

Are Archivists Control Freaks?: Controlling Further Uses of Online Content

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Abstract: A fundamental tenet of an archives' mission is to make its holdings available for use. While archival repositories have enthusiastically embraced the Internet as a new means of making their holdings available, they nonetheless attempt to control or limit further uses of their online content by various means, often under the rubric of copyright. In some cases, the repository may be protecting its legitimate copyright interests, but in other cases the repository has no copyright interests to protect (for example, where the copyright in the online content has long expired).

This presentation discusses the preliminary findings of an investigation of the extent to which American archival repositories attempt to control further uses of the holdings they have digitized and put online, either through terms and conditions of use, or through technical measures to prevent copying or reduce the quality of the copies. Based on data from the websites of 96 repositories, survey responses from 66 of those repositories, and 18 interviews with staff members, the paper analyzes the technical measures used, and examines the repositories' reasons for wanting to control further uses, which may be related to reasons other than copyright, e.g., revenue generation or proper attribution. If repositories do not clearly separate copyright interests from other motivations, they may be invoking copyright in ways that present a barrier to the use of online documentary heritage, thus compromising their core mission to make their holdings available for use.

About the author:

Dr. Jean Dryden is a member of the faculty of the College of Information Studies at the University of Maryland. Her research interests include copyright in the digital environment, information law and policy, archival arrangement and description, and digital preservation. Her doctoral dissertation, completed at the University of Toronto in 2008, investigated the copyright practices of Canadian archival repositories in making their holdings available on the Internet. She is currently the Principal Investigator for a comparative study funded by IMLS that investigates the copyright practices of American archival repositories and their impact on users.