



Copyfraud or Legitimate Concerns?

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Research Problem

- Is copyright a barrier to online access to archival holdings, and if so, in what ways?



Literature Review

- Hirtle's (2003) claim of archivists' desire for "quasi-copyright-like control" over further uses of holdings
- Little empirical research yet published



Research Question

- In making their holdings available on the Internet, what are the copyright practices of Canadian archival repositories regarding control of further uses?



Study Population

- Archives Canada portal
- 154 Canadian archival repositories that made available on their websites at least six documents from their archival holdings



Data Sources

- Website content of 154 repositories
- 106 questionnaires (69% response rate)
- 22 interviews
- 250 policy documents (on websites & submitted with questionnaires)



Findings

- Access is the main reason for making holdings available online

Findings (cont.)

Is your repository's administration concerned that visitors to your repository's website may copy or download archival material from the website? (N = 104)

- Yes: 56% No: 44%



Findings (cont.)

Concerns include:

- Loss of revenue
- Authenticity
- Reputation of the repository

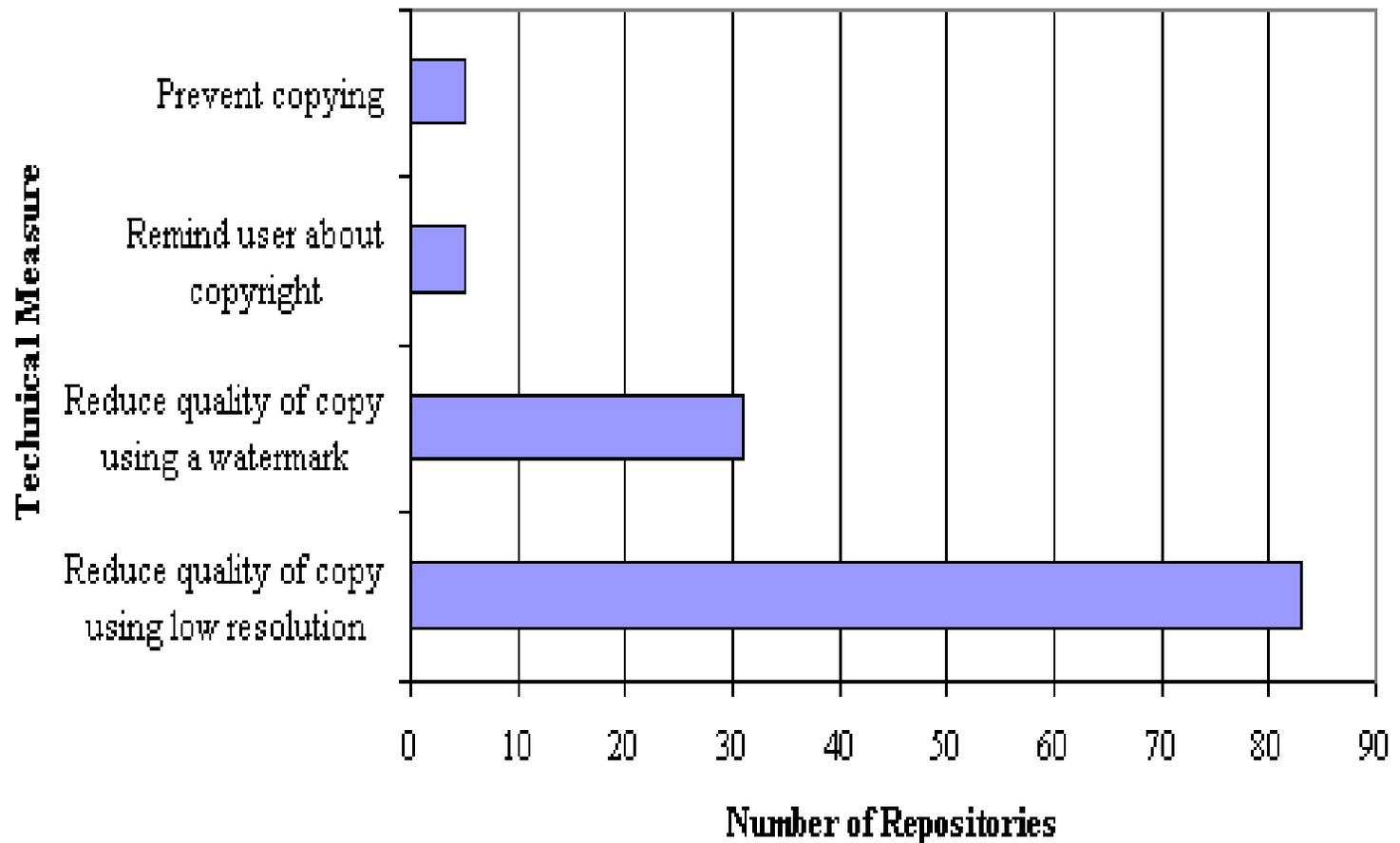
Findings (cont.)

	Agreed/ Strongly agreed	Neutral	Disagreed/ Strongly disagreed
As long as the repository is credited as the source, it's OK for members of the public to download documents from our website and use them in a publication or on another website. N = 105	20%	10%	70%
It is important to restrict the ability of visitors to our website to copy or download documents from our website without our permission. N = 105	57%	16%	27%

Findings (cont)

- Two ways of controlling further uses
 - Technical measures to reduce quality of the copy (low resolution; watermarks) or prevent copying (disabling the right-click)
 - Terms and conditions of use, e.g., limiting commercial uses, obtaining permission of the repository (not the copyright owner).

Technical Measures Used to Limit Further Uses (N = 154)



Terms of Use Statements (TOUs) by Permitted Uses & Further Conditions (N = 128)

Terms and Conditions	Specific Digital Resources Number (%)	Entire Websites Number (%)
All uses need permission plus further conditions	2 (2%)	2 (9%)
All uses need permission; no further conditions	30 (28%)	5 (23%)
Specified uses permitted plus further conditions	63 (59%)	13 (59%)
Specified uses permitted; no conditions	9 (9%)	0 (0%)
No uses specified; conditions apply	2 (2%)	2 (9%)
Total	106 (100%)	22 (100%)

Permission Information in Terms of Use Statements (TOUs) (N = 128)

Permission Requirement	TOUs for Websites	TOUs for Digital Resources	Total TOUs	No. of Repositories
Permission of repository	18	75	93	50
Permission of copyright owner (may be repository)	1	8	9	9
Permission of both repository and copyright owner	1	5	6	5
No indication of who to ask for permission	2	18	20	18
Total	22	106	128	82*

* The total exceeds 73 because repositories can have multiple TOUs that may fall into different categories.



Conclusions

- Disconnect between archives' mandate to make holdings available and attempts to control further uses
- Onsite practices have been taken online without evaluating suitability for the digital environment
- Archival repositories attempt to control further uses of their holdings for reasons other than copyright



Current Research

- What are archivists and librarians being taught about copyright in professional graduate programs?
- In their attempts to control further uses of their online holdings, to what extent are archivists engaged in “copyfraud”?