until recently. All the digital material used in the course is in the Syracuse University Library and cannot be used or copied out of the library. However, now Mr.

Macomber is interested in the potential of this course to be moved (and even licensed) off campus.

Elizabeth Kahl
Instructional designer Elizabeth Kahl has put together many digital packages for faculty while at the university's Faculty Academic Support Services. She was especially baffled by how to deal with faculty with little understanding or patience with copyright as well as with some basic academic competency problems (e.g. a lack of consciousness about referencing, citation and whether authenticity was important). Her own questions included: what, and how much can be used online under fair use; what is the law regarding use of university-owned material; where should material be stored; what were the best ways to limit access; how do we best document material? Perhaps most worrying, though, was the paucity of questions in general that she was asked on these issues.

Stuart Thorson
Stuart Thorson, director of information technology at the Maxwell School of Citizenship and Public Affairs, is developing online teaching materials and is curious about the administrative incentives that could encourage them. He felt there were more questions than answers in this area, and that this spoke to the need for greater education and resources.

Two projects usefully illustrated two issues. One was the development of a digital archive of student writings, and here he was exploring the intellectual property challenges involved. The other was to establish a "distributed learning" course in the field of international relations that could actively engage an international audience. He was especially interested in a UNESCO project to establish documentation centers for international education.

INTELLECTUAL PROPERTY AND ACCESS

- Peter Hirtle, Co-director, Cornell Institute for Digital Collections (Moderator)
- Kenneth Pennington, Professor of History, Syracuse University
- Jeffrey Rubin, President, Internet Consulting Services
- Marjorie Hodges Shaw, Policy Advisor, Office of Information Technologies, Cornell University

Kenneth Pennington
Medievalist Ken Pennington has taught with the web for three years and is convinced he's a better teacher for it. He was alarmed that we should apply the rules of print to

the new technology, complaining of the well-established "Gutenberg Principle" in which users of a new technology initially use it only as a more efficient way of doing what they did before, rather than exploring the potential of it for doing things in radically new ways. Just as the web has new potential, then we should also not apply the text-based copyright rules to the web: we need a new formulation. Pennington was especially impressed by the mutability of the web--seeing this as an advantage and not a problem: "Cyberspace will give us the ability to not be stuck with what we wrote 20 years ago."

Jeffrey Rubin

Jeff Rubin, a commercial web designer as well as a member of the Information Technology faculty at Syracuse was concerned about several security issues. One arose from his own experience in distance education. In developing a course he quickly became aware of the far greater potential for his own developing ideas and theories to be taken and used by others in ways they would not be in the limited confines of a classroom. He believed even limited protection (such as that offered by PDF files) should be encouraged. The other issue was that of student plagiarism. He liked the idea of using available robot technology that could automatically "footnote" a student's online paper with the sources used. Mr. Rubin also recommended content and structure standards for constructing webpages on the Syracuse server, and for regular "audits" of those pages.

Marjorie Hodges Shaw

Marjorie Hodges Shaw was most concerned with the perception that on the web "information wants to be free." She entertained and informed the audience with her own experiences in trying to limit a university's liability when material on the web pages within its domain is in violation of copyright law. In her efforts to monitor Cornell's liability, her conclusion was the answer lay not in the law but in developing clear policy and guidelines with robust educational efforts to ensure that all members of the community (all users of the university's server) understood that policy.

Shaw was very interested in the relationship between technology and law, citing Lawrence Lessig's recently published "Code" and reminding the audience of the Sony versus Universal court case over the legality of the VCR.

Overall, Shaw emphasized her own outlook, which was to encourage an institutional role that would help faculty do what they want to do with the tools that they have, rather than to restrict and limit what they can do with the new online technology.

CONCLUSIONS
In summing up for the day Kenneth Crews made three observations:

1. There was clearly tension between the full deployment of web technology on campus and the legislative world, in which Congress, in making and remaking law, is taking the opportunity to make it more restrictive.
2. Economic issues are working against the full, open deployment of the technology (especially given industry's vision of a pay-per-view world).
3. Many wonder whether the same intellectual property regime should apply to both the world of the entertainment industry and that of nonprofit education.

Compiled by Mary Beth Hinton, Communications Coordinator, Syracuse University Library, and David Green, NINCH