Annual Report 2005
ARLIS/NA Public Policy Committee

Submitted April 17, 2006 by:

Cara List, co-Chair
clist@uoregon.edu
541-343-2200

Timothy Shipe, co-Chair
timothy-shipe@uiowa.edu
319-335-5824

Members:
Cara List (Co-Chair), Timothy Shipe (Co-Chair), D. Vanessa Kam, Marlene Gordon,
Dennis Kreps, Ray Anne Lockard, Rijn Templeton, Cynthia Wolff.

Executive Board Liaison: Leigh Gates

Activities:

Annual business meeting was held at the national conference in Houston on April 3,
2005.

Shortly before the 2005 Houston conference (and therefore mentioned only in the
minutes, but not in the 2004/05 annual report), the committee evaluated an
ARL/CAA initiative on “orphan works” (works for which copyright owners are difficult
or impossible to identify). The initiative, developed in response to a call by the U.S.
Copyright Office for statements of concern on the subject of orphan works, proposed
legislation to make it easier for authors, publishers, libraries, and other individuals
and institutions to make use of such works after a good-faith effort to identify and
contact copyright owners. Despite some reservations regarding the inclusion of
proposed compensation for copyright owners who surface after a good-faith search
has failed, the committee recommended that the ARLIS/NA Executive Board sign a
letter in support of the ARL/CAA initiative. The Executive Board agreed and sent the
letter of support.

In the interim, the Copyright Office published its report on orphan works, available
proposes legislation that would make significant progress in addressing the orphan
works issue. While the consensus among the library and academic communities
seemed to be that the proposed legislation was a very positive step, stakeholders
had several reservations (some of them similar to those this committee had
expressed a year ago). On March 8, 2006, Maria Pallante-Hyun, Associate General
Counsel and Director of Intellectual Property at the Solomon R. Guggenheim
Museum, presented testimony before the House Judiciary Intellectual Property
Subcommittee on behalf of ALA, CAA, the Library Copyright Alliance and numerous
other groups requesting modifications in the proposed legislation that would address
the issues of compensation of copyright holders who emerge following an unsuccessful good-faith search, the definition of “commercial advantage” as it applies to activities of museums, libraries, and other non-profit cultural institutions, and several other problematic aspects of the proposal. Despite receiving the draft testimony only three days before the deadline, the committee was able to recommend that ARLIS/NA add its name to the list of organizations supporting Pallante-Hyun’s testimony, and the Executive Board approved this recommendation. It was reported that the testimony was well-received by House subcommittee members, and that they were particularly impressed by the number of organizations (including ARLIS/NA) lending their support.

Another significant copyright issue that came to the committee’s attention was the Section 108 exceptions. In 2005 the Library of Congress convened a Section 108 Study Group, whose purpose is to conduct a reexamination of the exceptions and limitations applicable to libraries and archives under the Copyright Act, specifically in light of the changes wrought by digital media. In March 2006, the Study Group held public roundtables in Los Angeles and Washington; although no committee members lived near enough to these cities to attend, Roger Lawson attended the Washington roundtable and reported back to the committee. Some of the Section 108 issues that are of particular importance to the art library community are the eligibility of museums for Section 108 exemptions, preservation of web sites, and access to digital copies outside the premises of libraries or archives. The Committee prepared a statement on Section 108 for consideration by the Executive Board for submission to the Study Group; the Board had not yet held its vote at the time this report was drafted.

Vanessa Kam, who had been maintaining the committee’s web site on a Stanford University server, moved to the University of British Committee and was unable to continue to support the site at her new institution. After being down for several months, the site was remounted on a temporary basis at the University of Iowa. However, the resources are not available at Iowa to continue to maintain and update the site, so the committee is considering new options, including incorporating the site into ARLIS/NA’s web site. This will be a topic for discussion in Banff.

Liaisons, membership in other relevant organizations and listserv monitoring

Cara List monitored Digital Future Coalition activities and the LEH (Leslie Ann Harris) Newsletter.
Vanessa Kam monitored the Progressive Librarian’s Guild and the American Library Association Washington Office Newsline (ALAWON) lists.
Cynthia Wolff monitored the SOAF (SPARC Open Access Forum) and Free Online Scholarship lists.
Tim Shipe monitored the LIBLICENSE list.