Against the Grain
c/o Katina Strauch
209 Richardson Avenue
MSC 98, The Citadel
Charleston, SC 29409
TM

REFERENCE PUBLISHING ISSUE

VOLUME 19, NUMBER 4 SEPTEMBER 2007

Against the Grain

"Linking Publishers, Vendors and Librarians"

ISSN: 1043-2094

The Importance of Intellectual Property Licensing in 21st Century Libraries

by **Bryan M. Carson, J.D., M.I.L.S.**[1] (Associate Professor/Coordinator of Reference & Instructional Services, Western Kentucky University Libraries, Author, "The Law of Libraries and Archives" (Scarecrow Press), Ed.D Student, Higher Ed. Leadership & Policy, Vanderbilt University, 1906 College Heights Blvd. #11067, Bowling Green, Kentucky 42101-1067; Phone: 270-745-5007; Fax: 270-745-2275) <bryan.carson@wku.edu>

Licensing and intellectual property are increasingly important. Gone are the days when licensing was for lawyers, when trademark and copyright were for specialists, and intellectual property was far away from our lives. Today's generation of librarians spend large chunks of time working on issues related to intellectual property and licenses. It affects our daily work life, from copyright clearance for reserves to database license agreements, and from streaming audio to trademarks. Libraries are not only users of intellectual property but also creators, and it is not unheard of for a librarian to start the day as a database licensee and finish it as a database producer.

This special issue of ***Against the Grain*** deals with licensing from the perspective of libraries. In "Licensing in an Electronic World: A Word of Advice," **Kara Phillips** writes a letter to her younger self, based on the best-selling book *What I Know Now: Letters to My Younger Self*.[2] **Kara** discusses how the role of librarians as users of intellectual property has changed over time. She explains licensing concepts that librarians need to know and points out things that she wished she knew at the start of her career.

In the article "Streaming Audio and Licensing: What Libraries Need to Know," **Scott DeLeve** points out some of the benefits and pitfalls of the new online multimedia world. He explains how rules intended to apply to online broadcasting can also apply to podcasting and streaming audio. **Scott** discusses the ***Sound Recording Act*** and its descendant, the ***Digital Performance Rights in Sound Recordings Act of 1995 (DPRSA)***, which were originally adopted for broadcasting. **Scott** also explains how the ***Digital Millennium Copyright Act (DMCA)*** has been applied to the world of online broadcast media.

Jane M. Larrington tackles the ***DMCA***

continued on page 16

If Rumors Were Horses

continued on page 6

What To Look For In This Issue:

A Healthy Information Economy 18
Looking Back, Looking Forward 22
Social Media Simplified 32
Top Ten Innovations in Library History 42
Funds and Accounting Trees 65

Interviews

Richard Charkin 22
Hazel Woodward 46

Profiles Encouraged

George Burrows 20
David Levinson 26
Dave Pollard 30
Karen Christensen 34
Eric Calaluca 38
Plus more ..... ***See inside***

1043-2094(200709)19:4:1-7

Rumors
from page 14

continued on page 40

The Importance of Intellectual ...
from page 1

in her article "Impact of the Digital Millennium Copyright Act on Libraries and Library Users." She discusses digital material, digital rights management, and the anti-circumvention provisions of the ***DMCA*** in the context of Fair Use, section 108 library exceptions, and section 110 education exceptions. **Jane** also provides an overview of the **Commission on New Technological Uses of Copyrighted Works (CONTU)** guidelines.

And finally, I have a word to say about electronic reserves, copyright law, and licensing. Libraries and publishers are currently at loggerheads over the issue of e-reserves, with the **American Library Association** saying the practice is legal and the **Association of American Publishers** maintaining that copyright law is being violated. I'll explain the legal background of academic library reserves, explain the ill-fated **Conference on Fair Use (CONFU)** guidelines, and discuss the role that licensing agreements can play in alleviating this dispute.

There is no doubt that the world has changed, and that our new online information brings unique challenges. However, there are also unique opportunities available in our new digital world. Knowledge of copyright and licensing will help librarians understand and control these changes and to shape them to meet the needs of our libraries and our users.

Endnotes

1. **Bryan M. Carson** is Coordinator of Reference & Instructional Services at **Western Kentucky University**. He earned his B.A. in Economics from **Adrian College**, J.D. from the **University of Toledo**, M.I.L.S. from **University of Michigan**, and is currently working on an Ed.D. in Higher Education Leadership & Policy at **Vanderbilt University's Peabody College of Education**. **Bryan** is the author of *The Law of Libraries & Archives* (Scarecrow Press, 2007), and writes the *"Legally Speaking"* columns for ***Against the Grain***. His email address is <bryan.carson@wku.edu>.

2. **Ellyn Spragins**, ed., *What I know Now: Letters to My Younger Self* (New York: Broadway Books, 2006).