

GL10, Amsterdam, Dec. 9, 2008

Legal deposit practices regarding grey audiovisual and multimedia materials carrying *Creative Commons* licenses and those carrying traditional copyright at the Library of Congress

Results of a phase I pilot study

Problem statement

- First, some established truisms:
 - Grey materials provide challenges to access due to lack of bibliographic control
 - Large OPACs, in particular national bibliographies or national union catalogs, are the most comprehensive means of bibliographic control available.
 - National Bibliographies increase holdings thanks to legal deposit materials
- Next, some problems inherent into the system
 - The more up-to-date legal deposit laws include multimedia and/or non-print materials, but some address only the deposit of print materials
 - Although not required for copyright protection [WIPO provision], legal deposit applies to materials holding traditional copyright and does not address copyright alternative such as Creative Commons licenses
- Our question: What happens when Creative Commons meets the National Catalog? Are grey multimedia materials licenses under creative commons less likely to be included in national catalogs than grey-multimedia-traditional? Are grey-multimedia-creative commons materials at a disadvantage?
- Hypothesis: © educational multimedia are more likely to appear in national bibliographies and union catalogs than CC licensed items

Who does this matter to?

Justification

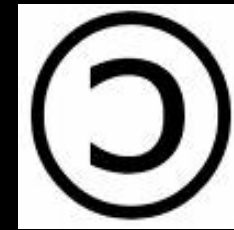
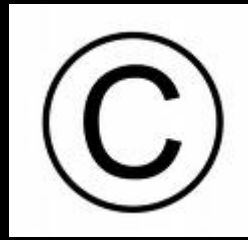
- Everyone, producers and consumers of multimedia, because multimedia is everywhere
- The use of multimedia extends traditional use of art both in scope and in audience. Multimedia is as much a part of learning and teaching as text is and learners are shortchanged but the lack of multimedia as part of their educational experience
- A typical day in the life of a U.S. college professor, includes use of multimedia for learning, teaching, and entertainment
- Are there barriers to access to multimedia that are associated with the type of copyright license the multimedia holds?

Welcome to the age of copyright confusion

- Lawsuits filed against educational institutions for copyright violations has created a culture of fear among educators and librarians. Many items that are in the public domain get slapped with copyright notices.
- Some creators chose to work outside the traditional copyright paradigm by using Creative Commons licenses which allow use of their work without royalties, and usually with some restrictions, namely attribution, non-commercial, no derivatives and share alike.
- Users of content need to know a lot: when they can use a work, and under what conditions, that can apply to a growing number of copyright models: traditional, creative commons, copyleft and GNU.

Copyright licenses

types and implications



- Copyright is a personal property right that protects creators and allows them to benefit from their intellectual and creative work
- CONFU – Conference on Fair Use established **guidelines** for the use of multimedia materials for educational purposes in the United States, with attention to distance learning education.
- Traditional copyright © equates benefit with profit and secures benefit to the copyright holder, primarily authors and/or publishers
- Creative Commons licenses usually associate benefit with recognition and credit which are spread on a voluntary bases rather than by enforcement of law.
- Traditional copyright is frequently viewed as a harbinger of censorship and inhibitor of access

Legal deposit for multimedia

- USA: The U.S. code addresses sound recordings specifically but multimedia implied, not specifically mentioned
- Australia: The copyright Act of 1968 does not specifically mention multimedia, but amendments under the 2004 *Publications Legal Deposit Act* for the Northern Territory, includes “material subsequently derived from information so recorded or stored (for example – audio cassettes, video cassettes, films, multimedia kits, computer magnetic tape, computer optical discs, floppy discs, compact discs, CDRoms, DVDs, websites and PDF files)”
- Belgium: Legal Deposit law applies only to book materials (2005)
- Israel: As of the revised 2001 legislation, legal deposit applies to all non-print materials.

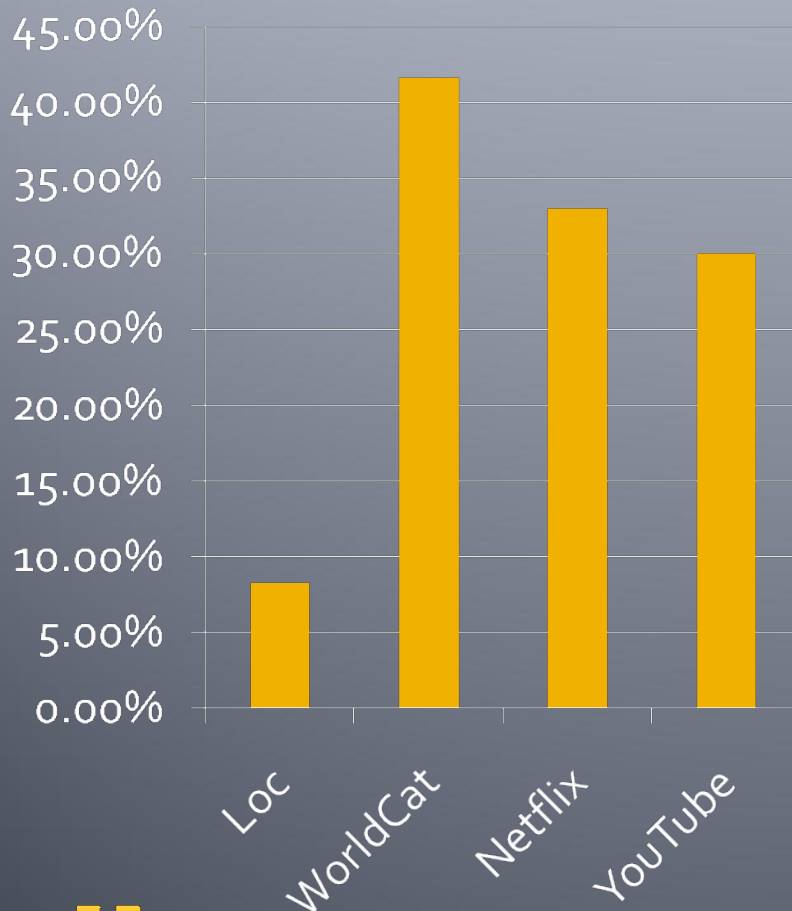
Methodology

- Quantitative study using list checking for both the study and the control group
- List was developed by polling faculty at graduate level library and information science schools and librarians supporting such programs, and included materials used for teaching and materials suggested by graduate students who use them as part of course work.
- The list contained about 200 items and was cut down to 117 that met the following conditions: Their origin was traceable, their copyright license type not ambiguous, and they originated from one of four countries that emerged as the four top originators of content: the United States, Australia, Belgium and Israel
- The sample contained primarily film and some music
- Prior to data collection, one focus group session was held to identify the ways in which faculty use multimedia materials
- The OCLC 017 field, that identifies legal deposit materials, was used whenever available

The sample

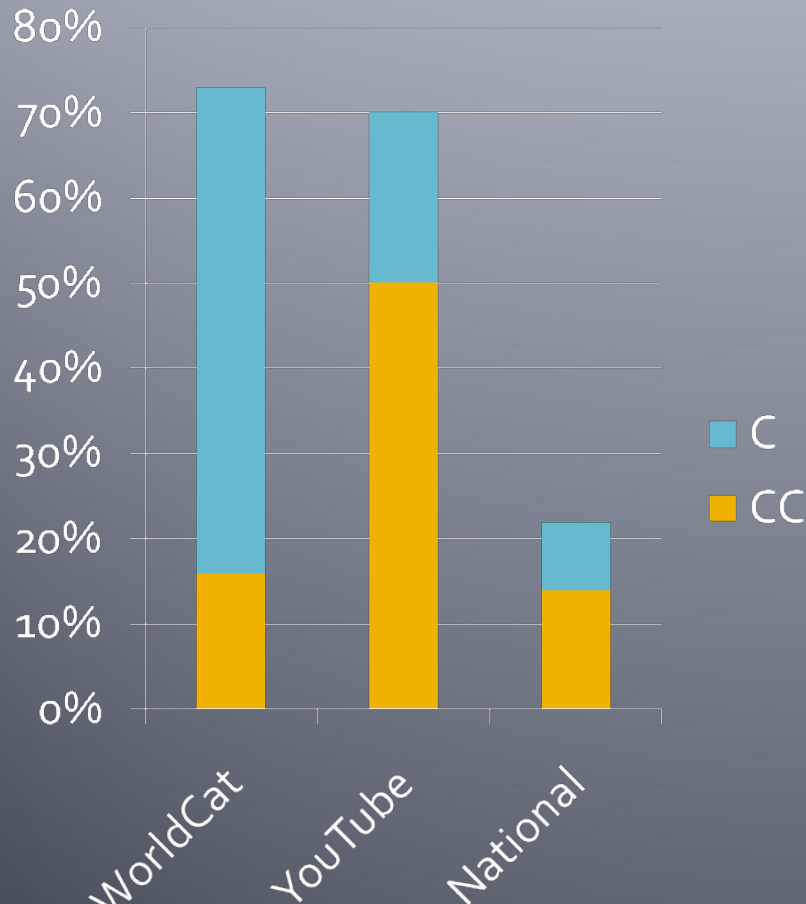
- Sample consists of 117 items, half holding traditional copyright and half holding Creative Commons copyright.
- Items represented are educational multimedia, by definition or by practice, with a core group used in social science higher education, and related materials
- Year span: 2001-2008 (range 9.628% to 25%)
- Countries represented: USA (75%), Australia (8.4%), Belgium (8.3%), Israel (8.3%)
- Types of media presented: movie (download and/or DVD) (83.3%), video game (8.4%), music (8.3%)
- Length range: 17:37 min to 2:43:03 min

Results: overall



- Overall, 8.3% of items were found in LoC
- Overall, 41.6% of items were found in WorldCat
- Overall, 41.6% of items were found in IRIS
- Overall, 33 % of movies (n=81) were found on Netflix, 40 % were found complete on YouTube, and an additional 30% were found on YouTube as trailers
- Number of libraries holding item as per WorldCat: range 20-1619 libraries (items in WorldCat: n= 45)

Results: by license



- Traditional copyright
 - 57% of © multimedia (n=63) were available on Loc or WorldCat
 - 20% of © movies (n=49) were available complete on YouTube
- Creative Commons
 - 16% of CC multimedia (n=54) were available on Loc or WorldCat
 - 50% of CC movies (n=58) were available complete on YouTube

Results: in national catalogs

- Traditional copyright
- In LoC catalog: 8.3%
- Other national catalog: (Australia, Belgium, Israel): 0%
- Creative commons
- In LoC catalog: 0%
- Other national catalog: (Australia, Belgium, Israel): 0%

Finding & Conclusions

- Our hypothesis, that © educational multimedia is more likely to appear in national bibliographies and union catalogs than CC licensed items was proven **TRUE**, but overall the % of items in national bibliographies and catalogs was **SMALL**
- Highest number of items were found in **WorldCat** and **IRIS**
- **YouTube** offered 70% items in complete or abridged form
- **All** multimedia is overlooked by national catalogs, regardless of copyright license type
- Commercial unions catalog (WorldCat) better represent grey multimedia than national bibliographies (Library of Congress)
- Creative Commons is a barrier to access in traditional tools
- Traditional copyright is a barrier to access in web 2.0 environments

Implications: Application and enforcement of legal deposit to non-print materials is weak, regardless of license type, implying disappearance of many of these materials