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 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 models of online teaching (course slides, distance education, MOOCs, and other cutting-edge platforms)
- render valuable services such as streaming videos and electronic course reserves, the labor 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

BECAUSE THEY:

- limit access to academic research, 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 technological tools and advice on how to exercise fair use rights responsibly

But Research Libraries Help Restore the Balance

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
- 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

BECAUSE THEY:

- help academic authors seek permission when necessary; libraries 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
- have led the movement toward open formats, open licensing, and other unencumbered publishing methods
- help scholars choose the platforms and licenses that work for them

Freedom to Publish is at Stake

UNBALANCED COPYRIGHT COULD THREATEN ACADEMIC FREEDOM

BECAUSE IT WOULD:

- lock on vital resources to place unreasonable limits on vital resources
- make knowledge harder to find, as many works quickly go out of print and become commercially unavailable
- reduce works from the public domain, with open licenses, or other unencumbered publishing methods

BECAUSE THEY:

- help the public domain flourish
- help scholars choose the platforms and licenses that work for them
- 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
- have led the movement toward open formats, open licensing, and other unencumbered publishing methods
- help scholars choose the platforms and licenses that work for them

But Research Libraries Help Restore the Balance

BECAUSE IT WOULD:

- 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

BECAUSE THEY:

- have led the movement toward open formats, open licensing, and other unencumbered publishing methods
- help scholars choose the platforms and licenses that work for them
- help bring forth academic freedom

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 debate 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.