



# Copyfraud or Legitimate Concerns?

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# Research Problem

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



# Literature Review

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



# Research Question

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



# Study Population

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



# Data Sources

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



# Findings

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- Access is the main reason for making holdings available online

## Findings (cont.)

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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.)

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Concerns include:

- Loss of revenue
- Authenticity
- Reputation of the repository

# Findings (cont.)

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	<b>Agreed/ Strongly agreed</b>	<b>Neutral</b>	<b>Disagreed/ Strongly disagreed</b>
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%

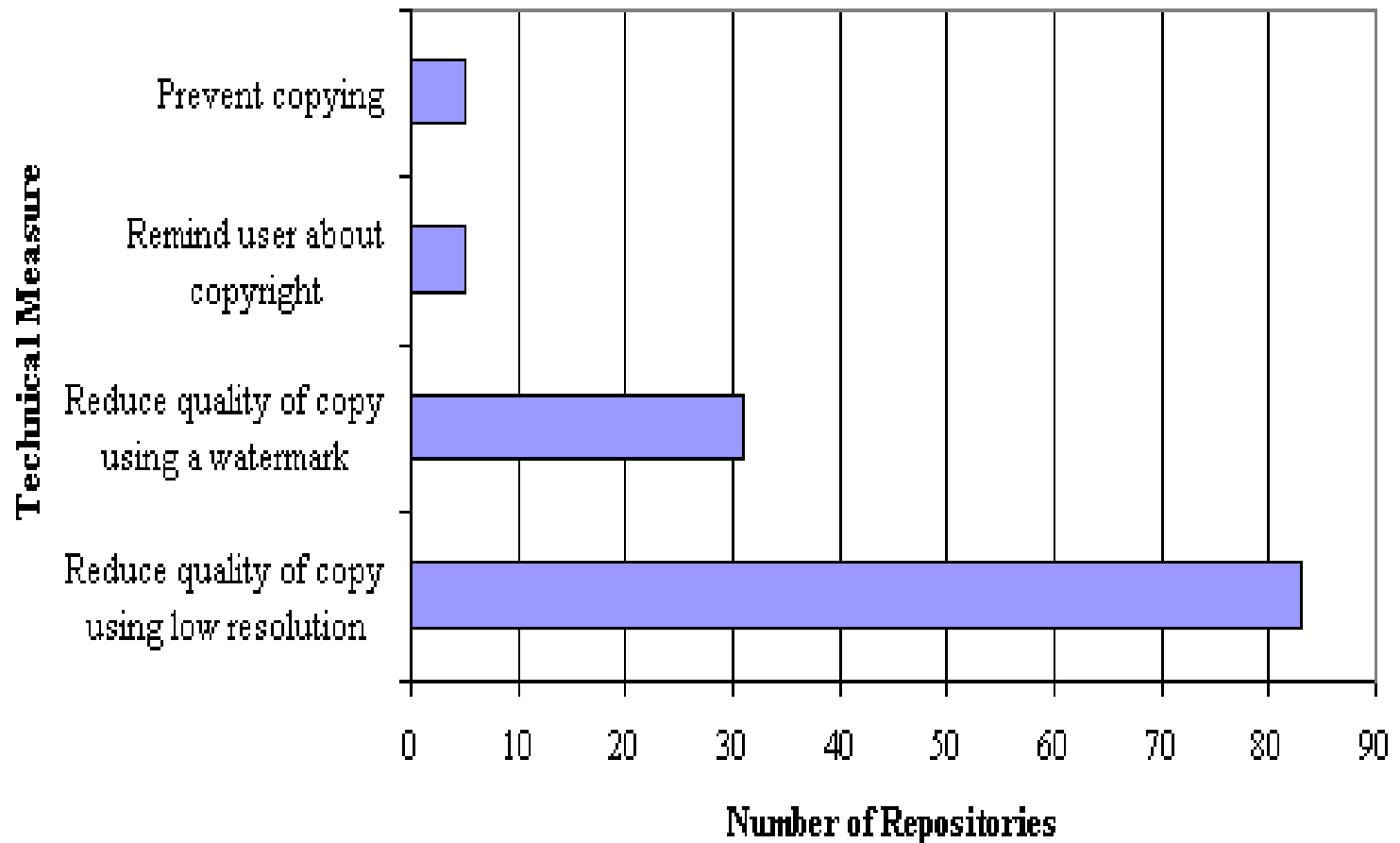
# Findings (cont)

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- 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)

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

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<b>Terms and Conditions</b>	<b>Specific Digital Resources Number (%)</b>	<b>Entire Websites Number (%)</b>
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%)
<b>Total</b>	<b>106 (100%)</b>	<b>22 (100%)</b>

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

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<b>Permission Requirement</b>	<b>TOUs for Websites</b>	<b>TOUs for Digital Resources</b>	<b>Total TOUs</b>	<b>No. of Repositories</b>
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

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- 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

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- 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”?