

Copyright licenses and legal deposit practices of grey multimedia materials

Debbie L. Rabina, Pratt Institute; School of Information and Library Science, United States

Abstract

The purpose of this study is to determine whether the type of copyright license under which grey multimedia materials are published makes a difference in terms of their inclusion in library catalogs. The two types of copyright licenses examined are Creative Commons and traditional copyright, and the library catalogs examined is that of the United States Library of Congress and national catalogs of countries represented in the population of the study. The population included grey multimedia materials whose main use is as educational materials, with half the items licensed under traditional copyright license and half licensed under Creative Commons license. The main finding of the study is that Creative Commons license is a barrier to access in traditional bibliographic utilities, and that traditional copyright is a barrier to access in web 2.0 environments. In addition, the study found weak enforcement of legal deposit laws regarding multimedia materials.

Introduction

Multimedia is everywhere and awareness and recognition of it growing.¹ As noted in a recent New York Times article,² we consume multimedia everywhere, anywhere, and all the time: in a taxicab, on a plane, on the street, in front of our computer, on our mobile devices. We watch and listen, often not by our own initiative and often reluctantly. The multimedia surrounding us is mostly push technology: publishers, vendors and others involved in the creation and distribution of content have their content visible on giant billboards, on the backs of taxi seats, and in stores. When it comes to push technology multimedia, we seem unable to shut off the current, but what about pull-technology? When we want the single commercial that we feel will best demonstrate to our students the importance of information to a global society, or that campaign ad that expressed a value-based approach to information, we are at a loss as to where to find them. An added difficulty is that much of multimedia is grey by nature: it is published outside the traditional scholarly communication powerhouses and has limited, if any, bibliographic control. Repositories for multimedia are few and usually highly specialized, limiting the scope of collections. Users of multimedia content, particularly academic faculty, such as those involved with this study, are not only users of information, but increasingly they are asked to be organizers as well. The amount and types of information used in learning and teaching now includes image files, sounds files, movies of varying lengths, web pages, multi authored documents and more. We store these materials on our personal computer's hard drive, in our space on a variety of web 2.0 applications such as YouTube or Flickr, we manage them with tags and list them on multiple bibliographies such as LibraryThing, Zotero and more, but when the moment of truth arrives, few of us are able to locate all this multimedia and we all end up doing a Google search and hoping for the best.

But beyond problems resulting from lack of organization, other barriers to access to multimedia materials also exist: Copyright restrictions and confusion regarding type of copyright license, fair use and permissible use of multimedia materials also hinders use. Multimedia licensed under traditional copyright license is more likely to benefit from existing methods of storage, organization and bibliographic control, but also more likely to have restrictions on use, while multimedia licensed under copyright alternatives, such as creative commons, may have less restrictions on use but may also be less findable. Another layer of complexity is added by the fact that while some countries have legal deposit requirement for multimedia materials, others do not. This study wishes to examine how copyright licenses and legal deposit legislation interact to effect access to grey multimedia materials.

Copyright licenses

Copyright is a personal property right that protects creators and allows them to benefit from the fruit of their intellectual and creative work. In the United States copyright, as part of intellectual property, is a constitutional right and protected by the U.S. Copyright Law. In the United States, copyright is automatically awarded to all creators, without preconditions such as registration or legal deposit³. The same holds true to all citizens whose countries are signatory to WIPO.⁴

Copyright is therefore inherent to all intellectual work and giving up rights in a creation is an opt-out option, an act that requires purposeful action. Copyright owners may choose to transfer their rights, with or without preconditions, to others, and allow them to use their creation in ways that are outside the scope on traditional copyright law.