

Libraries Are... Champions for Academic Freedom and Balanced Copyright

The Constitutional purpose of copyright and the mission of higher education are the same: to “promote the Progress of Science and the useful Arts.”

This mission requires balance between the interests of copyright holders and the interests of scholars, faculty, and students.

Research libraries and their partners on campus are champions of that balance.

Commercial actors are increasingly claiming to have the interests of the academy at heart, and offering licensing products and web-based “education” that purport to assist scholars, faculty, and librarians in addressing copyright issues. The message is: “Copyright means every use must be paid for. For a fee, we can provide easy access to a safe selection of licensed content.” This unbalanced view is not surprising; commercial actors exist to maximize their profits, and do not share the core mission of the academy.

Three Academic Freedoms

The Freedom to Research using the widest possible variety of tools and sources, from novels to scholarly journals to data sets, free from unnecessary constraints.

The Freedom to Teach and Learn without unreasonable limits on the use of third-party material as the subject of in-class and out-of-class study and discussion.

The Freedom to Publish the results of academic research, including the ability to quote from and comment upon existing works in appropriate ways.

Freedom to Research is at Stake

UNBALANCED COPYRIGHT COULD THREATEN ACADEMIC FREEDOM

BECAUSE IT WOULD:

- › hobble works with contractual restrictions, digital locks, expiring access, and more.
 - › make knowledge harder to find, as many works quickly go out of print and become commercially unavailable.
- NEW BOOKS FROM AMAZON WAREHOUSE BY DECADE
-
- 1923 Copyright Begins
- › block preservation in more durable formats of film, sound recordings, and books that could disappear
 - › perpetuate unsustainable publishing models that place journal articles and other academic resources out of reach for some institutions and the general public
 - › threaten the development of powerful new search tools and the development of research techniques based on text mining.

BUT RESEARCH LIBRARIES HELP RESTORE THE BALANCE

BECAUSE THEY:

- › insist on the broadest possible rights for all library users, and then push back against efforts to place unreasonable locks on vital resources
- › collect and preserve works long beyond most works commercial life, ensuring the completeness and integrity of the scholarly record
- › have legal privileges, in addition to broad fair use rights, to preserve items and ensure that these works are continuously available.
- › are at the forefront of the movement for open access, including public access to publicly-funded research and open educational resources
- › create vital new tools, and join with the full community to defend those tools in court.

*The chart shows availability of a random sample of new books available on Amazon.com, as reported in Paul Heald, “How Copyright Keeps Works Disappeared”, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2290181.

Freedom to Teach & Learn is at Stake

UNBALANCED COPYRIGHT COULD THREATEN ACADEMIC FREEDOM

BECAUSE IT WOULD:

- › limit what texts, images, and videos can be used in new modes of online teaching (course sites, distance education, MOOCs, and other cutting edge platforms)
- › threaten valuable services such as streaming video and electronic course reserves, the latter currently under fire in court, with a copyright infringement lawsuit filed against Georgia State University by three academic publishers and funded in part by the Copyright Clearance Center
- › deter students and scholars from pursuing learning projects that involve transformative uses of existing works

BUT RESEARCH LIBRARIES HELP RESTORE THE BALANCE

BECAUSE THEY:

- › Partner with campus allies to support innovations in teaching, identify open educational resources, and promote fair use and other user rights
- › stand up for academic freedom in court, and win, with the overwhelming support of the academic community



- › support students’ interest in cutting-edge methods of scholarship, providing technical tools and advice on how to exercise fair use rights responsibly

Freedom to Publish is at Stake

UNBALANCED COPYRIGHT COULD THREATEN ACADEMIC FREEDOM

BECAUSE IT WOULD:

- › require authors always to obtain permission to use copyrighted text and images in academic publications, which can place a very high burden on academic authors when the copyright holder is hard to find
- › require a permission payment that is too costly

BUT RESEARCH LIBRARIES HELP RESTORE THE BALANCE

BECAUSE THEY:

- › help academic authors seek permission when necessary; librarians know the best ways to locate authors, publishers, and other rights holders
- › help academic authors find alternatives in the public domain, with open licenses, or with more reasonable rights holders
- › understand fair use and other rights that may allow use without permission, when permission isn’t possible

JOURNAL COST WENT UP 340% FROM 1986-2007 CONSUMER PRICE INDEX WENT UP 89%.



- › allow the rights holder to withhold permission, for any reason, or even for none
- › impose legal and contractual limitations on the circulation and re-use of scholarship that the author does not support

*The chart shows that journal cost went up 340% from 1986 to 2007 while CPI went up 89%. Full chart is available at <http://www.lib.washington.edu/scholpub/facts/economics>

Ways To Maintain A Balanced Copyright Ecosystem

1 Make the library a full partner in research, teaching, and publishing. Take advantage of the library and its copyright-savvy staff.

2 Be wary of commercial entities offering to replace the library’s services. Whether it’s copyright “education” or “on demand” document delivery, commercial actors are not acting with the core academic mission as a primary objective.

3 Seek out copyright information from neutral sources.

4 Help improve copyright. Libraries are on the front lines of the copyright debates in Washington, DC, in the US courts, and around the world. Follow these issues and call your representatives in Congress when you see that copyright is becoming unbalanced and academic freedom is at stake.

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ASSOCIATION
OF RESEARCH
LIBRARIES

Free to share and reuse



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