



Oklahoma Chapter Association of College and Research Libraries

President's Address

March 2000

It's official, we are all millennium librarians. The clock struck midnight, computers did not fail, airplanes did not fall out of the sky and the world did not end, it was just a new year beginning. Okay, it was also a new century.....

December 31st I watched the world turn over a new century courtesy of MSNBC. I have to admit, although I truly believed nothing was going to happen I watched at first to see if an extremist group would blow up Sidney or Moscow. But then I started to watch all the different cultures celebrate the new year. We have become a truly globally connected society.

The effects of a connected society are endless. We have the ability through time-compressed video and satellite hook-ups to discover far away places, whether it's New York City, Paris or Auckland. It is a new century and there is a whole world to explore.

It is also an exciting new year for OK/ACRL:

We are officially incorporated. All of the paper work has been signed and filed. The only change members will see is in our name. We are now officially OK/ACRL, Inc. My thanks to Tom Thorisch, past-president, and our lawyer, Steve Holcombe, who made this a smooth and painless transaction.

This March, for the first time, we cosponsored with the state chapter of the Special Libraries Association a copyright workshop with Lolly Gassaway. (See following article detailing the workshop.) We are looking forward to the possibility of cosponsoring more workshops and/ conferences with OK-SLA and other groups.

We have an established web page, the only state ACRL state chapter to have its own URL — [http://](http://okacrl.okstate.edu)

okacrl.okstate.edu. We are continually looking for ways to improve the services the web page provides to you. Look for an events calendar to be added soon. If there is something you would like to see on our web page please let us know. Please stop by the website often.

Also, we are working on an OK/ACRL list serve. If you would like to be included or would like to update us on your e-mail address please contact Ona Lou Britton at obritton@ucok.edu or Gwen Dobbs, gdobbs@ucok.edu.

If you have any news to share about your library or institution, if you would like to list any position announcements in the OK/ACRL newsletter, please contact Jim Winterbottom at winterbo@cherokee.nsuok.edu or Ona Lou Britton at obritton@ucok.edu.

Plans for the fall conference are already well under way. As soon as they are finalized we will post all of the pertinent information to our web site as well as by mail and hopefully via the list serve.

Looking forward to a great year as your president,

Susan E. Hahn

Please renew your membership for 2000. Oklahoma Chapter members - \$10 (OLA-UCD - \$5), no additional membership fees for national members of ALA/ACRL (please take the time to register online to help us keep the membership roster up-to-date). Use the online form at <http://okacrl.okstate.edu/member.htm> to submit the membership application electronically or to print a membership form. Encourage your colleagues to join our association to exchange ideas with other librarians in the state.

Copyright Law in the Digital Age

workshop by Laura Gasaway, MLS, JD

Summary by Susan E. Hahn, president OK/ACRL

On Friday, March 10, 2000 the Oklahoma chapters of ACRL and SLA were pleased to host "Copyright Law in the Digital Age" presented by Laura Gasaway. The workshop was held in the Conoco Room in Bizzell Library, University of Oklahoma. Gasaway began her workshop by defining *copyright* and followed with a brief history of copyright in the United States.

Copyright is the legally secured right to publish and sell the substance and form of a literary, artistic or musical work. Copyright law is meant to protect three competing interests: the "authors," publishers and producers and the public. The first copyright statute in the United States appears in the first U.S. Constitution, article I, section 8 clause 8 which states "The Congress shall have the Power... To promote the Progress of Science and useful art, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." The original copyright statute remained unchanged until 1909 when it was expanded to include the new inventions of motion pictures and sound recordings. Since 1909 copyright laws have followed the inventions of new technologies. The next major revision to copyright happened in 1976 following the invention of computers. Although there have been recent amendments to copyright laws we continue to operate under the 1976 revision.

Terms of copyright law — it is important to remember that copyright laws are concerned with content and not format. In its current framework, due to the 1998 Sony Bono Term Extension Act, a work — literary, artistic or musical — is copyrighted for the life of the author plus 70 years and these terms are retroactive. For works with corporate authors the terms are 95 years after date of first publication or 120 years after creation, whichever comes first. For the visual arts, "fine art" not commercial, the terms are life of the artist. The main criticisms of the 1998 act are that nothing written now will fall into public domain in our lifetime. This act is currently being contested.

When works fall into public domain:

- A work created/published before 1923 is public domain.
- Works created/published between 1923 and 1963, when published with notice the terms are 28 year, with right of renewal for 47 years. If not so renewed is now in public domain.
- Published between 1964 and 1977, published with no-

tice, the terms are 28 years with an automatic extension of 67 years.

- Works created before 1-1-78 but not published, the terms are life of the artist/author plus 70 years or 12-31-2002, whichever is greater.
- Created/published 1-1-79 or after life plus 70 years.

Right of Notice is the mark (©) or written indication that a work has been registered with the Copyright office. Works published after 1988, if there is no indication of copyright, are assumed to be copyrighted. Works protected by copyright are: literary; musical; dramatic; pantomimic and choreographic; pictorial, graphic and sculptural, motion picture and other audiovisual, sound recordings and architectural. These categories have proven to be elastic over time. Web pages fall into two of the categories: literary and motion picture. To be copyrightable a work must be original, include evidence of creativity, and be a tangible medium of expression, i.e. be able to produce a permanent or stable copy, recording or image.

Materials published by the federal government are not copyrighted. Works created by animals or computers are not copyrightable. Unpublished works are copyrighted for the life of the author or until 2002 whichever is greater. This includes photo archives. Authors who have turned over copyright to publishers follow corporate authorship of 95 years from publication.

The terms of copyright law are meant to protect the author or owner of copyright. The rights of copyright ownership are: reproduction, distribution, adaptation, performance, and display. Last year performance of sound recordings by digital transmission was added. These rights are divisible but the author has to give permission.

Eventually all works fall into public domain. Public domain happens when the copyright has expired, the author never claimed copyright dedicating the work to the public or materials produced by the federal government.

Items produced by the federal government include those items published by an agency or a personal author and an agency. Materials that are produced in the private sector using federal funds are also not copyrightable. Items that are contracted out by an agency to the private sector are copyrighted.

Materials that are under copyright can be used under Fair Use conditions. The guidelines for fair use are:

1. Purpose and character of the use — is the item being used for the purpose for which it was made?
 2. Nature of the copyrighted work — is the item a
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full score or play?

3. Amount and substantiality used — is the amount copied or used measurable?
4. Market effect — what is the value?

When deciding on Fair Use the courts look at each one of these guidelines in greater detail and courts tend to favor nonprofit educational institutions. Scientific works have the greatest fair use value. Most libraries do not have to use Fair Use because there is a provision for Library Use.

Much of Fair Use applies when copying materials for classroom use or for additional reading. Fair use for the classroom or for the class as supplemental readings depends on the brevity, spontaneity, notice of copyright, and lack of charges beyond cost of copying.

When using copyrighted materials for course packs or for reserved reading copyright permissions can generally be obtained from the Copyright Clearance Center or from College Books stores (members of the National Association of College Stores). These identities can custom print text, obtain permissions and pay royalties, prepare and sell course packs, and may also charge a permission request fee.

Libraries have slightly different provisions for copyright that are spelled out in section 108 of the CFR. Section 108 states it is not an infringement for a library, archive or its employees acting within the scope of their employment to reproduce no more than one copy of a work except as provided in subsections (b) and (c) and distribute it if:

1. The reproduction and distribution is made without direct or indirect commercial advantages.
2. The collection is either open to the public or to researchers doing research in the same field.
3. The reproduction and distribution of the work contains a notice of copyright that appears on the copy that is reproduced or includes a legend stating that the work may be protected by copyright if no such notice appears on the work.

Under this provision copying may be done for the security and preservation of a work. Rights of this section apply to three copies or phono records. If the duplication is for an unpublished work for preservation and security or for deposit to a research library the following guidelines apply:

1. The copy or photographic record reproduced is

currently in the collection and

2. The copy reproduced in digital format is not otherwise distributed in that format and is not made available to the public in that format outside the premises. The above applies to archives.

If the duplication is due to replacing a damaged, deteriorating, lost, stolen or obsolete published item the following terms apply: the library makes a reasonable effort to determine that an unused replacement cannot be obtained at a fair price. Furthermore any copy reproduced in digital format is not made available to the public in that format outside the premises of the library or archive in lawful possession of such a copy, i.e.: do not place a digital copy on the web. Finally, a format shall be considered obsolete if the machine or device necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial market place.

Along with reasonable effort is fair price — generally the suggested retail price if available from a publisher or the normal price charged by an authorized reproducing service.

The rights of reproduction and distribution apply if the user requests no more than one article or other contribution to a collective work or periodical issue from the library. The library must display prominently where orders are placed and display on the order form a note of copyright in accordance with the Register of Copyright regulation.

Regarding electronic copies the Copyright Act is neutral.

Suggested Reserve Guidelines:

1. The distribution of the same photocopied material does not occur every semester.
2. Only one copy if distributed for each student.
3. The material includes a copyright notice on the first page or the portion of material photocopied
4. The students are not accessed any fee beyond the actual cost of the photocopying.

In the case of a faculty member's requests for multiple copies to be placed on reserve the following guidelines apply:

1. The amount of material should be reasonable.
2. The number of copies should be reasonable.
3. The material should contain a notice of copyright.

The University of Tulsa McFarlin Library reports: Gina L.B. Minks joined the staff of McFarlin Library in January as Special Collections Librarian. Gina received her M.L.S. from Emporia State University. She previously was part of the University Libraries' Electronic Text Center at the University of Nebraska where she worked with text encoding and digital imaging. In her new position, Gina will be responsible for encoding and digitizing the many collections housed in McFarlin's Special Collections.

Pamela Louderback was recently appointed as an Assistant Librarian at the University of Tulsa's McFarlin Library. She received her Master's in Library and Information Studies from the University of Oklahoma last year. Ms. Louderback is a member of the ALA, ACRL, ALCTS, LAMA, LITA, and OLA and is the current president of the Oklahoma Conservation Congress. In her new position, she is serving as a Serials Cataloger and Reference Librarian.

OSU Librarian Heather Lloyd is retiring after a 33-year career. Her temporary job in 1968 turned into a 33-year career at the OSU Library. After 21 years as head of General Reference and 12 years as head of Special Collections and University Archives, Lloyd is retiring at the end of April. Lloyd provided much need cohesiveness for the newly created Special Collections/University Archives Department (1987). She pulled together various collections, including a large one of university archives. Lloyd proved to be an invaluable resource for the authors writing the OSU Centennial Histories Series. Her near legendary knowledge of the university's past, including where to locate information, photographs and artifacts continues to benefit researchers today. Lloyd's reception is open to the public and will be held in the Edmon Low Library Browsing Room Thursday, April 20 between 3 p.m. and 5 p.m.

**New Professors at Oklahoma State University -
Edmon Low Library**

S. Michael Kim. Visiting Catalog Librarian (School of Information Science & Learning Technologies, University of Missouri-Columbia (MLS) Library Experience: Catalog Dept., Ellis Library, University of Missouri-Columbia; Project WhistleStop [Electronic Archive of President Harry S. Truman])

Shonda Brisco, Curriculum Materials Library (MLIS from University of Oklahoma, Norman, OK

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4. The effect should not be detrimental to the marketing of the work.
5. The library should own a copy of the work.

Electronic reserves:

- If the materials are made available over campus networks and allow for printing and downloading, they should be restricted to students enrolled in the course.
- Catalog the items under faculty name, course name, and number.
- Leave on reserve only one semester, thereafter request permission.
- Include the copyright notice plus a further statement such as "No further transmission or distribution of this material is permitted."

Interlibrary loan guidelines are the most authoritative guidelines for copyright law. The guidelines state that each year a borrowing library may make five requests from a periodical title going back five years. If a title is owned but missing or is on order, the request does not fall into the terms for five requests per title. If the item is a non-periodical the terms are five requests during the entire terms of copyright. Borrowing libraries must maintain records for three calendar years.

ILL guidelines take no position on materials older than five years. Copyright law does make provisions for consortia, but borrowing must follow ILL guidelines.

As a nonprofit corporation the **Copyright Clearance Center** collects royalties for excesses in fair use copying and distributes royalties back to the publishers. Member publishers establish a per page royalty. The CCC does not set rates nor is it a document delivery service. Copyright information can be accessed over the Internet from the Copyright Office (<http://lcweb.loc.gov/copyright/>) and from the CCC (<http://www.copyright.com>).

Computer programs

Generally the owner of a copy of a program may make another copy or adaptation in two instances. 1) When it is an essential step to utilize that program in conjunction with a machine, i.e. to load it onto a hard drive, to translate from one computer language to another or to convert from one disk size to another. 2) When it is for archival purposes. The Software Information Industry has an excellent videotape, "It's not worth the risk," for \$15.00 (call 202-452-1600). Shrink-wrap licenses may expand or contract rights under copyright. Frontline librarians should all be made aware of the licensing agreement. Also most software agreements are not written for libraries except for library applications.

Databases — a compilation or collective work. The rule of thumb is that there must be evidence of creativity in the end product. Database producers can copyright selection, organization, indexing and any value-added features. Unauthorized use of databases is anything that violates the license agreement. The content of a CD-ROM is what is copyrightable.

Electronic Publishing — True electronic journals do not exist in print format and each has its own license agreements. There are some concerns about electronic publishing: who is going to keep the back files, when technology changes, and what happens to the backfiles? Also, we are beginning to see researchers publish their own works on university servers or their own web sites.

Copyright and the Internet

Copyright still belongs to authors and publishers. It is important to remember that just because something is on the Internet does not mean it is there by permission, even if there is no notice of copyright, it is still assumed. Listserv submissions are covered by copyright. Permission for the use of photographs and graphics must be obtained unless the item is already in public domain. Linking to web site is equivalent to cross referencing, unless the link is to an infringing site. Web sites with frames can cause problems in that the viewer may not realize who is actually responsible for the site or may cause misinterpretation of information. The use of corporate logos is not permitted since they are copyrighted.

Distance Education Gasaway concluded with a discussion of the considerable limitations governing transmissions in distance education classes. According to Gasaway, copyright holders are concerned about widespread distribution and that students will copy the transmissions. Currently, the Instructional Broadcasting terms only cover nondramatic literary or musical works for performance or display in the course of transmission. The Register of Copyrights is currently producing a study to make recommendations on how to promote distance education through digital technologies while maintaining a balance between copyright holders and users. Users have specific instructions to consult with content providers, nonprofit educational institutions, and nonprofit libraries.

All of the above information is from Ms. Gasaway's workbook that she used for the workshop. The workbook is copyrighted. The purchasing price for the workbook is \$30. Contact Yvonne Funk at (919) 962-1321. The proceeds go to the University of North Carolina Law Library. Please make checks payable to UNC Law Library and send to the address: Kathrine R. Everett Law Library, University of North Carolina, CB #3385, Chapel Hill, NC 27599.

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❖ *Special Library Feature* ❖
Laurence S. Youngblood Energy Library

A gift to The University of Oklahoma in memory of a prominent Oklahoma City oilman has created a spacious geology library facility surrounded by a two story atrium in the heart of the Sarkeys Energy Center. With foyer floors of a quartz monzonite from Quebec, walls of a fossiliferous limestone from central Texas, and museum-quality paleontological and mineral specimens, this attractive library space was completed in 1989 and named in honor of Laurence S. Youngblood.

The library collection began in the late 1800's with the personal library of Charles N. Gould (one of the earliest faculty members, the first geologist on the OU faculty, and the first director of the Oklahoma Geological Survey [OGS]). Its growth was accelerated with the depositor status Gould established with U.S.G.S. and which continues today. Several of the subsequent leaders of the OU School of Geology & Geophysics and the OGS were bibliophiles who began to develop a research library. The professional librarians, numerous faculty, OGS professional staff, and alumni have used their knowledge and donations to aid the collection's development. Materials of the University of Oklahoma and the Oklahoma Geological Survey are integrated into one collection. During the 1950's and 1960's numerous complete retrospective runs of foreign serials were acquired through the Farmington Plan (a federal program to acquire literature in specific fields for libraries of identified excellence). Via the Oklahoma Geological Survey's domestic and international exchanges, publications are acquired in numerous languages from nations around the world.

Throughout the 1980's the Oklahoma Mining and Mineral Resources Research Institute provided annual supplements to purchase literature on mining and mineral resources. A \$5,000 challenge grant from the Phillips Petroleum Foundation, Inc. yielded \$10,000 for purchase of supplemental materials in 1994 and 1995. In 1995, a \$50,000 challenge grant from Cyril Jr. and Lissa Wagner was matched with an equal amount by friends and alumni. These funds will be used to supplement the normal acquisitions book budget through the end of the century.

The current collection contains over 170,000 map sheets and approximately 93,000 catalogued volumes on the subjects of geochemistry, geology, geomorphology, geophysics, hydrology, mineralogy, paleontology, petrology, stratigraphy, structure and tectonics. The interdisciplinary nature of the earth sciences is supported by Chemistry-Math, Physics, and Engineering branch libraries. Bizzell Memo-

rial Library contains the biological sciences and the internationally recognized History of Science Collections.

The space occupied by this beautiful geological library is named after Laurence Snow Youngblood, a native of Wewoka, Oklahoma. Mr. Youngblood, his wife Loyce Lawson Youngblood, and their company leased over 10 million acres in all the oil producing U.S. states and Canadian provinces. Together they founded the Oklahoma City based Youngblood Oil Company, which Mrs. Youngblood has operated since his death in the middle 1960's. He served as president of the Oklahoma Independent Petroleum Association and director of the Independent Petroleum Association of America. He spent his entire career in the oil business and was instrumental in development professional standards and educational programs for the profession of petroleum land management. The Youngbloods have supported several University of Oklahoma programs. Mrs. Youngblood has donated this beautiful space in her husband's memory and has attended to the details of its design, decor, and construction.

Mrs. Youngblood has also donated or loaned museum quality fossil and mineral specimens. They include two Cretaceous cephalopods, a slab of Devonian cephalopods, a Jurassic crinoid, and a Pennsylvanian plant fossil slab. Five selenite crystals lighted from below accompany the paleontological specimens.

Claren Kidd, Librarian

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Library media specialist in public schools for six years; Library media specialist and textbook coordinator at the Oklahoma School for the Blind for ten years.

Coke G. Anderson, Digitization and Patent Librarian (MLIS, OU; BSBA University of Tulsa; librarian for the law firm of Fellers Snider Blankenship Bailey & Tippens with offices in Oklahoma City and Tulsa)

OSU Library Welcomes back Ron Keys as librarian for Humanities and Social Sciences. He had been serving as coordinator of learning programs in OSU Academic Services for Student Athletes.

Beth Rieten accepted a new position as Assistant Professor and librarian for Digital Library Services. She was a librarian for Humanities and Social Sciences