

An Update on Print and Electronic Copyright Law

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Panelists:

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This fast-paced, well-organized session presented copyright from the perspectives of primary and secondary publishers and the Copyright Clearance Center.

All the panelists emphasized the importance to authors, publishers, and information users of clearly identifying the copyright owner and of using every means possible to protect the intellectual property rights of that owner.

Susan J A Harris, publisher of Society Publishing at Lippincott Williams & Wilkins, pointed out that although the publication process (author to publisher to print), fair use, and business relationships are relatively easy to manage in the print world, they are not so in the electronic world. Securing intellectual property rights is difficult because cutting and pasting from the Web is so easy. To protect copyrights, publishers believe that

they can control at least the identification of the copyright owner if users are linked to information through the publisher's site rather than able to download information from another site. If material is rewritten, a link should exist to the original material so that users can track changes.

Fair Use

To control how their copyrighted material is being used, publishers can use electronic watermarks and limit the number of downloads. If authors have the copyrighted material on their own Web sites, who owns the copyright? (Although all the presenters strongly urged that publishers actively educate authors about copyright issues, it was pointed out that authors rarely understand assignment of copyright to the publisher.)

ISI Press makes products based on primary publishers' content, especially abstracts. Many new online companies want to use ISI information but do not understand that ISI doesn't own the copyright to abstracts, but uses them through contractual agreement with other publishers.

Copyright and Databases

The US Congress has been debating for a few years whether to copyright databases, and the various parties who must live with the results (such as librarians and publishers) have differing views on the merits of such an action. For now, secondary publishers rely on contracts, rather than copyright law, to protect their databases. Contracts stipulate who can use (access) the information, for how long, and on which servers the information can reside.

Isabel Czech, director of publisher relations at ISI, pointed out that most problems of copyright infringement come from ignorance rather than malicious activity; she repeated that education is a continuing problem and necessity.

Ed Colleran, director of publisher relations at the Copyright Clearance Center, emphasized the importance to users of being able to obtain quick, easy copyright permission as a result of clearly written policies and pricing agreements between the center and publishers. Users, he said, want to comply with the laws easily and cost-effectively and want a centralized clearance mechanism. Solutions to current problems seem relatively easy given the current state of technology. Passwords to allow for secure transmission and a clearly defined list of copyright options when users find information or articles they want are clearly possible now.

Carol Richman, director of licensing at Healthgate.com, urged publishers to make copyright information on electronic documents as clear as possible, determine where their information is going, put permissions information (or at least links) on their home pages, and let users know who owns or is responsible for the intellectual property.

During the question-and-answer session it became evident how disparate views are on copyright and electronic information: some publishers allow authors to retain copyright, others require copyright transfer but allow authors to use their information (including adding it to a personal Web site), and others allow only a one-time use on one platform.

Finally, an audience member strongly urged everyone to remember what business we are in and that we should be moving faster to open access to scientific communication, not restricting access with additional permissions loops.

This brave new e-world has created tremendous potential for communication and tremendous conflict over our long-standing traditions of intellectual property. Discussion will certainly continue. 