Copyright Committee 2008-2009

The Copyright Committee is charged with representing the Association’s interests regarding copyright and other intellectual property issues in legislative, regulatory, and judicial affairs. The committee informs and advises the Board and the Government Relations Office (GRO) and coordinates with GRO to communicate the Association’s views on intellectual property matters.

The committee submitted a number of program proposals for the 2009 Annual Meeting, but only one was accepted. Steven Melamut wrote the successful proposal, which concerned fair use in the digital world.

During the past year, the Copyright Committee continued to track copyright developments of interest to the Association’s membership. A few highlights are below:

We continue to hope for a solution to the problem of orphan works, which are works that may or may not be protected by copyright, but the copyright status cannot be determined because the copyright owner cannot be found. Legislative proposals have not borne fruit due to disagreements about best practices for what constitutes a diligent search for the copyright owner. Now it appears that the solution for orphan works has been subsumed by the Google Book Settlement (GBS) proposal, at least for books. The Department of Justice is looking at GBS due to the antitrust implications of the agreement, so the problem of orphan works is far from a solved.

The Copyright Office held a hearing on May 6, 2009, regarding the anti-circumvention provisions of the Digital Millennium Copyright Act (DMCA). Roger Skalbeck, the incoming vice-chair of the Copyright Committee, testified on behalf of AALL and the Medical and Special Libraries Associations, who asked that law and health sciences faculty be permitted to overcome access controls in DVDs to create film clips for use in the classroom. An exception for classroom use of film clips has already been given to film and media studies faculty.

Georgia State University (GSU) was sued for copyright infringement by three publishers after it was alleged that hundreds of copyrighted works were being made available through GSU e-reserves without permission. As a state entity, GSU has sovereign immunity and cannot be forced to pay damages. Coupled with the fact that the district court judge in Atlanta limited the plaintiffs’ discovery to GSU’s conduct after February 2009, when new GSU copyright policies went into effect, it appears that a settlement of the suit is near.

We have continued to voice our objections to the Anti-Counterfeiting Trade Agreement (ACTA) because it is being negotiated in secret, despite the new administration’s promise of transparency and open government.

The Copyright Committee is in the process of revising its website and updating various issue briefs and other information. Thanks to the Association’s Board and members for their interest in the committee’s work and for their support throughout the year.

Keith Ann Stiverson
2008-2009 chair