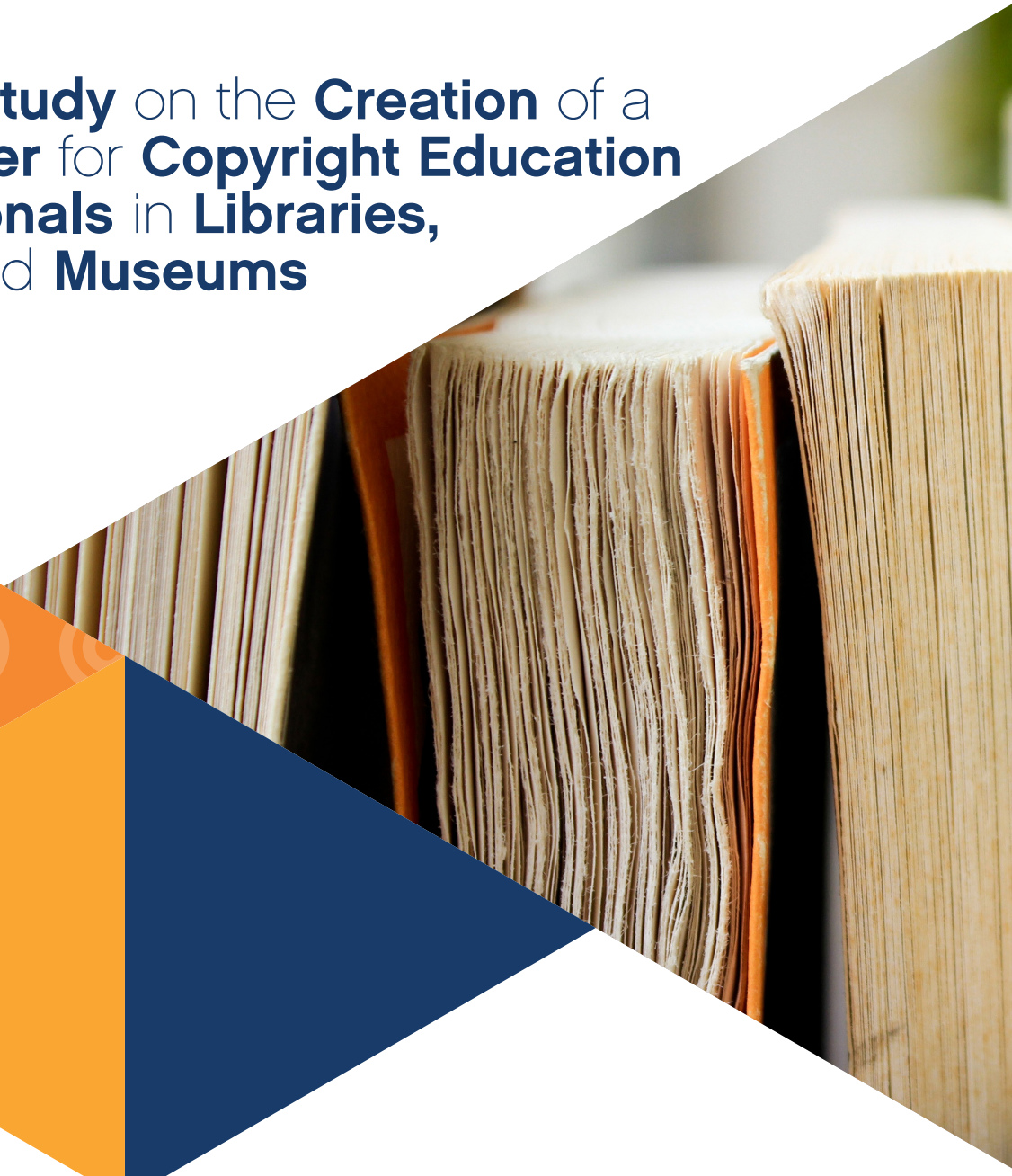
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Feasibility Study on the **Creation** of a **Virtual Center** for **Copyright Education** for **Professionals** in **Libraries, Archives,** and **Museums**



Columbia University Libraries

LYRASIS

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“Archivists want information to be available. They have core values and a code of ethics, and, like librarians, are interested in making resources available to as many people as possible. Access and preservation are critical to their existence. A center devoted to education in copyright would be of great value.”

--Heather Briston, University Archivist, University of California, Los Angeles

“A center for education on copyright and intellectual property for libraries, archives and museums would ensure quality and consistency and would really ‘up the game’ in helping to establish high standards for librarian literacy in these areas. Most importantly, librarians would have access to information they need to make good decisions in their work.”

--Brandon Butler, Director of Information Policy, University of Virginia Library

“There are many experts in the field willing to share information and expertise and many who write about these topics."

--Rachelle Browne, Adjunct Lecturer, M.A. in Arts Administration program, Goucher College; former Associate General Counsel, Smithsonian Institution; and Member, Legal Affairs Committee of the International Council of Museums

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Executive Summary

The principles of copyright and intellectual property are central to the work of libraries, archives, and museums, the keepers of much of the world's cultural heritage. Copyright law impacts the ability to reproduce, communicate, and share materials and objects held in collections. It can even effect whether and how we preserve objects. This impact is especially evident in a technological age where scholarly communications and interaction with collections can be dependent upon digital media and digitization. Given the impact of copyright law upon the preservation of and access to cultural heritage, and the mission-driven central activities of cultural heritage organizations, educating our staff about copyright is critical.

Moreover, this study determined that while libraries, archives and museum are the domains of tangible cultural heritage, the intangible elements associated with such institutions are some of their greatest strengths. That is, the library, archive and museum professionals that work with collections, who are dedicated and recognize the importance of the collections that they work with, think expansively and creatively about how to forge progress in their fields. Three of their greatest strengths lie in their respective missions and values inherent in preserving and providing access to cultural heritage, the goodwill associated with the institutions that they serve and the professional staff that serve these institutions.

Specifically, copyright education can enable professional staff to think creatively about how to leverage and manage both the goodwill of their organizations and the programmatic activity created to meet the core missions of their respective institutions. It can enable and empower staff by building the capacity to solve thorny copyright issues collaboratively so as to comprehend these issues at scale in relation to large digitization efforts. Consistent with standards being developed in copyright literacy, library, archive and museum professionals will better understand how to label and identify materials being generated with the objective of enhancing the public domain and guide communities in their efforts to be more open with their materials. Thus, improving consistent and objective copyright education for professionals in libraries, archives, and museums not only offers an opportunity to upgrade staff core capacity, thereby improving our overall quality of service, it will also drive progress.

This study examined current practices in copyright education for libraries, archives and museums to better understand whether it met consistent standards or offered consistent copyright education opportunities. It determined, instead, that copyright education for the cultural heritage sector was created and is being delivered in an ad hoc fashion. While this ad hoc approach to education meets some basic needs, it is, overall, sporadic, inconsistent, unreliable, sometimes conflicting, and provides little access to more detailed supporting information. In short, it needs to be improved in order to achieve the long-term objective of

increasing copyright literacy so as to drive progress within the cultural heritage community, as a whole.

The study determined, further, that a center for copyright education specific to the cultural heritage sector can offer a solution to the challenge of providing up-to-date, reliable and consistent copyright education, while acknowledging the distinctions in practice to library, archive and museum staff. In fact, based on our research, we were able to determine that an online "copyright community," rather than a physical center would be optimal to achieve success. A virtual copyright education center could fill the void and quickly become an authoritative "go to" resource for professionals in the field. Success would be dependent upon providing complimentary courses, created and taught by experienced professionals in both cultural heritage and copyright,and delivered using a variety of online methods of teaching and learning. Additionally, in order to be successful, this virtual center would require an engaging online presence, host repositories of relevant information, precedent forms, and anchor research in the field. It would provide an online social media space where copyright and cultural heritage experts could engage and discuss issues and approaches to practical solutions. In person and live educational programming could, over time, be added in locations on a demand basis to complement its online presence.

Thus, the key to the success of a copyright education center is collaboration, among peer institutions, among distinct constituencies within the cultural heritage sector, and together with key professional organizations. This has to be a center created and operated by the community and for the community. And while certain academic institutions and professional organizations can take the lead, it will require the buy-in of a varied representation of the members of the "cultural heritage community" writ large. In addition, certain professional organizations have already established their own educational programming. It will be critical, therefore, to ensure that a copyright education center worked with professional organizations to complement and cross-promote existing educational programming. For that reason, success would be dependent upon a sophisticated communications strategy. Finally, success will be dependent on governance and organization. The center should be organized and operated in a manner that ensures both financial stability and sustainability. The below next steps are suggested as a bridge to both.

Four next steps emerged from the research.

1. Create a "Stakeholder Steering Group," consisting of key leaders from libraries, archives and museums who can ensure support from their respective institutions and raise preliminary funding for early development steps. As part of this process, it will be critical to include experts from outside these three fields, especially copyright experts from outside universities, and senior level administrators of universities, schools, and municipalities that oversee libraries, archives, and museums.

2. Outline the framework and governance of the center and review this with key stakeholders and potential funders. This would include choosing a name, writing mission and values statements, a statement of purpose, and a list of goals, and creating structures for governance, organization, finances, and sustainability, and a draft business plan.

3. Engage with experts in the use of technology in pedagogy to discuss potential delivery methods of information.

4. Develop a communications, outreach, and marketing plan aimed at engaging with professional staff of libraries, archives, and museums at conferences and meetings and through email distribution lists, newsletters, and other means of communication.

Statement of Opportunity and Purpose of Report

Libraries, archives, and museums are collectors, conservators, and interpreters of the world's knowledge and material culture. Accessible to both specialists and general audiences, they are sources of inspiration and expertise, and their collections and the related intellectual property are the foundations of their existence, and their most valuable resources and assets.

The management of this intellectual property is a challenge. In today's digital world, access to documents and images is frequently a mouse-click away, and staff of libraries, archives, and museums often lack expertise on intellectual property topics and are unsure about handling requests related to their collections. They may also lack ready access to legal counsel expert in copyright law. Educational offerings (workshops and courses) on the topic, though informative and helpful, tend to be isolated, "boot camp" events primarily on a basic and introductory level. This approach serves to a degree, by introducing those new to the fields to concepts and approaches.

The complexity of copyright and intellectual property practice and its importance to libraries, archives, and museums may indicate the need for a more structured teaching and learning environment. One solution may be an independent virtual center devoted to education, applied research, and professional development, consistent with the missions of libraries, archives, and museums, and conceived, organized, and funded so as to be sustainable. Such a center would lead to a clearer understanding of copyright and intellectual property management, and increase core capacity of staff members in these fields.

The purpose of the feasibility study was to look at the current environment for copyright education in libraries, archives, and museums; examine the potential for the creation of a viable independent virtual center for education; gauge support levels in libraries, archives, and museums; and briefly outline how such a

center might be organized, funded, and sustained. Chiefly, the issue remains whether the library, archive and museum communities are benefiting from sufficient education in copyright to enable them to drive progress in their respective fields.

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Project Methodology

The research for this report consisted of phone interviews with professionals expert in copyright issues and online delivery of information in libraries, archives and museums. Process methodology for conducting primary research included a SurveyMonkey survey sent by email with a cover letter to members of LYRASIS and the American Association for State and Local History (AASLH); and online research. In addition, the project team held weekly operational phone calls to review progress and discuss outstanding issues and project direction.

Phone interviews with both experts on copyright and experts on methods of information delivery online covered questions related to current issues in copyright education for library, archive, and museum professionals, and issues related to a proposed virtual center for copyright education. The questions are found in Appendix A. These interviews supplied both qualitative and anecdotal information about the state of the field.

The 15-question SurveyMonkey instrument provided significant quantitative and numerical data across a range of institutions, in addition to further qualitative data. The survey is found in Appendix B, and the cover letter to participants is attached as Appendix C. A narrative report of the survey results by Tom Clareson of LYRASIS forms Appendix D, which also includes the demographic information about the organizations answering the survey. Virtually all of those who filled out the survey were directors, librarians, archivists, or administrators. Most (74%) represented libraries, with the remainder representing archives and museums.

Online research consisted of identifying current and past educational opportunities in copyright and intellectual property, both online and in classroom,

for staff of libraries, archives, and museums. Existing organizations which may serve as a model for the center were also identified through online research and phone conversations.

The Current Environment

Libraries, archives, and museums recognize the importance of intellectual property and copyright to fulfillment of their missions and the importance of having staff that understand basic elements of copyright. To gather input from professionals in libraries, archives, and museums, the project team distributed a SurveyMonkey instrument to members of LYRASIS and the AASLH, the data from which has significantly informed this report.

While a majority of the respondents to the survey were libraries with smaller staff and annual operating budgets, all categories and sizes of organizations were represented. The demographics of the survey were as follows:

Type of Institution
Libraries: 145 responses (74%)
Archives: 17 responses (9%)
Museums: 34 responses (17%)

Respondents
Directors: 100 (50%)
Librarians: 42 (21%)
Administrators: 15 (7%)
Archivists: 14 (7%)
Other: 25 (15%)

Staff Size (in FTEs)
1-25: 74%
26-50: 11%
51-100: 7%
101-250: 6%
Greater than 250: less than 1%

Operating Budget
Less than $100,000: 20%
$100,001-$1,000,000: 41%
$1,000,001-$5,000,000: 25%
$5,000,001-$25,000,000: 11%
$25,000,001-$50,000,000: 2%
Over $50,000,001: 1%

When asked about the importance of education on copyright and intellectual property to their organizations, respondents indicated that, on a scale of 1 to 5, with 1 being unimportant and 5 being very important, copyright education ranked a 3.6 for the leadership of their organization[i], 3.6 for the staff, and 3.0 for users of the organizations assets and services.[ii]

The Landscape: Existing Education in Copyright and Intellectual Property and its Usage

Libraries, archives, and museums take a variety of approaches to education for their staff on the topic of copyright and intellectual property. Education about the institution's copyright policy is one approach. Thirty-nine percent (72 respondents) of the organizations participating in the survey reported having an institutional copyright policy, and 31 shared the URLs of their online policies. Forty-four percent (82 respondents) reported that they did not have policies and most of the respondents claiming not to have copyright policies were archives and museums.[iii] Sixty percent of organizations reported having some level of in-house expertise on copyright and intellectual property. Respondents reported a variety of approaches to education on the topic ranging from in-person classes (48% of those responding) and webinars and online education lasting from a day to five months or longer (58%), to organizational policy manuals (36%) and copyright policies, to books and online resources (79%). This is a broad range of sources of both information and expertise and teaching methodologies. [iv]

When asked if any of their staff had taken an external courses or offerings in copyright educational in the past two years, 52% responded "yes" and 48% responded "no". Those organizations with annual operating budgets of less than $100,000 were less likely to have participated in any educational offerings.

<u>Courses</u>

> "The Society of American Archivists has a number of professional development courses, which can lead to a certificate. There is a lot of demand for these courses."—Phone Interviewee

Professional organizations, including the American Library Association (ALA), Special Libraries Association (SLA), Art Libraries Association of North America (ARLIS), Society of American Archivists (SAA), AASLH, and the American Alliance of Museums (AAM) currently deliver courses in copyright and intellectual property for their members to varying degrees. Other organizations with ties to the fields, such as the Visual Resources Association Foundation (VRAF), the National Federation of Advanced Information Systems (NFAIS), and LYRASIS offer courses as well. The annual *Legal Problems in Museum Administration* course of the American Law Institute (ALI) devotes a component of its program to intellectual property and copyright.

A number of universities, notably Harvard University, with its CopyrightX course and its Copyright First Responders program; Duke University, Emory University and the University of North Carolina consortially; and the University of Pennsylvania, offer online courses. Others, like Miami University in Ohio, have presented one-time conferences. The University of Colorado has sponsored the on-site Kraemer Copyright Conference, an ongoing conference held multiple times. These courses are open to all, not only those affiliated with a university. Harvard's Copyright First Responders program has trained selected Harvard staff across the university's libraries to answer questions to assist patrons and colleagues.[v] Other libraries, archives, universities, and consortia have adopted the Copyright First Responders program. Several survey respondents noted that they used the resources of the Copyright Advisory Office at Columbia University Libraries.

Finally, there are for-profit companies, such as Museum Study, copyrightlaws.com, and the Copyright Clearance Center, which offer courses targeting staff in libraries, archives, and museums. The Copyright Clearance Center offers courses specifically on licensing.

The majority of these courses are at the introductory level, described as "introduction", "basic", and "boot camp". There are more advanced and specialized courses given under the auspices of the ALA and the ALI. The costs of these courses range from nominal ($0 to $25) to beyond the reach of most small and medium sized organizations ($1,300+), not including travel expenses. Many are in the $100 to $400 range.

Other Sources of Information About Copyright and Intellectual Property

Beyond the surveyed organizations reporting in-house legal or other expertise and those with a copyright policy for reference, the two most popular external methods for staff of libraries, archives, and museums to learn about copyright and intellectual property were webinars (58%), and other online sources and books on the topic (79%). About half (48%) reported that in-person education was a method of instruction they had used in the past. Organizational policy manuals and internal online guides were cited by 36% of the respondents, and in comments on the survey, respondents also indicated that they used listservs of professional groups as sources of information.

Some of the most definitive data in the survey came from answers to a question about the kind of educational opportunities that had been used by library, archive, and museum staff in the past two years. Over half of the organizations surveyed (52%) reported that a staff member had attended an externally offered copyright educational opportunity in this time period. Thirty-six percent reported having paid for the course, but, significantly, 64% reported having used a free educational opportunity. Of those who did participate in some kind of education,

only 10% did so in a classroom setting not connected to a professional meeting, while 36% attended a workshop in conjunction with a professional meeting. A significant 65% had taken a course or webinar on line. Online courses and in-person courses offered in conjunction with professional meetings are clearly a dominant method of delivery of information for those in the field with online instruction being far more frequent. It is not surprising that free courses, or those perceived as "free" by the respondent, are most frequently used by library, archive and museum professionals.

What Libraries, Archives, and Museums Are Doing Right

Though libraries, archives, and museums are the domains of tangible heritage and assets, interviewees identified the more intangible assets of these organizations as being their greatest strengths. These institutions are populated with well-educated, thoughtful staff, who are dedicated to their work, who recognize its importance, tend to "think big," and who want to drive progress in their fields. Comments of phone interviewees suggest that three of the greatest strengths of libraries, archives, and museums lie in the importance of their respective missions and values; their dedicated staff; and the professional organizations that serve them.

> "Institutions of higher [education] are major players in the copyright ecosystem. As such we should proactively work to shape that ecosystem, not merely act as passive entities which follow laws and priorities established by other stakeholders."—Survey Respondent

Mission and Values

The core values of libraries, archives, and museums lean towards inclusiveness, service to the public, and are based upon preservation and access. These are reflected in the mission and values statements of three primary professional organizations, ALA, SAA, and AAM. ALA's mission, "To provide leadership for the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all," focuses on provision of access for all. SAA's statement about "core values" emphasizes preserving cultural heritage and the importance of archives as a benefit to all members of the community through public availability. AAM's statement in its current strategic plan, "Champion museums and nurture excellence in partnership with our members and allies," is less about the public and sharing of resources, but about service to museums, which, in turn, generally have public access in their mission statements.[vi]

By placing access front and center in their mission and values statements, libraries, archives, and museums reiterate the seriousness with which they take

their responsibility to make their assets available. Accomplishing this requires a solid knowledge of copyright as well as the willingness to test the boundaries of accepted practice.

People

> "Librarians have a healthy skepticism about whether a narrow interpretation of intellectual property is good for society. They generally find nothing morally compelling about preventing people from doing interesting and original work. This is a huge strength of the library field. The flip side to this is that librarians sometimes feel as if they need to protect patrons from copyright law, feeling that it is their job to keep patrons safe."—Phone Interviewee

Professionals working in libraries, archives, and museums are, in many cases, passionate about providing access to information, and have an aversion to imposing limitations on access and usage of materials. This was affirmed by comments made by survey respondents, who are torn between the strict legal interpretation frequently offered in large organizations by the office of general counsel, and a firmly held belief in the importance of access.

> "While I am very grateful for the assistance of our general counsel, I find that their approach is quite different than mine at times. They are understandably most concerned with limiting the risk of legal liability for the institution. As a librarian I would like to see more attention paid to other critical priorities that align with our mission as an institution of higher education--a willingness to take the occasional risk on behalf of a fair and balanced copyright system, one that is truly grounded in copyright's aim to promote the progress of science and useful arts."—Survey Respondent

In addition, there is a core group of collegial attorneys working in libraries, archives, and museums, who have a common language and set of concerns and who are interested in working together on solutions to challenges in copyright law and developing education about it. Several interviewees also mentioned that there is a solid knowledge about basic copyright issues among many who work in libraries, archives, and museums, especially strong administrators and museum registrars. The comments of survey respondents confirmed this observation.

Professional Organizations

> "The professional associations in the library, archive, and museum fields, in particular, their committees, are a major strength"—Phone Interviewee

Interviewees cited the activities of certain major professional organizations as strengths in copyright education. Where professional associations offer opportunities in continuing education in copyright, they appear dedicated to having their members' staff understand and administer copyright law well. Professional associations that offer copyright education do so by sponsoring and holding in person sessions devoted to copyright and intellectual property at regional and national meetings, publishing relevant materials, and offering professional development opportunities as side events outside the main scope of the meeting.

Challenges of the Current Landscape

Despite the admirable human, organizational, and value-driven strengths of libraries, archives, and museums, the fields could approach education in copyright and intellectual property in a different way, which might alleviate what one interviewee termed "confusion and anxiety" about what is possible and what is not. Three broad areas merit examination: general systemic challenges, education in libraries, archives, and museums in general, and the role played by staff in handling copyright concerns.

General Systemic Challenges

> "Reliable and dependable information on copyright is lacking in the [museum] field. There's no central place for the dissemination of information."—Phone Interviewee

> "Right now, dissemination of information and communication on these topics are the biggest challenge."—Phone Interviewee

The library, archives, and museum fields are broad and diverse. In the category of systemic challenges, interviewees identified a number of issues, stemming from the differing roles and functions of the three fields. The staff of these organizations may be dealing with different kinds of problems, and they may be marching to the beat of different drummers as they work to move their fields forward. Museums, for example, may be dealing with significant copyright issues related to the reproduction of images in their collections while archives are dealing with overwhelming numbers of "orphan works," important documents without provenance about which they know little, and which may be critical for future research. Institutions collecting works on film and video, other moving images, and music have a different set of challenges from those that collect visual arts, documents, or books. Publicly funded libraries and archives may have need for a different level of staff knowledge than a private museum.

The needs of larger and smaller organizations may differ. Larger institutions may deal with copyright on a daily basis, with staff detailed in the knowledge of ensuring a smooth process. The staff of smaller libraries, archives, and museums will probably not have staff dedicated to dealing with copyright, and copyright may not be as common a concern for them, but it may always be simmering on a back burner. They have a need for copyright information as well.

Dissemination of information and communication about current work and progress on copyright related issues appears to be a challenge across libraries, archives, and museums, and even within large institutions. Most importantly, while there is copyright-related information available on the websites of the ALA and the SAA, there is no easily accessible centralized source of information about copyright and intellectual property devoted to these fields.[vii]

One interviewee expressed concern that libraries, archives, and museums have not done adequate planning for continuity in their staff expertise about copyright. Many of the current experts on the topic who work in these fields are retiring, and a lack of succession planning will hamper future progress. Additionally, copyright laws are in flux, which may lead to the need for expanded and revised education.

Lastly, some interviewees expressed that the role of copyright and intellectual property professionals in institutions of higher learning, and in some libraries, archives, and museums may be very different in the future as the field evolves. If, in the future, all content is available by subscription and license, or given freely to users, the kind of expertise required might be different. This argues for ongoing re-evaluation of educational offerings in copyright for libraries, archives, and museums.

Education in the Fields

> "There are solid educational offerings out there, but they are not always systematic or authoritative. These offerings are not always logical, organized, or updated, and they do not form a curriculum."—Phone Interviewee

Staff of libraries, archives, and museums are not necessarily educated to think about issues related to copyright and intellectual property, even though it may form a part of their responsibility.[viii] There are multiple challenges in the landscape of current education in these fields, beginning with the lack of adequate course offerings about copyright and intellectual property in ALA-accredited graduate programs in library science[ix], archival studies, and museum studies. In addition, there is no requirement for continuing education in these fields as exists in many other professions and the continuing education that exists may not reach some of those in greatest need.

> "There is no mandated continuing education in these fields; any continuing professional education depends on self-selection and on available funding."—Phone Interviewee

There are numerous continuing education opportunities in copyright and intellectual property targeted at those in libraries, archives, and museums on an introductory level. There are few advanced courses that might help those institutions and staff members who need more information for a particularly thorny problem.

Courses frequently cost money, and always take time, and money and time can be in short supply in a non-profit organization. While it is especially true of an off-site, in-classroom course, it can even be hard for many staff to find the time to take a course or a webinar online.

Lastly, libraries, archives, and museums tend to generate information about their issues with copyright and intellectual property on an irregular basis, and there is inadequate comprehensive information about copyright specific to these fields available for consultation on line.

The Role of Staff

> "The topic is so broad and fluid. Staff and faculty form opinions based upon previous experiences, and it is hard to then shift their perspectives."—Survey Respondent

> "In addition to currency, inconsistency within staff of the same institution is a big problem. For both legal and practical issues, it's very important to have consistency within an institution, not just within the library, in how copyright issues are addressed."—Outside Reviewer

At times staff will rely on information learned at a conference or meeting a decade or more ago. Changes in copyright law and practice over the past decade may have rendered this information outdated, though it is still being disseminated and those sharing the information are just not aware that there have been significant updates to the field. In addition, staff of libraries, archives, and museums may have issues that go beyond the kind of basic copyright knowledge that results from a one-time educational opportunity.

Though staff, especially those in libraries, understand and are sympathetic to the idea of broad access to information, they can be cast in the role of "protector", or even "enforcer" in their organizations. This approach is undertaken believing that it is their job to protect patrons, staff, and students from potential lawsuits or problems by taking the most conservative and safe approach to a copyright

related issue, even if that approach is contrary to their desires and, frequently, to the open mission of their organizations. Almost one-third of survey respondents who answered an open-ended question about their challenges expressed that ensuring that faculty understand, care about, and comply with copyright law is their biggest, or one of their biggest issues.

> "There is a disconnect in these fields between generations. Younger professionals assume that something is free and usable because it is on the web. More senior professionals have a higher level of consciousness about this. This can create problems, which education could help solve."—Phone Interviewee

Lastly, several phone interviewees perceived a "generation gap" between those working in libraries, archives, and museums who began their education and careers in an analog world, and who have a baseline understanding of how processes related to copyright and intellectual property worked in that world when access was more difficult, and those who were born in the digital age and who are accustomed to instant access. The former, many of whom are on the verge of retirement, are leaving the fields to those who are younger, and who have a different set of expectations and assumptions about information found on the internet—that anything that is there is free and fine to use in any context. Education about copyright relating to institutional and patron uses of materials found collections would be of great value to this group, especially as they begin to take on leadership positions in organizations.

Summary

The current system of delivery of education about copyright and intellectual property to members of the library, archive, and museum communities could be improved through quality and consistent education, strong communication, and collaboration. The motivated and dedicated staff working in these fields, supported by their professional associations, have strong institutional values and have a strong vision for their work, which lead them to want to ensure the largest possible audience. This approach will serve the future of copyright education well.

A Virtual Center for Education About Copyright and Intellectual Property

Learning from History

One potential answer to the challenge of delivering education about copyright to the library, archive, and museum communities is the creation of a virtual center for education on the topic.

The idea that a center for copyright education would ameliorate and raise copyright awareness in the fields is not a new one. In 1999, the University of Maryland University College (UMUC) created the Center for Intellectual Property (CIP), a program with a physical presence at UMUC, with partial funding from the Sloan Foundation. UMUC closed the CIP in 2012, and transferred it to the Sloan Consortium, which was renamed the Online Learning Consortium in 2014[x]. During its thirteen years of existence, the CIP offered courses in copyright, many taught by invited guest lecturers, organized conferences, and hosted scholars in intellectual property, who helped by teaching and creating course materials. While the reasons for the CIP's closure were not made public (nor are they completely clear today), it was considered by most to be a solid source of information about copyright, especially for staff from smaller, less well-endowed organizations. Many of the surveyed professionals in the library, archive, and museum community have felt the loss of this kind of educational center, and the current absence of a centralized source of information and teaching.[xi]

> "My library used to send me every year to the UMUC Center for Intellectual Property's annual symposium. It was an excellent way to stay abreast of the most recent developments and trends in copyright, as well as to learn more about the different perspectives of others in the copyright ecosystem."—Survey Respondent

A virtual education center could fulfill a number of functions. It could offer classes, most likely online, and possibly "graduate seminar" type gatherings, either in person or online, dealing with more advanced issues. Educational offerings could be synchronous or asynchronous, and delivered in a variety of formats. It could be a centralized information source for the library, archive and museum fields, maintaining databases of information, forms, toolkits, resources, and contact information for experts willing to assist. Professionals associated with the center could conduct and publish applied research on education in copyright and intellectual property for libraries, archives, and museums. It could represent "one stop shopping" for topics related to copyright for libraries, archives and museums by creating an online copyright community.

Expert faculty drawn from the intellectual property policy and legal communities, as well as from knowledgeable administrative, library, archive, and collections management and museum registrars'[xii] staff, could teach at the center.

Libraries, Archives, and Museums Are Receptive

When asked if they would want their organization to consider having staff take advantage of courses offered by an independent center for copyright education, those responding to the survey were overwhelmingly enthusiastic. Seventy-three percent responded "yes" and an additional 25% responded "maybe". Less than

2% of the respondents felt that their institutional expertise was solid, and that there was no need for a center for copyright education.

> "This would be wonderful. Despite information being available, I feel lost sometimes in my role as copyright officer for the college. The issue of copyright is so complex."—Survey Respondent

> "It would be great to have a resource for in-person classes or self-paced online tutorials. Turnover in support staff means that there is an ongoing need for basic education in copyright that is affordable."—Survey Respondent

> "It is difficult to try to educate so many different groups, and if there was an outside resource that library staff could rely on, it would also help the entire campus community. Liaison librarians could more easily answer basic copyright questions and concerns, and it would help me in my own job."—Survey Respondent

Phone interviewees expressed support for a center, which might use a number of existing resources devoted to copyright education. This support ranged from enthusiastic and unequivocal, to "maybe, depending…" They gave a number of reasons why it would be an excellent idea, though some were also uncertain about whether or not their institutions would support the work of such a center. In some cases, the interviewee was not the financial decision maker and could not speak for the institution. For others, a center like this would represent an unfamiliar and unexplored kind of institutional commitment. All of the interviewees, however, viewed a potential center as a positive development.

A solid 58% of survey respondents indicated that they would want their organization to consider supporting such a center while 42%, including slight majorities of archives and museums, responded that financial support might be an issue. Organizations with the smallest operating budgets were slightly more negative about financial support than larger organizations, suggesting that a tiered membership based on institutional size and resources would be a welcome option.

What Could A Virtual Center Do?

> "A center for copyright education would fill the void of a central source of information and could deliver information in a variety of ways accessible to a wide range of staff."—Phone Interviewee

> "This would be a trusted and reliable source of information, and would impose quality and consistency."—Phone Interviewee

A virtual center for education about copyright and intellectual property for staff of libraries, archives, and museums could be a significant addition to continuing education in these fields, and could also provide a practical avenue for collaboration within the library, archives, and museum communities. Opportunities fall into four broad categories: provision of quality and consistent education on the topic; the creation of an online community; the potential for collection and dissemination of information, and for applied research in copyright; and provision of a focus of practical collaboration within and among the fields on important copyright topics.

Provision of Quality and Consistent Education Online

Phone interviewees and survey respondents who provided qualitative feedback were clear in their comments about potential courses at a center for copyright education. The quality of teaching and information must be professional, expert and of high quality, and delivered by authoritative voices.

Respondents were overwhelmingly in favor of online education, which was viewed by many as critical for the success of the center. While face-to-face education may be a traditionally preferred method of teaching, online is less expensive, more time efficient, and will better serve a younger demographic, the future leaders in the fields, who are more attuned to virtual courses.

Some respondents indicated that the teachers would not necessarily need to be lawyers as there are knowledgeable administrators and museum registrars in these fields, who have solid years of practical experience.

The center should support a variety of educational opportunities. Some expressed that it could play an important role in a national movement for continuing education in these fields. Others felt that it was important to view this center as an enhancement to the offerings of professional organizations that serve these communities rather than as a replacement for their work.

Interviewees and respondents described a variety of courses that they would like to see offered. They felt that it was important to cover basic, introductory material, and then to offer “deep dives” on more specialized topics. Interviewees and survey respondents described the courses needed as an introduction to copyright concepts; a module on contracts; and one on what is current and important in the field. Several respondents expressed the need for specialized courses on film, video, moving image, and new media.

Several mentioned the need for creating access to basic copyright tools, which could be consulted and used as needed. This information and these forms could come in the form of “decision tree” questions on specific topics—Should I consult an attorney? Is this fair use?—and of standardized forms for use by organizations that don’t have them. Much of this could come from established

leading libraries, archives, and museums that understand the practical applications of copyright and that are willing to share expertise.

Creation of A Community

> "Library staff take courses and watch webinars, and then go off by themselves to figure out how it all works, in a vacuum and alone. They don't realize that there are others out there struggling as well. They may not realize that there is a steep learning curve, and that this is a subject that takes significant time and practice to master." – Outside Reviewer

Sometimes it takes a village, and learning the intricacies of copyright and intellectual property is no exception. A virtual center could create a community for practitioners at various levels, to ask and answer questions, share information, and generally provide a similarly-minded group with a way to interact. A listserv or online community space using a social media platform might be one way to accomplish this.

Communications, Research, and Provision of Expertise

> "There is the need for a centralized online information source, a kind of 'clearing center' to which staff from libraries, archives, and museums could go to find reliable information about copyright and intellectual property, standardized forms, and models."—Phone Interviewee

A center like this could expand dissemination of research and information about copyright, and raise awareness of what exists, and about new work that is being done. It could also serve as the keeper of a centralized database of written solid, authoritative and easily accessible information—practical materials, modules, and usable forms and documents—as well as more sophisticated information about international practice and standards. A well-designed, engaging, and easy-to-navigate website, with access to a database of information would be an asset to libraries, archives and museums, especially to smaller organizations, and those unable to attend conferences and meetings.

In addition to more basic information kept in a database, applied research by experts in these fields and others into copyright and intellectual property, particularly practical and innovative approaches to education on copyright, could also play a role. The center could also support collaborative research with local and international organizations, and assist with the formulation and writing of copyright and intellectual property policies.

Lastly, a list of experts in the field willing to provide guidance, education and information could offer an opportunity for staff of libraries, archives, and

museums to engage electronically with legal counsel in practice and with academics, who could offer them suggestions and information and a wide perspective on the field.

Collaboration Within and Among the Fields

> "It is important to think broadly rather than narrowly, and to look at the convergence of the fields, but recognize that there may be areas in which libraries, archives, and museums have different needs."—Phone Interviewee

While libraries, archives, and museums are distinct types of organizations with unique missions, there is much that binds them together as chronically under-resourced collecting institutions with public missions, staffed by well-educated and dedicated professionals. Collaboration on a virtual center for copyright education would provide an exciting opportunity to work to meet common goals. In recent years, there have been some nationwide efforts to understand what the fields have in common and how they could work together around common goals and objectives. Three reports stand out.

In 2008, Diane M. Zorich, Günter Waibel, and Ricky Erway authored a study entitled *Beyond the Silos of the LAMs: Collaboration Among Libraries, Archives, and Museums*[xiii]*,* the report of a project entitled *Library, Archive and Museum Collaboration*. The goal of the program was threefold: "to explore the nature of library, archive and museum (LAM) collaborations, to help LAMs collaborate on common services and thus yield greater productivity within their institutions, and to assist them in creating research environments better aligned with user expectations."[xiv]

More recently, in 2016, Jill Deupi and Charles Eckman of the University of Miami, collaborated on a report entitled *Prospects and Strategies for Deep Collaboration in the Galleries, Libraries, Archives and Museums Sector*, which summarizes a working summit held at the University of Miami in January 2016 with funding support from the Andrew W. Mellon Foundation and the Samuel H. Kress Foundation.[xv] The summit focused on collaborative practices, shared budget strategies, joint advocacy and advancement, and future sector summits. The report ended with a "call to action" for moving the collaborative agenda [of these fields] forward.[xvi]

Finally, the *National Agenda for Continuing Education and Professional Development,* by Christina Drummond, Bob Beatty, Tom Clareson, Betha Gusche, Donna McCrea, Anna Shelton, and Katherine Skinner[xvii] synthesized three years of work done by the Coalition to Advance Learning in Archives, Libraries, and Museums, which was supported in part by the Institute of Museum and Library Services (IMLS), and the Bill & Melinda Gates Foundation, with project administration by OCLC (Online Computer Library Center). This report

produced a strategic action plan to meet four goals: 1) to increase collaborations in continuing education and professional development among the groups; 2) to increase institution or organization level support for continuing education and professional development; 3) to further leverage existing continuing education and training offerings; and 4) to improve the quality of library, archive, and museum professional development.

The commonalities of these three reports speak to the strong potential to expand cross sector work to create a collaborative copyright resource using existing expertise and content, and creating new approaches, as needed. The creation of a virtual copyright education center would provide a concrete, practical project on which the three fields could collaborate to make this happen.

Where Are the Yellow and Red Lights?

> "The stakes [with creating this center] would be high. It would be a single point of failure if it were not a success."—Phone Interviewee

The opportunities provided by the creation of a virtual center for copyright education are significant. Perceived challenges to the sustainability and health of such a center could be significant as well. Phone interviewees identified several areas of potential concern—the yellow and red lights—and these were, for the most part, corroborated by data and comments from the survey respondents.

They fall into three categories: financial, political, and the diversity of these three fields and their differing needs, which could lead to lack of common understanding and buy-in by professional organizations and larger institutions. None of these perceived threats is insurmountable. All must be managed.

Financial Concerns

> "The biggest issue is a secure, constant state of funding that would ensure that it is sustainable."—Phone Interviewee

> "While staff interest would be high to use such a resource, as a small, local history organization, any pay-wall barrier would be difficult to accommodate on a limited annual budget."—Survey Respondent

Financial sustainability is critical to success. A center like this, woven into the fabric of the library, archive, and museum fields, and considered an authoritative, centralized source of information and education would, as noted above, create a void should it not succeed after several years of operation. The center would require viable, long-term assured funding, and identifying this funding will be critical. A sustainable financial model might include a period of start-up grant

support, financial support from larger, well-resourced institutions in the form of membership dues, a sliding scale of membership for other interested organizations, pay-as-you-go course tuition fees, and other streams of revenue generation.

All the phone interviewees expressed concern about this issue. In a period of financial crisis, would larger institutions, like universities and big research libraries, continue to fund a center that might not be viewed as "mission critical?" If university tuition fees continue to rise, will administrators believe that this is a priority and a good use of funds? Would fair-weather support be an issue?

One of the most important next steps will be to educate key senior level decision makers about the vital role a virtual center for copyright education can play and gain their support. Phone interviewees, all professionals in the library, archives, and museum fields who had significant experience with copyright law, considered a center for copyright education a good idea. Some, however, were not convinced that decision makers in their institutions would understand the importance of supporting such a center. This ties with the findings of the survey, which pegged support from institutional leadership at a 3.6/5, perhaps because they do not consider copyright to be one of their major concerns.

Though a definitive 74% of the respondents answered "yes", and an additional 25% answered "maybe" to a question about whether they would consider having staff from their institutions attend courses or educational opportunities at a center for copyright education, a smaller 58% indicated that they would want their library, archive, or museum to provide support. 42% indicated that they would not want their organization to provide support. However, considering that 60% of the survey respondents represented organizations with annual operating budgets of less than $1,000,000, the 58% "yes" response to the funding question may be seen as a positive, especially since a majority of respondents expressed support.

Regarding financial support of a center, a large majority of survey respondents (74%) preferred a pay-as-you-go for each course, rather than a membership model—a flat annual fee that would allow for unlimited educational opportunities—which was favored only by 25%. Organizations favored paying only for what their staff might use.

How Do Existing Efforts Fit Into the Picture?

As mentioned above, many of the professional organizations that serve libraries, archives, and museums, as well as other organizations, for-profit companies, and individuals offer courses, both online and in person. Any attempt to create a center for copyright education would need to take these existing channels into account and not disrupt current efforts in a major way. In chronically under-resourced organizations like libraries, archives, and museums, it will be important not to reinvent the wheel and incorporate what exists, where possible, into a new

delivery system. A new virtual center needs to complement the existing activities, education, and certification programs of the professional organizations. The keys are collaboration, working with what exists, and engaging with the professional organizations to possibly incorporate the benefits of a copyright education center into the benefit packages of their membership.

Professional organizations frequently hold in-person educational offerings in conjunction with their annual meetings. In some cases, for example, the Society of American Archivists, offerings are part of an excellent and popular certification program. The revenue from this program is important to SAA and helps offset the costs of some of their other work.

Teachers in the center's programs will need to be experienced and professional and carefully drawn from libraries, archives, and museums to ensure subject matter coverage. Some interviewees expressed concern that one field not be allowed to dominate, except in specialized areas. In addition, a copyright education center will have to identify current copyright educators whose values and objectives may be conflicting to those of libraries, archive and museums. For example, the Copyright Clearance Center, a for-profit organization, offers courses on copyright and licensing, and which may take positions different from those held by libraries, archives, and museums.

Much In Common, But Not the Same

Libraries, archives, and museums share many of the same concerns and issues and many of their fundamental values are the same. But they are not the same, and they do not function in the same way. Their differences could be viewed as a potential threat to the success of a copyright education center as their approaches to the use of copyright may differ depending on the topic. At the same time, it could be a tremendous opportunity to educate staff of libraries, archives, and museums about different approaches, biases, goals, and varying levels of risk tolerance found in the three fields and individual institutions. It offers an opportunity to educate participants on how to think critically about copyright law.

Phone interviewees expressed that members of the other professions do not always understand their needs and their approaches to making information public and accessible. Overall, interviewees believed that there was more binding these fields together than may separate them. However, they expressed caution about that a standardized approach to copyright might not be effective in all cases. Some aspects of copyright management are definitely shared; some, out of necessity given the distinctions in collections management and access needs, are different.

Phone interviewees also expressed concern that some level for an overly homogeneous approach, and the potential for a center to create, or want to

create, orthodoxy about the management of copyright. Respondents cautioned about this approach since it might not allow for healthy variations among organizations.

What Might a Virtual Center for Education in Copyright and Intellectual Property Look Like?

> "The phrase 'We have always done it this way' is one of our biggest challenges [with copyright and intellectual property]."—Survey Respondent

What are the elements of success for this center? The center should fulfill a number of functions. It should offer affordable and authoritative classes in some form or other; facilitate communications about copyright within and across disciplines; collect, maintain, and disseminate resources and information, including databases and toolkits; be sustainable; speak to its audiences and help to create a community. It must look to the future and the next generation of leaders rather than to the past. It might be a virtual center hosted by a group of collaborative and well-resourced libraries, archives, and museums and other related organizations. This would be a streamlined, low overhead model of operation. Above all, this center would be a resource about practical application of copyright for libraries, archives, and museums.

The online presence is important and respondents to the survey supported this. Sixty-five percent responded that they had taken online courses, as opposed to workshops at a professional meeting (36%) or in-classroom courses (10%). Online teaching and learning techniques are the subject of significant research, work, and investment today and tapping into these resources will be valuable. One of the major centers is the Center for Teaching and Learning at Columbia University, https://ctl.columbia.edu/.

It might take the form of a 501(C)3 organization, a designation that would help with securing grants from foundations and other non-profit organizations. It could be an independent organization, in which a number of supporters would share financial, administrative, and governance accountability, and share responsibility for the center's programs—teaching, research, communication and provision of information, and maintenance of toolkits, forms, and other information to be found through an accessible website.

Alternatively, it could also be affiliated with an existing 501(C)3 with compatible goals and mission that would allow it a level of autonomy in its governance. Those who teach at the center might also want to consider conducting some programs in person rather than virtually, especially more advanced "graduate seminar" type courses. An annual meeting to bring together the community to exchange ideas and discuss current issues face-to-face might be a future goal.

There are numerous examples of online education and service-to-the-field programs in the non-profit sector, some of which might prove to be solid models for a center. Aside from the offerings of the professional organizations affiated with libraries, archives, and museums, there are programs and courses offered by universities, service-to-the-field organizations, and by non-profit organizations. Four existing programs offer models which may have relevance. One is a practical model: the Johns Hopkins University M.A. program in Museum Studies. Two are more conceptual: Collections Space and Archives Space, hosted by LYRASIS, and the work of the Coalition to Advance Learning.

The Johns Hopkins M.A. program in museum studies, http://advanced.jhu.edu/academics/graduate-degree-programs/museum-studies/, is conducted entirely online and coupled with an an intensive on-site two-week seminar. While this is a degree-granting program (which a center for copyright education would not be), and under the auspices of a major university, teaching is done almost entirely by adjunct faculty, who are actual practitioners in the field drawn from museums and professional organizations around the country. It provides a good model for collaborative teaching.

CollectionSpace, http://www.collectionspace.org/ and ArchivesSpace, http://archivesspace.org/, are community-based, free, open-source collections management software programs originally funded by the Andrew W. Mellon Foundation and others, and now functioning under the auspices of LYRASIS. They offer potential models of governance. Each is overseen by three working groups or councils: one for leadership/governance, one for technical issues, and one devoted to the user experience. Members of these councils/groups are professionals in the field from all over the country. Some of these groups/councils consist of elected members and some of appointed members.

The Coalition to Advance Learning rose from a meeting in June of 2013, hosted by the IMLS and the OCLC, which was convened to "jump-start the conversation about collaboration [among libraries, archives, and museums] and explore coordinated, near-term plans for innovative projects and partnerships." In its report, cited above on page 21 and in endnote xiv, the coalition lays out four high level goals about community, investment, visibility, and collective action. This center could form a practical nucleus around which these four goals coalesce.

Funding was mentioned by every interviewee and by many of the survey respondents as one of the most important challenges to creating and maintaining a center. While grants and seed funding may be available to found the center, it will need a continuing income stream to thrive. CollectionSpace offers a model of membership with sliding fees based on organizational operating budgets that would both supply revenue and allow smaller organizations to participate. CollectionSpace does allow non-member organizations to download the software, but offers a significant package of benefits to members. Memberships

start at $300 annually for organizations with operating budgets of less than $250,000, and rise to $7,500 for those with budgets over $25,000,000.

The creation of a virtual center for education in copyright and intellectual property, embraced by the library, archive, and museum fields, and offering online courses and practical information would serve as the driver of a virtual, collaborative "copyright community" that would benefit the field enormously. It offers exciting possibilities for the future.

Recommended Next Steps Based on the Research

There is a perceived need in the library, archive, and museum communities for some kind of center devoted to education and other activities related to copyright and intellectual property. Survey responses and the phone interviews yielded data that point to several next steps.

Through the answers to survey questions about past practice, respondents indicated a preference for online education, free or as low-cost as possible. This could be facilitated by creating a sliding scale of institutional dues and/or by forging alliances with major professional organizations that would allow institutional or individual members to join at a greatly reduced cost. Many respondents expressed the desire that courses be given on a pay-as-you-go basis rather than on a membership basis, and this option should be considered as well. The project team could explore the idea of linking the center to several of the existing professional organizations, allowing for pan-organizational input and expertise. Phone interviewees seconded this.

The issue of finances loomed large in both the survey and the interviews. The center must be financially sustainable, and yet, to truly serve the communities, must allow smaller, less-resourced institutions to take advantage of its offerings. This center should be not just for those who already have access to copyright expertise, but also for those who do not, and this must be facilitated through as many collaborative relationships and partnerships as possible.

Next steps should include:

1. Create a "Stakeholder Steering Group," consisting of key leaders who can provide buy in from their respective institutions and raise seed funding for early development stage. The majority of the survey responses were from libraries, and the project team should engage senior leadership of archives and museums to determine their level of interest and commitment. It should also try to include experts outside libraries, archives and museums, who will be able to offer a broader perspective, including copyright attorneys not affiliated with these fields, and senior level administrators of organizations that oversee libraries, archives, and

museums, such as universities, schools, and municipalities. This engagement should, as examples, include the leadership of organizations such as the Museum Computer Network (MCN), Society of American Archivists (SAA) and ARLIS.

2. Develop founding documentation and a concrete business plan, including a mission statement, purpose statement, and a list of goals. This should include a statement of the current situation, and how the center could improve it. The group should also create a name for the center, and developed proposed structures for governance, organization, finances, and sustainability, as well as a draft business plan, consulting with outside experts as needed. These documents need to be reviewed with the key stakeholders and potential funders, perhaps in an experts meeting held in conjunction with a major conference. The formulation of this center and its programs could provide an excellent collaborative project for the Coalition to Advance Learning, by providing a mechanism for libraries, archives, and museums to work together to create an exciting and important addition to the educational landscape.

3. Engage with experts in the use of technology in pedagogy to discuss potential delivery methods of information.

4. Develop communications, outreach and marketing plans, which should include a date of launch, a discussion of the partnership with societies and professional organizations, and presentations at major library, archive, and museum professional conferences.

Libraries, archives and museums are the dynamic collectors and interpreters of much of the world's cultural material heritage. Their holdings are invaluable, and their staff the keepers of these precious collections. An online community based in a center for education in copyright for professionals in libraries, archives, and museums, dedicated to teaching, communication and research could provide a focus of collaboration for the fields, and would be a tremendous and important step forward for the broad field of cultural heritage.

[i] Organizational leaders may believe that copyright concerns and education are operational issues that are not a priority for them, which may explain the relatively low ranking of 3.6/5 by leaders. A previous survey, by John Eye, 2013. "Knowledge Level of Library Deans and Directors in Copyright Law", *Journal of Librarianship and Scholarly Communication* Volume 2, Issue 1, accessed at: https://jlsc-pub.org/articles/abstract/10.7710/2162-3309.1103/ stated "…Another factor, which could have influenced participation [in his survey] is the possible philosophy of some deans and directors who believe that knowledge of copyright is not necessarily for them since their organizations employ specialists in the field who handle these issues…These deans and directors may feel copyright knowledge for them is a low priority and therefore not a serious matter worth contemplation." p. 1103|5.

[ii] The interest in copyright by users of an institution's resources will vary widely depending on the mission of the organization. Users of a specialized library or archive, or scholar working in a museum will have significant interest in the copyright issues involved with the material they are using whereas casual visitors to a public library will likely have little interest.

[iii] For a practical guide to creating a policy on intellectual property, see Diane M. Zorich, Developing Intellectual Property Policies: A How-To Guide for Museums, Canadian Heritage Information Network, updated 2017, accessed at: https://www.canada.ca/en/heritage-information-network/services/intellectual-property-copyright/guide-developing-intellectual-property-policies.html.

[iv] A study by the Center for Media and Social Impact (CMSI) at American University for the College Art Association underscores the confusion and misunderstandings about copyright felt by artists, scholars, educators, and others. Aufderheide, Patricia, Peter Jaszi, Bryan Bello, and Tijana Milosevic, 2016. Copyright, Permissions, and Fair Use among Visual Artists and the Academic and Museum Visual Arts CommunitiesAn Issues Report, accessed at: http://cmsimpact.org/wpcontent/uploads/2016/01/fair_use_for_visual_arts_communities.pdf.

[v] The Copyright First Responders program webinar is available at: www.districtdispatch.org/2017/04/copyright-first-responders-webinar/

[vi] The Association of Art Museum Directors (AAMD) has been proactive in defining "fair use" for its members, Guidelines for the Use of Copyrighted Materials and Works of Art by Art Museums, updated on October 11, 2017, accessed at: https://aamd.org/sites/default/files/document/Guidelines%20for%20the%20Use%20of%20Copyrighted%20Materials.pdf.

[vii] There is an online site that aggregates information and articles about copyright, Copyright in Higher Education Elements Resources (CHEER): https://tigerprints.clemson.edu/cheer/, a "collaborative online exchange for engaging resources that can be utilized to increase awareness and education on these issues at any institution." It is useful, though not specifically targeted at libraries, archives, and museums and their specialized issues.

[viii] Not every staff member needs a deep understanding of the subject. Generally libraries, archives, and museums will have one or a few staff tasked with handling copyright issues and queries.
[ix] This lack of legal preparation for librarians is addressed in Cross, William M., and Phillip M. Edwards, 2011 Preservice Legal Education for Academic Librarians within ALA-Accredited Degree Programs, accessed at: https://pwb01mw.press.jhu.edu/journals/portal_libraries_and_the_academy/portal_pre_print/articles/11.1Cross.pdf
[x] The Online Learning Consortium today offers only one two-part course on copyright and intellectual property, entitled *Introduction to Copyright and Fair Use*" parts 1 and 2. In the past it offered a year-long course entitled *Copyright Compliance Made Simple-Six Rules for Course Design*. It has not been offered since 2014.
[xi] Further documentation about the UMUC Center for Intellectual Property has been gathered as background, and this research will be taken into account in subsequent analysis and discussion.
[xii] In many museums, the registrar's office is responsible for issues of copyright and intellectual property, and for rights and reproduction permissions.
[xiii] Zorich, Diane, Günter Waibel, and Ricky Erway. 2008. Beyond the Silos of the LAMs: Collaboration Among Libraries, Archives and Museums. Report produced by OCLC Research. Accessed at: http://www.oclc.org/content/dam/research/publications/library/2008/2008-05.pdf
[xiv] Zorich et al, p. 8.
[xv] Deupi, Jill and Charles Eckman, "Prospects and Strategies for Deep Collaboration in the Galleries, Libraries, Archives, and Museums Sector" (2016). Academic Art Museum and Library Summit (Coral Gables: January 2016).1. Accessed at http://scholarlyrepository.miami.edu/cgi/viewcontent.cgi?article=1000&context=con_events_aamls2016
[xvi] Deupi and Eckman, p. 7.
[xvii] Drummond, Christina, Bob Beatty, Tom Clareson, Betha Gutsche, Donna McCrea, Anna Shelton and Katherine Skinner, eds. 2016. National Agenda for Continuing Education and Professional Development across Libraries, Archives, and Museums. Dublin, Ohio, OCLC Research. Accessed at: http://www.oclc.org/content/dam/research/publications/2016/oclcresearch-national-agenda-lams-education-development-2016.pdf

Copyright Education Center
Interview Questions

The Copyright Advisory Office at Columbia University, serving as principal investigator for a group of museum, library, and archive professionals, is carrying out a review of the current status of education about copyright and intellectual property for staff working in these three fields with the goal of understanding if current efforts in copyright education are adequate or if there is a need for, and interest in, the creation of an independent copyright education center to strengthen core competencies in staff. The study is generously funded by LYRASIS through its Catalyst Fund, and will be available for public review when completed.

As part of this feasibility study, I am conducting interviews with a select group of practitioners in the field about the state of education about copyright and intellectual property. Thank you for taking the time to speak with me.

Questions

1. Please tell me about yourself and your work in copyright/intellectual property education in your field (museums, libraries, or archives).

2. Please describe the current process used by your institution for copyright and intellectual property education and your perception of its strengths and weaknesses.

3. Based on your perception, please rate the effectiveness of your institutional process, on a scale of 1 to 10, with 1 being ineffective and 10 being extremely effective.

4. Do you have a copyright policy for your institution? If so, and if it is publicly available, will you send me the PDF or the URL?

5. What do you think are the strengths and weaknesses of the way in which your field (museums, libraries, archives) as a whole approaches copyright and intellectual property education?

6. Again, on a scale of 1 to 10, how effective do you think that copyright education is, in general, in your field? Could it be improved? If so, how?

7. The purpose of this study is to determine the feasibility of creating an independent center devoted to professional development and education about copyright and intellectual property for staff in the fields of museums, libraries, and archives. What would you view as the strengths and

opportunities in creating this center? What would be the weaknesses? Would there be perceived threats?

8. If there were a center devoted to education about copyright and intellectual property for staff in museums, libraries, and archives, with teachers drawn from experts in these fields, would you consider sending staff to an in-classroom course? Would you consider having them take an online course? If workshops were held in conjunction with library, archive and museum professional meetings, would you encourage your staff to enroll?

9. If there were such a center, would you consider recommending that your institution provide a level of financial support?

10. In thinking about the needs in the field of copyright education, are there general or specific copyright issues faced by your institution, which could be addressed by courses offered by such a center?

11. Is there anything else that you think that I should know about the challenges of education about copyright and intellectual property in your field, and how the field meets those challenges?

Copyright Education Center Feasibility Study Survey

Copyright Education Center

Welcome to the Columbia University Copyright Advisory Office survey regarding the creation of an education center for copyright and intellectual property for staff of libraries, archives, and museums. Your participation should take less than fifteen minutes. We hope that you will help us make this study as meaningful and accurate as possible.

This survey can be completed confidentially. However, question 5 asks for an institutional document, and question 15 asks for optional contact information. You may choose to complete these questions, or not.

We are asking you to complete this survey or to forward it to the appropriate staff member for completion. Your participation and comments are very important as it will help us to determine the potential level of support in the community for this kind of an education center. We are asking that each institution submit only one response to the survey.

We have provided you a PDF version of the survey instrument to assist you in reviewing it with colleagues prior to entering it online.

You may enter and exit the survey at any time. There is an icon in the upper right hand corner of the screen to 'exit'. To exit/reenter, you will need to enable cookies on your browser, as this is the way SurveyMonkey tracks the respondent. Additionally, you will need to use the same browser and the same workstation/laptop in order to complete the survey.

To submit your answers, you must click on the "Done" button at the end of the survey.

Please respond by September 11, 2017 and thank you in advance.

Copyright Education Center Feasibility Study Survey

About You and Your Organization

1. Where are you working? If your library, archive or museum is part of a larger organization such as a university or a government entity, or if you work in, for example, a library within a museum, or an archive in a library, please check your immediate unit.

- ◯ Museum
- ◯ Library
- ◯ Archive

Other

2. What is your role?

- ◯ Director
- ◯ Administrator
- ◯ Librarian
- ◯ Archivist
- ◯ Collections Manager
- ◯ Curator
- ◯ Registrar
- ◯ Rights and Reproductions Manager
- ◯ In-house Counsel
- ◯ Other

3. How many staff, expressed in FTEs, are employed at your library, archive, or museum? If your library, archive, or museum is a part of a larger organization, use your library, archive, or museum's information, not that of the larger organization.

- ◯ 1 to 25
- ◯ 26 to 50
- ◯ 51 to100
- ◯ 101 to 250
- ◯ More than 501

4. What is the annual operating budget of your library, archive, or museum? Again, if your library, archive, or museum is part of a larger organization, please use the budget figures for your library, archive, or museum.

- ◯ Less than $100,000
- ◯ $100,001 to $1,000,000
- ◯ $1,000,001 to $5,000,000
- ◯ $5,000,001 to $25,000,000
- ◯ $25,000,001 to $50,000,000
- ◯ More than $50,000,001

Copyright Education Center Feasibility Study Survey

About Copyright and Intellectual Property Education at your Organization

5. Does your library, archive, or museum have a copyright policy, which you use to guide your work?

- ◯ Yes
- ◯ No
- ◯ If so, and it is publicly available or you are willing to share it, please insert the URL:

6. How do staff at your organization learn about the laws governing copyright and intellectual property and how to apply them in your situation? Please check all that apply.

- ☐ In-house legal expertise
- ☐ Other internal copyright experts
- ☐ Webinars
- ☐ In-person education
- ☐ Books and online materials, including government web sites
- ☐ Organizational policy manuals, internal online guides, checklists, etc.
- ☐ Institutional copyright policy

Other

7. If you checked any of the boxes in question 6, are there sources of information that are used most frequently?

8. Has anyone from your library, archive, or museum taken an externally-offered copyright educational program in the past two years (e.g. online webinar or in-person educational opportunity)?

- ◯ Yes
- ◯ No

9. If your answer to question 8 was “yes”, what was the nature of this educational opportunity? Please check all that apply.

- ☐ Fee-based
- ☐ Free
- ☐ In classroom
- ☐ Online
- ☐ Workshop at a professional meeting

How many days was it?

About Copyright and Intellectual Property Education at your Organization (cont'd)

10. Where does copyright education fit into the priorities of your library, archive or museum? On a scale of 1 to 5, with 1 being unimportant and 5 being very important, please indicate how important copyright education is to these groups affiliated with your organization:

	1	2	3	4	5
Leadership	◯	◯	◯	◯	◯
Staff	◯	◯	◯	◯	◯
User Comunity	◯	◯	◯	◯	◯

Comments

11. If there were an independent center dedicated to education about copyright and intellectual property for museum, library and archive professionals, would you want your organization to consider having staff take advantage of educational opportunities either online or in person? (These would be taught by a group of senior professionals, drawn from museums, libraries, and archives across the country, who have previously taught in this field.)

- ◯ Yes
- ◯ Maybe
- ◯ No

Comments:

12. If your answer to question 11 was “yes”, would you want your library, archive or museum to consider financial support for a center for copyright education for staff of libraries, archives, and museums?

- ◯ Yes
- ◯ No

13. What would be your library, archive or museum’s preferred model of support for educational offerings from the center?

- ◯ Membership (flat, annual fee that would allow for unlimited educational opportunities)
- ◯ Pay-as-you-go for each individual offering

Other

14. Please let us know about other challenges and concerns related to copyright and intellectual property, both at your organization and in your personal work.

15. (Optional) If you are willing to provide your name, and the name of your organization, and contact information, please supply these below.

Organization	
Name	
Email Address	



Dear Archive, Library, or Museum Professional:

The Copyright Advisory Office at Columbia University, serving as principal investigator for a group of museum, library, and archive professionals, is carrying out a review of the current status of education about copyright and intellectual property for staff working in these three fields, with the goal of understanding if current efforts in copyright education are adequate or if there is a need for, and interest in, the creation of an independent copyright education center to strengthen core competencies in staff. The study is generously funded by LYRASIS through its Catalyst Fund, and a report will be available for public review when completed.

As part of the project, we are conducting a web-based survey to assess the current status of education about copyright and intellectual property for staff working in libraries, museums, and archives. The results of the survey, along with in-depth interviews with professionals working in the field, a survey of past and current efforts, and an assessment of potential structural, governance, and financing options will inform the final report.

We are asking you to complete this survey, which should take from 10-12 minutes, or to forward it to the appropriate staff member for completion. Your participation and comments are very important as it will help us to determine the potential level of support in the community for this kind of an education center. We are asking that each institution submit only one response to the survey.

The survey is available here: [SURVEY BUTTON]

With this email, we are providing you a PDF version of the survey instrument to assist you in reviewing it with colleagues prior to entering it online.

You may enter and exit the survey at any time. There is an icon in the upper right hand corner of the screen to 'exit'. To exit/reenter, you will need to enable cookies on your browser, as this is the way SurveyMonkey tracks the respondent. Additionally, you will need to use the same browser and the same workstation/laptop in order to complete the survey.

To submit your answers, you must click on the "Done" button at the end of the survey.

Please submit the survey by September 11, 2017.

If you have questions, please contact Tom Clareson at tom.clareson@lyrasis.org or me at rep2137@columbia.edu.

Thank you very much in advance for your participation.

Sincerely,
Rina Elster Pantalony

Copyright Education Center Survey Report
from Tom Clareson, 9/20/17

Executive Summary

A total of 203 organizations, the majority of which were libraries, participated in an August-September 2017 survey, sponsored by Columbia University and LYRASIS, on the feasibility of establishing a Copyright Education Center for cultural heritage organizations. The majority of the respondents were Directors, and worked at organizations with small staff sizes and annual budgets between $100,001-1,000,000.

Many of the organizations have a copyright policy, and use books, online materials, and webinars to learn about applicable copyright laws. A slight majority of the survey participants had recently taken externally-offered copyright education programs, the majority of which were offered free of charge and were taken online. Survey respondents felt copyright education was relatively important to three key groups at their organizations -- leadership, staff, and users.

Almost three-quarters of the respondents said they would want their organization to consider having staff take advantage of educational opportunities from a Copyright Education Center. Almost 60% said they would want their organization to consider financial support for such a center.

When offered the opportunity to comment about their other challenges and concerns related to copyright and intellectual property, almost one quarter of the survey participants voiced concern about educating faculty and staff about copyright and I.P. issues.

Overall, participants in the survey had a wide variety of comments related to their copyright concerns, education needs, and the establishment of a Copyright Education Center.

Introduction

In August-September 2017, Columbia University and LYRASIS, with the leadership of consultant Kristin Kelly, distributed a brief survey to study the feasibility of establishing a Copyright Education Center for organizations in the cultural heritage sector (libraries, archives, museums, and historical societies).

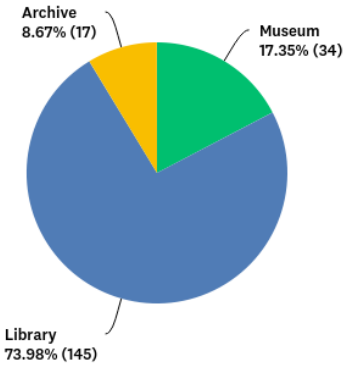
The survey instrument was circulated to members of LYRASIS, the largest library/archive/museum network in the U.S., and members of AASLH, the American Association for State and Local History.

Demographics

A total of 202 institutions participated in the survey. Respondents included 145 libraries (74% of the respondents), 34 museums (17%) and 17 archives (9%).

Q1 Where are you working? If your library, archive or museum is part of a larger organization such as a university or a government entity, or if you work in, for example, a library within a museum, or an archive in a library, please check your immediate unit.

Answered: 196 Skipped: 7



When asked about their role at their institution, 100 (50%) of the respondents were Directors, 42 (21%) were Librarians, 15 (7%) were Administrators, and 14 (7%) were Archivists.

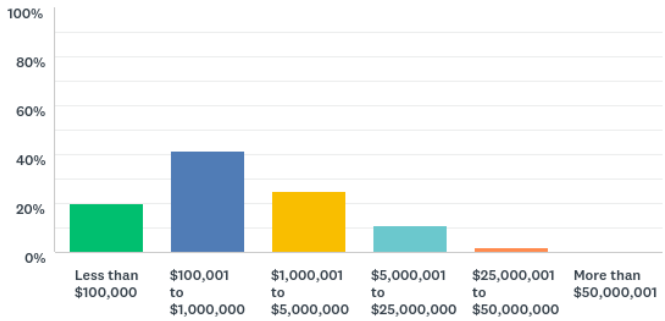
Survey participants were asked how many staff, expressed in Full Time Equivalent numbers (FTE) were employed at their library, archive, or museum. If their institution was part of a larger organization, they were asked to reflect the smaller unit's information.

At 151 institutions (74%), staff size ranged between 1-25 FTE. This was the size of the majority of staff across all organization types. Staffing of 26-50 FTE existed at 23 (11%) organizations. Fourteen institutions (7%) had 51-100 FTE staff, and 13 (6%) had 101-250. Only two organizations had more than 501 staff members.

Respondents were also asked about the annual operating budget of their library, archives, or museum. By far the largest group (83 organizations or 41%) had budgets between $100,001-$1,000,000. Budgets at 50 organizations (23%) ranged from $1-5 million. Nearly 40 organizations (38 or 20%) had budgets of less than $100,000; 22 (11%) reported budgets of $5-25 million, four had budgets of $25-50 million, and one had a budget of over $50 million.

Q4 What is the annual operating budget of your library, archive, or museum? Again, if your library, archive, or museum is part of a larger organization, please use the budget figures for your library, archive, or museum.

Answered: 200 Skipped: 3



Copyright Policies and Education

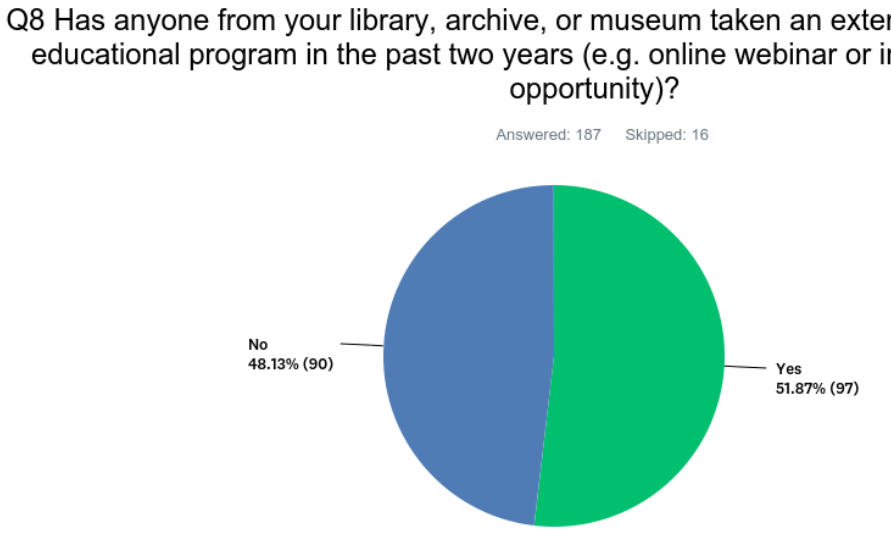
When combining those organizations that reported having copyright policies (72 or 39%) and those having policies and sharing the URL for the policies in the survey (31 or 17%), a majority of the institutions surveyed – especially from the library sector -- had policies and 82 (44%, including majorities from both museums and archives) did not. Survey participants were asked how staff at their organizations learn about laws governing copyright and intellectual property and how to apply them in their organization's situation. Respondents were asked to indicate all methods that applied.

- Books and online materials, including government web sites: 145 (79%)
- Webinars: 107 (58%)
- In-person education: 87 (47%)
- Institutional copyright policy: 73 (40%)
- Organizational policy manuals, internal online guides, checklists, etc.: 66 (36%)
- Other internal copyright experts: 61 (33%)
- In-house legal expertise: 50 (27%)

To gain further detail on this question, respondents were asked if there are sources of information that are used most frequently. Over half of the survey participants (123) listed sources, and a total of 163 sources were mentioned. While many of the responses echoed the findings of the questions above, what was most interesting was that specific programs, such as those from the Columbia University Copyright Office (5 mentions), American Library Association Webinars (5), Stanford University (4), resources from the American Alliance of Museums (4), Cornell University (3), the Library of Congress (3), and the Copyright Clearance Center (3) were listed here.

When asked if anyone from their library, archive, or museum has taken an externally-offered copyright education program such as an online webinar or in-person educational opportunity in the past two years, 97 (52%) said yes, and 90 (48%) said no. Those

organizations with annual budgets of less than $100,000 were less likely to have taken the educational programs.



Most often, the educational opportunities were free (61 or 64%) versus fee-based (35 or 36%); sessions were taken online (63 or 65%), via a workshop at a professional meeting (35 or 36%), or in a classroom setting (10 or 10%).

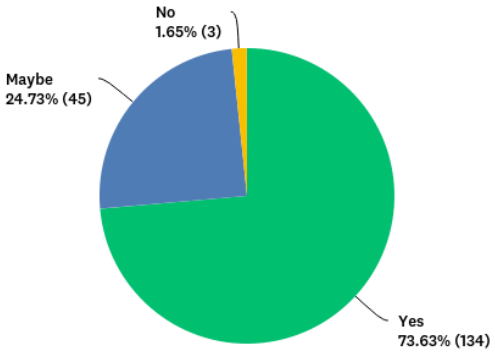
On a scale of 1-5, with 1 being unimportant and 5 being very important, respondents said that all of the audiences related to their organizations felt that copyright education was relatively important. The topic was seen as most important to leadership (3.64 of 5 weighted average, and even higher among the library respondents); then staff (3.61 average, higher for museums); and user community (3.04; lowest at archives). There were 23 comments specific to this question, including a number who said they "wished the topic was more important" to their faculty and users.

Copyright Education Center

Specific to the establishment of a Copyright Education Center, respondents were asked if they would want their organization to consider having staff take advantage of educational opportunities, either online or in person. The educational opportunities would be offered through an independent center dedicated to education about copyright and intellectual property for museum, library, and archives professionals, and would be taught by a group of senior professionals, drawn from museums, libraries, and archives across the country who have previously taught in the field. Nearly three-quarters of the respondents (134 or 74%, across all organization types) said yes; 45 (25%) said maybe; and only 3 respondents (2%) said no. In comments related to this question, many survey participants expressed preference for online training, and cost was expressed as a deciding factor for participation in the offerings.

Q11 If there were an independent center dedicated to education about copyright and intellectual property for museum, library and archive professionals, would you want your organization to consider having staff take advantage of educational opportunities either online or in person? (These would be taught by a group of senior professionals, drawn from museums, libraries, and archives across the country, who have previously taught in this field.)

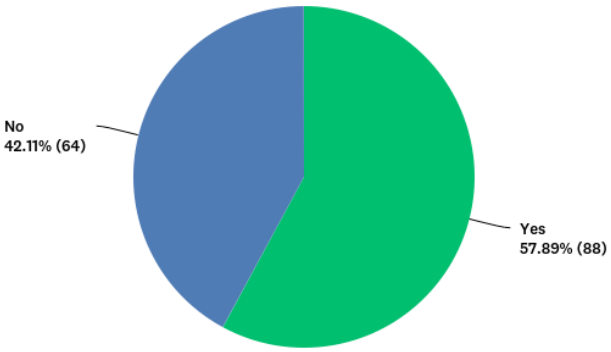
Answered: 182 Skipped: 21



In a related question, 88 survey participants (58%, across all staff sizes, and including the majority of libraries) said they would want their institution to consider financial support for a center for copyright education for staff of cultural heritage organizations, and 64 (42%, including slight majorities of museums and archives) would not. Organizations reporting the smallest annual budget sizes (less than $100,000) were slightly less in favor of financially supporting a center (16 or 59%) than supportive of this idea (11 or 41%).

Q12 If your answer to question 11 was “yes”, would you want your library, archive or museum to consider financial support for a center for copyright education for staff of libraries, archives, and museums?

Answered: 152 Skipped: 51



The preferred model of support for educational offerings from a center would be pay-as-you-go for each individual offering (125 or 75%, across all organizational types and

budget sizes) versus membership (a flat, annual fee that would allow for unlimited educational opportunities, with 42 or 25%). Many of the comments on this question related to already-stretched budget levels at the responding organizations.

A total of eighty-five organizations provided information when asked about other challenges and concerns related to copyright and intellectual property, both at their organization and in personal work. When content analysis was performed on the responses, the largest concern voiced by respondents was educating faculty (and in some cases, staff) at their institution about copyright and I.P. issues. Nearly one-quarter (22 respondents) voiced concern about working with faculty to help them understand fair use and other aspects of copyright. Six respondents said that keeping up with court decisions and best practices was a challenge; four mentioned copyright not keeping up with technological advances or copyright advice conflicting with technical directives at their institutions; and four specifically called out orphan works as a concern.

Appendix E

Center for Copyright Education
Feasibility Study
Current and Past Education Offerings in Copyright and Intellectual Property
@August 1, 2017

Current Education in Copyright and Intellectual Property

organization	title/topic	online/in person	cost	notes
American Alliance of Museums (AAM)	Copyright Licensing: Giving and Receiving	online	$0-$25	These are all webinars taught by practitioners in the field.
	Copyright Series: Digital Copyright and Privacy	online	$0-$25	
	Orphan Works Basics and Best Practices	online	$0-$25	
	The Nuts and Bolts of Managing Digitized Collections: From Capture to Copyrght	online	$0-$25	
American Association for State and Local History (AASLH)	Copyright Issues, Rights Management, and Licensing Programs for Digital Collections (Technical Leaflet) Fred Poyner IV, 2010	online leaflet	$4-$6	nothing specific regarding copyright or intellectual property listed on their website though there is a very active continuing education program
American Library Association (ALA)	DeMystifying Copyright: How to Educate Your Staff and Community eCourse	online		Lesley Ellen Harris; 4 week course
	Becoming the Copyright Specialist in Your Library	online		Lesley Ellen Harris and others

	Advanced eCourse: Copyright 101	online		Mary Minow
	Copyright and Electronic Resource Management	online		
	Copyright for Teachers and Librarians	online		Rebecca Butler
	Digital Licensing Online			Lesley Ellen Harris
	Managing Copyright in Digital Collections	online		Linda Tadic difficult to figure out course costs
American Law Institute (ALI)	Legal Issues in Museum Administration	in person	$1,399	annual conference, including copyright and IP sessions among others; per Rachelle Browne, one day is devoted to copyright/ IP
ARLIS/VRAF	Summer Educational Institute	in person	$595-$695	covers IP in addition to other topics related to digital imaging and issues
Copyright Clearance Center	OnCopyright Education Certificate Program	online	$0 (sales webinar)-???	series of programs-Copyright for Academia, Copyright Law and Libraries, Copyright for Publishing Professionals; also does international courses
copyrightlaws.com	Copyright Leadership Certificate (CLC): 5 eTutorials--US Copyright Law, Practical International Copyright, Legally Using Images, Digital Copyright Issues, Minimizing Copyright Risks and Organizing Copyright Issues in Your Workplace	online	$149 and up CLC is $1,500	Lesley Ellen Harris offers a variety of courses on US and Canadian copyright

College Art Association (CAA)	--	--	--	web site states that "CAA seeks to offer educational programs and opportunities for discussion and debate in response to copyright legislation…"; no specific courses listed
	Copyright, Permissions, and Fair Use among Visual Artists and the Academic and Museum Visual Arts Communities	online	--	study published in 2014 and on the website; not guidelines, but more a "state of the field".
Digital Preservation Network	online PowerPoint presentations freely available in Members section	PPT online	$0	some basic information in PPT #2 on selection
Duke University	Remix or Robbery?	publication	$0-$15	graphic novel presentation about music-related copyright issues
Harvard University	CopyrightX Copyright First Responders	online webinar	$0	5 month course training of copyright experts in the Harvard libraries; available in webinar and now by other libraries and universities.
	http://www.districtdispatch.org/2017/04/copyright-first-responders-webinar/			
LYRASIS	Introduction to Copyright for Digitization	online (live)	$100-$125	Leigh Grinstead offered 3X a year

Miami University (Ohio)	2017 Copyright Conference	in person	$65 + travel expenses	Ken Crews, and others; basic "boot camp" plus breakout groups and a session on how to craft a copyright policy; no indication that this is ongoing; seems to be geared primarily towards librarians 9/20-21/17
MOOCs	Copyright for Educators and Librarians Intellectual Property Law and Policy: 2 part course	online	varies	Duke/Emory/UNC University of Pennsylvania; each part 6 weeks
Museum Study	Rights & Reproductions: Guidelines & Best Practice	online	$400	1 week course taught by Anne Young, R&R Manager at the IMA www.museumstudy.com
National Federation of Advanced Information Services (NFAIS)	Copyright Leadership Certificate	online	$1,350-$1,500	Lesley Ellen Harris/copyrightlaws.com
Society of American Archivists (SAA)	Copyright Issues for Digital Archives	in person	varies; not to exceed $479	1 day workshop taught by Heather Briston
	Rights and Permissions: Policies for Reproduction and Reuse of Archival Holdings	in person	varies; not to exceed $479	1 day workshop taught by Jean Dryden

	Archivists' Guide to Balancing Legal Issues in Photographic Collections	in person	varies; not to exceed $479	1 day workshop taught by Heather Briston
Special Libraries Association (SLA)	Copyright Solutions in the Digital Age	online	$395-$495	10 days, taught by Lesley Ellen Harris
	Certificate in Copyright Management (with copyrightlaws.com)	both	$2,754-$3,109	1-2 years, taught by Lesley Ellen Harris
University of Colorado, Colorado	Kraemer Copyright Conference	in person	$0	annual 2 day conference; there will be travel costs associated with this; unclear is this is going to continue in the future
University of Texas	Copyright Crash Course	online	$0	Georgia Harper; do at your own pace
World Intellectual Property Organization (WIPO)	General Course on Intellectual Property IP Panorama Other courses, general and advanced	online	$0	courses in 7 languages 20-120 hours some provide certificates and some do not also has a resource list for museums, libraries, and archives on its website, including IP for museums by REP, and other downloads

Past Education in Copyright and Intellectual Property No Longer in Existence

University of Maryland University College (UMUC)	Center for Intellectual Property	Kimberly Bonner, director years of operation: 1999-2013 courses primarily for smaller and community colleges; see attached summary; UMUC CIP was subsumed into the Sloan Consortium, which the Online Learning Consortium, which provides limited copyright education courses

Lists of Resources are also found on the websites of the American Alliance of Museums, the American Library Association, the Society of American Archivists, the World Intellectual Property Organization, many universities, and others.

Education about copyright and intellectual property also forms a part of the curriculum of most graduate programs in library and information science, archival management, and museum studies. In most cases, this is a very small offering.

Most large, and many smaller, universities offer copyright and IP courses for their communities, and list these courses on their web sites.