
Repository Copyright Practices & Their Impact on Users of Online Content

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Background

- Part of a research project to investigate repository copyright practices in the US and their impact on users
 - Role of copyright in selecting what is digitized for online access
 - Attempts by repositories to control further uses of digitized content
 - How users deal with these controls
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The Plan

- Identify main issues of concern to users
 - 4 focus groups (2 with genealogists; 2 with historians)
 - 5-8 people each
 - Further exploration of identified issues
 - 10 telephone interviews (5 with genealogists; 5 with historians)
 - 30-42 participants
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Recruiting Participants

- Recruitment began mid-April
 - Recruitment through:
 - genealogy and H-Net listservs
 - history departments at local universities
 - reading rooms of selected local archival institutions
 - National Archives Genealogy Fair
 - local genealogical societies
 - Participant survey form
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Reality

- Organizing even one focus group of genealogists was like herding cats, due to the low number of local participants and the difficulty of finding a day, time, and place when everyone was available.
 - Dropped the focus groups in favor of interviews.
 - 16 telephone interviews
 - 9 genealogists
 - 7 historians
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Preliminary Findings

- Users don't distinguish between archives and other sources
 - Most of them associate copyright with citing sources properly.
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Preliminary Findings (cont.)

To what extent do you consider copyright when reproducing archival material?

- A range of responses
 - an historian who read a book about legal aspects of research which terrified him (“litigation is my worst nightmare” (#14))
 - a genealogist who said "I don't like saying this, but it's the wicked truth. I don't consider it.... If it is what I need, I'm going to take it." (#11)
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Preliminary Findings (cont.)

Q6: Have you encountered information about the copyright status of archival holdings (e.g., whether or not the copyright has expired, or who the copyright holder is)? Is such information useful?

- Few recall seeing info about copyright status or ownership.
 - Most think such info would be helpful
 - It has to be obvious, they won't look for it.
 - If for commercial use, info about copyright owner is useful
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Preliminary Findings (cont.)

Q7: Have you encountered terms and conditions imposed by the archival repository on whether, and how, you can use the archival material? How do you react to it? To what extent do you comply with the repository's requirements?

- Many recall at least some terms and conditions on use
 - Historians particularly concerned about fees for reproduction in publications.
 - Regarding compliance, a range of responses
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Preliminary Findings (cont.)

Q8: To what extent have you encountered technical measures (e.g., limiting copying or reducing the quality of the copy with a watermark) to control further uses of their holdings?

- Many have encountered watermarks
 - Use the marked image for personal or classroom use
 - Remove the watermark
 - Search for a clean copy elsewhere
 - A few have encountered blocks to downloading or copying, which they find very frustrating
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Preliminary Findings (cont.)

Copyright as Religion

- A matter of personal belief
 - “I feel that if it’s online, it’s open to use” (#11)
 - “I think in all honesty, this type of casual thing I’m doing is in the realm of fair use. It may not be, but that’s my mindset.” (#1)
 - “in the genealogy world, the motto is ‘Copyright be Damned.’ It’s more important to share information.” (#1)
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Preliminary Findings (cont.)

Q10: What would you like to know about copyright matters when reproducing archival documents?

- Any copyright education provided by archives must be:
 - ❑ Up front--they won't go looking for it
 - ❑ Concise (“no more than 5 bullets” (#10)), “clear and simple” (#12), or they won't read it
 - ❑ Some won't read it anyway: “I'm not eager to get that involved in copyright law. If I can go about doing what I can without having to worry about copyright law I'd be just as happy.” (#8)
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For Further Investigation

- Methods of collecting robust data from users regarding their copyright practices
 - What copyright information should we be providing to our users?
 - How and where should we present copyright information in the unmediated online environment?
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