

# Know Your Rights:

## Licensing, Copyright, Fair Use, and Technological Protection Measures in Electronic Resources

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# United States Code, Title 17: Copyrights

## Sec. 106. Exclusive rights in copyrighted works

Subject to sections 107 through 122, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

- (1) to reproduce the copyrighted work...
- (2) to prepare derivative works...
- (3) to distribute copies....
- (4) ... to perform the copyrighted work publicly
- (5) ... to display the copyrighted work publicly
- (6) ... to perform the copyrighted work publicly by means of a digital audio transmission.

# United States Code, Title 17: Copyrights

“Subject to sections 107 through 122”: Limitations on Exclusive Rights

- Sec. 107. Fair use.
- Sec. 108. Reproduction by libraries and archives.
- Sec. 110. Exemption of certain performances and displays.
- Sec. 111. Secondary transmissions.
- Sec. 117. Computer programs.
- Sec. 121. Reproduction for blind or other people with disabilities.

# 17 U.S.C. 107 : Limitations on exclusive rights: Fair use.

[T]he fair use of a copyrighted work ...for purposes such as criticism, comment, news reporting, teaching ... scholarship, or research, is not an infringement of copyright. In determining whether the use ... is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

# Copyright and Contract Law

- Copyright law provides the default terms for the use of “intellectual property.”
- A license allows the parties to modify the default terms.
  - clause by clause modification.
  - may be more or less restrictive.
  - may or may not be clear, precise, or even intelligible.
- Legal rights and obligations are determined through the interpretation of copyright law and license text.

# Interpretation? I need to *know* my rights!

- Encodings in ERM systems
  - Still requires interpretation to encode, but...
  - Does not require re-interpretation each time questions arises
- ONIX for Publications License
  - Currently under development; draft at [www.editeur.org](http://www.editeur.org)
  - Publisher can express interpretations of license clauses to load into ERM systems
  - Consortial partners can share encoded license interpretations
  - Libraries remain ultimately responsible for interpretations and encoding in library systems
  - Ambiguity reduced, not eliminated

# TPM Overview

- Motivating question: Will digital scholarly licensed resources come to be protected by DRM in a manner similar to popular consumer media? What's going on with DRM in the scholarly resource market?
- DRM → technological protection measure (TPM) a narrower term referring to technological tools employed to control access to or use of a digital resource.
- Our current conceptualizations of TPM are too narrow – Let's introduce a useful distinction.
  - **Hard TPM:**
    - Tools that strictly *control* or *disallow* certain uses.
  - **Soft TPM:**
    - *Tools that discourage* certain uses. Use may be achieved through workarounds that may be non-obvious or inconvenient.

# Hard TPM: SAE and ArtSTOR

- Hard TPM
  - secure container system

*Encrypts content and require an external software device to decrypt and serve the content to the user*

*Patron may or may not be able to save content to a local location*

**SAE** *International*

The logo for ArtSTOR, featuring a stylized 'A' icon on the left and the letters 'ARTSTOR' in a bold, sans-serif font to its right.





**Digital Rights Management (DRM) Overview and FAQs - Mozilla Firefox**

File Edit View Go Bookmarks Tools Help

Back Forward Reload Stop Home **SAE** file:///C:/Documents%20and%20Settings/Eschenfelder/My%20Documents/Eschenfelder%20docu Go **U** Communications Office

WiscMail Agenda of KRISTIN ESCHENFELDER - Frid... University Communications: Logo guideline... **SAE Digital Rights Management (DRM) O...**

# SAE International

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**Digital Rights Management (DRM) Overview and FAQs**

In February 2005, SAE implemented a Digital Rights Management (DRM) security feature to help control the electronic delivery of SAE documents and protect intellectual property. DRM is a term used to describe technologies used for the copyright protection of digital content. Secure documents are encrypted with permissions information and controls that have minimal impact on authorized users of the documents.

The feature utilizes a free Adobe Acrobat plug-in from FileOpen Systems, Inc. You must download the plug-in to access your downloaded secure SAE documents. You will only need to download the free plug-in once on the computer that you will be viewing/printing/using with the PDF files that you have downloaded.

**Where can I access the File-Open plug-in so I can download my documents?**  
Click [here](#) to install the plug-in. You can install the plug-in at anytime before you purchase encrypted documents for the first time. You will only need to download the plug-in once.

**How does the plug-in work?**  
The plug-in must be installed to open encrypted documents and will read information about your usage rights to access, view, print and work with the document you purchased.

**Do I need the plug-in to access SAE documents I've downloaded prior to February 2005?**  
No, only PDFs that have been encrypted with the DRM security feature will require the Adobe Acrobat File-Open plug-in. Documents that were downloaded prior to February 2005 will not require it.

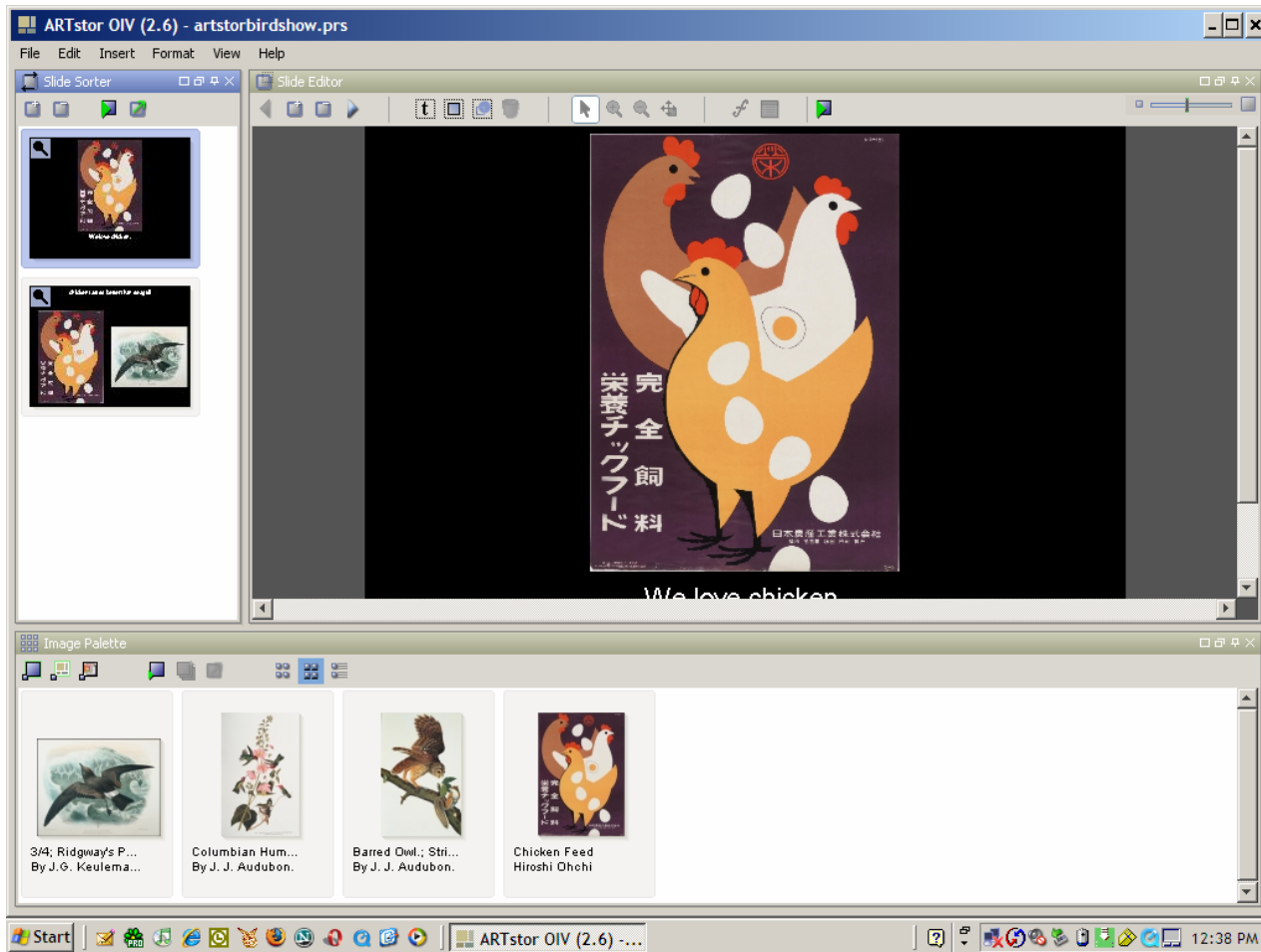
**How do I download my document once I install the File-Open plug-in?**  
Click [here](#) to access information on downloading PDF documents.

**What are the restrictions on how I can use my purchased PDF document?**  
Once you complete your purchase and open the secure document, your PDF will be permanently locked to that computer. You may view it as many times as you like and print it once. You will not be able to use the document on another computer, or network it to other computers.

Find:  Swiss [Find Next](#) [Find Previous](#) [Highlight all](#)  Match case

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# ARTSTOR



# Soft TPM

But what if a resource doesn't completely block certain uses, but makes them very inconvenient?

- *Soft TPM: Discourage* certain uses, but use may be achieved through non-obvious or inconvenient workarounds.

# Soft TPM types

- Extent of Use TPM
  - Block excessive or suspicious extent of use
  - Batch sizes
- TPM by Obfuscation
  - Interface does not adequately advertise use functionality
    - Requirements to tag records prior to use
- TPM by Omission
  - Use functionalities only possible through browser or operating system tools

# Soft TPM types continued

- TPM by decomposition
  - Hybrid nature of HTML content makes saving, emailing, transferring difficult
- TPM by frustration
  - Content is broken up into chunks
    - Inconvenient to print, save, email
    - Chunk size
- TPM by threat
  - Declarations in EULA or popup discourage uses.

# Questions & Comments

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# Extent of Use TPM

Search Results - EEBO - Mozilla Firefox

File Edit View Go Bookmarks Tools Help

Back Forward Reload Stop Home <http://eebo.chadwyck.com/search/search?action=GOTO&SOMQUERY=1&SIZE=20&RETRIEVEF> Go

Search Results - EEBO

**50. Aesop.**  
*The morall fabillis of Esope the phrygian, compylit in eloquent, and ornate Scottis meter, be Maister Robert Henrisone, scholemaister of Dunfermeling, Newlie Imprintit at Edinburgh : Be Robert Lekpreuik, at the expensis of Henrie Charteris: and ar to be sauld in his buith, on the north syde of the gait, abone [sic] the throne., Anno. Do. M. D. LXX [1570]*  
**Date:** 1570  
**Bib Name / Number:** STC (2nd ed.) / 185  
**No. pages:** [104] <http://eebo.chadwyck.com>  
**Copy from:** British Library  
[Context of Match](#)

**51. Affectionate**  
*Some proposals o*  
*19, 1685 by an affectionate lover of his native and country; [London: Printed by J. Leach for Luke Meredity, 1685]*  
**Date:** 1685  
**Bib Name / Number:** Wing / S4557 ; Arber's Term cat. / II 129  
**No. pages:** 4 p.  
**Copy from:** Henry E. Huntington Library and Art Gallery

**52. Aglionby, William, d. 1705.**  
*Painting illustrated in three dialogues containing some choice observations upon the art together with the lives of the most eminent painters from Cimabue to the time of Raphael and Michael Angelo : with an explanation of the difficult terms., London :*  
*Printed by John Gain for the author and are to be sold by Walter Kettilby and Jacob Tonson, 1686.*  
**Date:** 1686  
**Bib Name / Number:** Wing / A765  
**No. pages:** [34], 375 p.

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# TPM by Decomposition

The screenshot shows a Mozilla Firefox browser window displaying a search result on the STAT!Ref website. The browser's address bar shows the URL: <http://online.statref.com.ezproxy.library.wisc.edu/Document/Document.aspx?DocId=22&FxId=>. The search term "acne" is entered in the search box. The search results are displayed under the heading "Griffith's 5-Minute Clinical Consult - 14th Ed. (2006)".

The search results are organized into sections:

- BASICS**
- DIAGNOSIS**
- TREATMENT**
- MEDICATIONS**
- FOLLOWUP**
- MISCELLANEOUS**
- ILLUSTRATION(S)**

The main content area displays the following information:

## Acne vulgaris

### BASICS

**DESCRIPTION**  
**Acne** is an androgenically stimulated, inflammatory disorder of the sebaceous glands, resulting in comedones, papules, inflammatory pustules and, occasionally, scarring.

**System(s) affected:** Skin/Exocrine

**Genetics:** Approximately 50% of affected individuals have a family history of **acne**; higher prevalence in Caucasians

**Incidence/Prevalence in USA:** 50 million; virtually 100% of adolescents are affected to some degree. 15% will seek medical advice.

**Predominant age:** Early-late puberty, may persist into 3rd-4th decade. Affected ages: 16, 100%; 25-34, 8%; 35-44, 3%

**Predominant sex:** Male > Female (adolescence), Female > Male (adult)

**SIGNS AND SYMPTOMS**

- Closed comedones (whiteheads)
- Open comedones (blackheads)
- Nodules or papules
- Pustules, with or without redness and edema ("cysts")
- Scar - ice pick, rolling, boxcar, atrophic macules, hypertrophic, depressed, sinus tracts



# TPM by Omission

NetLibrary - Online Reader - Mozilla Firefox

File Edit View Go Bookmarks Tools Help

Back Forward Reload Stop Home

http://www.netlibrary.com/Reader/

NetLibrary - Online Reader

NetLibrary Home  
Back to In Our Collection

High-impact Interview Q... (Close Item) ?

Other: Select an open item... Go

Search Dictionary

Contents eContent Details Notes

✓ You have successfully added this item to Favorites and Notes.

High-impact Interview Questions : 701 Behavior-based Questions to Find the Right Person for Every Job  
1st Ed.

Author: Hoevemeyer, Victoria A.

Publication: New York : AMACOM Books, 2006.

Product ID: 139844

eBook ISBN: 0814429114

ISBN: 0814473016

Subject: Employment interviewing, Psychology, Industrial

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« Previous Page Go Next »

## CHAPTER 3

### Competency-Based Behavioral Interview Questions

This chapter lists 701 competency-based behavioral interview (CBBI) questions, organized under 78 competencies. Once you have identified the appropriate competencies for the position, level, and your organization, your next step is to develop brief definitions of each competency that take into consideration your organization's culture. Once the definitions have been developed, you can then pick those questions that best determine whether a candidate can demonstrate the competency at the required level for your organization.

Because organizations have slightly different interpretations of what each competency means, the questions listed under each competency, in most cases, span a wide range of factors associated with that competency.

There are also questions that are worded differently but that elicit the same information. This, again, is designed to ensure that questions are relevant to the culture and preferred vernacular of different organizations. For each question and select the one(s) most relevant to the position for which you are interviewing.

Close eContent  
Add Note  
Add to Favorites  
Search for "There are" in this eContent  
Look up "There are" in the Dictionary

### The Missing Leadership Competency

When developing competencies for a management level position it is tempting to include a competency called "leadership." In this

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