In This Issue

DttP

Documents to the People

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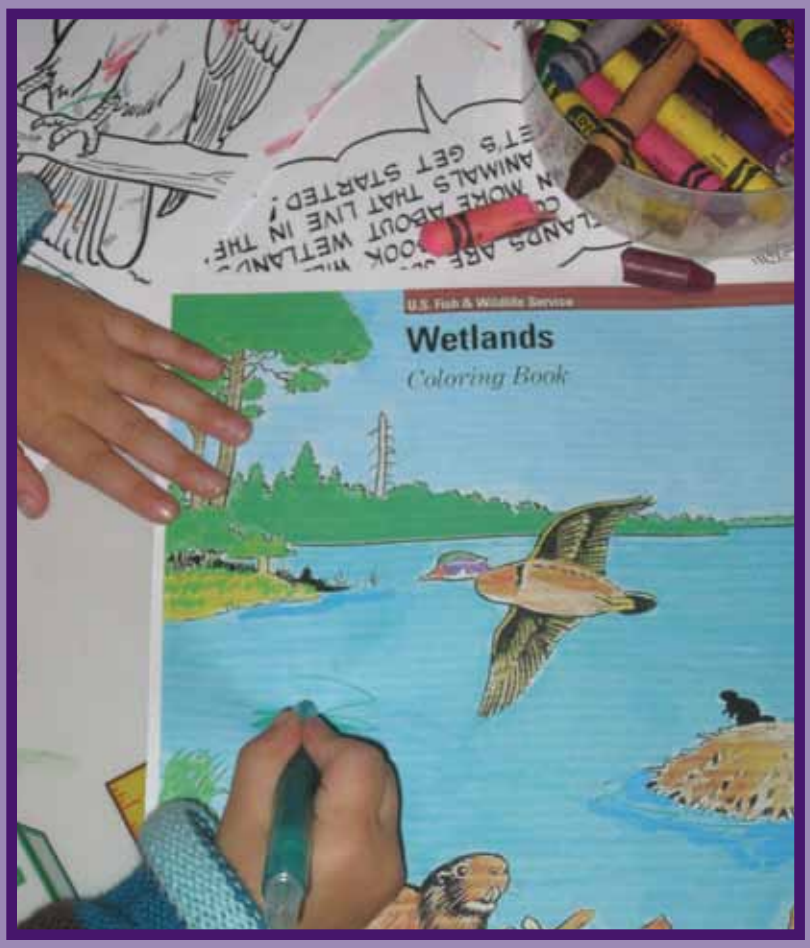

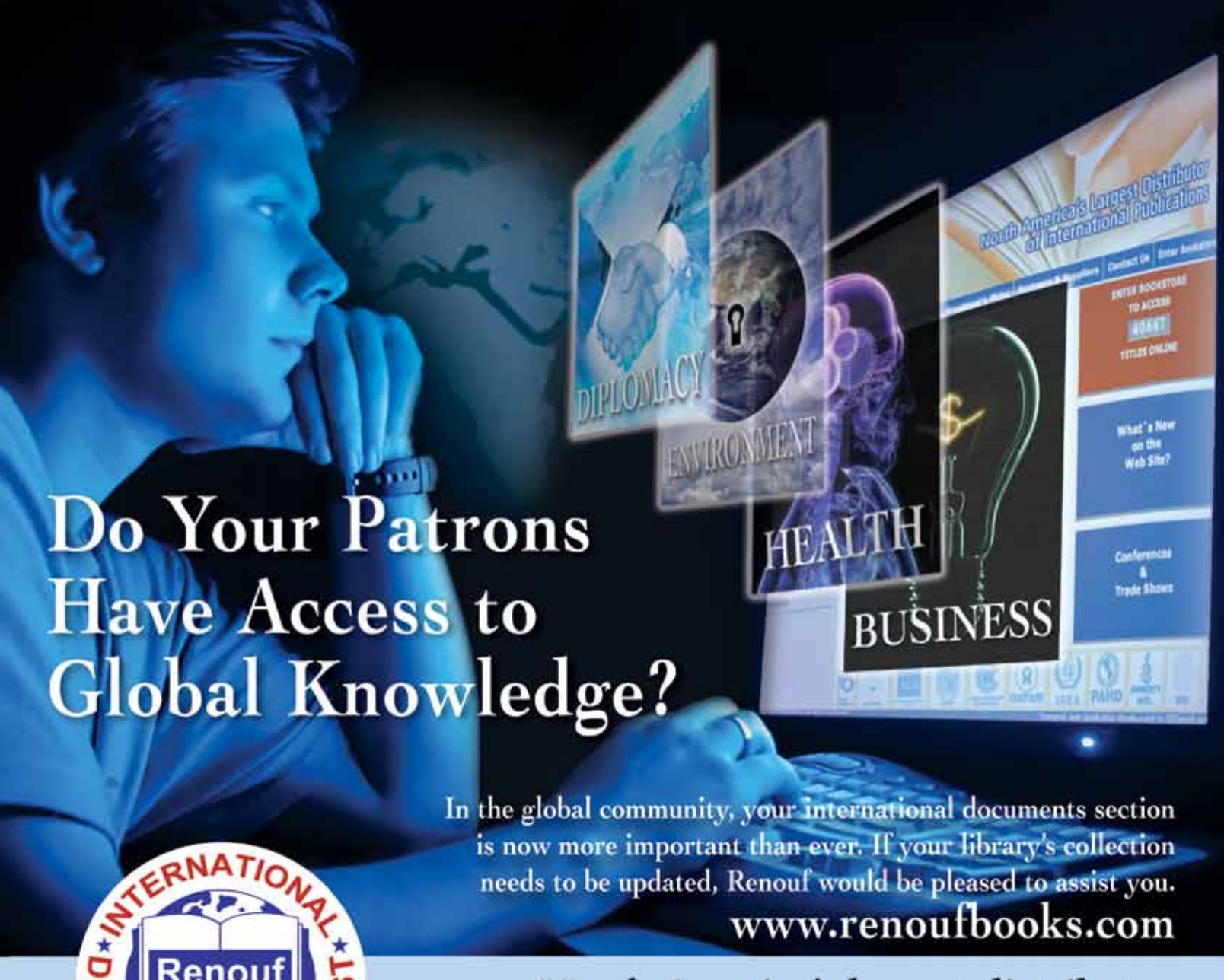

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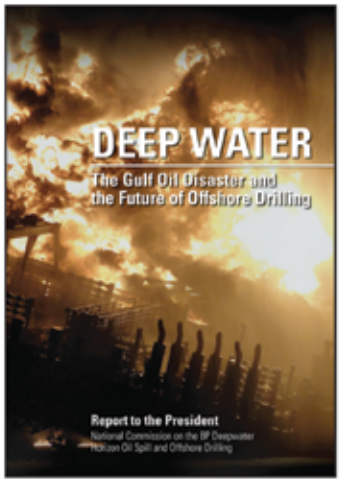
New Essential References from Bernan



Deep Water

The Gulf Oil Disaster and the Future of Offshore Drilling

National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling

On April 20, 2010, the Macondo well blew out, costing the lives of 11 men, and beginning a catastrophe that sank the Deepwater Horizon drilling rig and spilled nearly five million barrels of crude oil into the Gulf of Mexico. The spill disrupted an entire region's economy, damaged fisheries and critical habitats, and brought vividly to light the risks of deepwater drilling for oil and gas—the latest frontier in the national energy supply. Soon after, President Barack Obama appointed a 70-member Commission to investigate the disaster, analyze its causes and effects, and recommend the actions necessary to minimize such risks in the future.

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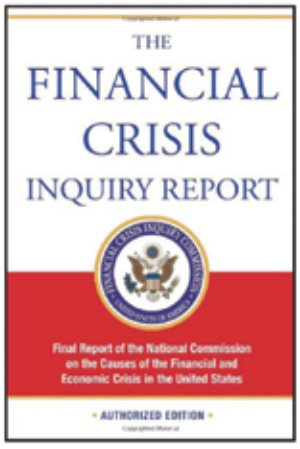

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Final Report of the National Commission on the Causes of the Financial and Economic Crisis in the United States

Financial Crisis Inquiry Commission

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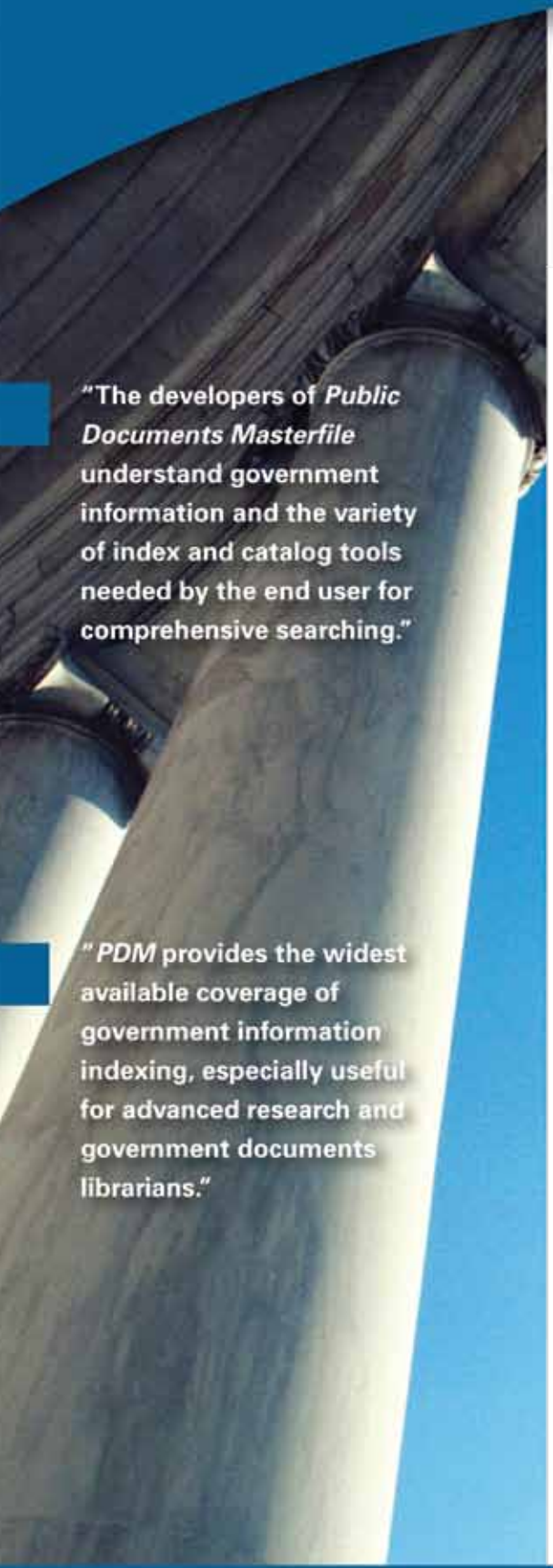

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DttP features articles on local, state, national, and international government information and government activities of GODORT. The opinions expressed by its contributors are their own and do not necessarily represent those of GODORT

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Documents to the People
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Columns

Articles

Reviews

'Round the Table

About the Cover: The cover photo was taken by Lauren Bradley, student at the Pratt Institute and the winner of our recent cover contest. The photo features two children coloring pages from the U.S. Fish and Wildlife Service coloring book *Fish, Wildlife, and People* (SuDoc no.: I 49.2:F 52/), available from library.fws.gov/Pubs/mark_trail_colbk.pdf.

Editor's Corner

Beth Clausen and Valerie Glenn

About a year ago, we decided that the theme for this issue would be "Intellectual Property (IP) and Government Information." Last summer, when we put out a call for proposals for the issue, we were not sure what we would get—we weren't even sure if we would get any proposals! Fortunately, many members of the interested, ingenious library community answered the call and we are able to bring you some excellent articles and columns about this far-reaching subject. Some of the articles and columns in this issue are obviously related to the topic and discuss government resources related to IP laws and research. Others are related to IP in terms of the absence of IP exclusive rights, and how that does (or doesn't) result in open access to government information and data. Before we delve into specifically what the articles and columns are about, a bit about IP may be in order.

Intellectual property refers to creations of the mind or the ownership of ideas. These creations can be inventions, literary works, artistic expressions, images, and many other things. The IP arena includes recognizing exclusive rights associated with its ownership as well as the associated exemptions to those rights. These exclusive rights and exemptions are usually granted by laws but are also understood within certain movements and practices. IP is far reaching and many concepts are very familiar to those of us in libraries. Government information specialists in libraries have perhaps a different familiarity with this concept because of their knowledge of IP information resources. Some terms and concepts you may encounter when IP is involved are: copyright, public domain, patents, trademarks, Section 108, Title 17, World Intellectual Property Organization, and Creative Commons. We really could go on and on and on and on—but continuing to list items would not be as illuminating as the contents of this issue.

The articles in this issue are as varied and diverse as the subject area. Bill Sleeman provides his thoughts on FDLP materials and the Google Book Search Settlement—something he has been closely involved with as GODORT's representative to ALA's Google Task Force. Readers are treated to a cultural comparison between France and the United States in relation to digitization by Heather Moulaison and Sarah Wenzel as they explore the complicated answer to the seemingly simple question of "Who Owns the Eiffel Tower?" Chieko Maene presents "An Examination of Geospatial Data Availability and Data Accessibility by State," which discusses a possible relationship between geospatial data availability in the Geodata.gov clearinghouse and state GIS open record laws. Suzanne Reinman casts light on scientific and technical research and curriculum support with "The Basics of Patent Resources and Research for Academic Librarians."

We also asked the *DttP* columnists to relate their work to the theme, and they exceeded our expectations and provide something for everyone's interests. Thanks to Julia Stewart, we Get to Know…James R. Jacobs who works tirelessly to keep government information open and publicly available in the digital environment. Rebecca Hyde and Lucia Orlando provide leads for finding government-produced images that are in the public domain, i.e., not subject to copyright, in Federal Documents Focus. Cyril Emery sheds light on IGO resources for IP information in Documents without Borders. Spread the Word guest columnist Eileen Fischlschweiger provides insight into the resources and services available to all via the Patent and Trademark Depository Library Program.

Past-chair Amy West recaps the Midwinter Meeting in San Diego, and councilor John Stevenson provides highlights of GODORT-relevant action of the ALA Council in 'Round the Table. The information they provide is useful even if words cannot capture the fantastic weather in San Diego or the ideal setting of the GODORT Happy Hour, which was held with our synergistic ALA friends from the Maps and Geography Round Table and the Law and Political Science Section of ACRL.

The content of this issue represents a small fraction of the ways in which government information and intellectual property intersect. We would welcome other articles related to this in the future—even the near future. If you would like to ask us about developing your ideas on this or any other government information topic into an article for *DttP*, please do so at dttp.editor@gmail.com. We welcome comments and suggestions at the same address and look forward to hearing from you!

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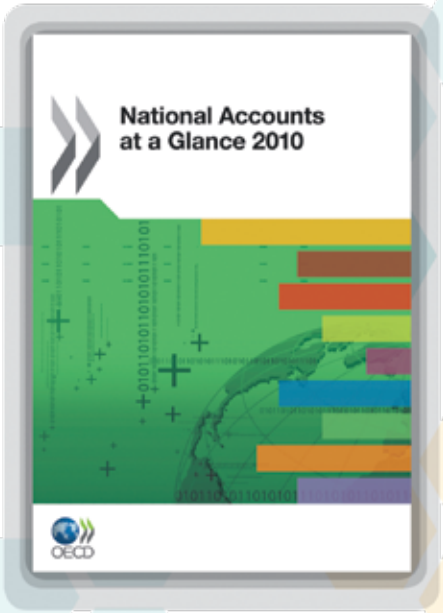
Greening Household Behaviour: *The Role of Public Policy*

February 2011 175 pp. 9789264063624

Household consumption patterns and behaviour have an impact on stocks of natural resources, environmental quality and climate change. This is expected to increase significantly in the future. In response, governments have introduced a variety of measures to encourage people to take into consideration the environmental impact of their purchases and practices. These may include environmentally related taxes, energy performance standards for homes, carbon dioxide emission labels for cars, and financial support to purchase solar panels, among others. Nevertheless, understanding and influencing household behaviour remains a challenge for policy makers.

This publication presents the main results and policy implications of an OECD survey of more than 10 000 households in 10 countries. It offers new insight into what policy measures really work, looking at what factors affect people's behaviour towards the environment in five areas: water use, energy use, personal transport choices, organic food consumption, and waste generation and recycling.



National Accounts at a Glance

February 2011 120 pp. 9789264095878

National Accounts at a Glance makes the national accounts data more accessible and informative by using an *indicator* approach and focusing on cross-country comparisons. At the same time we present the conceptual underpinning of, and comparability issues inherent in, each of the indicators presented. The range of indicators reflects the richness inherent in the national accounts dataset and encourages users to refocus some of the spotlight that is often placed on GDP to other economic important indicators, which may better respond to their needs. This book includes OECD's unique StatLink service, which enables readers to download Excel® versions of tables and graphs.

Available to subscribers at: **www.oecd-ilibrary.org**

From the Chair

GPO News, Virtual Participation in GODORT's Future

Geoff Swindells

My last column was devoted to the future of the FDLP, and I promised to get back to the future of GODORT in this issue of *DttP*. However, before I do that I want to acknowledge some of the recent changes in leadership at GPO.

On December 29, 2010, President Barack Obama announced his appointment of William J. "Bill" Boarman as the 26th Public Printer of the United States, and Boarman was sworn in on January 5, 2011. Boarman's association with GPO goes back to 1974 when he accepted a position with the agency as a journeyman printer, and though much of his subsequent career has been spent as an elected union official, he has continued to serve as an adviser to several Public Printers, and has testified before Congress on behalf of GPO and the FDLP on numerous occasions. While Boarman was unable to attend ALA Midwinter, as it coincided with his first week in office, he did issue an open letter to conference participants sharing his thoughts on the FDLP and the role played by GPO in providing public access to government information. A copy of that letter is available at bit.ly/eLJGUT.

Among Boarman's first actions upon arrival at GPO was the appointment of Mary Alice Baish as Assistant Public Printer and Superintendent of Documents. Many of you know Baish through her exemplary work as Director of Government Relations for the American Association of Law Libraries (AALL), or through her service as a member of the Depository Library Council to the Public Printer. She is a passionate and articulate advocate of the public's right to know, and brings to the Superintendent of Documents position a strong and effective track record of policy work with all three branches of government. I spoke to Baish briefly just prior to her appointment. I assured her that I share her vision of a robust, innovative, and sustainable FDLP, and promised that I would do all I could to make her tenure at GPO a successful one.

During Midwinter, the GODORT membership passed a resolution thanking Bob Tapella for his service as the 25th Public Printer of the United States, but I'd also like to take this opportunity to thank Ric Davis for his service as acting Superintendent of Documents. Davis was always generous in making himself and his staff available to the GODORT membership. Fortunately for us, Davis continues as director of Library Services and Content Management at GPO.

Turning now to the future of GODORT, one of the most frequent topics of discussion at ALA Midwinter this year was "virtual participation." Much of this was occasioned by the release of the "White Paper on the ALA Midwinter Meeting" by the ALA Executive Board (connect.ala.org/node/128619). While the motive for releasing this document was to revisit the viability of the Midwinter Meeting in light of ongoing technological change and recent economic stress, many of the points made apply more generally to the way ALA groups like GODORT accomplish their work, and the role that face-to-face meetings should play in an environment where there are many other avenues for participation.

One of the most important points made in the white paper is to challenge the widespread belief that one must attend the Midwinter and Annual Meetings in order to participate on ALA committees. This is not, in fact, ALA policy:

> "The policy defining 'participation' (4.5: Requirements for Committee Service) was changed by the ALA Council following the recommendation of the Task Force on Electronic Member Participation in 2008. No member accepting an appointment has to commit to face-to-face meetings unless it is a specific requirement based on the nature of the committee's work." (p. 7)

In other words, it's completely up to us, as members of GODORT, to define the conditions of participation on GODORT committees and task forces. The document goes on to note:

> "The advent of sophisticated electronic communication technologies provides us with the opportunity to spend less time on bureaucratic and procedural matters and more time focusing on strategic issues facing libraries and the Association. That means much of our past business can—and should be—conducted virtually." (p.7)

I wholeheartedly agree, and by the time you read this column I will have charged GODORT's committee chairs and task force coordinators with determining whether the

nature of their work really requires face-to-face meetings, or whether their business can be conducted virtually, and based upon this determination, to make changes to the *Policy and Procedures Manual* making this explicit. I will have further charged the Round Table's Executive Committee with reviewing GODORT's *Bylaws* to the same effect, and if needed, to recommend any changes to the membership for their consideration.

Of course, simply stating that much of GODORT's business can be accomplished virtually is not enough; we need to make it clear to potential committee and task force members what virtual participation actually entails. To this end, GODORT Steering has asked that the Executive Committee, together with the members of the Bylaws and Organization Committee, draft guidelines for virtual participation and distribute these to the membership.

Finally, if much of GODORT's business can be done virtually, the obvious question becomes: What are face-to-face meetings for? ALA Council's white paper is also helpful reading in this regard, recommending:

- more "hybrid" meetings combining in-person and virtual participation;
- more informal discussion groups;
- more emphasis on regional continuing education programs and pre-conferences;
- more leadership and career development opportunities; and,
- more participatory and interactive sessions.

In short, "information forums—as well as discussion group kinds of activities—that operate on shorter lead times, with less bureaucracy and less process" (p. 8). Again, it's up to us, as members of GODORT, to decide how to make our meetings interesting, accessible, and meaningful—both to our membership, and to other interested colleagues throughout ALA.

Changing the way we do things will take time and effort, but we do not have the luxury of deferring that work any longer. The time to begin is now. So, how to proceed? The first step is to broaden the conversation. By the time you read this, I will have announced a series of "virtual town halls" to take place prior to the Annual Conference in New Orleans, where you can share your ideas on making GODORT work for the majority of our membership. I hope to see you at one of these events, but remember: you can always reach me at Geoff.Swindells@gmail.com.

Give to the Rozkuszka Scholarship

The W. David Rozkuszka Scholarship provides financial assistance to an individual who is currently working with government documents in a library and is trying to complete a master's degree in library science. This award, established in 1994, is named after W. David Rozkuszka, former documents librarian at Stanford University. The award winner receives $3,000.

If you would like to assist in raising the amount of money in the endowment fund, please make your check out to ALA/GODORT. In the memo field please note: Rozkuszka Endowment.

Send your check to GODORT Treasurer: John Hernandez, Coordinator for Social Sciences, Northwestern University Library, 1970 Campus Drive, Evanston, IL 60208-2300.

More information about the scholarship and past recipients can be found on the GODORT Awards Committee wiki (wikis.ala.org/godort/index.php/awards).

Get to Know . . . James R. Jacobs

Julia Stewart


Photo by Shinjoung Yeo

"Freedom isn't free." Or, is it?

How should this term relate to intellectual property and, most importantly, intellectual freedom? What does this mean to librarians who belong to a profession where intellectual freedom is the cornerstone of the profession? Can there be freedom when it comes to defining copyright law? Also, can public access to documents be maintained when 95 percent of all government documents are now born digital?

The person who can shed light on this far-reaching, yet fundamental, topic is James R. Jacobs, government information librarian at Stanford University Library and a current member of the Depository Library Council. Jacobs considers himself an information activist and has been working for more than ten years to clarify and redefine the definition of open access to U.S. federal government information in the digital age.

"Government documents are produced with citizens' tax dollars for the purpose of informing them about the workings of the government. These items, which are in the public domain, have come under increasing threat of access due to commodification of public domain materials and the outsourcing of government activities," says Jacobs. "It's important for librarians to educate patrons, and for library patrons to know and exercise their right to information."

Jacobs participates in the ongoing examination of intellectual freedom through several projects, one of which is Free Government Information or FGI (freegovinfo.info). The site provides agency updates via the Docuticker RSS feed and the FGI blogroll and writes on current government document topics surrounding access, authenticity, preservation, and privacy. "FGI tracks and initiates dialog around the preservation of and perpetual free access to government information in the digital age," said Jacobs.

He continues, "Librarians can and should advocate for a shift in intellectual property to more equitably serve the public interest and be more favorable to the long-term work of libraries in sharing and preserving information. In order to do that, a working and critical knowledge of intellectual property is crucial for government information librarians."

"Librarians can advocate and inform their user communities about how intellectual property access affects the public's ability to conduct scholarly research. Librarians in academic libraries especially should be proactive about informing scholars, researchers, students and faculty about the importance of maintaining control of copyright of their scholarly writing and research. Maintaining open access can extend the reach and use of a scholar's intellectual endeavors."

Jacobs serves on the board of the 501(c)(3) organization called Question Copyright (QCO) (questioncopyright.org). QCO's overall goal is to change the way copyright is thought about and debated. A popular project is the Minute Meme Project (questioncopyright.org/minute_memes), which showcases short films that discuss copyright restrictions and artistic freedom. Also featured is the case study of the Sita Sings the Blues distribution project (questioncopyright.org/sita_distribution) which follows what can happen when an artist allows her work to circulate freely.

Another of Jacobs' projects is LOCKSS-USDOCS (locks-usdocs.standford.edu). The LOCKSS-USDOCS project, using the LOCKSS (Lots of Copies Keep Stuff Safe) software, involves the GPO, Stanford University, and thirty-three other depository libraries (and counting!) with the mission of collaboratively preserving the digital publications produced by the GPO. "Our goal is to help libraries build local digital collections and infrastructure for the long-term preservation of born-digital government documents. This can ensure that government information remains under the control of libraries in their role as facilitator and protector of the public domain."

Jacobs received his MSLIS from the University of Illinois at Urbana Champaign and has been working in libraries since 1983. He has been at Stanford since 2005.

Federal Documents Focus

A Picture is Worth a Thousand Words

Rebecca Hyde and Lucia Orlando

Pictures and images make web pages, articles, guides, posters, and advertisements more eye-catching and informative. The Internet is full of millions of images, but whether you're looking for a snapshot for your own use or assisting an author who wants to illustrate a book, article, or web page,it can be tricky to figure out which materials may be freely used without infringing on copyright. The good news is that most photographs and drawings found on government websites are in the public domain, which means they can be used freely by anyone. But in some cases, content isn't free for reprinting, and complicated laws of copyright and fair use apply. So it's important to have a basic understanding of their principles to determine whether that picture you found on a government site is in fact in the public domain. We will give an overview of what to consider before using an image found on a government website, as well as highlight several rich collections of public domain photos and images, including some sources of which you may not have known.

"Public domain" is a term that refers to creative works (writings, photos, movies) that are not protected by copyright and are available for anyone to use without first asking for permission. One of the most well-known areas of the public domain is works produced by the federal government. If a work was created by federal employees in the course of their official duties, then it is considered public domain (www.usa.gov/copyright.shtml). But be aware that just because something was published by the U.S. government or placed on one of its websites doesn't mean it is automatically in the public domain. If a government contractor created the work, it might be legitimately copyrighted, depending on the agreement that the government and the contractor signed.[1] This provision is specific to the federal government. Works created by state and local governments, with the exception of law and legislative material, may be subject to copyright depending on state law.[2]

There are other exceptions. Government seals and logos may be trademarked by their respective agencies. This enables an agency to prevent fraudulent use of a seal or to imply endorsement of a product or service. Some entities commonly considered "government agencies" are actually quasi-governmental entities that are allowed to claim copyright. Two cases in point are the Smithsonian Institution and the National Galleries of Art, each of which claim and enforce copyright on works produced by their staff.[3]

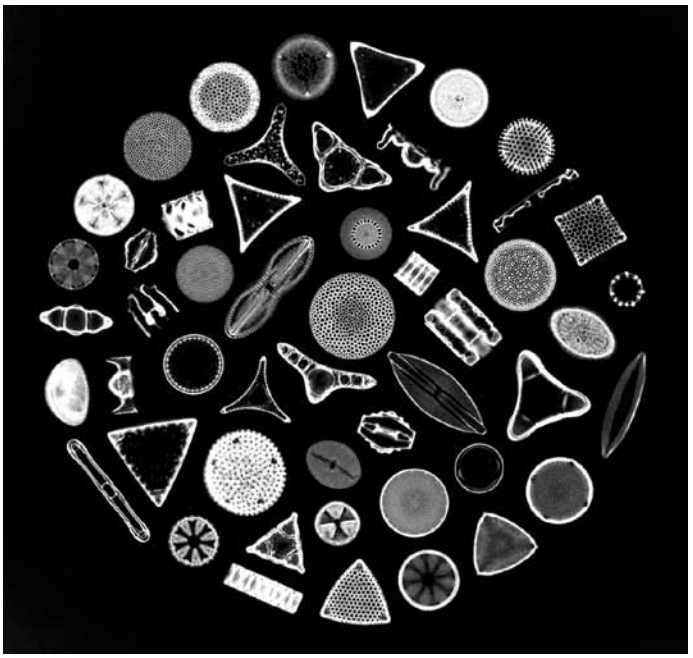


Image 1. Photomicrograph depicting the siliceous frustules of fifty species of diatoms arranged within a circular shape. (bit.ly/hf51NJ)

Which photos are fair game for free use?

Two factors must be considered when using photographs: the copyright status of the subject of the image and the status of the photograph itself. In other words, if a particular photograph is a U.S. government work, but the subject of the picture includes copyrighted artwork or designs, then the subject limits how you can use the photo.[4] Photos taken by federal employees of nature and natural objects such as mountains, animals, and plants are automatically in the public domain, which makes nature and wildlife snapshots taken by U.S. government researchers an attractive source of free images (see image 1).[5] Architectural designs are also protected by copyright, but once a building is constructed in a public place, any photo of it can be freely used (see copyright.columbia.edu/copyright/fair-use/other-rights-of-use).

Depending on how a copyrighted photo is used, it may fall under the "fair use" provision of copyright law. Fair use allows portions of copyrighted works to be used for the purpose of commentary and criticism. Determining fair use is complicated. Fortunately, the Copyright Advisory Office of the Columbia University Library and Information Services (copyright.columbia.edu/copyright/fair-use/what-is-fair-use)

provides a detailed discussion of the four factors that guide this subjective area of the law. Finally, a word about privacy issues that pertain to photographs or images containing people: The rights of privacy and publicity are subject to state law, not federal copyright law, and what is permissible varies by state (www.loc.gov/homepage/legal.html#privacy_publicity). According to the Stanford Copyright and Fair Use site (bit.ly/6ocDPp), the right of privacy is the right to be "left alone"—in other words, protected from being depicted in a false light, subject to disclosure of private information, or defamed. As a general rule, the Stanford site further states, "you will not need a release for the use of a person's name or image if your use is not defamatory, does not invade privacy and is not for a commercial purpose." The right of publicity is typically invoked when an image of a person is used for profit or commercial interests. State privacy and publicity laws often give the person in question the right to profit from the use of their image (bit.ly/6ocDPp).

Launch your search for public domain images

Several rich collections of public-domain materials are included below, but if they do not cover the type of content you are looking for, an image search on USA.gov (search.usa.gov) is a helpful place to start. Also, take a look at the guide titled "U.S. Government Photos & Images" (www.usa.gov/Topics/Graphics.shtml). This is a great general listing of images by category.

Hubble images

The National Aeronautics and Space Administration (NASA) has several sites that include vast numbers of images, but HubbleSite (hubblesite.org) has some of the most spectacular celestial images available. While many agency websites include picture galleries with downloadable high-resolution images, HubbleSite goes one step further, creating instructions and specific versions of its images for special purposes. Check out the "Astronomy Printshop," aimed at reproducing astronomical images for classrooms or kids' rooms. It gives step-by-step instructions for printing in several different sizes up to 16 by 20 inches. Several pictures in the "Wall Mural" gallery are available as high-resolution downloads for creating up to 60- by 40-inch posters. A great gallery of holiday cards based on Hubble images (hubblesite.org/gallery/holiday) includes directions for having them printed by a photo service or on your home color printer. The site even includes a PDF letter for each of its collections that expressly gives permission for reproduction and states the non-copyrighted nature of the images. If you are having the images printed at a photo lab, you can bring this letter along in case of questions about copyright.

Library of Congress

The online Prints and Photography reading room of the U.S. Library of Congress (LOC) has posted a plethora of frequently requested historical images from their collections on their Flickr site (www.flickr.com/photos/Library_of_Congress). These images do not have copyright restrictions, and you don't need a Flickr account to view them. Collections are organized by theme or agency when appropriate and include the Farm Security Administration, Civil War, baseball, Americana, jazz musicians, and more. The LOC project spurred Flickr to launch the Commons project, a collection of non-copyrighted photography in public archives from around the world (www.flickr.com/commons). In addition to the Flickr project, you can find other images on individual Library of Congress reading room sites. For example, the Science Reference Services page titled "Government Resources for Science Images" (www.loc.gov/rr/scitech/selected-internet/imagesources.html) provides links to images arranged by topic, such as biology, environment, earth sciences, energy, health and medicine.

U.S. Census Bureau

The U.S. Census Bureau's multimedia gallery (www.census.gov/multimedia/) includes audio, video, and photo offerings. While many of these photos are specific to census work—with images of enumerators, forms, and more—the website also includes many snapshots of the people the Census Bureau counts, including rural and city dwellers; families; people of all ages, races, and ethnicities; and even people in libraries. These general images of people and places can be useful for illustrating all kinds of situations. Images such as these, produced by the Census Bureau specifically for republication and reuse, were generally taken using models or people who have signed releases for their image to be used. The bureau's multimedia page (www.census.gov/multimedia/using_our_products.php) stipulates that its images, audio, and video files are for use by news media and public information and not for commercial purposes or sale to third parties. The agency asks that it receive credit for photos and requires "a copy of all final publications or programs in which the media assets have been used."

U.S. Geological Survey (USGS)

Most people think of the USGS as a source of maps and technical reports, but the agency is also home to the National Biological Information Infrastructure Library of

Images From the Environment (life.nbii.gov). Known as NBII LIFE, it is an impressive collection of photographs, audio files, and videos showcasing microorganisms, plants, lichen, fungi, animals, environmental topics, interactions among species, weather, and research techniques. Most of the content is from NBII researchers, but some is contributed by outside organizations as well as federal, state, and local government staff. Individual contributors set the level of permissions for each submission, and most are in the public domain, unless the intended use is commercial—in which case the rights holder asks to be contacted first. A rights statement accompanies each item, clearly stating the level of usage and permissions for the material along with a request to credit the photographer and NBII when using the work.

Scanning

Don't forget, government images aren't just on the Web. Walk out into your stacks and you are sure to find amazing treasures buried in unexpected places. These illustrations, photographs, maps, and diagrams can be scanned and used for many of the same purposes as the digital images you find online. It might be a little more labor intensive, but if you find the perfect image or work of art to accompany your report, website, poster, or even wedding invitation, it will be worth your trouble. For an interesting place to start, we suggest the Annual Report of the Division of Pomology, or War and Navy exploration reports.

Photographic collections from U.S. government agencies represent a vast cache of free images and are a great place to look for unexpected and undiscovered non-copyrighted images. Before selecting images for a project, or assisting a patron, remember to brush up on copyright rules as they apply to photographs and images and to carefully examine the source website for any information or instruction regarding use of the images. Typically, the only condition for using U.S. government-produced photographs is that you credit the appropriate agency —which makes it the best deal in town.

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Documents without Borders

Developments in International Intellectual Property

Cyril Robert Emery

World Intellectual Property Organization (WIPO) database

Tracking down foreign legislation can be frustrating, and locating relevant regulatory materials is often seemingly impossible. WIPO has simplified and unified intellectual property research enormously with the introduction of its new database, WIPO Lex (www.wipo.int/wipolex) in September 2010.

WIPO Lex currently has the complete intellectual property laws and regulations from over 100 jurisdictions and partial collections from many more.[1] Although much of this information was previously available on the WIPO website, the new interface is more user-friendly. It allows full text searching and provides warnings that indicate when a collection of texts for a particular country is not complete. Usefully, WIPO provides official English translations for many of the texts and provides a built-in Google Translate tool in any case.

The most surprising feature of the database is the fairly comprehensive inclusion of regulatory materials. This information is often crucially important for intellectual property law researchers. Consider, for example, the case of Canada. While government materials are in the public domain in many countries, Canada's Copyright Act indicates that the copyright typically rests with the Crown.[2] WIPO Lex, however, also provides Canada's key regulation on this topic, the Reproduction of Federal Law Order, which generally allows the reproduction of government materials without charge or permission even though they are not in the public domain.[3] It is not surprising that regulation can be invaluable in understanding a national legal regime, but it is nonetheless rarely included in this type of database, and WIPO's efforts in this direction are admirable.

As is always the case, a careful researcher will want to be cautious when relying on the materials found in this database. WIPO relies on national governments to provide the laws and regulations and to report any changes, which means there is always a chance that information in the database will be out-of-date or inaccurate.[4] WIPO Lex also provides status information on signatories and state parties for a number of treaties dealing

with intellectual property. WIPO Lex's list of treaties (www.wipo.int/wipolex/en/treaties), however, includes a number of agreements for which WIPO is neither the depository nor the administrator. For these treaties, users will want to remember that official status information rests with the relevant depository and not WIPO. For example, for a number of the United Nations treaties listed, the Secretary General of the UN is the depository and official status information can only be found on the United Nations Treaty Collection site (treaties.un.org).

Anti-Counterfeiting Trade Agreement (ACTA)

In terms of public international law developments related to intellectual property, one of the biggest stories of 2010 was the December adoption of the final text of the Anti-Counterfeiting Trade Agreement (ACTA).[5] In brief, the ACTA text is designed to require state parties to establish certain minimum-level enforcement mechanisms under their national laws to combat intellectual property counterfeiting and piracy. The final text will be available for signature from March 31, 2011 and will enter into force thirty days after its sixth ratification.[6] Currently, only the English text is available but equally authentic Spanish and French versions should be available in early 2011.[7]

From a documentation perspective, the most interesting aspect of ACTA was that it was neither negotiated nor will it be administered under the aegis of an existing international organization such as WIPO or the World Trade Organization. The text was negotiated independently by the European Union and ten other states and calls for the creation of a body known as the "ACTA Committee" to administer the agreement.[8] The ACTA Committee will be made up of representatives from all state parties and will meet at least once a year unless the committee decides otherwise.[9] The agreement does not provide details or requirements regarding the publication of ACTA Committee proceedings or decisions, but it is safe to imagine that at least some documentation will be forthcoming. Japan will serve as the treaty's depository.[10]

The ACTA text and its negotiation has not been without controversy. In March 2010, the European Parliament adopted a resolution expressing concern over a lack of transparency in the negotiations and called on the European Commission to review certain aspects of the text to ensure harmony with existing European Union policies, rules and values.[11] Nonetheless, the European Commission and other negotiating parties agreed to the text's finalization (this of course does not necessarily mean that the ACTA text will be signed and/or ratified).[12]

Several of the treaty's negotiating parties have provided useful websites dedicated to the agreement, including Australia (www.dfat.gov.au/trade/acta); Canada (bit.ly/Canada_ACTA); the European Commission (bit.ly/EC_ACTA); Japan (bit.ly/Japan_ACTA), New Zealand (bit.ly/NZ_ACTA); and the United States (www.ustr.gov/acta).

United Nations Commission on International Trade Law (UNCITRAL)

I should also quickly mention UNCITRAL's contribution in 2010 to the international intellectual property landscape. In June, UNCITRAL adopted the Legislative Guide on Secured Transactions, Supplement on Security Rights in Intellectual Property (bit.ly/UNCITRAL_security).[13] It provides guidance to states on the complex legal topic of the securitization of intellectual property. In December, the General Assembly adopted resolution 65/23 calling for wide distribution of this important text.

The opinions expressed in this column are the author's own and do not necessarily reflect those of the United Nations.

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3. SI/97-5, available at laws.justice.gc.ca/eng/SI-97-5, and on WIPO Lex at bit.ly/SI-97-5. This observation is just based on a quick reading of the regulation and is not meant to be a legal opinion on copyright law in Canada.
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Spread the Word

Intellectual Property Reference: Resources, Assistance, and Outreach Opportunities for Libraries

Eileen Fischlschweiger

Intellectual property is a dynamic and complex area of law involving not only federal legislation but also administrative regulation and case law. As such, there are a wide variety of resources available in many formats and from many commercial vendors, government agencies, and other organizations. These can be collectively categorized as material resources. However, the knowledge and skills of specialized reference staff obtained through training by an authoritative entity and enhanced by experience can be classified as human knowledge resources. While the knowledge and skills possessed by reference staff may not immediately come to mind when listing a library's resources, in the area of intellectual property it would be a mistake to consider only the material resources.

Material resources

Print materials concerning intellectual property cover the spectrum from "how-to" books for the layperson to in-depth analysis. As a subject, intellectual property is concerned with patents, trademarks, copyrights, and trade secrets, but these subjects can also extend to other related areas of law such as treaties, business law, and contracts. Most librarians are familiar with publishers of legal materials such as Nolo Press, LexisNexis, West, and others, and can select titles appropriate for their library's collection and budget. An extensive list of legal publishers may be found in *Literary Market Place*.[1] Federal depository libraries (FDLs) have the option of selecting to receive government publications from the U.S. Patent and Trademark Office (USPTO) while others can check the USPTO website (www.uspto.gov) for a current product catalog or to purchase materials from the GPO U.S. Government Bookstore (bookstore.gpo.gov).

The primary electronic materials available include the USPTO website for patents and trademarks, as well as the various Patent and Trademark Depository Library (PTDL) websites that can be found by accessing the list of PTDLs at the USPTO website (www.uspto.gov/products/library/ptdl/locations/index.jsp). The Patent and Trademark Depository Library Association website (www.ptdla.org) provides hard-to-find information and links to other intellectual property websites, while esp@cenet (ep.espacenet.com) from the European Patent Office contains a searchable database of patents from around the world. Copyright information is available from the Copyright Office website (www.copyright.gov). Other sources of intellectual property information include the World Intellectual Property Organization (www.wipo.int), the Stanford University Libraries' Copyright and Fair Use Center (fairuse.stanford.edu/index.html), and the United Inventors' Association (www.uiausa.org), a non-profit inventor organization and the publisher of the periodical *Inventors' Digest*. The websites of many local inventor groups, such as the Inventors' Society of South Florida (www.inventorssociety.net), have active websites and useful information. A full listing and discussion of these superb resources is beyond the scope of this column. However, most contain a wealth of useful information, but require time and experience to extract the full detail and benefit from their use. This is one of the many reasons underscoring the importance of the other resource category: the human knowledge resource.

Human knowledge resources

When a subject area becomes so complex that standard resources, training, and reference techniques may be inadequate to fulfill the customer's needs (or indeed expose the library to potential liability), it is easier and more efficient to ask a specialist. When this happens, the request is usually not for materials, because the requestor may not even know what materials

are needed. The request is actually for experience and guidance in the use of materials, for human knowledge resources.

For most library customers, the primary provider of human knowledge resources for intellectual property will be their local PTDL. PTDLs can assist with customer questions and act as liaisons with the USPTO through the Patent and Trademark Depository Library Program (PTDLP). Many PTDLs offer websites and other programs to which libraries can direct their customers and interested staff and may include major events involving inventor exhibits or visiting lecturers from the USPTO, so it can be useful to monitor the programming calendar of PTDLs located within a reasonable commuting area.

But what makes a PTDL so special?

Because intellectual property is an area of law, much of what applies to law librarianship, such as providing only information and not opinion or interpretation, also applies. Yet intellectual property is also within the explicit purview of a network of depository libraries with the mission to assist customers with information in this area. This means that it is necessary to have authoritative guidelines in place for the specific intellectual property topics with which librarians can assist customers and for the degree of in-depth assistance that librarians can provide. The authoritative guidelines can only be provided by the authoritative agency, which is the USPTO. The PTDLP is the arm of the USPTO that coordinates the PTDL network of libraries and provides them with assistance and instruction.

When initially established in 1871, the purpose of the patent depository libraries (PDL) was to provide access to Patent Office publications. However in 1974 William Merkin, then Assistant Commissioner for Administration of the Patent and Trademark Office, sent a letter to the PDLs requesting information on "what public use is made of the files of U.S. patents distributed to U.S. libraries under the provisions of 35 *USC* 13."[2] This set in motion a sequence of events which transformed the role of PDLs from that of simple collectors of publications to a more active role involving direct ongoing communication with the PTO and improved customer assistance. A consequence of these efforts was that PDL librarians were provided with a greater knowledge base through formal and authoritative training by the PTO to enable them to effectively and accurately assist customers in the use of the materials held at the depository libraries. The first annual conference for PDL representatives was in April 1977.

The development of the PTDLP was a recognition that libraries are about more than materials and their delivery to the public. When access to government information and other highly specialized areas are involved, a library's most valuable asset is first the combined knowledge and experience of its reference staff, and much less so the materials themselves. So much information is now available online and in various tangible formats that the information a customer needs often becomes the proverbial "needle in the haystack." But to ensure that each customer gets the specific "needle" he or she needs, the entire haystack must be made available, and most customers coming into the library to look for their needle don't have the knowledge or skill to search and sort through the haystack. Intellectual property is both government information and a highly specialized legal area, and the USPTO cannot depend on merely depositing materials in a number of libraries throughout the country or placing a large amount of information and data online to ensure that the end users find and make use of the information provided. Through its continued support of the PTDLP and the network of PTDLs, the USPTO demonstrates its recognition that properly trained librarians are an integral part of the communication process that brings patent and trademark information to those end users. This ultimately helps not only the end users but also the USPTO itself in the form of higher quality applications and quicker responses to office actions produced by a more informed public.

As technology and information access have advanced, the training received by PTDL librarians has shifted to accommodate. Current functions of PTDLs include guiding customers in the performance of patent and trademark searches and providing information and assistance on the whole spectrum of patent and trademark research questions, from finding examples of responses to office actions to historical research regarding antiques. However, the scope of the PTDL librarian's in-depth assistance is generally limited to that which is covered by required training from the USPTO.[3] For example, a PTDL librarian cannot assist a customer in formulating patent claims. The USPTO does not train, nor does it authorize, PTDL librarians to provide this level of service, as this would be categorized as providing legal opinion rather than information, which is not permitted, and may be interpreted as unauthorized practice of law. Because of the training requirements of PTDLs, other libraries that call upon a PTDL in their area for assistance can rest assured that their call will result in success. Even if the PTDL representative librarian at a location is relatively new to the position, the PTDLs rely on two online communications networks, one maintained by the Patent and Trademark Depository Library Association

and the other by the PTDL program office, as well as a special toll free number for the exclusive use of PTDLs to connect them to the PTDLP.[4] All of this communication ensures that customer questions, exclusive of legal opinions, can be answered quickly and successfully if it is at all possible to do so.

Partnering with local inventor groups and other organizations: A win-win relationship for everyone

Many PTDLs not only partner with the USPTO via the PTDLP but also build relationships with local nonprofit inventor groups. Access to free, accurate, and current information that is explained in a way that most inventors can understand is a rare and valuable commodity. PTDLs often have partnerships or maintain contact with other organizations such as the Small Business Administration's counseling programs SCORE (Service Corps of Retired Executives) and SBDC (Small Business Development Centers). Because a patent or trademark is usually developed to make money, additional information on business planning, incorporation, financing, contracts, and licenses is important to the successful inventor.

If libraries have sufficient interest in intellectual property from their customers, it is not only possible to get reference assistance from their local PTDL, but also to have programs at a neighboring library, and to train the library's staff in the basics of patent and trademark searching if they feel that there is sufficient demand. Libraries can also request program flyers and handouts from the PTDL and make those available to their customers. The more everyone is made aware of the valuable resource that PTDLs are, the more everyone wins.

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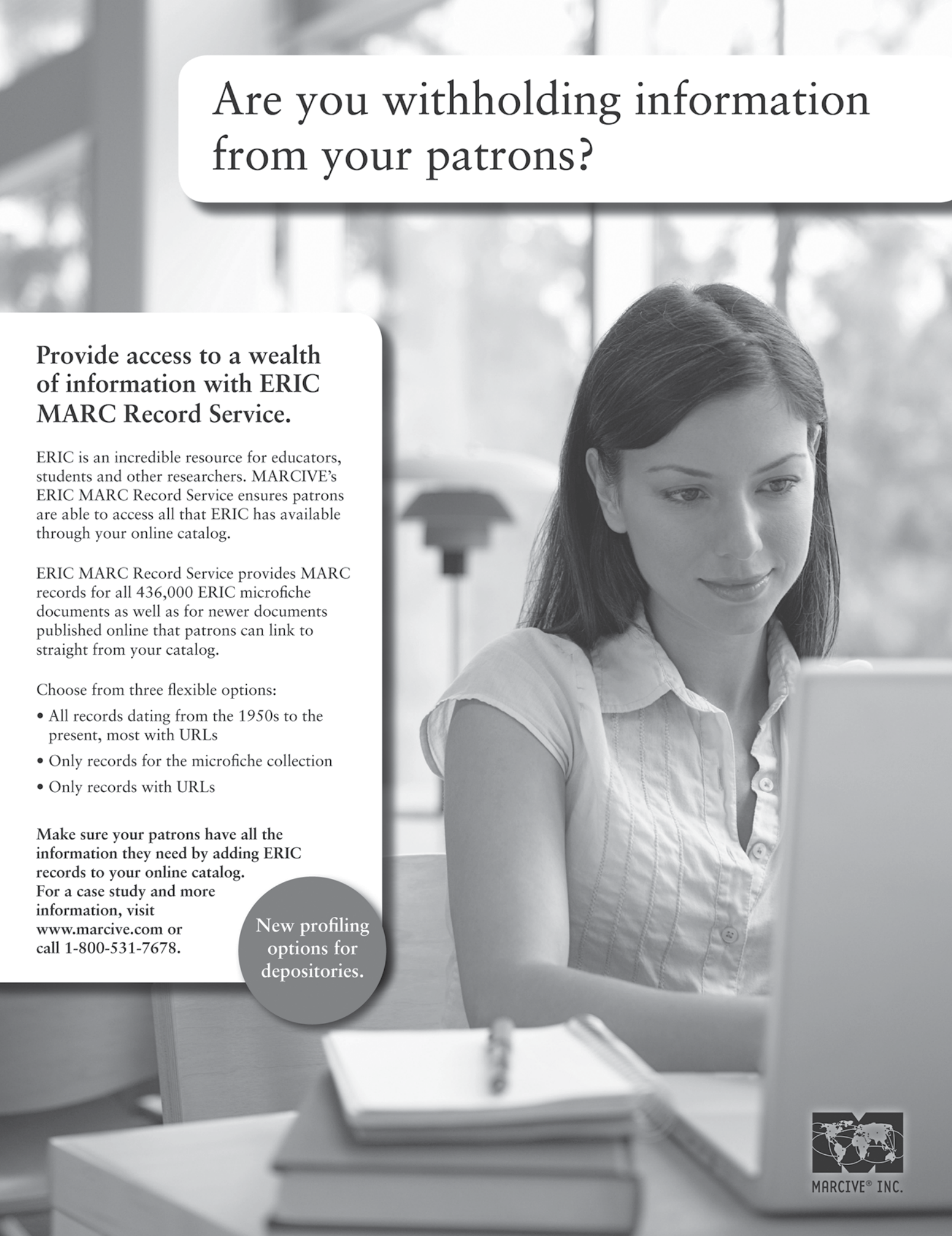

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Thinking about the Use of FDLP Items in Google Books

An Unsettled "Settlement"

Bill Sleeman

During the 2009 American Library Association (ALA) Annual Conference in Chicago, the ALA Council approved a resolution that asked ALA President James Rettig to appoint an ALA-wide group "to continue to assess the proposed Google Book Search Settlement and its ongoing impact on ALA members and member institutions [and] to make recommendations for action by the Association and its members (connect.ala.org/node/90743)." In 2009 I was appointed by GODORT chair Amy West to join this group to represent the concerns of the government information community.

A great deal has been written about the original Google Book Settlement and its successor the Amended Settlement Agreement, and most librarians should have at least a smattering of background about the nature of the legal issues and the facts involved at this point. One of the best Internet sources covering the agreements can be found on the "Public Index" site (thepublicindex.org/introduction). Readers will also find thoughtful analysis on the Google Task Force's (GTF) community site on ALA Connect and on the very good blog by GTF member Karen Coyle (kcoyle.blogspot.com). For those coming into this topic late, two very important bits of information to keep in mind are that the U.S. Department of Justice has raised substantial antitrust questions about the settlement agreement and that a final decision on the Amended Settlement Agreement has not been issued as of December 2010.

Since January 2010 the GTF has communicated and worked online and in person at ALA meetings and conferences to try to understand the elaborate details of the settlement agreement and position the library community and its users to benefit from Google's scanning projects.[1] One approach this has taken was a well-attended program at the ALA Annual Conference in Washington titled "Life after the Google Book Search Settlement (GBS)." The ALA, with input from the task force, has wisely tried to chart a middle course in responding to the two settlement agreements, seeking out ways to ensure that libraries and researchers can take the fullest advantage of the digitized content. While some readers might be inclined to quote James Hightower and claim that the only things found in the middle of the road are yellow stripes and dead armadillos, I would disagree. As a GTF member I think ALA is on the right path in supporting libraries while raising reasonable and responsible questions about the Amended Settlement Agreement.

As most readers of *DttP* already know, government documents (particularly FDLP materials) have been an integral part of Google's far-reaching document conversion effort. Like many in the documents community I was quite excited about the prospect of Google scanning so many hearings and making them available—for the price of advertising—to our users. Here at the Thurgood Marshall Law Library our older print hearings, particularly the Y4.Js, are used frequently and having electronic versions would be a welcome improvement over the print materials. I was willing to hold my nose about the advertising in order to have full text access to these documents but sadly, due to production problems and access issues, my initial enthusiasm has not been borne out.

One early set of problems was the mechanics of the scanning process. Robert Townsend, in a 2007 essay in *Perspectives* titled "Google Books: Is It Good for History?" outlined some of the early problems with Google's wholesale scanning effort.[2] While it would be easy to pile on and cite examples of these errors (many of which continue to be identified), that really isn't the most problematic issue. No, the larger challenge and the source of much confusion for government information librarians in using FDLP titles converted by Google is the lack of clarity regarding access to the full text when it is available. This confusion continues to flummox users of these resources on Google and beyond through the use of Google scans in the otherwise exceptional HathiTrust initiative. In approaching the FDLP items converted by Google it may be

helpful to look more closely at Google's approach to dealing with the copyrighted material in digitized government documents.

Let's consider a specific example that I came across in a cataloging project in my library: *"Saturday Night Special" Handguns, S. 2507* (hearings, 92nd Cong., 1st sess., 1972, SuDoc no.: Y 4.J 89/2:H 19). If you look at this in Google Books you would find the usual sort of partial view with a "search inside the book" option that allows you to view only several pages or snippets within the results set. Why? This hearing contains numerous reprints of newspaper articles on gun control, the full text of the poem "Flowers are Better than Bullets," and about a dozen photographs of murder victims (some quite graphic…privacy issues anyone?). Any one of these, likely all, are conceivably protected by copyright. While the articles I mention are included in a larger government document that, exclusive of this content, would meet the broad definition of being in the public domain, the additional content does not seem to be. The fact that congressional staff included these various items, absent any sign of permission from the publisher or copyright owner, essentially clouds the status of this particular hearing as being fully in the public domain. Keep in mind that when it comes to using copyrighted materials the federal government can be held to the same standards and expectations as other users of copyrighted content; there is no blanket "fair use" exception for the government.[3]

In the case of the *Saturday Night Special* hearing it seems to me that Google's decision to provide limited access only, without a final decision on the Amended Settlement Agreement, is technically appropriate. Derek Slater, policy analyst at Google explained in an e-mail the company's position regarding copyrighted content in digitized government documents this way:

> Google is committed to providing the greatest possible access to works in the public domain… When it comes to instances where the copyright status of a work is unclear and the work may include in-copyright material, we have had to treat these works conservatively. Thus, if we do not have further permission from the presumed rights holder, we only show a "snippet" from the book rather than provide full access.
>
> Under the Amended Settlement Agreement (ASA), we would be able to open up access to more out-of-copyright works, including government documents.Attachment E (Public Domain) sets forth the process by which Google may determine whether a book is a public domain book, including whether a book can be presumed to be a government work (see Attachment E 1.6 and 2.4).If Google follows this process and determines that a work can be presumed in the public domain, then the Safe Harbor in Section 3.2(d)(v)(3) applies —"then Google may treat such book as if it is in the public domain under the Copyright Act in the United States for the purposes of this Amended Settlement Agreement, and Google will have no liability or obligation (a) for any use of such book to the extent that such use would be authorized under this Amended Settlement Agreement if such book were a Display Book or (b) for providing downloadable versions of such book."[4]

Essentially, the Amended Settlement Agreement, if approved, would give Google the "safe harbor" or protection it needs to provide access to this content without taking on the potential risk of being taken to the cleaners later by a possibly infringed author or copyright holder.

One conundrum when using the many FDLP items in Google is that this approach is not applied consistently. Turning again to Google Books to look at a 1996 hearing on *Marijuana Use in America* (SuDoc no: Y 4.J 89/1:104/82) we find that access to the complete document is provided despite the fact that the full text of articles from both the *Journal of the American Medical Association* (*JAMA*) and the *International Journal of Addictions* (as well as several newspaper articles) are included (see figure 1). Did the authors of these two articles retain their copyright and then transfer it to the federal government at the time of the hearing? Do the publishers hold the copyright? Did Google (or the HathiTrust, which also provides this document in full text) or the congressional staff at the time the hearing was compiled check? [5] We have no way of knowing, but I find it doubtful that any of those things happened. More than likely what happened was that some congressperson, or perhaps a witness, submitted the copyrighted materials in support of his or her position without any consideration of the copyright status of the content.[6]

In this example, a similar set of circumstances as the earlier hearing on handguns are present yet the digitized content is not treated in the same way. If the reason for not presenting the first item in full text is the presence of copyrighted content in the document then the second document should be subject to the same restrictions.[7] A consistent presentation of this content on Google's part would be good for all concerned. To be fair to Google, many digital projects coming out of the academic library community take a similar approach to converting documents that might contain in-copyright material. The University of North Texas, which is in the process of digitizing a wide range of World War II-era government

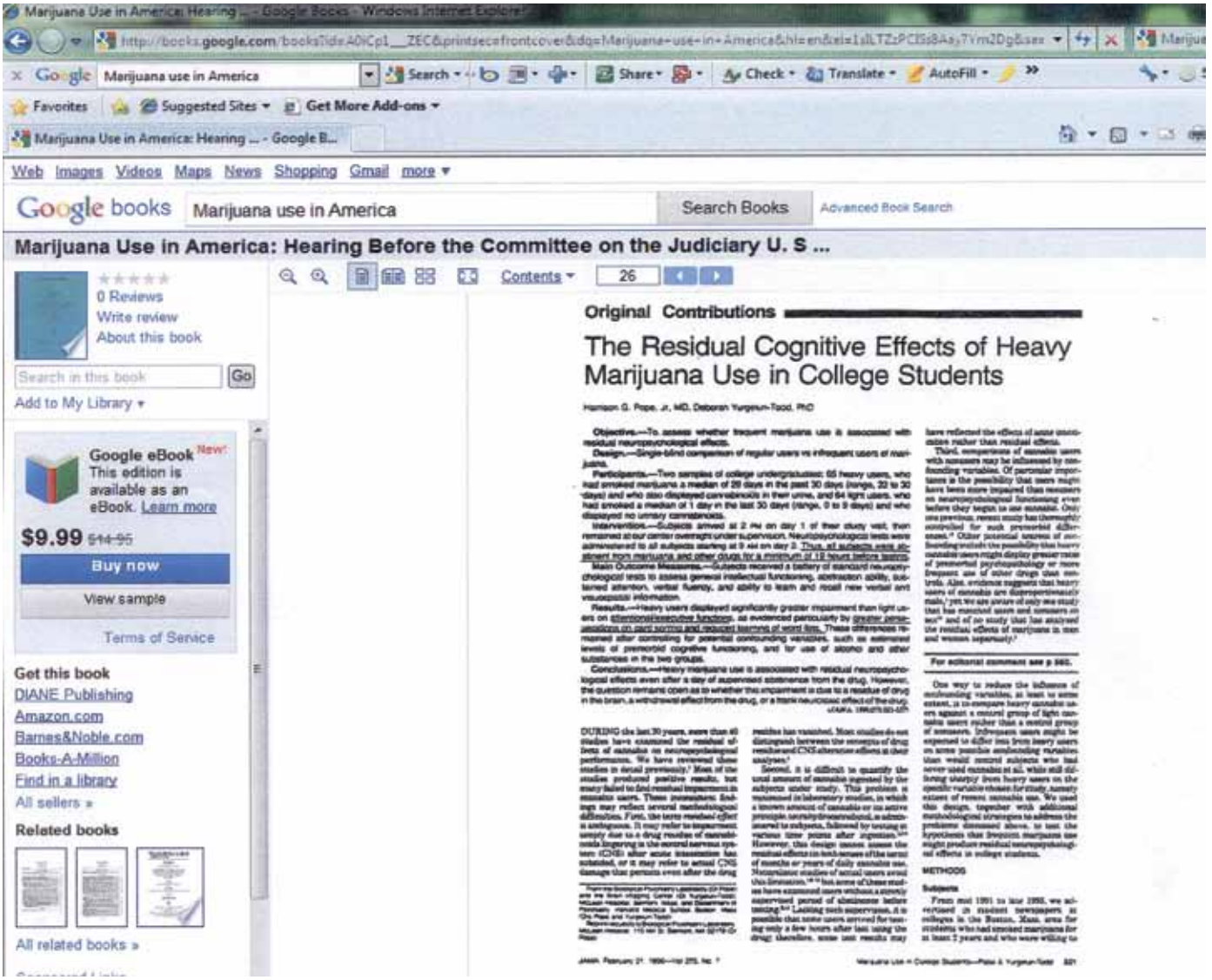

Figure 1. Screenshot of the *JAMA* article included in the congressional hearing *Marijuana Use in America*. Full text in Google Books.

documents, explained that their approach follows NARA's method of providing a detailed warning to users of the possibility of copyrighted information in the scanned content.[8] This approach could easily be applied to all FDLP items in Google Books.

A late development related to this topic and one that may change the nature of access to digitized government information on Google yet again is the release of the Google eBook service. The announcement of this new service was no surprise to many librarians and Google watchers who have long suspected that Google would try to use its considerable leverage in the marketplace to offer in-copyright materials in electronic form as an alternative to other e-books vendors. While some federal documents from Google Books are already being offered on this new service, yet to be included are the many government documents and orphan works scanned by Google from library collections across the country.[9] Again, much depends on a final decision on the Amended Book Settlement. If approved, it seems highly probable that Google will try to monetize and control the massive back catalog of orphaned works and government documents that they have acquired.[10] Once that happens—creating what would essentially be a demand-driven acquisition network for government documents—government information librarians would be wise to ask if the Google eBook service will provide another reason for library leaders to push government documents collections out of the library and into storage? Will the public, preferring ease of access, be willing to pay for something that they might otherwise be able to access for free from a local depository library? I think most of us already know the answer to that last question.

A further twist in this ongoing tale is the GPO's recent agreement with Google to make federal publications available on Google eBooks.[11] This was an astute move by GPO to position its bookstore content in what has the potential to be a very

successful access stream. But it also raises the question of what this agreement might mean for the other older titles that GPO has in electronic form. Does this content represent a potential revenue stream for GPO? If GPO becomes a regular supplier of electronic content to Google eBooks will it also continue to make available to depository libraries, as was suggested on the Govdoc-l listserv, those same electronic books that they make available to Google?[12]

From the time I started to put this essay together until I sent it off to the editors (about three months) things have changed rapidly in the e-book world, particularly in regard to access to digitized government information through Google. In January 2010 on the GTF's ALA Connect site I posted a comment urging the task force to help ensure that the public would have full access to the scanned FDLP materials without advertising or facing digital rights management challenges.[13] In the post I suggested that projects like the Internet Archive and the HathiTrust are great resources but that they will remain tools preferred by librarians, not resources used by the general public—a public for whom research and "Googling" have become synonymous. If the Amended Settlement Agreement is approved then the "safe harbor" option comes into play and the issue of protected content within scanned documents becomes moot. Some of that scanned content is already coming into the commercial market through the Google eBook service. While this may in the long run improve access to the content ultimately I wonder at what cost to citizens, to libraries, and to history.

While we all wait for the Amended Settlement Agreement between Google and the publishers' representatives to be decided, the only thing we can be sure of is that much about the settlement, and about how digitized government documents created by Google will be used, remains unsettled and potentially unsettling.

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Who Owns the Eiffel Tower?

Issues Surrounding the Digitization of Cultural Heritage in Modern France

Heather Lea Moulaison and Sarah G. Wenzel

We know it, and our patrons know it: the world around us is shrinking. Content is appearing online at a dizzying rate thanks to digitization projects happening around the world. The exponential growth of the Internet has only encouraged the continued rise of the information society, and libraries and their patrons are the better for it. Key characteristics of the information society include sharing digital resources across borders, sharing online services, and providing equitable access. However, American librarians will find an increasing need to understand intellectual property (IP) issues and government information policy outside of the United States in order to continue to provide high-quality services to their patrons. Not surprisingly, not all countries view digitized content and access in the same way as the United States. France is an example of a European country working from a slightly different set of values, making it an excellent country to study for the purpose of an informal comparison. French legislation provides for interesting solutions to some questions unique to French culture and point of view, and its differences may surprise American librarians. In this article, we survey some of the more interesting French laws and practices surrounding the digitization of cultural heritage materials. In doing so, we aim to provide information that will be of help to U.S. librarians trying to navigate questions of international access, particularly in the French context.

While the Internet combined with increasing "globalization" appear to make access to information easier across the board, in reality these two *forces majeures* bring their own challenges and difficulties. With many databases and cultural assets created in the United States or offered to libraries by countries with U.S. corporate entities, American librarians may not be knowledgeable about international electronic resources licenses, the rules surrounding access, and unwritten cultural assumptions about digital projects. In fact, information access and digitization projects in other countries are governed by different laws and an ethos that is, literally, foreign. Yet patrons in United States. libraries expect to be able to use materials produced around the world, and it is the role of libraries to facilitate access. For educational institutions, it can be even an obligation to expand students' awareness of other cultures. Thus, U.S. libraries may need to acquire and promote French or European digitized cultural heritage resources, among others.

Librarians in the United States will need to think about these resources differently than those created in the United States: legally, culturally, and linguistically. Acquiring international content requires librarians to be sensitive to and aware of the import of cultural heritage in other nations in negotiations for subscription to or purchase of such resources, in understanding different ways in which resources are constructed and accessed, and in their expectations of the role governmental or non-governmental organizations should play. France is an excellent example of a country with very different views from the United States on the concept of cultural heritage and the role the government should play in its promotion.

The complex web of cultural heritage

While librarians in the United States may be comfortable with the notion of cultural heritage as it pertains to American artifacts, they may not be aware of the different implications the term can have in different cultures, especially in France. One of the most important and most difficult concepts faced by American information professionals looking to acquire French content is that of "cultural heritage" (in French, *patrimoine*), which has significantly different societal meaning and value that are culturally dependent. The United States and France can be said to be at extreme opposite ends of the spectrum, which can lead to considerable incomprehension and even stalemate when considering the digitization of cultural heritage materials.

Particularly sensitive points in the French mindset revolve around national identity, ownership (including author rights), and the rights of the collective and the individual. In many European countries, cultural heritage cannot be owned or

controlled by an individual (or individual company) because it belongs to the nation as a whole. Works digitized by the Bibliothèque nationale de France (BnF) (or the Louvre or other cultural institutions), once out of copyright, are available to the world. This is not to say that private companies cannot digitize their own collections of works, as has been done, but any project involving a governmental entity or funds must be open.

One of the most important factors affecting European cultural heritage resources is that in most cases decisions are made centrally by the government. For this reason, the role of the national library is very important. In contrast to the United States which does not have a national library, France has empowered the BnF to make key decisions and lead considerable efforts to digitize and preserve cultural heritage.[1] European Union-led efforts through the Telematics for Libraries initiatives, which eventually led to the Europeana project (www.europeana.eu), also primarily focused on national libraries. Europeana began as a joint initiative of European national libraries and is funded by the European Commission. Recently Robert Darnton, director of the Harvard University Libraries, called for a National Digital Library in the United States, based on European and Japanese models.[2] It remains to be seen if such a project can succeed in the U.S. environment.

Intellectual property in France

In considering IP in France, it is worthwhile to examine some of the legislation and the legal context surrounding the juridical balancing act that is the protection of the country's cultural objects while still protecting their creators. France's legal system is a civil law system, as is the system in the rest of continental Europe, some of Asia, all of Latin America, and some countries in Africa. The United States, England, and Australia have adopted a common law system instead. Although both systems aim to preserve culture and protect authors, the approaches may be fundamentally different.[3] Below, we describe some of the more interesting aspects of the Cultural Heritage Code and the Intellectual Property Code in France.

Legal deposit and the *Code du Patrimoine*

As part of the *Code du Patrimoine* (Cultural Heritage Code, articles L.131.1 to L.133.3) and the application decree (décret n°93-1429 modified 31 December 1993), publishers in France are required to submit to legal deposit.[4] The origins of the current law can be traced back to 1537, and have always been meant as a mechanism to protect national cultural heritage. In its current form, legal deposit legislation requires that publishers submit two copies of all works published in France. The goal of the program is to construct a corpus of materials to support the preservation of memory at the national level.[5] This is different from the U.S. concept of legal deposit, which has more to do with ensuring copyright registration protecting the rights of the author than preserving culture; in fact, not all works received by the Library of Congress are even retained.[6]

Author rights and the *Code du Patrimoine*

That is not to say that intellectual property (IP) rights are foreign to the French, who have been theorizing about author rights since the end of the 17th century. By the 19th century, great French writers started to lay the groundwork for the internationalization of author rights, a movement that gave birth to the Berne Convention of 1886.[7]

IP in France is currently protected by a series of laws and decrees known as the *Code de la Propriété Intellectuelle (Intellectual Property Code)*.[8] The French law on Literary and Artistic Property, *Première Partie: La Propriété Littéraire et Artistique*, was passed in 1957, and augmented in 1985 by laws addressing other kinds of creative works, e.g., audiovisual works. The current French IP code was enacted in 1992. Other laws enforcing IP rights have been added over time, especially in light of the need to bring French law in line with European law. Author rights are covered in three chapters of the IP code: Droits Moraux (Moral rights), Droits Patrimoniaux (Cultural heritage rights, or the rights of publication, production, and diffusion), and Durée de la Protection (Length of protection, generally seventy years after the author's death).[9] IP rights also vary considerably depending on the nationality of the author. This is most evident in terms of legislation, protection, and copyright, but also affects interlibrary loan (ILL). In both France and the United Kingdom, although through different mechanisms, authors' economic interests are protected by law in the face of potential losses due to ILL.[10]

Unlike British IP law developing at the same time, French law focuses on the "moral rights" of authors. British law, instead, centers on "heritage rights" resulting in the creation of "copyright"; while heritage rights as established in the British common law system are transferable, moral rights as protected in the French civil law system are not.[11] These rights include the right to have their names, statuses, and works respected. The law also specifies that these perpetual, inalienable and inalterable rights are attached to the individual, but are transferable on death.[12]

Enforcing author rights in the digital age

The *Loi sur le Droit d'Auteur et les Droits Voisins dans la Société de l'Information* (Law on Authors' Rights and Related Rights in the Information Society, n°2006-961 du 1er août 2006, referred to as DADVSI) was enacted in 2006. This law, strictly speaking, responds to the needs to enact legislation in line with the

1996 World Intellectual Property Organization (WIPO) treaty on digital rights management (DRM).[13] One concrete benefit of the DADVSI, however, is that the BnF can require legal deposit of French websites.[14] Four years after its enactment, there have not been any instances where the DADVSI has been used to enforce the protection of author rights online.

More recently, the *Loi Favorisant la Diffusion et la Protection de la Création sur Internet* (the Creation and Internet Law, n° 2009-669 du 12 juin 2009) was enacted in June 2009. To enforce the law, a new institution was established, *la Haute Autorité pour la Diffusion des Oeuvres et la Protection des Droits sur Internet,* (HADOPI, www.hadopi.fr/faq.html). In October 2010, HADOPI began sending e-mails to those it discovered pirating protected Internet content. It is reported that the French Ministry of Culture has set aside a budget of 12 million € for HADOPI in 2011.[15]

Online digital collections of note

To some extent, international IP law has always affected U.S. libraries; however it gains increasing import due to the proliferation of digital cultural heritage projects that serve as research resources. A few examples, in addition to the Europeana project mentioned above, include the large and growing online collections of many European national libraries. For example, the Royal Library of Belgium has consistently been a leader in digitization projects, particularly of manuscripts and rare books. Its bilingual website, Belgica (belgica.kbr.be), contains the gems of the collection.

Other online collections of note promoting cultural heritage materials include the Louvre's virtual tours (www.louvre.fr/llv/musee/visite_virtuelle.jsp) and the collections of the Bayerischen Staatsbibliothek (www.bsb-muenchen.de).

Notable French collections online

The BnF's Gallica (gallica.bnf.fr) is a good example of an online collection containing many types of media. It has recently expanded to include materials from libraries and governmental agencies outside of the BnF.[16] These collections are increasingly visible to U.S. researchers as European library content from the BnF and other libraries is added to WorldCat and searchable through the web. In October 2010, the BnF signed an agreement with Microsoft to allow the Bing search engine to index and display results from Gallica.[17] Although relations with Google remain strained for the BnF and the French government, other countries are, although with caution, finding ways to collaborate with Google. Further discussions of Google in the French context continue below.

One very successful example of a Franco-American partnership promoting access to scholarly materials is the Project for American and French Research on the Treasury of the French Language (ARTFL, artfl-project.uchicago.edu), a cooperative enterprise of the Laboratoire ATILF (Analyse et Traitement Informatique de la Langue Française) of the Centre National de la Recherche Scientifique (CNRS), and the Division of the Humanities and Electronic Text Services (ETS) of the University of Chicago. Many of the resources are free on the website, while full access to the FRANTEXT database (www.atilf.fr/frantext.htm), which includes material still under copyright protection, is possible via subscription.

Digitization in France and Google

In the search for funding to digitize cultural heritage holdings, librarians in France seem to be caught in a love-hate relationship with Google. Over the past five years, the Google Books model has been in turn decried, embraced, and finally snubbed by librarians in France.

Jean-Noël Jeanneney, the former national librarian at the BnF, made a name for himself both at home and abroad during his personal campaign of protest against what came to be known as the Google Books project. In December 2004, almost immediately after Google announced plans to digitize the holding of five major research libraries in the United States and England, Jeanneney penned several articles in the French press criticizing the American search engine giant. He went on to publish a short book on the subject in April 2006 entitled *Quand Google Défie l'Europe: Plaidoyer pour un Sursaut*. It appeared in English translation as *Google and the Myth of Universal Knowledge*.[18] Librarians might have heard Jeanneney's French-language speech at the Frankfurt Book Fair in October 2005. In his review of Jeanneney's book in *Library Quarterly*, Jeffrey Garrett exposes the bellicose prose in the French version that is absent from the English-language translation, and the bureaucratic and traditional solutions put forth by the historian-turned-librarian.[19] By 2007, the second largest library in France, the Bibliothèque Municipale de Lyon (city of Lyon's public library), signed an agreement with Google for the digitization of 500,000 books.[20] Criticism of the agreement focuses on the clause giving Google ownership of the scans for a period of twenty-five years. Indeed, French opponents to the move are fast to point out that the library in Lyon is not the owner of the cultural heritage scanned material, but the custodian. Therefore, even if the books are out of copyright, they are not the library's to give. It could be said that current opinion in the French library-land seems to have swung back to being somewhat anti-Google. For example, ZDNet reports that the BnF will not be partnering with Google on future scanning projects to be carried out in 2011.[21]

Yet Google remains part of the digitization landscape in France. In the private sector, the publishing house Hachette publicly agreed in November 2010 to allow Google to digitize their substantial collection of 40,000 to 50,000 out-of-print books. As part of the digitization project, Google is reportedly planning to give digital copies of the scanned works to the French National Library for inclusion in Gallica.[22] This is not dissimilar to the digitization project Google is carrying out at the University of Gent in Belgium, where thirty million pages of text from the university's library will be made available in Europeana via Google Books.[23]

Scholarly use of digitized content in the United States

American researchers and students are grateful for these projects to digitize French cultural heritage as they benefit from easy access to images, texts, and archival material. Both patrons and librarians tend to assume that law and custom governing these resources are the same as in the United States. As we have discussed, that is not the case, particularly in the realm of IP law. While Americans will often cite "fair use" and increasingly rely on Creative Commons licensing, there is no "fair use" in France. Students may use images for educational purposes, the "*exception pédagogique"* (educational exception) if they pay for the right.[24] Creative Commons licenses are different in each country. Librarians must guide patrons as they take advantage of the wealth of freely accessible, but not freely usable, information.

Conclusion

The current state of affairs will only become more complex in the coming years, as countries work to protect IP within their borders while promoting their authors both at home and abroad. While the access to or re-use of texts, and to a large extent images, has been legislated at present, the future of other kinds of digital documents (software applications promoting museums, 3D filming projects of cultural heritage locales such as the Eiffel Tower, etc.) remains unclear. Can and will multimedia formats be subject to the same rules as scanned text?

The manner in which these questions are eventually answered in France should be of interest to the WIPO, those interested in international aspects of information policy, and to American librarians who use and promote European cultural resources. As developing countries move to become part of the information society, as more creative works are posted online, and as scholars the world over rely on the use and re-use of cultural heritage materials, questions about the future of cultural heritage in the online environment will continue to press. And, librarians and policy makers will continue to be needed to untangle the thorniest of questions, including "Who Owns the Eiffel Tower?"

Update: According to the Association des professionnels de l'information et de la documentation (ADBS) in a post of February 7, 2011, a new agreement was reached on December 8, 2010 to allow for more works to be freely used for education, teaching and research (bit.ly/i8jftR).

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Join Us in New Orleans! GODORT Events at the 2011 Annual Conference

The 2011 GODORT Reception and Awards Ceremony will be held 6:30-8:30 on Sunday evening, June 26th, at the Law Library of the Louisiana Supreme Court, 400 Royal Street, New Orleans. More information about the library can be found at www.lasc.org/law_library/library_information.asp.

Please join us as we recognize this year's award winners:

Tim Byrne, Department of Energy Office of Scientific and Technical Information (James Bennett Childs Award)
Lou Malcomb, Indiana University (ProQuest/Documents to the People Award)
Laura Harper, University of Mississippi (Bernadine Abbott Hoduski Founders Award)
Laurie Aycock, Graduate Student at Valdosta State University while working as the Government Documents Associate at the University of West Georgia (W. David Rozkuszka Scholarship)
George Dehner, Department of History, Wichita State University for the article "WHO Knows Best? National and International Responses to Pandemic Threats and the 'Lessons' of 1976. *Journal of the History of Medicine and Allied Sciences*, 65 (4), 478-513. (Margaret T. Lane/Virginia F. Saunders Memorial Research Award)

GODORT Program

Monday, June 27, 2011, 10:30-noon
Government Information and Civil Engagement

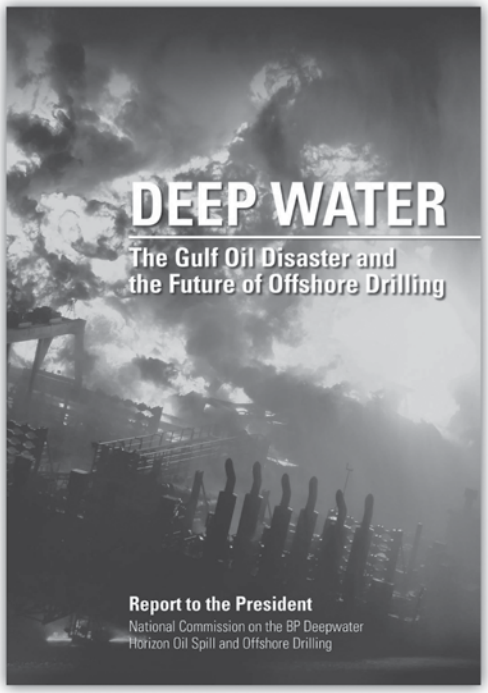
How does the intersection of electronic publishing of government information and the ephemeral nature of social media change collection development and preservation of these 'documents' in libraries?

This program will explore the ideas of obligation and stewardship of government information in libraries. Specifically, how should libraries change roles as people change their civic roles? If people are civically engaged through Facebook, Twitter, et al., what is the library's role in providing access? Whose responsibility is it to preserve the YouTube videos of presidential speeches or mayoral addresses? If these questions pique your interest, plan to attend this engaging panel discussion.

A complete listing of GODORT activities at the Annual Conference is available on the GODORT wiki.

Official Report on the BP Oil Spill Disaster

Deep Water: The Gulf Oil Disaster and the Future of Offshore Drilling



National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling

On April 20, 2010, the Macondo well blew out, costing the lives of 11 men and beginning a catastrophe that sank the ***Deepwater Horizon*** drilling rig and spilled nearly 5 million barrels of crude oil into the Gulf of Mexico. The spill disrupted an entire region's economy, damaged fisheries and critical habitats, and brought vividly to light the risks of deepwater drilling for oil and gas—the latest frontier in the national energy supply. Soon after, President Barack Obama appointed a seven-member Commission to investigate the disaster, analyze its causes and effects, and recommend the actions necessary to minimize such risks in the future.

The Commission's report offers the American public and policymakers alike the fullest account available of what happened in the Gulf and why, and proposes actions—changes in company behavior, reform of Government oversight, and investments in research and technology—required as industry moves forward to meet the nation's energy needs.

"What the commission has done is put together the most comprehensive narrative of what happened, both before and after the April 20 event. The commission has employed excellent investigators and has presented its findings in a clear, readable, insightful tale."

- Achenblog, Joel Achenbach, Washington Post January 6, 2011

"The document released Wednesday by the presidential commission investigating last spring's oil blowout in the Gulf of Mexico is a riveting and chilling indictment of "systemic failures" throughout the oil business and of the federal agencies that allowed themselves to be captured by the people they were supposed to regulate."

New York Times editorial, January 7, 2011

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AUTHORIZING SIGNATURE

02/11

An Examination of Geospatial Data Availability and Data Accessibility by State

Chieko Maene

Introduction

It is probably easy to understand that local government has the most accurate spatial knowledge of the area it governs, which is collected for decision making, asset management, and other administrative purposes. Once a local government collects or produces spatial information, it is stored in the form of cartographic materials such as maps or in geographic information systems (GIS). As valuable as this information is to local governments, such geospatial data are also considered valuable to the nonprofit and private sectors, academics, and the general public.

The problem is that it is not easy to access GIS data from state and local governments. As an indicator, examine participation of state and local governments in a national GIS data-sharing program, Geodata.gov. According to statistics from the site, only 9.5 percent of classified publishers are state government affiliates, 10 percent are local government affiliates, while 33.1 percent are federal government agencies. Considering the number of existing governmental entities at state and local levels, most of which produce some geospatial data, the participation rate of state and local governments seems low.

When I teach a class about geospatial data sources, students often ask how much government geospatial data are available to the public in each state. My answer is rather ambiguous—"It depends." It depends on local government data producers. It also depends on an organizational structure (having a centralized office dedicated to geographic information, such as a state cartographer's office). It may also depend on demand from the public. Large cities typically offer their geospatial data on the web, which is probably forced by demands. But I often wonder, what really facilitates geospatial data sharing?

Literature reviews point to concerns about, and a lack of understanding of, laws among GIS managers, as well as the clarity of those laws.[1] As interest in public geospatial data increases, local government GIS producers see the need to develop policies that allow them to share data with other government entities, the nonprofit and private sectors, and the general public. But do the current laws help state and local governments develop such policies to share their geospatial data? Will GIS managers be encouraged to distribute data more openly—such as via the national GIS data clearinghouse—if state laws encourage open, public GIS records? In trying to answer these questions, this article will focus on a relationship between geospatial data availability and data accessibility, based on a hypothesis that state and local governments would contribute to the Geodata.gov clearinghouse (representing data availability) if states have open GIS record access laws.

Methodology

The analysis involved three steps: (1) collect data from Geodata.gov to measure geospatial data availability by state; (2) collect laws and opinions of attorneys general of all states to measure accessibility to geospatial data; and (3) correlate the data to test the hypothesis that state and local governments would contribute data to Geodata.gov clearinghouse if state laws encouraged open access to the GIS records.

Data collection: Measuring geospatial data availability by state

To measure the geospatial data availability of state and local governments, this study focused on cadastral, or property parcel map data, for the following reasons. By focusing on parcel data only, federal datasets can be removed from the scope because parcel data are produced locally, not by federal agencies (except for federally owned public lands). Also, I wanted to focus on data that was in demand. Property or tax parcel data best suit this purpose best because they are in high demand due to their potential use in a wide range of applications including emergency response, criminal justice, public health, real estate, and land development. Another reason why cadastral data was chosen was due to the availability

of supplemental data. The Federal Geographic Data Committee's (FGDC) Cadastral Subcommittee, which facilitates the coordination of cadastral data activities, has conducted "national parcel data inventory" surveys regularly in recent years.[2] The survey outcomes are useful because they indicate the current status of parcel map data development by each state.

The principal source used to measure data availability was Geodata.gov, the geospatial data gateway. Geodata.gov is a portal, or a catalog of geospatial information containing metadata records. As a clearinghouse of federal, state, and local government geospatial datasets, all levels of government are encouraged to submit their metadata to the site to facilitate public access to geospatial information.

For the analysis, I downloaded 103,792 downloadable data records from online sources and used another 11,827 offline data records that contain at least one of the following key terms: parcel, parcels, cadastral, or property.[3] Next, federal agency records, which made up a vast majority (98 percent) of the retrieved records, were removed. Also removed were records that were not for land parcel map data. The broad search terms used may account for the fact that some of the data were not related to property parcels. For example, the term "cadastral" was included in the metadata for many boundary files and aerial photographs. Once data selection was refined, the records were converted to the shapefile format in GIS, based on the bounding coordinates. The bounding box shapefiles were then converted to point shapefiles in order to assign "state" code information based on a spatial relationship – if a bounding box centroid point fell in a particular state, the state name was assigned to the record. In the end, my analysis data by state contained 617 parcel datasets.

Data collection: measuring public GIS data accessibility by state

The assumption that strong open records laws in a state would translate to greater accessibility of GIS records in that state was an important premise of this project. Another important assumption to test was that the fees charged for records access would also correlate to GIS records accessibility. To ultimately measure the openness of geospatial data, two websites were used to inspect the laws related to geospatial data access and to gather information about fees charged by all states. One is the Open Government Guide (www.rcfp.org/ogg), a guide to obtaining government data produced by the Reporters Committee for Freedom of the Press. The other is the Citizen Access Project (www.citizenaccess.org) produced by the College of Journalism and Communications of the University of Florida.

The Open Government Guide is a web tool that allows users to easily compare laws on open records and open meetings in the fifty states and the District of Columbia. The guide was written by volunteer attorneys who are experts in open government laws. The main laws I compared using the site were state laws on electronic records, particularly their fee schemes. The site also offers a state-by-state guide to obtaining electronic records, which was also useful in reviewing the public access laws of all states. To make your own comparisons, please see Access to Electronic Records: A State-by-State Guide to Obtaining Government Data (www.rcfp.org/elecaccess).

Like the Open Government Guide, the Citizen Access Project examines state laws related to open records and open meetings in the fifty states plus the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. The site offers similar tools to compare open access laws between states. Also, the site rates state law provisions on a seven-point scale, ranging from laws that allow the most access (seven points) to laws that allow the least access (one point).[4] The rates used are from the following two categories: GIS Data (under Computer Records Content Regulation) and Fees, Computers, GIS output (under Fees, Computer Records, Record distribution).

Using the two sites, information on laws related to public access to geospatial data was collected. Information on reproduction, or duplication, and information on fees charged to disseminate GIS records was critical because small fees can ensure wide access to the data. During the review process, however, I realized that comparisons of state public record access laws would complicate the final analysis. Statutory provisions that may affect public access to GIS records are often scattered throughout various sections of state laws.[5] For example, some states have adopted statutory exemptions on GIS records, placing geospatial data beyond the reach of open records access laws.[6] Fee charging schemes are also very different. In some states, GIS records are accessible at a reasonable rate, not exceeding cost of reproduction (see New Jersey), but some states charge fees to reflect a reproduction fee and development costs (see Alaska, Maryland, Missouri, and Nevada) and may grant fee exemptions or reductions under certain conditions (see Alaska and Maryland).[7] In the end, I concluded that turning the information into comparable and quantifiable data is almost impossible. Thus, for the convenience of the analysis, I decided to rely on rates, or scores, calculated by the Citizen Access Projects to measure the degree of accessibility to public records.

Another piece of information collected to supplement the analysis was the state attorneys general opinions. The official advisory opinions of state attorneys general are considered important because they provide clear interpretation of state laws, and thus "have the force of law."[8] There is no database to review opinions of

Table 1. Values for each state.

State	Total Count of Parcel Datasets	Total Count of Parcel Datasets (Ramona Excluded)	Total Number of Parcels	% of Parcel Map Data Completed	Rating: GIS Record Access	Rating: GIS Record Fees	State Attorney General, Positive	State Attorney General, Negative
Alabama	0	0	2,453,632	0.80	2.91	3.08	0	0
Alaska	3	3	1,000,000	0.87	4.59	3.41	0	0
Arizona	14	0	3,065,800	0.95	4.93	4.59	0	0
Arkansas	1	1	2,130,753	0.49	5.02	3.08	0	0
California	6	4	12,000,000	0.90	5.69	2.90	1	0
Colorado	2	0	2,599,714	0.80	2.91	3.08	0	0
Connecticut	2	0	1,422,538	0.90	3.58	3.83	0	0
Delaware	6	5	419,697	1.00	2.91	3.08	0	0
District of Columbia	0	0	192,189	0.99	2.91	3.08	0	0
Florida	29	27	9,871,077	0.96	2.91	3.08	1	0
Georgia	106	0	3,400,000	0.80	2.91	3.08	0	0
Hawaii	9	9	365,238	1.00	5.02	3.15	0	0
Idaho	6	4	915,000	0.71	2.91	3.08	0	0
Illinois	5	4	5,079,602	0.80	NA	3.08	1	0
Indiana	9	0	3,469,413	0.85	3.32	3.75	0	0
Iowa	17	5	2,360,949	0.91	3.83	4.09	0	0
Kansas	53	0	1,596,065	0.91	2.91	3.08	0	0
Kentucky	0	0	2,170,000	0.98	2.91	3.08	0	0
Louisiana	4	2	2,193,533	0.20	2.91	3.08	0	0
Maine	2	2	789,689	0.75	2.91	3.08	0	0
Maryland	3	1	2,240,378	0.70	3.24	3.41	0	0
Massachusetts	4	4	2,308,422	0.70	5.02	3.08	0	0
Michigan	7	6	5,000,000	0.90	3.15	3.58	0	0
Minnesota	14	13	2,870,901	0.79	5.44	3.08	0	0
Mississippi	3	1	1,812,885	0.15	3.49	2.98	0	1

all states at once, and thus the information was collected one state at a time through individual state government websites. I found six opinions from six states related to public access to GIS records of state and local governments and fees to obtain the GIS records. Among them, four have a positive effect (they facilitate access: the public has access to the GIS records with a minimum fee) and two show some degree of negative effect (they restrict access: public access may be granted but an extra fee may be charged).[9]

Analysis

After assembling the information, aggregated by state, the data was examined to find correlations, and to use simple linear regression models to test the hypothesis "state and local governments would contribute to the Geodata.gov clearinghouse if state laws encourage open access to GIS records." The values for each state are listed in table 1. Below are the final variables:

1. Total count of parcel map datasets in Geodata.gov by state
2. Total count of parcel map datasets in Geodata.gov by state, after excluding automatically generated records through the Ramona GIS Inventory System[10]
3. Total number of parcels by state
4. Percentage of parcel map data completed by state
5. Rating of state statutes on access to GIS records by the Citizen Access Project (scale 1 to 7)
6. Rating of state statutes on fees to obtain GIS records by the Citizen Access Project (scale 1 to 7)
7. State attorneys general opinions, positive view presence (yes: 1, no: 0)
8. State attorneys general opinions, negative view presence (yes: 1, no: 0)

The results were not exactly what I was hoping to get. The hypothesis was rejected in all models but one. A positive and

Table 1 (continued). Values for each state.

State	Total Count of Parcel Datasets	Total Count of Parcel Datasets (Ramona Excluded)	Total Number of Parcels	% of Parcel Map Data Completed	Rating: GIS Record Access	Rating: GIS Record Fees	State Attorney General, Positive	State Attorney General, Negative
Missouri	1	0	3,247,073	0.89	2.82	2.90	0	0
Montana	2	2	904,430	1.00	2.91	3.08	0	0
Nebraska	0	0	1,400,000	0.50	2.91	3.08	0	0
Nevada	7	0	1,105,931	0.97	3.49	3.14	0	0
New Hampshire	1	1	650,000	0.71	5.19	3.58	0	0
New Jersey	88	88	3,000,000	0.90	5.02	5.02	0	0
New Mexico	0	0	1,626,864	0.63	2.91	3.46	0	0
New York	6	6	5,643,922	0.96	3.32	3.49	0	0
North Carolina	38	6	5,149,486	0.97	4.42	4.25	0	0
North Dakota	0	0	647,285	0.60	2.91	3.08	0	0
Ohio	3	3	6,000,000	0.80	2.91	3.08	1	0
Oklahoma	0	0	2,269,263	0.92	4.59	3.08	0	0
Oregon	1	0	1,740,950	1.00	1.88	3.08	0	0
Pennsylvania	5	5	5,500,000	0.70	2.91	3.08	0	0
Rhode Island	0	0	390,000	0.90	2.91	3.08	0	0
South Carolina	13	4	2,654,719	0.88	2.91	3.08	0	0
South Dakota	0	0	644,207	0.35	2.91	3.08	0	0
Tennessee	1	0	2,500,000	1.00	3.49	3.75	0	1
Texas	0	0	16,000,000	0.89	2.91	3.08	0	0
Utah	40	0	1,330,483	0.65	5.02	3.49	0	0
Vermont	1	1	527,300	0.70	5.78	4.68	0	0
Virginia	3	3	3,766,376	0.60	5.36	4.51	0	0
Washington	33	33	2,948,896	0.96	2.91	3.08	0	0
West Virginia	1	0	1,628,683	0.38	2.91	3.08	0	0
Wisconsin	67	1	3,228,000	0.93	2.91	3.08	0	0
Wyoming	1	1	1,559,580	1.00	2.91	3.08	0	0

significant correlation was found in a simple linear regression analysis using "count of parcel map datasets in Geodata.gov, after excluding automatically generated records in the Ramona GIS Inventory System" as a dependent variable and "rating of state statutes on GIS records fee" as an explanatory variable. In other words, the count of parcel datasets in Geodata.gov was at least partially explained by the rates calculated by the Citizen Access Project.[11] All other models showed no significant correlation.

Another model found that there was no significant relationship between the count of parcel map datasets in Geodata.gov and the "percentage of parcel map data completed by state," which indicates that more completed GIS parcel data by local governments does not lead to more parcel datasets posted to Geodata.gov, or at least not yet. Similarly, I found that neither positive nor negative effects of the state attorneys general opinions affected the availability of parcel data records in Geodata.gov. I was hoping that positive opinions would encourage state and local governments to submit more parcel data records to Geodata.gov. However, the model found that there was no such relationship.

Conclusion

In the end, the results of the experiment were not what I expected to see, but I hope this article delivers some useful information. What I found were some indications of how much parcel map data are being developed and how much are posted in the national GIS clearinghouse, Geodata.gov. I also found variations and complications of state laws in regard to accessing state and local geospatial data. Another finding was that there is a different degree of contribution by state and local government data producers to the national geospatial data clearinghouse. What was not explained, however, is why this

is the case, and correlations were not uncovered. For example, California obtained a high score for its GIS record access laws from the Citizen Access Project, and its parcel map data are almost completely digitized. However, relatively few parcel datasets in California were listed in Geodata.gov. On the other hand, states that recorded lower scores for their GIS record access, such as Georgia and Kansas, listed many parcel datasets in Geodata.gov via the Ramona GIS Inventory system.

Even though I did not obtain the results I expected, it does not mean there were no effects of state laws or state attorneys general opinions to the geospatial data availability. The choice of data may have been wrong. This analysis focused on a small portion of the Geodata.gov records—parcel map data, which is probably one of the most expensive geospatial data types to produce and thus hard to find. Also, keep in mind that in Geodata.gov, participation of state and local government agencies is not mandatory. There may be states, counties, and cities that provide free access to their parcel map data without contributing their metadata to Geodata.gov. For example, Arkansas provides statewide land parcel data free of charge via a state GIS clearinghouse, but the metadata was not found in Geodata.gov. Also, my choice of an indicator to measure the data availability, total count of parcel map datasets, may have been inadequate. The analysis could have been improved if I actually retrieved all 617 parcel datasets and counted the number of parcels in each dataset, as the FGDC Cadastral Subcommittee did to assess the number of parcels in the nation. Thus further refinement of the method is possible and may lead to more interesting results, and for that reason, I look forward to learning of further developments in state open access laws and also developments in geospatial data access means.

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Notes and References

1. George Cho, *Geographic Information: Science Mastering the Legal Issues* (Hoboken, N.J.: Wiley & Sons, 2005); Richard Hilton, "Government GIS and the Law: GIS Data Distribution," *Illinois GIS Notes*, Winter (2006): 1, 4–5.
2. The purpose of the survey is to determine the current status and trends of parcel data in the nation. The first survey was conducted in 2003, followed by surveys in 2005 and 2009. Later, the FGDC Cadastral Subcommittee's parcel data inventory was migrated to and combined with the national GIS inventory ("Ramona") site at www.gisinventory.net.
3. "Downloadable data" records are metadata with a "data downloads" feature that enables users to perform custom downloads of digital data they are viewing. "Offline data" records are metadata with information about data that can be ordered online and delivered in CD or DVD format or as other shippable media. The offline data cannot be directly downloaded to your computer. (Geodata.gov Help Center, FAQ, Q8.) The content data types are somehow applied to files ambiguously. I found many "downloadable data" that are not really available for downloading, or are without links to downloadable files.
4. The state ratings system is based on whether a law facilitates or restricts access. See the methodology on the Citizen Access Project site (www.citizenaccess.org/project.html#method).
5. H. Bishop Dansby, "A Survey and Analysis of State GIS Legislation," *GIS Law* 1, no. 1 (1992): 7. He identified at least ten different types or locations of GIS legislation.
6. Illinois, ILCS 140/7 (1) (i), Iowa Code §22.2(3)(a) and Oregon, ORS §192.502 (24), for example. See also, Allyson Phillips, "A Portal to Reliable Real Estate Data or a Door to Nowhere?" *Real Estate Law Journal* 9 (2005): 28–29.
7. New Jersey Code §2.2-3704(f), with conditions. Alaska Stat. §40.25.115 (b). Maryland Anno. State Gov't §10-904. Missouri Rev. Stat. §67.1850. Nevada Rev. Stat. §239.054 & §239.055.
8. Bruce Wetterau, *Congressional Quarterly's Desk Reference on the States* (Washington, D.C.: CQ Press, 1999), 60.
9. Opinions with a positive effect are: California (Att'y Gen. Op. No. 04-1105), Florida (Att'y Gen. Op. No. 2003-42), Illinois (Att'y Gen. Op. No. 05-002, which replaced the previous negative opinion No. 00-012), and Ohio (Att'y Gen. Op. No. 2001-012). Opinions with a negative effect: Mississippi (Att'y Gen. Op. No. 2005-0612) and Tennessee (Att'y Gen. Op. No. 01-021).
10. Quite a large portion of metadata records in Geodata.gov was imported via the Ramona GIS Inventory System, which helps local government data producers generate "minimally compliant" metadata. Because it was unknown whether the system tool was adopted across the states, I created a subset of parcel map datasets which excludes records generated via the Ramona GIS Inventory System.
11. R2=.158, coefficient (GIS record fee) =10.711** (**correlation is significant at the 0.01 level).

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The Basics of Patent Resources and Research for Academic Librarians

Suzanne L. Reinman

Patents are federal documents and a key source of technical information not easily found in traditional literature searches; "seventy percent of the information disclosed in patents is never published anywhere else."[1] There is some overlap, but for the most part they are found most extensively by technology area in the U.S. Patent and Trademark Office (USPTO) Full text and Image Database—USPTO being the government agency that administers patents. With the full text of patents and patent search engines now available online, a basic knowledge of patents, where to find them, and how to search them is critical for science, business, and general reference librarians. Patents overlap strongly with the STEM disciplines (science, technology, engineering, medicine) and are an integral aspect of these curricula and faculty research; it is important that patents be included and at least mentioned in outreach and instructional sessions. An introduction for students and faculty that patents exist—that they can be included in their research projects, that they can be explored for new areas of research, for ideas to improve existing research, or to see if a product has already been developed—is invaluable.

Utility patents, comprehensively online from 1976 forward, offer a detailed description of a new process, machine, article of manufacture, composition of matter, or an improvement to these. These patents are included in some scientific literature indexes, but no direct link to the full text is given. Search engines other than USPTO exist, including Google Patents (www.google.com/patents), FreePatentsOnline (www.freepatentsonline.com), and Patent Lens (www.patentlens.net), but they offer varying search capabilities. They will meet the needs of some classes and assignments, but for more comprehensive preliminary research, the USPTO's classification-based (subject) search strategy must be used and reviewed with researchers. FreePatentsOnline provides some comprehensive searching for popular topics and companies, but this is limited to predetermined groups.

This article will attempt to streamline the basics that librarians need to understand and work with patents in order to share them with their students and faculty and answer related reference questions. There is an initial learning curve with patents, so these paragraphs will offer a start in describing the most common type of patent, how to read a U.S. patent and locate its basic components, how to find the full text of a U.S. or international patent with just the patent number, searching patents in sci-tech databases, how to do a basic patent search using U.S. classification numbers (necessary for a preliminary search) on the USPTO website (with help from Google Patents), locating U.S. patents via company name, and whom to contact for help and more information.

Intellectual property and patents

Patents are included in the umbrella term "intellectual property" with trademarks, copyright, and trade secrets—all ways to protect innovation. In the United States, patents must meet explicit criteria, defined by U.S. law (Title 35 *USC*), and are administered by the USPTO.

Appendix A is an example of a U.S. patent. It is the first two pages of a seventeen-page utility patent, the most common type of patent, issued to an inventor for a "new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof."[2] A patent provides a detailed description of an invention, so that it could enable one skilled in this area to make or build it. The inventor/owner is granted a property right to the invention by the USPTO, usually for a period of twenty years from the date the application was filed.[3] In turn, the patent becomes public, creating a rich resource of knowledge on which others may build or learn. More specifically, these patents create useful data for researchers and are important to curricula. Other patent types include design and plant patents. These will be infrequently included in literature databases. Genetic modification of plants will be included as utility patents.

Figure 1. Example of a U.S. Patent Cited in *Agricola* (Ebsco).

1. How to read a U.S. patent

The first page of a patent or the entire patent is useful for a class to see. The first page contains its basic information including the Abstract. The Background and Summary of the Invention in the body of the patent contains a detailed description of the invention. The Claims define its scope. These follow any applicable drawings.

Patent Number: The U.S. patent number is in the upper right corner. Patents are numbered as they are issued. This is what students will find referenced in traditional literature searches.

Issue Date: The date the patent was issued is in the upper right corner below the number, in this case December 14, 2010. See line 22 in the left column to see when the patent was filed. It can take a number of years for a patent to issue, as in the example. Two years is common.

Title, Inventors, and Assignee: The title of the patent is at the top left. The inventor(s) follow and then the assignee or owner if applicable. If both are present, it is assumed that the inventors are employed by the assignee/company.

Abstract and Body: The abstract is the very useful summation of the patent. Researchers can obtain basic information by reading the first page of the patent. For additional detail, the additional drawings and body of the patent may be viewed and read.

References Cited (U.S. Patents and Other Publications): The references are those patents and or articles that are related in some way. These are most useful for searching similar patents, but they can also be a very rich source for traditional literature, as in this case.

U.S. Classification: Located at line 52, this is the area of focus when doing a comprehensive preliminary patent search for related patents or in this subject area.

2. Finding the full text of a U.S. or international patent with the patent number

In traditional literature databases, a patent number may be indexed but will not include the full text. The most common related reference question is "Where can I locate the full text of this patent?" Foreign patents are also commonly indexed. Most countries in the world have a patent office. Each country has a country code: US, DE (Germany), EP (European Union),

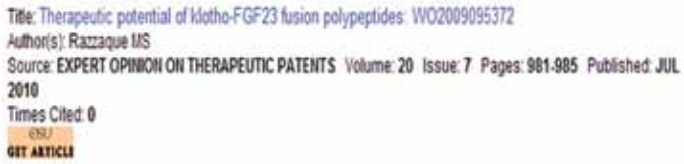

Figure 2. Example of a Worldwide (WO) Patent Cited in the Literature (ISI Web of Knowledge)

WO (World—a patent can be applied for in a number of countries at one time). One patent on an innovation is allowed in the world. Two examples, from *Agricola* (figure 1) and *Web of Science* (figure 2), show typical entries for patents in familiar databases. They also show the placement of a U.S. and World patent number, respectively.

U.S. Patents: The full text of U.S. patents and applications (pending patents) may be retrieved from USPTO and other websites, but the easiest site to use is Pat2PDF (www.pat2pdf.org). Type in the U.S. patent number with or without commas, and it will retrieve the full text of the patent in one PDF document.

Foreign and International Patents*:* The full text of foreign and international (worldwide) patents and applications (pending patents) may be retrieved from Espacenet, the European Patent Office website (ep.espacenet.com):

- Click on the Number Search tab on the left and type in the prefix and number without commas.
- Click on the title of the patent and then on the Original Document tab to view the original/official patent.
- Click on Save Full Document to save it in PDF. Once saved it may be viewed in its entirety and printed.

3. Patents in sci-tech databases

There is a small overlap between the coverage of traditional sci-tech databases and patent literature produced by USPTO. Citations to patents are included in databases such as *Sci-Finder*, *Web of Science*, *Inspec*, *Agricola*, *PubMed*, and *CAB*.[4]

However, certain fields must be explicitly searched to specifically retrieve patents, and it is important to note that not all relevant patents will be found, and they are not included as full text.

Databases such as *Agricola* and *Inspec* provide fields to search patents: SO (source) and DT (document type). See Figure 1 as an example citation in *Agricola*. Searching with the keyword 'patent' will retrieve hits in other databases.

Type the patent number found in these records in the sites described in section 2, Pat2PDF (U.S. patents) and Espacenet (European Patent Office for foreign and international patents), to retrieve the full text using the patent number.

Searches in databases will provide a cursory search of patents. If a student or faculty member requires a more comprehensive search, the USPTO database—the richest source of patent material—must be searched, although not by keyword alone. Determine the U.S. patent classifications to begin preliminary patent research in a subject area.

4. How to use patent search engines online and searching patents comprehensively by subject using U.S. classifications

Due to the existence of popular search engines such as Google and Bing, searchers assume that they can search patents using keywords to track a topic or research area. Relevant hits will be retrieved, but it is far from a comprehensive research. Students for the most part can use keyword searches for class assignments, but faculty requiring a more in-depth review will need more assistance.

For searching by keyword, the online search engines that exist beyond USPTO such as Google Patents, FreePatentsOnline, and Patent Lens can suffice. They do offer some overall advantages, such as the ability to search U.S., foreign, and international patents at the same time. They also provide links within the body of the patent, and they provide the full text of the patent, where USPTO must be printed page-by-page. However, the way they have structured their patent results can be difficult to read and navigate, and FreePatentsOnline includes advertising.

- In keeping with its traditional look, Google Patents advanced search offers the easiest interface for a beginner using keywords and provides links to the patent at USPTO and a PDF version of the patent.
- FreePatentsOnline offers canned searches via its top page that are fairly comprehensive in nature. These are grouped by broad topic and subtopics and can be useful to students, although using these won't give students an idea of how to search. For example, thirty chemical topic searches are available. Company searches are possible for about fifteen larger companies.
- Field searching is possible with any of these sites, including USPTO. Patent Lens' structured search may be the most straightforward for most users. Use PatentLens to search by company/assignee (see section 5 below).

For comprehensive patent research by subject area, the database at USPTO must be used for searching by U.S. classification. Communicate to students and faculty that they will find only a small percentage of relevant patents when using keywords in various patent databases. The USPTO and other countries use hierarchical systems that groups technologies into fine categories or hierarchies. The following describes the steps to begin a more comprehensive patent search by subject using U.S. classifications or the 470+ subject areas used by the USPTO. The steps help with identifying a relevant class area within to search. Google Patents is included in the first step to identify relevant patents. Keyword searching can also be done via USPTO, but Google's relevancy ranking is most useful. The USPTO also puts forth a seven-step strategy,similar to that which the examiners use when reviewing patents at USPTO.[5] Please contact this author or the PTDL representative in your state for assistance, as this process can be a challenge initially.

Steps to beginning a preliminary patent search via USPTO

1. Start with a keyword search at Google Patents.
2. Type inkeywords that describe your research or invention (three or so). Place a phrase in quotes.
3. Locate patents that are in your area of research.
4. Select these and then click on "View Patent at USPTO."
5. Note the classes/subclasses on these patents. Find a pattern among several patents.
6. Plug in the classes/subclasses at USPTO (www.uspto.gov/web/patents/classification).
7. Click on the red P to examine all patents in those classifications. Click on the blue A to review pending patents (applications).

5. Searching patents by company name

Searching patents by a specific company (assignee or owner) can also be useful for tracking developments, trends, and research in certain disciplines. Searching by assignee can be done via all of the above databases. It is most directly presented via Patent Lens.

1. Select Structured Search and enter the company name in the Applicant box.
2. Select the applicable Patent Collections (U.S. Grants and Applications).
3. Enter a key term in the first box if desired. This will limit Abbott Laboratories (abbott) to a certain drug (fenofibric), for example (see figure 3).

6. Whom to contact for help

Communicating the importance and relevance of patents is important outreach in a number of disciplines. In addition to basic concepts explained via the USPTO website, Nolo Press

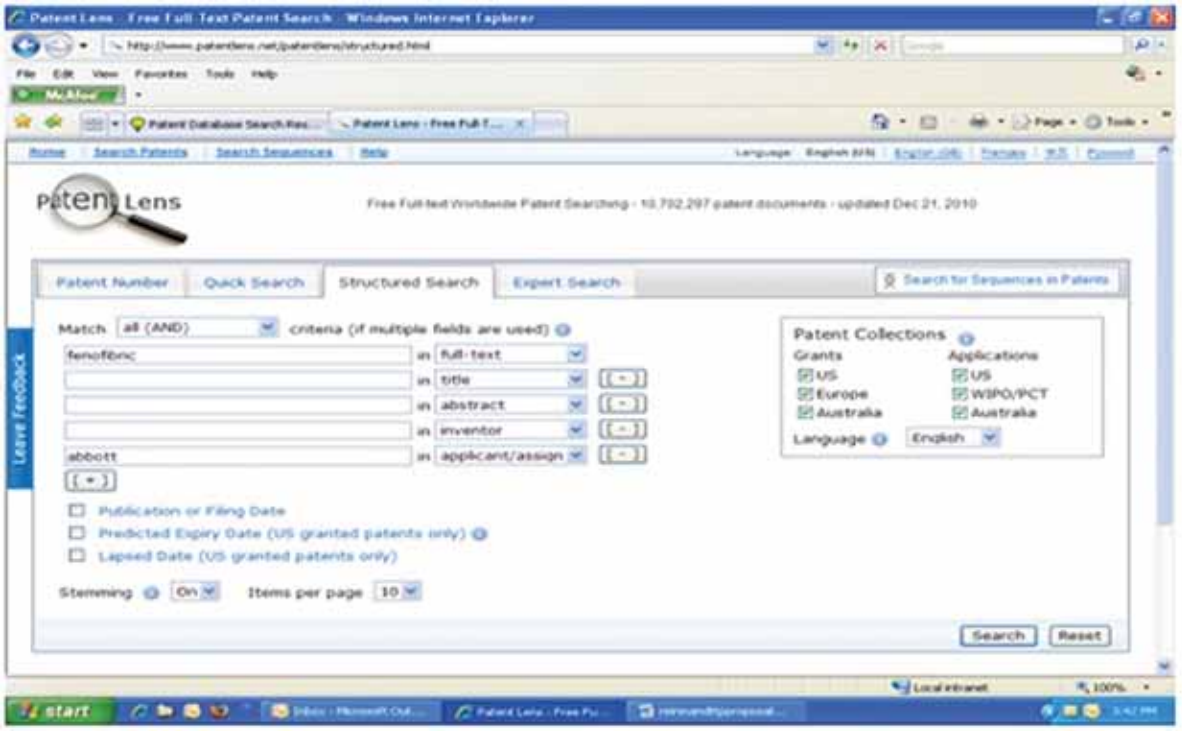

Figure 3. Patent Lens Search Screen for Company Search (www.patentlens.net)

(www.nolo.com) offers numerous titles in the area of intellectual property research. Other articles exist in the literature that describe patents and the patent process in more detail.

The USPTO has a partnership with a network of libraries in the United States, the Patent and Trademark Depository Library Program, and this may be the most useful resource for help. These libraries are depositories for USPTO materials. The librarians who are members of the program participate in a weeklong annual training seminar supporting their knowledge base on intellectual property and patent and trademark research and have contact with USPTO for additional support. Locate and contact the representative in your state with questions regarding class assignments concerning patents, related reference questions, preliminary patent research, and for help in locating older, historical patents that are not easily located online.[6] STEM and other librarians who have a PTDL at their institution or in their community are encouraged to collaborate with and learn from PTDL representative in order to grow and strengthen the use and knowledge of patents in university and other curricula.

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Suzanne L. Reinman, Government Information Librarian, Associate Professor, Oklahoma State University, Documents Department, Patent and Trademark Depository Library, suzanne.reinman@okstate.edu.

Appendix A. Example of a U.S. Patent (paft.uspto.gov/netahtml/PTO/srchnum.htm)

US007853606B1

(12) **United States Patent**
Marmaros

(10) **Patent No.: US 7,853,606 B1**
(45) **Date of Patent: Dec. 14, 2010**

(54) **ALTERNATE METHODS OF DISPLAYING SEARCH RESULTS**

(75) Inventor: **David Marmaros**, Mountain View, CA (US)

(73) Assignee: **Google, Inc.**, Mountain View, CA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 956 days.

(21) Appl. No.: **10/940,209**

(22) Filed: **Sep. 14, 2004**

(51) **Int. Cl.**
G06F 7/00 (2006.01)

(52) **U.S. Cl.** **707/769**; 707/802

(58) **Field of Classification Search** ..... None
See application file for complete search history.

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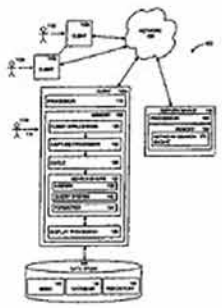
Primary Examiner—Tim T. Vo
Assistant Examiner—Hasanul Mobin
(74) *Attorney, Agent, or Firm*—Fenwick & West LLP

(57) **ABSTRACT**

Methods and systems for displaying search results are set forth. According to one embodiment, a method comprising identifying a user interface native to a client application, identifying a search query, receiving a search result set responsive to the search query from a search application, wherein the search result set comprises a first article identifier associated with a first article and a second article identifier associated with a second article, the first article native to the client application and the second article not native to the client application, and displaying the search result set in the user interface is set forth.

24 Claims, 6 Drawing Sheets



Appendix A(continued). Example of a U.S. Patent

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Review

Access to Public Sector Information: Law, Technology and Policy. Brian Fitzgerald, editor. Sydney University Press, 2010. $80. ISBN: 978-1-9208-9954-7. Free online, www.apo.org.au/book/access-public-sector-information-law-technology-and-policy.

The "open access public sector digital age" is upon us!

These words could be called the mantra of the FDLP, as FDsys becomes GPO's official content repository and efforts to provide seamless, electronic access to public sector information come to greater fruition. They also apply in other jurisdictions around the world, including Australia's Queensland Government and its Government Information Licensing Framework (GILF) Project.

According to Brian Fitzgerald, editor of *Access to Public Sector Information: Law, Technology and Policy* and Professor of Law at the Queensland University of Technology, the GILF was initiated in 2004 to address the needs for better access to and reuse and reconfiguration of public sector information (PSI) in Australia. While many chapters in this two-volume work, available in both print and electronic versions, treat PSI projects specific to Queensland, the perspective of each of the twenty-eight chapters is decidedly international in scope.

For example, Keitha Booth's "NZ Government Information Policy and Data Re-use Project Background Paper" discusses New Zealand's efforts to define PSI policy in the context of PSI policy approaches undertaken by the European Union and the Organization for Economic Cooperation and Development.

Booth emphasizes that New Zealand's resulting PSI policy—the Policy Framework for Government-Held Information (PFGHI), released in 1997—anticipated that future access to PSI would be provided largely in electronic formats. As with other PSI policy projects profiled in these two volumes, the core objectives of the PFGHI relate to identifying participating government agencies and their functions, incorporating open access (OA) fundamentals, establishing copyright and licensing parameters (particularly those associated with Creative Commons and other OA-derived digital licensing conventions), and establishing the primary form of commerce associated with such access.

A primary goal of PSI policies is to enable easy repurposing and reconfiguration of information for the benefit of new users, both commercial and non-commercial. Because most PSI content is born digital, the use of Creative Commons and other OA-derived digital licensing conventions is an important legal component of further PSI policy development, as is recognition of such legally binding licensing agreements in the context of government information access. Progress toward passage of the *Federal Research Public Access Act of 2009* in the 111th Congress is an example of recent efforts to promote greater public access to federally funded research, which sometimes gets entwined within commercial access restrictions.

One of the most interesting chapters, "Government Information and Open Content Licensing: An Access and Use Strategy," authored by the Queensland Spatial Information Office (QSIC), discusses that agency's efforts to promote the use of PSI open access policies and Creative Commons licensing to foster social and economic development. The chapter contrasts the flexibility of a typical Creative Commons license with the traditional copyright and use licenses issued by the QSIC. Its analysis of those licenses found that they:

- were considered long and difficult to use;
- were not written for the online environment;
- aimed to restrict use rather than support wider use;
- contained language creating "derivative licenses," requiring legal interpretation and further delaying data delivery and use by authorized users; and
- led to confusion over whether agencies are separate entities or multiple distribution points within the central entity of the Queensland Government.

I was impressed by both the depth of PSI content provided by *Access to Public Sector Information* and the qualifications of the contributing authors. While most have legal backgrounds, the roster also includes several information technology specialists and economists. One author, Tracey P. Lauriault, is a leading cybercartographer who led several expeditions in that fascinating, virtually unknown discipline. Lauriault, with co-author Hugh McGuire, wrote the chapter, "Data Access in Canada: civicaccess.ca."

This book would be a great addition to any reference or government information collection, particularly one emphasizing the intersection of public sector information and open access licensing for multimedia content. Any interdisciplinary study of copyright and fair use, whether related directly to public sector information or to the Internet in general, would also benefit greatly from this title.—*Tom Adamich, Head of Metadata, Government Documents Librarian, Muskingum University, tadamich@muskingum.edu*

Documents on the Law of UN Peace Operations. Bruce Oswald, Helen Durham, Adrian Bates. Oxford: Oxford University Press, 2010. $187. ISBN: 978-0-19-957126-0.

Documents on the Law of UN Peace Operations provides a unique perspective on the history, planning, and management of UN peacekeeping operations. The book begins by defining UN peacekeeping operations and clarifying the terminology the UN uses to define its authority in the countries in which it operates. The rest of the book is divided into six categories: (1) the UN charter and the establishment of peace operations; (2) legal standards governing the conduct of peace operations; (3) accountability measures to which peacekeepers are held; (4) important international court cases; (5)mission specific documents; and (6) research sources. The book includes helpful lists of abbreviations and an extensive bibliography.

Each chapter begins with a commentary by the authors. The commentaries provide a background explanation of a specific document and describe its significance to UN peace operations. As the authors explain, the documents define the legal environment in which peacekeepers operate, sometimes in terms that require careful scrutiny. For example, the background portion of the UN Charter explains how Security Council resolutions may sometimes use non-binding terms like "urges" or "invites," but when a resolution "decides" to take a course of action the intent is to place a binding obligation on Member States.

Some documents exist to define the terms and conditions of peacekeeping operations, such as the model Memorandum of Understanding, which is the model for an agreement between the UN and Member States contributing personnel and equipment to UN peace operations. The section on accountability gives a thorough description of rules peacekeepers must follow while serving in a peace operation. At the end of each commentary, the authors provide a reference to the document that may include the online address if the document has one, the full title of the document, the author, the date of adoption, the document number, signatories, and the date it entered into force. The document or, more often, an extract of the document follows, the commentary.

The research section, covering the last chapter, is useful for providing links to relevant UN websites, including the International Court of Justice and the Special Committee on Peacekeeping Operations, and key non-UN websites such as the International Forum for the Challenges of Peace Operations, New York University's Global Peace Operations, and the Crimes of War Project. Other links direct the reader to treatises, journals, and yearbooks.

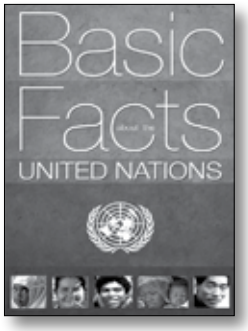
Law libraries, depository libraries, and academic institutions with programs in international relations would benefit from having this collection of documents. The commentaries provide valuable explanations of the importance of each document to the conduct of peacekeeping operations. Overall, it would be a worthy addition for reference collections in libraries that can afford the high price tag.—*Lindsey Ottaviano, MLIS Student, Dominican University, lmottaviano@yahoo.com*

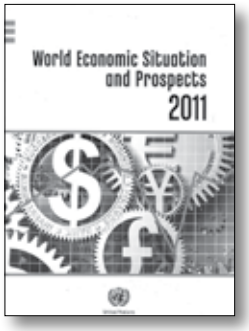
New from United Nations Publications

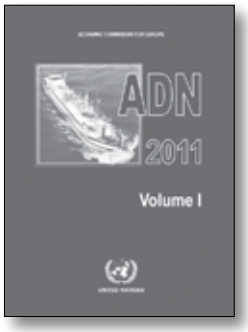
Yearbook of the United Nations 2007

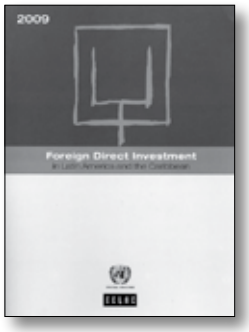
With its comprehensive coverage of political and security matters, human rights issues, economic and social questions, legal issues, and institutional, administrative and budgetary matters, the *Yearbook of the United Nations* is the most authoritative reference work available on the activities and concerns of the United Nations. Fully indexed, the *Yearbook* includes the texts of all major General Assembly, Security Council and Economic and Social Council resolutions and decisions. This latest volume, the sixty-first, highlights the attention given by the United Nations in 2007 to conflicts in Afghanistan, Central Africa and in the Darfur region, as well as instability in the Middle East, along with the challenges posed by poverty, gender inequality, uneven development, climate change and terrorism.

Publisher: United Nations Pubication Date: Spring 2011 ISBN: 978-92-1-101226-2 Pages: 1,800 Price: US$ 175.00









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Publication Date: November 2010 ISBN: 978-92-1-061-283-8
Pages: 1,352 Price: US$ 160.00

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GODORT 2011 Midwinter Meeting Summary

Amy West

January 7-11, 2011
San Diego, California

Great news from San Diego—GODORT is in fine shape financially. This is particularly good news in a continuing climate of economic hardship. Partially inspired by economic necessity, technological options, and theALA Executive Board white paper on Midwinter(tinyurl.com/63hxso2), many meetings, including Steering I, Membership, Bylaws and Organization, Education, and Rare and Endangered Government Publications (REGP) focused on how best to use GODORT time during ALA meetings as well as how best to conduct organizational business. The white paper discusses the role of Midwinter from the ALA perspective. The report notes that since 2008, in-person conference attendance (at either meeting) has not been required for committee activities. The report also notes that Midwinter isn't made up of just business meetings. It has been evolving to meet member needs.

The **Education Committee** has decidedto meet only online for Midwinter Meetings. They are the first committee to formally decide to forgo in-person meetings at Midwinter on a permanent basis, although other committees have been making similar decisions on a case-by-case basis. The Education Committee is to be applauded for the thoughtful and action-oriented approach they have taken to managing their work.

At the **Membership Meeting** on Monday, the sense of the attending members was that, if there are to be Midwinter meetings, they should be more programmatic and in conjunction with related groups at ALA. This would likely entail moving committee business to ALA Connect in order to ensure in-person meeting time is reserved for programs. However, a number of members at the meeting expressed some dissatisfaction with ALA Connect.

The **Membership Committee** would like to encourage GODORT members who also use Facebook to join the group at www.facebook.com/pages/GODORT-Government-Documents-Round-Table/26830521344. It's regularly updated with news of interest to GODORT members, so if you already spend time in Facebook, this should be an efficient way to keep up with government information issues.

The **International Documents Task Force** has approved the International Documents Librarian Competencies as drafted in wikis.ala.org/godort/images/f/fe/International_competencies_only.pdf. All three Task Forces now have dedicated space in ALA Connect, each of which is open to all GODORT members. See the GODORT wiki for links: wikis.ala.org/godort/index.php/GODORT_Taskforces.

The **Web Managers** group discussed the upcoming migration away from the current ALA content management system to a new one. An audit of GODORT pages shows both an extensive presence and a need for considerable updating. The Web Managers group has laid out a number of tasks for itself and the Steering Committee between now and the conversion due to occur at the end of the summer.

Business conducted at the **Membership Meeting** included the approval of three resolutions from the **Legislation Committee**:

- Resolution Thanking Bob Tapella for His Service as the 25th Public Printer of the United States.
- IFC/COL Joint resolution on access to and classification of government information.
- PLA/COL Joint resolution commending President Obama and the U.S. Senate in nominating and confirming Susan Hildreth to IMLS Director.

Business conducted at **Steering II** including the approval of the following action items from GODORT committees:

- IDTF asked the GODORT chair to write to UN publications concerning the lack of receipt of documents due to a new vendor, National Book Network, a subsidiary of Rowan and Littlefield
- Bylaws and Organization asked the GODORT chair to charge all steering members to comment on proposed changes to the PPM by January 28, 2011.
- Steering also decided that Bylaws and the Executive Committee should draft guidelines on virtual meetings to go out to membership as a whole for comment.
- The Awards Committee presented the slate of scholarship and awards winners of 2011. NewsBank/Readex/GODORT/ALA Catharine J. Reynolds Research Grant—No

applications; James Bennett Childs Award—Tim Byrne (Department of Energy, Office of Scientific and Technical Information; ProQuest/GODORT/Documents to the People Award—Lou Malcomb (Indiana University); Bernadine Abbott Hoduski Founders Award—Laura Harper (University of Mississippi); W. David Rozkuszka Scholarship—Laurie Aycock (Valdosta State University); Margaret T. Lane/Virginia F. Saunders Memorial Research Award—George Dehner (Wichita State University).

- Development recommended that the GODORT treasurer be authorized to work to maintain a balance in the Rozkuszka spending account that covers, at minimum, the $3,000 scholarship payment plus estimated bank fees.
- Education requested that the GODORT chair send a letter of thanks to Kathy Bayer for her contributions.
- Publications and Education together recommended that the GODORT chair establish an ad hoc committee of chairs of Program, Publications, Education, and GITCO to draft a report on how to proceed on e-learning initiatives to be due no later than June 1, 2011.
- Membership
  - Action: Move that the chair of GODORT write a letter thanking ProQuest for their generous sponsorship of the GODORT/MAGERT/LPSS happy hour.
  - Action: move that $200 be appropriated for GODORT branded giveaways at the Annual Conference Membership Pavilion.
- Nominating noted that despite considerable effort on the committee's part, the slate of candidates for elected GODORT positions (which has been approved post-conference on ALA Connect) remains incomplete.
- Web managers recommends that the GODORT chair send a reminder to all to review relevant portions of the ALA GODORT website by March 1st .
- Finally, the Program Committee is pleased to announce that GODORT will sponsor in name only the 2011 MAGERT annual program: "There's a Map for That!"

For more detailed notes on a particular committee or task force's activities at Midwinter 2011, see the GODORT wiki at either the committee/task force page or the Agendas and Minutes page: tinyurl.com/5s29etp.

Councilor's Report

January 7-11, 2011
ALA Midwinter Meeting
San Diego, California

The 2011 Midwinter Meeting was my first representing GODORT on ALA Council and I am happy to report that all resolutions endorsed by the GODORT membership and presented to Council passed. It was interesting to see the number of resolutions for which consideration was postponed until ALA Council's third session to allow for discussion at Council-sponsored forums. During that session, most resolutions were approved by wide margins (demonstrating consensus) or tabled.

Prior to the Midwinter Meeting, several messages regarding WikiLeaks were posted to the ALA Council e-mail list and a resolution was drafted after many federal agencies, including the Library of Congress, were directed to block access to the WikiLeaks website. Access to WikiLeaks at the Library of Congress was restored before the Midwinter Meeting, rendering that resolution moot. In ALA Council III, Julius C. Jefferson Jr. presented the ALA Intellectual Freedom Committee's report. As both Jefferson and ALA President Roberta Stevens are federal employees, they recused themselves while a "Resolution on Access to and Classification of Government Information," which GODORT members endorsed in principle, was considered. The resolution passed. In the resolved clauses, ALA "[c]ommends President Barack Obama for establishing the National Declassification Agency and issuing *Executive Order 13526 on Classified National Security Information* and encourages expanded initiatives to reform the U.S. classification system; urges Congress to pass legislation that expands protections for whistleblowers in the Federal government, such as the *Whistleblower Protection Enhancement Act of 2010*; urges the U.S. president, Congress, the federal courts, and executive and legislative agencies to defend the inalienable right of the press and citizens to disseminate information to the public about national security issues and to refrain from initiatives that impart these rights; [and] affirms the principle that government information made public within the boundaries of U.S. law should be available through libraries and the press without

restriction." Two others, "Resolution on WikiLeaks and Federal Agencies" and "Resolution in Support of WikiLeaks" were tabled during ALA Council III.

Charles Kratz, chair of the ALA Committee on Legislation, presented the committee's report, which included two GODORT-endorsed resolutions. The "Resolution Thanking Bob Tapella for His Service as the 25th Public Printer of the United States" and "Resolution Commending President Obama and the U.S. Senate in Nominating and Confirming Susan Hildreth to be IMLS Director" both passed.

Councilor Loida Garcia-Febo, chair of the ALA Committee on Membership Meetings, reported that there are plans for a "virtual" membership meeting using ALA Connect during the ALA Annual Conference, which will be promoted via various media to encourage participation. She noted that it remains difficult to attain a quorum even though the number of members required to achieve a quorum has been reduced.

There are additional announcements that may be of interest to members. A Retired Members Round Table has been created. ALA Treasurer James (Jim) Neal reported that the ALA staff realized important cost savings, improving the association's financial condition and allowing some cuts to ALA staff costs to be restored. 7,549 people registered to attend the Midwinter Meeting, for a grand total of 10,110 when exhibitors are included. Among the forty-five ALA councilors elected in 2010, twenty-eight are new to council. More information on reports to council, council resolutions, and other council business can be found on the ALA website (www.ala.org/ala/aboutala/governance/council/index.cfm) and ALA Connect (connect.ala.org/council).

I received a number of thoughtful e-mail communications relating to ALA Council issues from GODORT members before the Midwinter Meeting and welcome the opportunity to represent your views. Please look me up among the more than 700 members in the GODORT node of ALA Connect (connect.ala.org/node/14) or send me an e-mail outlining your concerns.

John A. Stevenson, GODORT councilor (2010–13) john.a.stevenson@gmail.com.

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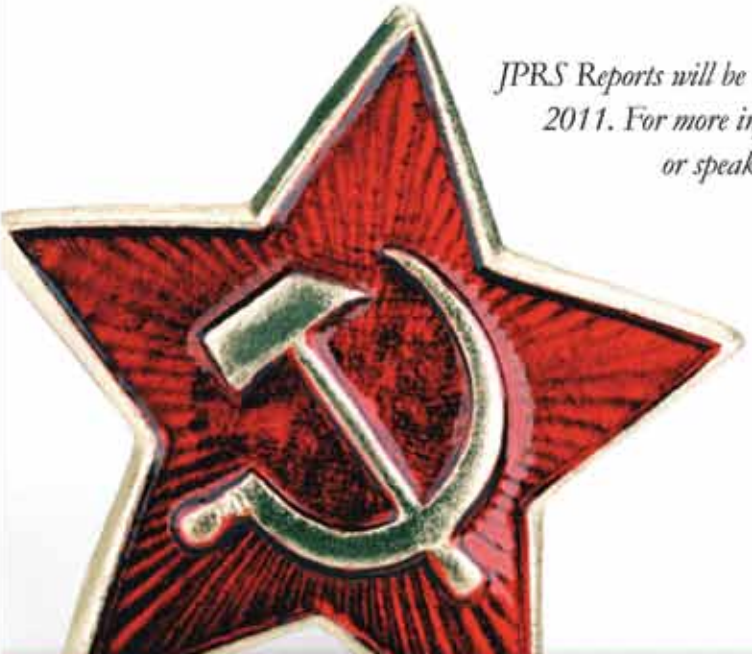

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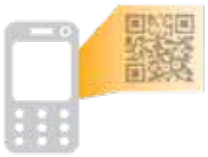

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