



**Chapter Council Presents
Sharing Roundtables
MLA Annual Meeting
San Antonio, TX
Monday, May 16, 2005**

Tables 6A/6B: Copyright Issues – E-Journals & E-Books

Facilitators: Mary Helms and Della Shupe

Recorders: Roxanne Nelson & Xiaoli Li

Note – after lunch, our two tables combined for discussion

Additional Participants: Carolyn Adams, Mohammad Al-Ubaydli, Cynthia Bertuca, Virginia Carden, Carolyn Kopper, Marilyn Wolf Schwartz, Laura Stubblefield

Topics discussed:

Proprietary schools – Fair Use is defined differently; students and faculty travel to the school; no physical library. Can these schools use Ovid full-text for ILL?

What are licensing issues for resource-sharing within a small non-profit system? Single library vs. multiple sites – having a license can simplify the process if it's defined properly.

Have more negotiating power with large systems – “just say no” to huge increases. You have more strength than you know! Vendors/publishers want your business.

Which publishers allow ILL from e-resources? What are the workflow issues? What are the Fair Use issues in the digital environment? There are a number of gray areas about this, even for attorneys – no black and white approach will work.

Many vendors mandate printing out material prior to ILLing it. But each publisher could be different, depending on license agreement. Some have set up an Access database for ILL staff with restrictions on ILL loans listed. Be careful – some don't allow loans to for-profit institutions.

What will be the long-term effects on ILL? We shouldn't give up ILL rights in licensing.

Every license is different. Since e-resources are a very new technology (only about 7 years or so), many publishers are still working out licensing models. All licenses are moving targets right now.

Clickable licenses are OK so long as they don't prohibit anything significant.

Maybe eventually we will be getting rid of ILLs and going direct to publishers where costs of articles could be deducted from a deposit account?

Need a staffer devoted full-time just to do e-resources management if at all possible, even if have to share with another institution.

Let purchasing department sign contracts – quote: “Nothing good can come out of signing a license!” Having a license supersedes Fair Use rights but can also be an advantage for off-campus access (secure proxy server important).

Need to update/educate faculty on copyright issues. Seen as a major concern. Most faculty would like to learn more about copyright.

Important to educate your users as to how they can use e-materials. Suggestions as to how to do this include workshops and classes.

Be sure to emphasize 4 factors for determining Fair Use. Can email Mary Helms mhelms@unmc.edu for information about the classes she teaches on copyright issues.

When getting in touch with a vendor, consider who to contact: sales rep vs. a VP or someone else with real authority.

How to protect intellectual property rights of your faculty? Consider e-scholarship rights. Authors can refuse to turn over copyright to a publisher. But be careful – sometimes the university takes copyright instead of an individual. Then an individual may not be able to turn over copyright to a publisher anyway.

NIH grantees can deposit their peer-reviewed final manuscripts in PubMed Central from 0 -12 months after accepted for publication.