

*\*\*\* Sample text for a memo from the library director to the provost  
recommending that the institution embark on a copyright education initiative...to be adapted for local use. \*\*\**

## Memorandum

Date: Draft

To: [provost]

From: [library director]

Subject: Need for Campus Copyright Education Program

The purpose of this memorandum is to recommend that [university name] undertake a strategic program to advance the understanding of copyright among all affected segments of the institution's community.

This effort would be framed in the context of local interests, needs, and opportunities, but is part of a larger national initiative to reframe the discussion of copyright. Nationally, the effort is being spearheaded by the Association of Research Libraries around the theme, *Know Your Copy Rights*<sup>TM</sup>.

Your active and visible leadership of and involvement with the campaign is essential to its success. I would like to schedule a meeting to discuss this with you in greater depth. In the meantime, following is an overview of the program I am recommending.

### **Background**

As you know, the public discussion of copyright in recent years has largely been framed around abuses in the sharing of music and films – what the entertainment industry has effectively framed as “piracy” to further their commercial interests.

Lost in the discussion and attendant publicity, however, is recognition of the fundamental users' rights protected and advanced by copyright law and, in particular, the “fair use” provision. As recognized in the *Chicago Manual of Style* (15th ed., p. 137), “the right of fair use is valuable to scholarship, and it should not be allowed to decay because scholars fail to employ it boldly.” Unfortunately, growing pressures threaten to undermine fair use.

Because of the integral role of copyright – and fair use, in particular – in the functioning of the academy, it is important that institutions not leave it to chance that these rights will be guarded and used to their fullest. The *Know Your Copy Rights*<sup>™</sup> initiative provides a positive message that advances institutional and academy-wide interests.

## **Campaign Focus**

The proposed campaign aims to expand the functional understanding among faculty and students of their rights with respect to use of copyrighted materials in courses or student works. It will present copyright as a set of opportunities and challenges for users and the academy.

## **Strategic Benefits**

Benefits of undertaking a copyright education initiative can be expected in several key areas:

- *Enhanced creativity, innovation, and intellectual productivity:* The fuller utilization of rights to which students and faculty are entitled will have a positive impact on creativity, innovation, and productivity at [institution name]. Such enrichment of teaching, learning, and research is ultimately reflected in the quality and reputation of the institution. When members of the campus community are aware of their rights – and feel confident in the exercise of those rights – the chilling effects of years of fear-driven advice can be overcome.
- *Qualification for copyright exemptions:* In order to fit within the safe harbor provisions for online service providers or to qualify under the TEACH Act, the university must provide copyright educational materials and have relevant policies in place.
- *Risk management:* Institutions may be liable for copyright infringement by their employees or students, and penalties can potentially be significant. A sustained, proactive approach to copyright education will allow time for all members of the campus community to understand the law, their options, the interests at stake, and the potential costs and benefits to our academic missions, values, and freedoms. Moreover, effective copyright education and sound policies will enable the university to educate responsibly, comply with the law, and better respond to legal challenges.
- *Financial leverage:* The library has made – and continues to make – significant investments in access to print and electronic forms of scholarship. As stewards of the funds that support the university and minds of our students, we have a responsibility to maximize the return on this investment. Assertive use of our fair use and related rights supports the fulfillment of that responsibility.

## **Recommended Actions**

It is recommended that the university develop a local implementation of the *Know Your Copy Rights*<sup>™</sup> initiative built around the following actions:

- Designate copyright education as a strategic priority of the Office of the Provost.
- Develop and implement institutional copyright policies that address community needs, maximize opportunities, and encourage a positive attitude toward copyright.
- Develop and provide appropriate copyright information, resources, and tools to the campus community
- Designate and support campus copyright educators.
- Designate copyright as a priority for your governmental relations staff.

I look forward to meeting with you about the need to embark on this program. I hope we might examine how best to 1) secure broad support and participation and 2) advance the institution's strategic interest in engendering a fuller and more balanced understanding of copyright.