



## HARVARD LAW SCHOOL LIBRARY

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### SUMMARY

This correspondence outlines the complete scope of the proposed “Harvard Library Copyright and Fair Use Tool” project including objectives, benefits, and estimated costs.

This project will serve as one of the first public offerings to the community from our newly centralized Harvard Libraries system. When the project is complete, the Harvard Library will have provided the entire Harvard community with access to professional guidelines, which the community can rely upon as guidance for questions involving copyright and fair use. Faculty, professional librarians, reserve specialists, document delivery services, faculty assistants, students, and any other University staff, will greatly benefit from the uniform copyright guidelines presented by the Tool.

### DESCRIPTION

The Harvard Library Copyright and Fair Use Tool is a series of dynamic web pages, flow-charts, interactive exercises, and substantive information that can be used by Harvard faculty, staff and students to ascertain the copyright status of a particular item or to learn more about a particular area of copyright law.

The finished product would lead the user, step-by-step, through an interactive copyright decision making process. The step-by-step process is designed to introduce the user to the various copyright rules, guidelines, and laws, without overwhelming the user with information.

### NEED

Harvard University Faculty and staff regularly seek new and innovative ways to educate their students. Frequently, this goal involves using copyrighted materials. Faculty may use a photograph from a book in a class on modern contemporary art. They may use a 6 minute clip

from the HBO series “The Wire” to illustrate the social context of the war on drugs. Or they may wish to copy and distribute the seventh, eighth and last chapters of a work a staff member just finished on European Human Rights. Or a student who is working on a submitted manuscript needs to integrate a chart from another paper. Each of these examples requires an assessment of the copyright implications of the proposed use. And frequently the job of assessment falls to the Faculty themselves, the faculty assistant, students, or other support staff who are charged with gathering the materials. Very often the Harvard Libraries are the first place many Faculty, students, and staff turn to for help with copyright issues. Therefore the Harvard Library should be the designer, architect, and originator of the proposed Tool.

The Copyright and Fair Use Tool will be a central service of the Harvard Library that will provide professional guidelines and direction for questions involving copyright and fair use. More importantly, this project could serve as one of the first public offerings to the community from our newly centralized Harvard Libraries system. Additionally, it will also serve as an excellent opportunity for many individual libraries to collaborate and provide an essential service that all of our users struggle with on a daily basis.

## OBJECTIVE

We propose to create a Harvard Library Copyright and Fair Use Tool based on the initial project work completed for the Law Library by Law Librarian Fellow Nika Engberg, J.D. The system, made up of several dynamic web pages, rights-based flow charts, interactive exercises, and other copyright information, will provide professional, uniform guidelines and much-needed assistance to the staff who deal with copyrights in the context of their jobs.<sup>1</sup>

## FUNCTION

The final Harvard Library Copyright and Fair Use Tool will go beyond the concept of a simple website design with general copyright laws and guidance. The Tool will bring the user via context-sensitive questions to a very specific answer to a very specific question. Conceptually, it will be an interactive user-defined experience, designed with advanced programming utilizing vector-mapping of conceptual spaces and relationships.

## SCOPE

This project will be one of the first public offerings to the community from the centralized Harvard Libraries, effectively benefitting the entire Harvard University community of Faculty, students, and staff. The rights-based flow chart, the heart of the Tool, will first help all users determine if the work is covered by copyright or if it is in the public domain. Then it will lead the user through an analysis of the various copyright rules, guidelines, and laws to see if they can successfully employ a fair use analysis, or if they need to seek permission from copyright holder. Furthermore, the step-by-step process is designed to introduce the user to the

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<sup>1</sup> E.g. as noted above, Harvard Faculty, faculty secretaries, librarians, students, and any other staff who are frequently called on to make decisions about permission and fair use for course packets, supplementary readings, online reserves, etc. will be able to utilize this Tool.

various copyright rules, guidelines, and laws specifically for defining and regulating educational fair uses of copyrighted material.

## BENEFITS

When the project is complete, the Harvard Library will have provided the entire Harvard community with access to professional guidelines, which the community can rely upon as guidance for questions involving copyright and fair use.

## EVALUATION

Prior to the project's release, we propose a review of the Tool by the Office of the General Counsel (OGC). In 2010 the OGC received a copy of Nika Engberg's work but the content was never officially reviewed. A current review will ensure that our information and policies are consistent with OGC's interpretation of the copyright laws. Presently, I have contacted both Jonathan Hulbert and Brad Abruzzi at the OGC's office. They have received the materials and we are discussing the OGC's potential they can make a commitment to working on this project and give the necessary resources.

Once the OGC's assessment is complete we will need to conduct a series of usability tests to ensure the Tool's effectiveness to the Harvard Community, including Faculty, librarians, and staff. We will follow these with facilitated discussions to allow users to identify key issues and changes that could be made. We propose two usability testing focus groups. Each group will consist of 15 people. We would provide a small financial incentive for attendance.

## EFFECT ON DAILY OPERATIONS

Kyle K. Courtney, Esq. will be the principal investigator. He will oversee the project as part of his work as manager of the document delivery and faculty research unit at the Law School Library. He has a background in both intellectual property law and library science.

## COSTS

<b>Task</b>	<b>Details</b>	<b>Estimated Total</b>
Coding Nika Engberg's files into a dynamic, interactive web-based platform	\$85/ hour 35 hours a week Approximately 5 weeks of work (with Berkman Center for Internet & Society employee)	\$14875
Office of General Counsel review	Provides advice and counsel to the project	----

Usability Testing	2 groups, 15 people per group; \$25 per person x30	\$750
<b>TOTAL ESTIMATED COST</b>		<b>\$15,625</b>

I welcome any questions, comments, or suggestions. Many thanks for the opportunity to present this proposal.

Regards,

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