

**Barriers to free culture:
An examination of public libraries' use of the Internet Archive and Creative Commons licensed materials**

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Abstract

Google Books receives most of the attention when the conversation turns to large-scale library digitization projects or otherwise making texts available online, but Google is not the only participant in the conversation. Other large scale projects to digitize or otherwise make material available exist such as the Internet Archive and Creative Commons (CC). Both of these projects focus on providing open access to works in the public domain as well as materials under copyright.

Spending in the public sector is always scrutinized, but the current economic climate means that budgets are being cut deeply. Libraries, by participating in disseminating works from the Internet Archive as well as CC licensed material benefit themselves by developing more diverse collections while also supporting projects that seek to stimulate the development of culture. The guiding question for this research is 'how are these other digitization projects being used in libraries'? This research examines the way in which public libraries in Canada and the United States are incorporating Internet Archive and CC licensed materials into their library catalogs. The study is a mixed-methods approach utilizing a quantitative analysis of records in WorldCat as well as a survey methodology.

The quantitative analysis through WorldCat informs the study in two ways. The search establishes which libraries have added Internet Archive and CC licensed materials, thus providing the population of interest for the survey. It also examines the following questions:

- What types of public libraries are adding these materials?
 - Are there any geographic or size patterns?
- How many of these types of materials are being added?
- What types of materials are being added?
 - Genre, format, age

The survey will be sent to public libraries that have added Internet Archive or CC licensed materials to their catalogs. It is comprised of open and closed-ended questions that examine the following:

- How are decisions to add the materials made?
 - Do these resources go through traditional collection development processes or were new processes conceived to include them?
- What problems or issues arise with incorporating these resources into the collection?
 - Organizational hurdles including item processing issues or concerns with project stability
 - Possible privacy concerns

- What if any patron feedback about the materials' inclusion has been voiced?

The Internet Archive and Creative Commons projects represent two sides of copyright, artifacts in the public domain works as well as copyrighted works. The main focus of the Internet Archive is to digitize public domain works, but they also digitize materials under copyright with permission. The Internet Archive is actively scanning works from such diverse libraries as the Boston Library Consortium, the University of California Libraries, the University of Toronto, and John Hopkins University.

Through CC licenses creators can publish their work under a new licensing scheme that preserves the intellectual and creative ownership of works while allowing others, with attribution to the creator, to have more rights to access and utilize the work that extend beyond fair use (US) or fair dealing (Canada). Works by well known authors such as Lawrence Lessig, James Boyle and Cory Doctorow; works from publishers such as Oxford University Press and Bloomsbury Publishing; and library-centric works like *CREW a weeding manual for modern libraries* have been published using CC licenses.

Looking at the purposes of libraries and the nature of copyright reveals reasons for libraries to actively embrace these two projects. In the past, publishers deposited copies of their work in libraries, in order to “both facilitate the spread of knowledge and to assure that the copy of the work would be around once the copyright expired, so that others might access and copy the work” (Lessig, 111). This relationship between publishers and libraries existed so that libraries could aid in the creative process, to provide people with the means to build on a body of shared knowledge.

While some public and academic libraries have added CC licensed works to their catalogues, they are few and far between. Libraries can link directly to items that are published under CC licenses or provided by the Internet Archive, but there are barriers to incorporating such texts into a library's collection. Including these open projects in the library catalog provides some challenges as these resources fall outside of normal acquisitions and cataloging procedures and the non-cohabitation of CC licensed works. Additional challenges relate to the real and hypothetical privacy threats to users of e-books, taking into accounts librarians' feelings and reactions to these threats. This research will provide a base of understanding for other libraries that add these types of works to their catalogs in the future.

Lessig, L. (2004). *Free culture: How big media uses technology and the law to lock down culture and control creativity*, New York: Penguin Press