

Mitigating the Impact of Copyright Anxiety and Chill in Libraries

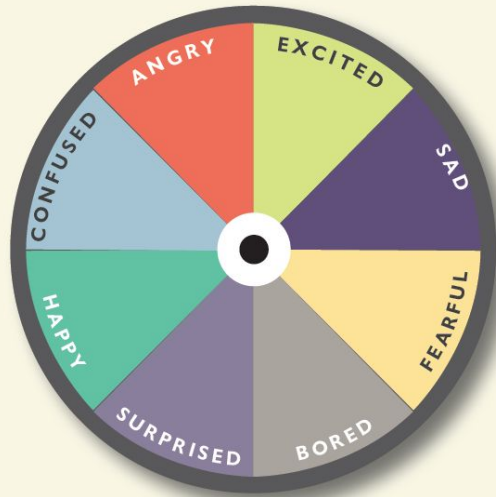
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HOW DOES COPYRIGHT MAKE YOU FEEL?



THE COPYRIGHT ANXIETY STUDY is led by the Bodleian Libraries, University of Oxford in partnership with City, University of London and the University of Alberta. It will explore levels of 'copyright anxiety' across the UK and Canadian higher education sectors, to learn more about the extent to which copyright law inhibits innovative research and teaching practice.



- Copyright Anxiety Scale (CAS, survey) launched in 2019; 521 participants in US and Canada, across all sectors
- CAS adapted for higher education and second research study completed (survey and focus groups) in 2023; 509 participants in UK and Canada, from post-secondary sector
- Survey questions focused on:
 - confusion, confidence, and nervousness related to navigating copyright
 - how work might be hampered or prevented

2023 Copyright Anxiety Scale HE

1. I am familiar with copyright legislation and/or copyright case law.
2. I can identify exceptions to copyright infringement.
3. I frequently have concerns about copyright.
4. I get confused trying to navigate copyright issues.
5. I am comfortable performing actions that I think might be copyright infringement.
6. I am confident that the materials I create are protected by copyright.
7. I do not feel safe using copyright-protected materials that I do not hold the rights for.
8. I worry that I do not know enough about copyright.
9. I have access to good instructions and/or policies for using copyright-protected materials.
10. It is easy for me to get help or find information about copyright.
11. I feel hesitant to ask for help with copyright issues.
12. I worry about the consequences of copyright infringement.

13. I am confident that elected officials (e.g., MPs) understand legal issues related to copyright.

14. I am confident that the senior managers / leadership team at my institution understand legal issues related to copyright.

15. I am worried about the amount of copyright infringement that goes on at my institution.

16. I often feel anxious in my professional life.

17. I have had formal training / education related to copyright.* Yes / No

18. True / False question about educational fair dealing.*

19. I have avoided activities or projects in the workplace because of copyright issues.* Yes / No

20. Can you describe a time that concerns about copyright hampered or prevented you from doing something as part of your work?* Yes / No

21. Any additional comments you would like to share?

*Followed by a write-in response request

What are copyright anxiety and copyright chill?

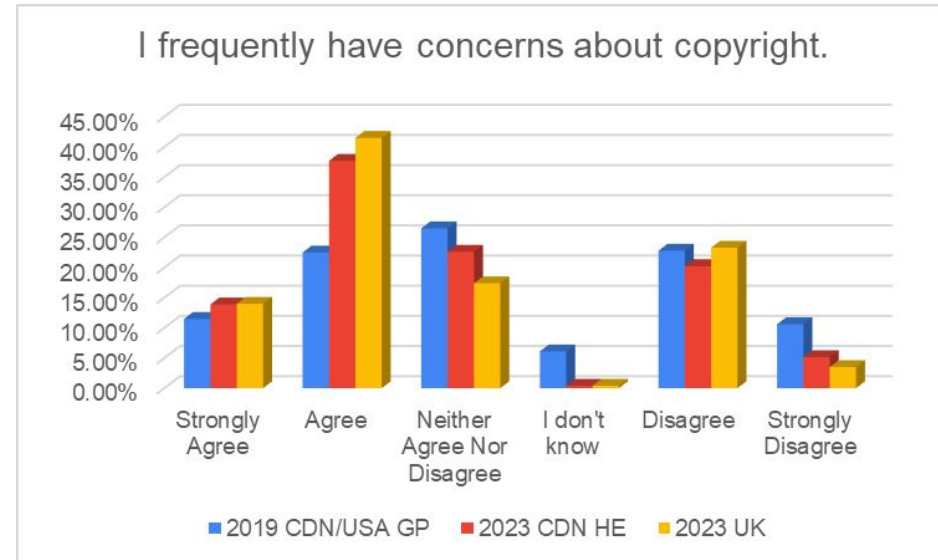
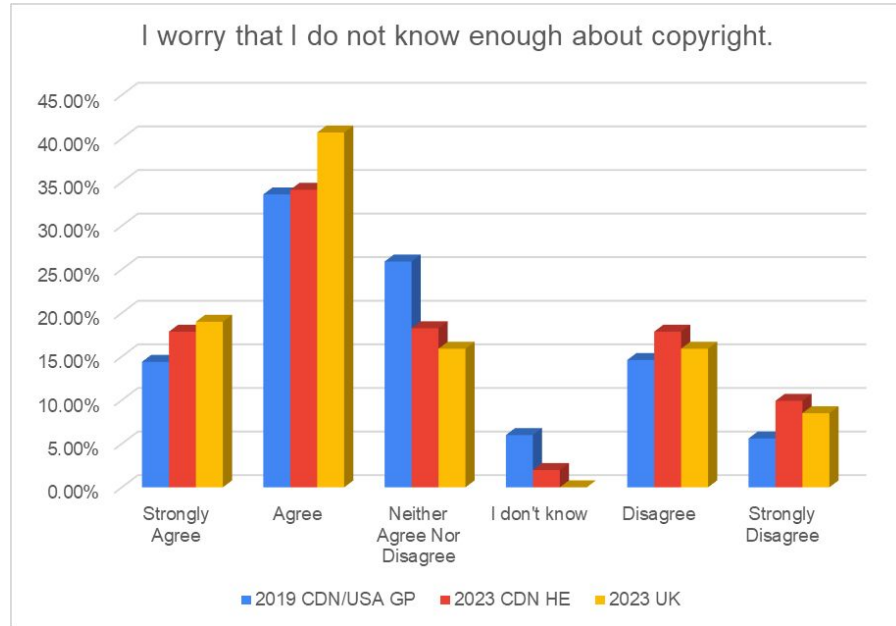
Copyright anxiety includes nervousness and apprehension associated with navigating copyright issues.

*This may result in **copyright chill**, where a legitimate use of copyright-protected material is discouraged or inhibited by the threat (real of perceived) of legal action.*

What are copyright anxiety and copyright chill?

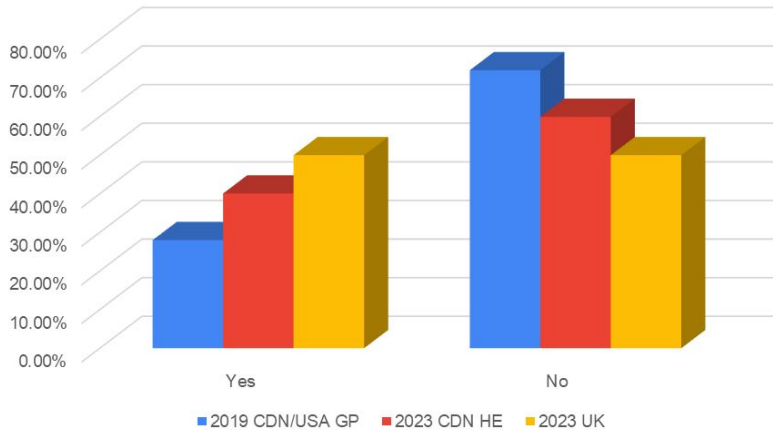
Copyright Anxiety (examples) <i>feeling apprehensive and/or nervous</i>	Copyright Chill (examples) <i>not exercising legal rights</i>
Worrying about providing a legally accurate response to a copyright question. <i>(Library staff cannot provide legal advice.)</i>	Leading/letting a patron believe that they aren't "allowed" to copy or share something when their use may be legally defensible.
Not knowing where to start or which resources are authoritative when helping someone navigate a copyright question and/or copyright legislation and caselaw.	Avoiding library programming or services that require a copyright risk assessment. For example: digitization projects, exhibits that use in-copyright third party content, etc.

2019/2023 CAS Questions: Anxiety



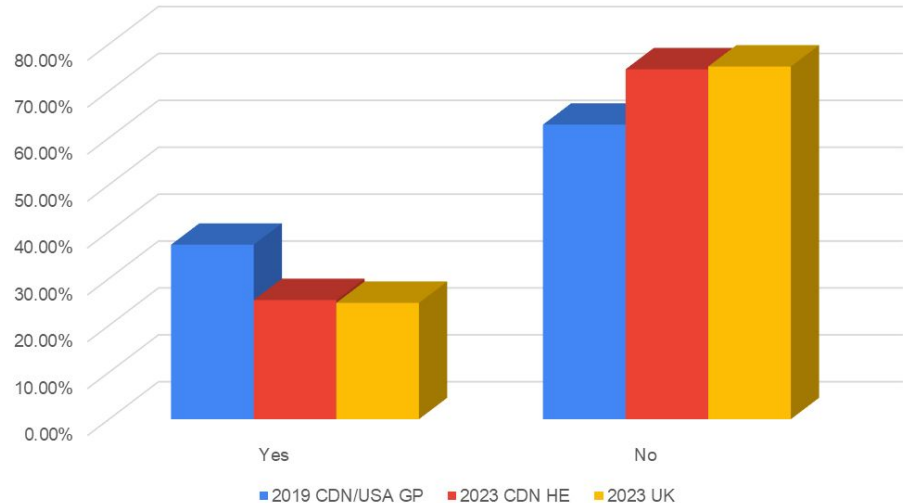
2019/2023 CAS: Chill?

Can you describe a time that concerns about copyright hampered or prevented you from doing something as part of your work?



2023 questions specific to hampering / avoidance "in the workplace"

I have avoided activities or projects in the workplace because of copyright issues.



2023 Canadian Focus Groups

Legal chill and pedagogical impact

“The complexity of fair dealing can lead to a lot of avoidance.”

“...they [instructors] will look for alternative material. It may be fine, it may be just as impactful and meaningful for students but it may not be.”

“If someone has found something that explains something the way that they want to explain it in a way that makes sense for their students I just feel like we all lose if you can't share that in an educational setting. We all lose.”

Workplace stress and emotional fatigue

“I've had instructors say to me in the past, 'I disagree with your assessment and I'm going to do what I want anyway.' And I say, 'Well, you can do that. Good luck.' I have no teeth. There's nothing that I can do.”

“What will happen if I make the wrong call? There's no answer to that.”

“It was tough because I had to keep saying that I'm not the decision maker.”

Questions for you...

Have you avoided activities or projects in the workplace because of copyright?

How did it impact your work?

What would help improve this for the future?

How to mitigate copyright anxiety?

Copyright Anxiety <i>feeling apprehensive and/or nervous</i>	Mitigation <i>technique, approach, etc.</i>
Worrying about providing a legally accurate response to a copyright question. <i>(Library staff cannot provide legal advice.)</i>	<ul style="list-style-type: none">● Copyright literacy and related professional development (awareness, education, etc.).● Clear expectations for employees about role, responses, and how to escalate questions when needed.
Not knowing where to start or which resources are authoritative when helping someone navigate a copyright question and/or copyright legislation and caselaw.	

How to mitigate copyright chill?

Copyright Chill <i>not exercising legal rights</i>	Mitigation <i>technique, approach, etc.</i>
Leading/letting a patron to believe that they aren't "allowed" to copy or share something when their use may be legally defensible.	<ul style="list-style-type: none">● Copyright literacy and related professional development (education, awareness, etc.) <i>for decision makers.</i>
Avoiding library programming or services that require a copyright risk assessment. For example: digitization projects, exhibits that use in-copyright third party content, etc.	<ul style="list-style-type: none">● Understand and communicate institutional mission.● Internal advocacy and developing a relationship with legal counsel.

CAS and Related Project Information

With Chris Morrison and Jane Secker. “Copyright Anxiety Study – a sneak peak at findings.” Bodleian Library Staff Conference. University of Oxford, England. September 13, 2023.

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Questions?

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