



An Open Letter in Observance of Open Access Week 2013

October 18, 2013

To our members, colleagues, and friends:

The libraries of the [Association of Southeastern Research Libraries](#), the [Boston Library Consortium](#), the [Greater Western Library Alliance](#), the [Triangle Research Libraries Network](#), and the [Washington Research Library Consortium](#), collectively representing 62 research libraries, believe it is crucial that our libraries and universities, and the faculty and students they serve, have access to balanced information about open access publishing, the fair use of copyrighted materials, and emerging forms of scholarly communication. We believe that it is vital that content creators, content users, and libraries work together to find common ground to ensure that copyright “promote[s] progress in science and the useful arts” while at the same time providing reasonable compensation for the intellectual efforts expended to create that content.

We affirm that the principles of fair use are necessary to education and scholarship and that those principles provide a critical balance to the needs of rights holders. As advocates for effective library services, our members engage with faculty, students, and researchers to ensure they understand these principles and have ready access to the content they need.

Many libraries use the services of the Copyright Clearance Center (CCC) to manage payment of copyright royalties. While the CCC is a useful tool, we want our members to be aware that, although founded in 1978 as a non-profit tax exempt organization, CCC was stripped of its federal tax exempt designation in 1982. The U.S. Tax Court ruled the CCC had no “interests of any substance beyond the creation of a device to protect their copyright ownership and collect license fees.” We believe the CCC’s continued marketing of itself today as “founded as a nonprofit organization” ignores the loss of its federal tax exempt status thirty years ago and is misleading as to its current business model.

Moreover, the CCC is financially supporting a large portion of the lawsuit against our colleagues at Georgia State University, which our organizations find wholly objectionable. Our organizations are also dismayed at the recent marketing campaign by the CCC in the Chronicle of Higher Education, including links to “educational videos” available from CCC’s website which we believe provide incomplete and inaccurate information about the balance of copyright and fair use. We believe the CCC’s business model and its support of litigation against common library practices prevent it from providing impartial information about copyright and fair use. We urge our members to consider the CCC’s business model and practices when deciding on a method for managing copyright payments in the future.



In observance of Open Access Week 2013 and our longstanding support for open access and fair use, our organizations are partnering to create a series of webinars for our members that will examine the rapidly-evolving nature of intellectual property. Our goal is to ensure our librarians, faculty and staffs are well-informed on the rights and responsibilities of open access, copyright, and fair use.

These webinars will be freely available to our members, starting with “Copyright and Fair Use 101” on November 13 – see www.aserl.org for more information. Additional webinars focusing on various facets of copyright, fair use, open access, and their impacts on library services will be scheduled for the remainder of the 2013-14 academic year.

We join colleagues around the world in celebrating Open Access Week! With our thanks for your support of our programming,

John Burger
Executive Director
**Association of
Southeastern
Research Libraries**
jburger@aserl.org

Susan Stearns
Executive Director
**Boston Library
Consortium**
sstearns@blc.org

Joni Blake
Executive Director
**Greater Western
Library Alliance**
joni@gwla.org

Mona Coutts
Executive Director
**Triangle Research
Libraries Network**
mona@trln.org

Mark Jacobs
Executive Director
**Washington Research
Library Consortium**
jacobs@wrlc.org

About ASERL (www.aserl.org): Founded in 1956, the Association of Southeastern Research Libraries (ASERL) serves 38 research institutions in 11 states. ASERL operates numerous projects designed to foster a high standard of library excellence through inter-institutional resource sharing and other collaborative efforts.

About the BLC (www.blc.org): The Boston Library Consortium, an association of 17 academic and research libraries located in Massachusetts, Connecticut, and New Hampshire, is dedicated to sharing human and information resources to advance the research and learning of its constituency.

About GWLA (www.gwla.org): The Greater Western Library Alliance (GWLA) is a consortium of 33 research libraries collaborating across 17 central and western states. GWLA is a dynamic, effective, project-oriented consortium, nationally recognized as a leader in the transformation of scholarly communication, and a facilitator in the application of new information technologies.

About TRLN (www.trln.org): Triangle Research Libraries Network (TRLN) is a collaborative organization of Duke University, North Carolina Central University, North Carolina State University, and The University of North Carolina at Chapel Hill, the purpose of which is to marshal the financial, human, and information resources of their research libraries through cooperative efforts in order to create a rich and unparalleled knowledge environment that furthers the universities' teaching, research, and service missions.

About WRLC (www.wrlc.org): The Washington Research Library Consortium (WRLC) was established in 1987 to support and enhance the library and information services of universities in the Washington, DC metropolitan area. Today, the WRLC enables the success of learning and scholarship among its nine partner universities by creating coordinated collections, creating a robust infrastructure for discovery and access, ensuring the long-term preservation of physical and digital information resources and sharing expertise.