

**Society of American Archivists
Council Meeting
January 23 – 26, 2013
Chicago, Illinois**

**Intellectual Property Working Group (IPWG) Annual Report
(Prepared by Heather Briston)**

Name of Section/Roundtable: SAA Council's Intellectual Property Working Group

Date: August 17, 2012

Officers:

- Heather Briston (Chair through August 2013)
- Aprille McKay (Vice Chair)

Report from Annual Meeting:

Number of attendees: 6 members, plus two guests. Two working group members were unable to attend.

Election results: Heather Briston will continue as chair for 2012-2013, with Aprille McKay assuming the role as of the Annual Meeting in August 2013.

Summary of meeting activities:

- Discussed session proposal ideas for New Orleans 2013.
- Discussed a proposal to Delmas for funding SAA participation in the Standing Committee on Copyright and Related Rights (SCCR) at the World Intellectual Property Organization (WIPO).
- Received an update on the activities of the International Council on Archives (ICA) Committee on Copyright and the ICA participation in SCCR.
- A plan was proposed to begin research for white papers to have available at any SCCR participation as well as for a general articulation of issues. First focus will be on orphan works.
- Discussed a review of proposed language for a DMCA exception in order to propose to the Council for ultimate proposal to the Copyright Office
- Discussed issues of the IPWG webpage's visibility and how to improve it.
- We will be scheduling more frequent Google Hangouts for meetings.
- Discussed submitting documents to the Standards portal. Began a discussion of documents we may want to submit, reserving for later the discussion of documents

that may additionally be submitted to the Standards Committee for endorsement consideration.

- Information sharing amongst those present regarding possible upcoming legislation and cases.

Completed Projects/Activities:

- Applied for and received funding from the Alfred P. Sloan Foundation to send one representative to WIPO SCCR 23.
- William Maher represented SAA at the WIPO SCCR 23 in Geneva, Switzerland, from November 21 to December 2, 2011.
 - See final report submitted to the Council for details.
 - Also submitted final report to Sloan in support of funding.
 - SAA was approved as an Ad Hoc Non-Governmental Organization Observer.
 - SAA's application is pending for Permanent NGO Observer status, decision to be made at WIPO General Assembly in October.
- Two virtual meetings during the year using Google + Hangout.
- Submitted three documents to be listed on the SAA Standards Portal:
 1. "Code of Best Practices in Fair Use for Academic and Special Libraries" (Association of Research Libraries, 2011)
(<http://www.arl.org/pp/ppcopyright/codefairuse/index.shtml>).
 2. "Principles to Guide Vendor/Publisher Relations in Large-Scale Digitization Projects of Special Collections Materials" (ARL, 2010)
(http://www.arl.org/bm~doc/principles_large_scale_digitization.pdf)
 3. "Statement on the Fair Use of Images for Teaching, Research and Study" (Visual Resources Association, n.d.)
(<http://www.vraweb.org/organization/pdf/VRAFairUseGuidelinesFinal.pdf>)
- SAA 2012 Annual Meeting session proposals
 - Session proposal endorsed and accepted "We Are Not Alone: Perspectives on International Copyright."
 - Also endorsed "Reconciling Access and Privacy: Opening Archives of the Recent Past," which was not accepted for the main program, but was presented as part of the Privacy and Confidentiality Roundtable meeting at the 2012 Annual Meeting.
- David Sutton, Director of Research Projects at Reading University, Chair of the International Council on Archives Working Group on Intellectual Property, and UK editor of the WATCH copyright project (Writers Artists & Their Copyright Holders) named as *ex officio* member in April 2012.
- Solicited ideas for DMCA exemptions for archival materials and uses from archives professionals for the call for submissions from the Copyright Office.
- William Maher was cited in the *Golan v. Holder* decision of the Supreme Court, with an article about it in the March/April *Archival Outlook*.
- An article on the *Pearse-Hocker v. Smithsonian* case, written by Peter Hirtle on behalf of the IPWG, was published in *Archival Outlook*.
- Suggested language to the Council re: the SAA Advocacy Agenda.
- Discussed the ARL "Fair Use Best Practices in Research and Academic Libraries," and the potential usefulness of the document to archivists.

- Heather Briston gave a presentation on the ARL "Code of Best Practices in Fair Use for Academic and Special Libraries" to the Section on College and University Archives at their annual meeting.

Ongoing Projects/Activities:

- SAA representation at WIPO SCCR by an IPWG member. Putting together funding requests for grant funders.
- Monitoring the ICA Committee on Copyright for areas of collaboration for SAA and ICA.
- Monitoring through our representative the standards proposed to the Standards Committee, and possible standards for listing and in some cases, endorsement.

New Projects/Activities:

- Session ideas for New Orleans (due October 5, 2012).
- Research and writing white papers in communication with SAA's Government Affairs Working Group to have available for any SCCR participation, as well as for a general articulation of issues. First focus will be on orphan works.
- Review of proposed language for a DMCA exception, for suggestion to the Council for Copyright Office.
- With the resignation of Richard Pearce-Moses from the IPWG in July, the working group is in the process of collecting names of potential new members.

Strategic Priority - Technology Initiatives: No initiative in this area at this time.

Strategic Priority - Diversity Initiatives: Actively monitoring proposals for potential treaties or practices related to traditional cultural expression and intellectual property issues, both domestically and internationally.

Strategic Priority - Advocacy/Public Awareness Initiatives:

- Represented SAA at the World Intellectual Property Organization's Standing Committee on Copyright and Related Rights in November-December 2011.
- An article on the *Pearse-Hocker v. Smithsonian* case, written by Peter Hirtle on behalf of the IPWG, was published in *Archival Outlook*.

Questions/Concerns for Council Attention: Pursuit of funding for IPWG representative at WIPO.