


MANAGING COPYRIGHT USE, OWNERSHIP, AND POLICY

July 18-20, 2012
La Jolla, CA



“If you have some working understanding of copyright, this conference will help fill in the gaps.”

– Philip Bolten Jr., ETD Coordinator, Florida International University

“Best program on copyright I’ve attended. Speakers had substantive knowledge and expertise to share. Very well organized and instructed.”

– Mariann Burright, Head, Science Collections and Scholarly Communication, University of Georgia

“The Academic Impressions copyright workshop was well designed, informative, and collegial. I would attend AI conferences in the future as they are intellectually stimulating.”

– Joy Muller, Manager, Information Literacy and Copyright, Seneca College

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OVERVIEW

The easy accessibility of information on the Internet has changed the way faculty and students use information, forcing institutions to revisit copyright and intellectual property issues. At the same time, institutions are addressing the ownership of works, including scholarly books and articles, conference papers, teaching materials, class projects, and websites, as campus communities recognize the potential for additional income from commercializing online courses.

Join us in La Jolla to examine key issues and trends in copyright and intellectual property for colleges and universities. At this conference, attendees will:

- Examine fair use and its application
- Examine ownership and authorship of copyright, the methods and manner in which ownership and authorship may vary and change, and the legal rights of owners and authors
- Explore how digitizing a work may exceed the parameters of fair use and what policies and procedures should be considered to facilitate availability of digital material to students
- Identify key tenets of the TEACH Act and practical advice for implementing it on campus
- Explore the use of digital rights management (DRM) to mitigate risk

WHO SHOULD ATTEND

Compliance officers, intellectual property managers, university counsels, and librarians responsible for the creation, development, and administration of institutional copyright policies will expand their understanding of copyright laws, their application, and risk management for the institution.

CONFERENCE FORMAT

The conference will provide you with ideas, concepts, and strategies for initiating and sustaining good copyright practice at your institution. You will focus on developing educational materials and activities for students, faculty, and administrators, related to creation, use, management, and ownership of copyrighted work. You will gain additional background on copyright law, necessary as you lead policy-drafting efforts on your campus.

ADDITIONAL MATERIALS AND RESOURCES

Before the conference, you'll receive readings from copyright law summary and relevant statutes and regulation so that you can familiarize yourself with copyright and IP policies. Then, at the conference, you'll be ready to engage in high-level discussions and consider direct applications to your institution.

You'll leave the conference with a collection of resources — copyright checklists, case scenarios, and resource lists — to help expand your understanding of copyright and IP issues.

**Gain ideas,
concepts, and
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AGENDA

WEDNESDAY, JULY 18, 2012

12:00 – 1:00 p.m. **Registration for main conference**

1:00 – 1:30 p.m. **Welcome and opening remarks**

1:30 – 3:00 p.m. **Copyright Law Basics – Setting the Stage**

Copyright issues can be thorny when applied in a traditional university setting, but they become even more complex in a digital environment. In order to apply copyright to both digital and print environments, it's critical to have a basic understanding of copyright law, ownership, use, and risk management — all to be discussed throughout the conference.

3:00 – 3:15 p.m. **Break**

Section I: Use

These conference sessions will discuss fair use and its application in the academic setting. We'll explore statutory provisions related to the educational use of copyrighted materials. We'll offer practical guidance regarding the current status of fair use, including relevant guidelines and recent case law. We'll discuss specific situations — performance, classroom, distance education, face-to-face courses — where fair use may be applied, and the impact on your policies.

3:15 – 4:45 p.m. **Fair Use**

Fair use is the limitation on copyright that is intended to be flexible and allow for adaptation, experimentation and innovation. This flexibility offers a great advantage, in concert with the more specific copyright exceptions, but it also presents a significant challenge as librarians try to apply fair use. We will examine the fair use provision and its application by the courts in order to provide strategies for meeting those challenges.

5:00 – 6:00 p.m. **Networking reception (included in registration)**

THURSDAY, JULY 19, 2012

8:30 – 9:00 a.m. **Continental breakfast (included in registration)**

9:00 – 10:30 a.m. **Classroom Performances**

How copyright and fair use laws apply to teaching in face-to-face and online environments is not always clear, and the ease of copying and distributing digital materials is increasing. We'll discuss the implications of copyright for live and online classroom settings, and the adjustments you'll need to make when moving a face-to-face class to an online environment.

10:30 – 10:45 a.m. **Break**

10:45 a.m. – 12:00 p.m. **Section 108: Reproductions by Libraries and Archives**

Section 108 of the copyright law is one of the limitations on the exclusive rights of copyright owners, specifically for libraries and archives. Section 108 is structured as a series of rules and conditions that libraries and archives can apply to making copies for patrons, for preservation purposes, for replacing damaged copies, for interlibrary loan, and a few other exceptions. We'll explore how to successfully and confidently apply Section 108, and its relationship to Section 107 and fair use.

12:00 – 1:15 p.m. **Lunch (included in registration)**

AGENDA

THURSDAY, JULY 19, 2012 (CONTINUED)

Section 2: Ownership

Academic institutions have traditionally shown little interest in copyrights to the materials produced by their faculty and staff, but with the rise of the digital environment and the onset of online courses, the landscape has changed. Copyright ownership is now a major issue, and increasingly, a major controversy on campuses.

In this section of the conference, we'll explore the variety of copyrighted materials produced in academic settings – digital materials, courses, performances, and paintings, to name a few – and discuss creating an ownership policy, writing publication contracts, open access, and campus publishing.

1:15 – 2:45 p.m.

Principles of Ownership

Congratulations — you own a copyright! Now what? We'll explore what rights do — and don't — come along with that copyright, the various ways in which it can be owned, and the basics of how and when its ownership can be exercised or transferred.

2:45 – 3:00 p.m.

Break

3:00 – 4:15 p.m.

Publication Contracts and Open Access

Open access stands in stark contrast to traditional academic publishing where copyright is transferred from the author to an academic institution. This session will explore ownership and authorship in academic settings, the method and manner in which ownership may vary and be changed, and the legal rights of owners and authors. The work-for-hire doctrine and its relationship to copyright will also be discussed.

4:15 – 5:15 p.m.

Licensing

Based on conference discussions thus far, you'll have become familiar with a broad range of higher education ownership and licensing issues. This session will help you formulate strategies to identify where licensing is taking place on your campus and how to address the impact of ownership and licensing in your policies.

FRIDAY, JULY 20, 2012

8:30 – 9:00 a.m.

Continental breakfast (included in registration)

Section 3: Policy and Risk Management

The importance of copyright compliance at your institution may be reflected in your annual budgets, as the costs of copyright risk management are often hidden and scattered across line items. For example, your license with Microsoft for access to the Office suite for your students, faculty, and staff is copyright risk management. Your infrastructure for responding to the Recording Industry Association of America's Digital Millennium Copyright Act notices of infringing works found on your network constitutes risk management. Risk management also includes your licenses to databases of art history and architecture images, your legal review of software and database contracts, and your infrastructure for assessing which of your faculty's thousands of course readings require permission each semester and which are licensed or are fair use, often requiring getting and paying for needed permissions. All of this is expensive and needs to be managed properly. In this section, we'll discuss steps you can take to effectively manage your copyright risks.

9:00 – 10:15 a.m.

Using a Risk Management Model to Develop Policy

What can you do when the only answer your lawyer ever gives you is, "It depends."? Much of copyright law does fall within the proverbial "gray area," but that's not necessarily a bad thing — in fact, it's a good one. Learn how a risk management approach can help you make intelligent, reasonable, and ultimately defensible choices about how to proceed in the face of uncertainty.

10:15 – 10:30 a.m.

Break

10:30 – 11:30 a.m.

Rights Management and Strategies

Producers of copyrighted content often use DRM to restrict access to a work. The desire to control access and use often conflicts with educators' needs to disseminate material and to use it in teaching and research. At the same time, colleges and universities may want to use DRM to protect their own works, and may sometimes be required by law to use DRM when distributing the works of others. This session will address risk management issues, such as the impact of DRM on fair use and anti-circumvention protection for DRM systems and legal/policy alternatives.

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AGENDA

FRIDAY, JULY 20, 2012 (CONTINUED)

11:30 a.m. – 12:00 p.m. **Closing Plenary/Next Steps**

12:00 – 1:00 p.m. **Lunch for post-conference workshop attendees (included in workshop registration)**

1:00 – 4:00 p.m. **Optional post-conference workshop: Contract Formation and Negotiation**

Faculty, staff, and librarians are continuously faced with copyright and IP problems in their teaching, research, daily work, ownership, and termination. Regardless of how well an institutional copyright/IP contract is drafted, there may be disputes regarding its intention, meaning, validity, and enforceability from grantor. This post-conference workshop will offer hands-on exercises to develop appropriate language in copyright/IP contract formulation and negotiation.

INSTRUCTORS



Lisa A. Macklin, Director, Libraries Intellectual Property Rights Office, Emory University.

As both a librarian and a lawyer, Lisa focuses on copyright, licensing, and scholarly communication issues, working with faculty and students on the application of copyright law to teaching, research, and publishing. Prior to assuming her current position at Emory in 2007, Lisa led the Electronic Resources Team, including serving as the primary negotiator for licenses and managing the move from print to electronic content. She is a member of the ACRL's Scholarly Communications committee.



Steven J. McDonald, J.D., General Counsel, Rhode Island School of Design

Steve has experience with a wide variety of copyright-related issues, including the development of intellectual property policies, guidelines, educational materials, and IP licensing. He previously served as associate legal counsel at Ohio State University. He began his legal career in private practice and has taught courses in Internet law at Ohio State's College of Law and at Capital University Law School. Steve is a fellow and past member of the Board of Directors of NACUA..



Kevin L. Smith, J.D., Scholarly Communications Officer, Perkins Library, Duke University

As Duke University's first scholarly communications officer, Kevin Smith's principal role is to teach and advise faculty, administrators, and students about copyright, intellectual property licensing, and scholarly publishing. Before moving to Duke in 2006, Kevin, a librarian and a lawyer, served as the director of the Pilgrim Library at Defiance College in Ohio, where he also taught constitutional law. He is a member of the provost's Intellectual Property Board at Duke and is vice chair of the ACRL's Scholarly Communications committee.

HOTEL RESERVATIONS

The conference will be held at:

Sheraton La Jolla Hotel
3299 Holiday Court
La Jolla, CA 92037

To reserve your room, call 888.627.8445. Please indicate that you are with the Academic Impressions group to receive the room rate of \$169 for single or double occupancy, plus applicable tax.

A room block has been reserved for the nights of July 17, 18 & 19, 2012. Reservations must be made by June 26, 2012. There are a limited number of rooms available at the conference rate. Please make your reservations early.

A warm, southern California welcome awaits you at the Sheraton La Jolla Hotel, a low-rise resort-style hotel encompassing 7.5 acres of tropical beauty. Just a 10-minute drive from spectacular beaches, Torrey Pines Golf Course, romantic La Jolla Cove, and the Pacific Ocean, our hotel features a variety of activities and is within steps of theaters, restaurants, and shopping centers.



Continuing Legal Education (CLE) Credits

Most Academic Impressions law-related events are applicable for Continuing Legal Education (CLE) credits in the state of Colorado. This program is currently being considered for approval. Credit may be granted by states outside of Colorado, but credit decisions are at the discretion of individual state boards.

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Attend as a team – remember, if you register as a group, every fourth registrant is free. Questions about the event? Call us at 720.488.6800 to help determine if this event is right for you. **Register online at www.academicimpressions.com**

REGISTRATION FEES

Your registration fee includes: full access to all conference sessions and materials, access to the networking reception on Wednesday, breakfast and lunch on Thursday, and breakfast on Friday, as well as refreshments and snacks throughout the conference.

Postmarked on or before June 29, 2012

- Managing Copyright Risk and Policy _____ \$1095 USD
- Managing Copyright Risk and Policy and post-conference workshop _____ \$1395 USD
(For registrations postmarked after June 29, 2012, an additional \$100 fee per registrant applies)
- Post-conference workshop _____ \$395 USD
- Check here if you have any dietary or accessibility needs. Please list any needs in the space below and we will do our best to accommodate you.

How did you hear about this event? (email from AI, colleague forwarded email, *The Chronicle*, etc.) _____

CONFERENCE REGISTRATION INFORMATION (PLEASE PRINT CLEARLY)

Name _____ Name Preferred for Badge _____
Job Title _____ Institution/Organization _____
Address _____
City _____ State/Province _____ Zip/Postal Code _____ Country _____
Telephone _____ Fax _____ Email _____

For registration confirmations and pre-conference communication. (FOR ADDITIONAL REGISTRANTS, PLEASE COMPLETE ADDITIONAL FORMS.)

Additional Contact Name _____ Additional Contact Phone _____
Additional Contact Title _____ Additional Contact Email _____
Emergency Contact Name _____ Emergency Contact Phone (day) _____

FREE HIGHER ED NEWS AND ANALYSIS

Academic Impressions is happy to offer *Higher Ed Impact*, a free industry scan of news, trends, and fresh research on higher education, delivered in an easy-to-scan email.

- Sign me up for HEI: Daily Pulse** – impactful news, trends, and practices, sent daily
- Sign me up for HEI: Weekly Scan** – the week's most critical news, with analysis of top stories and trends, sent on Fridays
- Sign me up for HEI: Monthly Diagnostic** – practical takeaways addressing a strategic challenge facing institutions of higher ed, sent 9-12 times/year

PAYMENT METHOD

We accept Visa, MC, and AmEx credit cards. To pay by check, include the check with this form or select the "invoice me" option. Fax form to 303.221.2259 or mail form along with payment to: Academic Impressions, 4601 DTC Blvd., Ste. 800, Denver, CO 80237.

CREDIT CARD

Please charge my credit card: (Visa, MC, AmEx)

Name on Card _____
Account Number _____
Exp. Date _____
Billing Zip Code/Postal Code _____
Security Code (last 3 digits on the back of Visa and MC or
4 digits on front of AmEx) _____

CHECK/INVOICE

- My check is included and covers _____ registration(s)
Check # _____
- Please invoice me
Purchase Order # _____
(PO# not required to receive invoice)

REFUND/CANCELLATION POLICY

Refunds will be issued only if cancellations are received in writing by April 20, 2012. A \$100 processing fee will be assessed. After April 20, 2012 a credit (less \$100 processing fee) will be issued. The credit will be valid for 12 months and can be used toward any future conferences, Web conferences, audio proceedings, or Web conference archives. In case this event is cancelled, Academic Impressions' liability is limited to a refund of this registration fee only.