
Copyright information queries in the health sciences: trends and implications from the Ohio State University

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Objective: This paper presents the results of data gathered on copyright questions asked at an academic health sciences library.

Methods: Collected data include questioner's status or discipline, the subject of the questions, the types of activities that the questioners were engaged in, the communication mode, and the length of time it took to answer the questions.

Results: Overall results showed most questions were about permissions. Staff asked the most questions, followed by faculty and students.

Conclusions: Copyright education is needed at universities, and further analysis of queries will determine the direction of the education.

INTRODUCTION

Maria A. Pallante, register of copyright, identified the need for copyright law reform in her March 20, 2013, statements to Congress: "But my point is, if one needs an army of lawyers to understand the basic precepts of the law, then it's time for a new law" [1]. The unclear law and very visible litigation, such as the Georgia State University case involving electronic reserves in an academic library [2], are factors leading to the increase in the academic library's role in copyright on college and university campuses.

The American Library Association's (ALA's) Core Competences of Librarianship support the idea that librarians' knowledge of copyright is important; however, many librarians do not receive comprehensive copyright training during their graduate studies [3]. Nevertheless, the university library is playing an increasing role in providing copyright education. Several recent publications have discussed the scope of this role and how to manage these activities [4–9]. Other authors point out a trend in academic libraries to hire personnel with dual expertise in law and library science to lead copyright programs [10]. Two doctoral dissertations also explore faculty knowledge about copyright [11, 12].



A supplemental appendix is available with the online version of this journal.

THE OHIO STATE UNIVERSITY (OSU) HEALTH SCIENCES LIBRARY COPYRIGHT MANAGEMENT OFFICE

To assist faculty, staff, and students with copyright issues, the Ohio State University (OSU) Health Sciences Library (HSL) established a Copyright Management Office (CMO) in September 2005. The HSL created the new office to handle the more complex copyright questions that the library was receiving and to address issues with using online resources. The CMO provides legal information and education only, not legal advice with the attendant confidentiality and privilege. Questioners are referred to university counsel or directed to seek their own representation when appropriate.

The CMO was established to serve HSL primary customers. The library created a budget for copyright permissions at the start-up of the service to promote responsible use of content. During the time period of this study, the library spent a total of \$21,865.00 on copyright permissions and resources or approximately \$3,644.00 per year. The head of the CMO often offered customers less expensive or free alternatives when an expensive permission was needed, and they were generally willing to substitute or vary their original plans. Closely cultivating partnerships throughout the university, as well as aggressively marketing the services, led to growth in the CMO work. For example, copyright questions doubled from 127 a year in 2009 to 254 in 2011.

CMO staff dealt with questions regarding traditional media of varying complexity. Such questions include: Why do I need to get permission to reuse an illustration but not when I quote from a text? Do I need to get permission if I use a generic chart or graph? Do I need to get permission if I have made substantial changes to another author's diagram? Do I need to talk to the publisher of the journal article about permission when I have permission from the article's author? Other questions concerned copyright in nonprint-based communication mechanisms, such as the use of video for marketing or patient education.

One assumption of the CMO is that although knowing and applying the law is important, copyright education is about more than rote compliance only. In addressing users' questions, the CMO emphasizes finding a way to further the university's mission of scholarship and education, while also complying with applicable law. This can be accomplished in a variety of ways, such as applying copyright exceptions properly, tailoring the works used in an appropriate fashion, finding licensed substitutes, and seeking permission from rights holders. Research shows that a more comprehensive understanding of the reasons for and legitimacy of laws leads to more compliance in the end [13].

Little has been written about what students, faculty, and staff in academia actually ask about copyright. Even less has been written about those needs in academic health sciences environments. The study reported here was designed to shed light on the type of questions posed to the CMO.

METHODS

Data were collected from questions directed to the HSL CMO staff over a period of about six years from May 15, 2006, through April 30, 2012. The collection method was a web form that had been devised in-house using a combination of drop-down menus, topic lists, and free-text fields. Fields of coded data included the date when a question was answered. Other data included the method or methods of contact (email, in-person, or instant message); the topic or topics of the question (selected from a preset list); and the amount of time it took to answer the question (selected from five different time intervals). Data were also collected on the questioner, including the person's status at OSU (faculty, staff, student, or non-OSU) and information about the questioner's department or affiliation. There was also a place to enter free-text notes (Table 1, online only).

Questions were coded after they were answered. Serial questions, situations where a series of questions were asked over time, were coded separately as individual questions. Many values were not mutually exclusive. For example, a question might first come in by telephone, but then there might be further email correspondence. A question and its answer might touch on a variety of subjects. For example, portions of one question might be about fair use, face-to-face teaching, and Creative Commons licensing, so the one question would be assigned three subject categories or topics when coded.

Because the library staff answering the questions also coded them, the coding reflects the coders' assumptions about the questions' subjects and what the questioners meant when they asked for information. In this study, the data collection methodology did not preserve the original questions and answers, so it was not possible to analyze the questioners' intentions or the quality and applicability of the answers they received.

RESULTS

Most of the 932 queries received during the period of study came from the 892 questions that OSU faculty, staff, and students asked. Non-OSU individuals were the source of the remaining 40 questions. Many, but not all, of those asking questions, both inside and outside of the university, were affiliated in some way with the health sciences.

Permissions, general copyright questions, and questions on fair use predominated (Table 2). University staff asked 539 questions (58% of total questions asked), with faculty asking the second-most at 314 questions (34%); 4% of the questions were posed by students; and another 4% came from those not affiliated with OSU. The high proportion of staff use might reflect questions from university staff involved with learning technology projects. In addition, in the health sciences, many graduate students are also clinical staff, so they might have identified as and been coded as staff rather than students. Staff questions

Table 2
Topic and number of questions asked

Topic	Number of queries
Permissions	362
General copyright question	292
Fair use	250
Images	104
Licensing	78
Scholarly publishing	59
Technology, Education and Copyright Harmonization (TEACH) Act/online educational use	59
Policy/compliance information	47
Classroom use	44
Copyright registration	35
Trademark	33
Copyright infringement	25
For-profit venture/sharing resource	22
Linking	16
Continuing education	14
Publicity	10
Forms	7
Ohio State University (OSU) marketing publication	5
Total	1,462*

*Total is greater than the number of queries received (932) because a question could be about more than 1 topic.

were overwhelmingly about permissions at 219 (50% of all permissions questions asked), followed by 161 questions about fair use and, at a distant third, 23 questions about use of materials in the classroom. The focus of 123 faculty questions (34% of all permissions questions asked) was on permissions, followed by 98 questions focused on general copyright and then 75 on fair use. The permissions topic included situations where the questioner needed to seek permission or was not sure if permission was needed. Students asked a relatively low number of questions at 39 questions (4% of the total number of questions asked), and the topics focused on scholarly publishing (11), general copyright questions (10), and fair-use questions (7).

Questioners not affiliated with OSU asked 40 questions (4% of all questions asked), with 18 of them being general copyright questions. General copyright questions covered a wide variety of subjects, such as ability to copyright and indemnification in copyright agreements. Questions about subjects that the questioners perceived as related to copyright, such as privacy issues, were also coded as general copyright questions, for want of a better category. Anecdotally, non-OSU questioners were members of the general community, alumni, or people who had attended one of the CMO's outreach or continuing education presentations. These people tended either to be facing specialized situations with regard to intellectual property in the health sciences or trying to gain mastery of copyright basics after attending a class.

The most frequent time interval for answering a question was 15–30 minutes, at 362 of the questions, followed by 1–15 minutes for 284 of the questions and 30 minutes–1 hour for 195 of the questions. The remaining 91 questions took more than 1 hour to answer. It was not unusual to receive a series of questions over time from the same person about the same situation, over a period of hours, days, weeks,

months, or even years. This was particularly true with faculty working on long-term projects. The majority of questions for faculty (122 questions), 21 of the questions from non-OSU personnel, and 207 of the questions from staff took 15–30 minutes to answer. Student questions had a slight tendency to take a shorter time, with the 16 of them taking 1–15 minutes. This probably reflected the less complex nature of many student projects. Originally, the head of the CMO anticipated significant face-to-face, walk-in business. In actuality, about 610 questions of the 932 answered (66%) were conducted at least partially by email.

DISCUSSION

One limitation of the instrument used is that it was developed in a relative vacuum. There is not yet a standard taxonomy for copyright questions. It is not possible to know if different coders used the instrument in the same manner. Ideally, ways of capturing questions will become more standardized in the future as library copyright education and information becomes more prevalent.

Library faculty and staff were heavy users of the CMO, with 194 questions, which was not anticipated when the CMO was first created. This result, however, is in keeping with libraries' ongoing work in creating and reusing content, along with the rest of the university. In addition, heavy use might reflect questions with a copyright component that librarians received from users. Faculty, staff, and students often need a sounding board to discuss their copyright concerns and analyses. A librarian with scholarly communications expertise can help them ask the hard questions and gain more objectivity about how to proceed.

These data show that times to seek permission and, the other side of the coin, boundaries of fair use are the topics that should be most emphasized in presentations, classes, and educational materials because together they made up the subject of the most questions. The extensive need for fair-use information was borne out in other CMO activities, too. Presentations about fair use were heavily attended and often had standing room only. Fair-use learning objects were in high demand as well.

The faculty, staff, and student use of, and response to, the library's CMO instructional programs and services are important points for library science educators. The demonstrated use of the expert librarian's services reinforces the ALA's Core Competencies of Librarianship focusing on copyright as well as a continued emphasis on copyright "literacy" for librarians who are currently practicing in academic environments. Furthermore, the copyright position descriptions in academic libraries collected by Cross [10] can serve as models for other higher education institutions where administrators and academic libraries are exploring copyright and scholarly communication needs and services for students, faculty, and staff.

Generally, it is important to remember that analysis of copyright queries is only part of determining information needs in this area. This type of analysis

does not adequately measure what people do not know nor does it reflect questions people do not think to ask. As services related to scholarly communications and copyright information become more prevalent and robust in academic libraries, it is important for future research to continue to assess what faculty, staff, and students know and need to know in these areas in order to be sure that the services are meeting the needs of faculty, staff, and students.

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