The Importance of Intellectual Property Licensing in 21st Century Libraries

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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. 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

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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>.