

Northwest Notes

Newsletter of the

Pacific Northwest Chapter of the Medical Library Association

Volume 12, Number 3

May-June 1991

The Copyright Balancing Act Revisited

by Pia Fish; with assistance from Sherry Dodson and Linda Milgrom in Seattle and Daphne Plaut in Portland

Many of us in the Seattle and Portland areas were able to attend the "Copyright Balancing Act" continuing education sessions held April 18 in Seattle and April 19 in Portland, and superbly organized by Sherry Dodson and Linda Milgrom. For those of you who were unable to attend, here is a very brief synopsis of what we learned in those all-day workshops.

The panelists at this workshop were William Patry, an attorney from the Copyright Office at the Library of Congress; Carol Risher, the copyright representative from the American Association of Publishers; and Charles Vlcek, the media library coordinator and professor from Central Washington University. Each panelist gave short lectures on particular aspects of the copyright laws, and there were both formal and informal question-and-answer sessions. Following are some important points that came out of the discussions.

- assume that a work is copyrighted. Under current copyright law, the copyright symbol (c in a circle) is no longer required to be displayed.
- copyright is automatic, it is not "granted". The copyright office only registers the claim to the work, it does not grant a protection. The protection to the work comes from the copyright law.
- in scholarly journals, copyright of an article is very typically owned by the journal or its publisher, not the author of the article.
- the law is written so that intent doesn't matter. If you infringe the rights of the copyright holder, it doesn't matter that you didn't know, for example, that Dr. So-and-so was going to make copies for her class of 100 residents — you could be held equally liable for that infringement.
- everyone can be held personally liable, including state and municipal employees. You are not protected just because you work for a state or municipal government.

PNC 1991 Executive Board

Jeri van den Top, Chair
Alaska Health Sciences Library
3211 Providence Drive
Anchorage, AK 99508
907/786-1870; fax 907/786-1608
OnType: AHSL

Dolores Judkins, Chair-Elect
Oregon Health Sciences University
Dental Library
611 SW Campus Drive
Portland, OR 97201
503/494-8822; fax 503/494-5241
OnType: OHSUDL

Kathy Murray, Past Chair
Providence Medical Center
Horton Health Sciences Library
P.O. Box C-34008
Seattle, WA 98124
206/320-3788; fax 206/324-5871
OnType: PMC

Maryanne Blake, Treasurer
VA Medical Center
Library, 142D
1660 South Columbian Way
Seattle, WA 98108
206/764-2065; fax 206/764-2816
OnType: VASEA

Jim Henderson, Recording Secretary
Canadian Bacterial Diseases Network
Room 238 - Westbrook Building
6174 University Boulevard
Vancouver, BC, Canada V6T 1W5
604/228-4040; fax 604/228-6938
OnType: UBC1

Mary Campbell, Chapter Council Representative
King County Library Service
Medical Librarian
300 - 8th Avenue N.
Seattle, WA 98109
206/684-6648; fax 206/464-7481
OnType: KCLS

Sylvia MacWilliams, Chapter Council Alternate
Southwest Washington Medical Center
Hospital Library
P.O. Box 1600
Vancouver, WA 98668
206/256-2045; fax 206/256-6466
OnType: SWWVMH

Lellani St. Anna, Membership Secretary
University of Washington
Health Science Library, SB-55
Seattle, WA 98195
206/685-3125 or 206/543-3395; fax 206/543-3395
OnType: UWHS/LGEN

Around the Region

Alaska

We are pleased to announce that **University of Alaska Anchorage (UAA)** has applied for a DOCLINE code and has submitted their holdings to be input into Serhold. Their holdings will enhance Alaska's contribution to the region.

Alaska Native Medical Center

GRATEFUL MED outreach project: **Eve Ruff** and **Sarah Rogers** travelled in March to Barrow (often referred to as the top of the world) to train the Public Health Service Hospital employees on their new computer and **GRATEFUL MED** software. Unfortunately, they arrived before the hospital's equipment arrived; but fortunately, Eve had her travelling computer, so all went well.

Alaska Health Sciences Library

has received their first **LOANSOME DOC** requests. They came from the PHS Hospital in Bethel. Another practitioner has started to send requests to AHSI over the **HEALTH BB** (Alaska's AHEC electronic bulletin board for rural health care providers.), so Alaska is finding new ways to enter into the 21st Century.

Washington

"A Season for Growth" — WMLA Meeting Held

Submitted by **Peggy Burt**, WMLA Annual Meeting Chair

Washington Medical Librarians enjoyed a beautiful day and a wonderful program with a record attendance of 63 at this year's annual meeting, held at the Washington Park Arboretum in Seattle on April 19.

The morning speaker was **Dr. Peter Demopulos** addressing "What's Cooking in the Cath Lab?" He presented information about techniques currently in use in PTCA as well as procedures that are under investigation and hold great promise for the future. In the afternoon, **Dr. Thomas McCormick** addressed issues related to the area of Medical Ethics. He spoke about the issues concerning assisted suicide, high technology

fertility, and health care rationing. WMLA members found this presentation to be extremely valuable and timely.

We also had two sessions facilitated by WMLA members. The first was the OWL network, facilitated by **Debbie Ketchell**, which we hope to offer as an annual event. This session was an opportunity for people to exchange ideas, ask questions, and identify members who have expertise to share by the distribution of a "Skills to Share" list. We feel that the process of mentoring is very important to the profession and that sessions like this can really open doors for people.

The second session was "Service to Unaffiliated Users". **Linda Milgrom** facilitated this session where **Mary Ellen Lemon**, **Nancy Press** and **Edean Berglund** shared information on what's being done in the state to provide library services to unaffiliated health care professionals. Issues related to fees, Loansome Doc services, and the results of a recent survey were discussed by the panel. With the combination of the continuing education workshop ["The Copyright Balancing Act," story, beginning on page 1 of this issue — Ed.] on April 18 and the Annual Meeting on the 19th, we had a fantastic two days together to learn and grow!

Other Washington News

Collected from Washington State *Resourceline* and other sources

Nancy Baker became the new Director of Libraries at Washington State University on 1 April 1991. Previously she was Associate Director of Libraries for Public Services, UW Libraries.

Mary Campbell, King County Library System, and **Carolyn Weaver**, University of Washington HSLIC, are contributing authors in a new book, *Managing Consumer Health Information Resources*.

Eve Ruff, TELE Project Coordinator, was a featured speaker at the meeting of the National Library of Medicine's Board of Regents on February 28 in Bethesda, MD. Eve related some of her experiences over the last three years providing outreach services to Pacific Northwest health professionals. Many of Eve's accomplishments were detailed in the cover story of the January-February 1991 issue of *Northwest Notes*.

Librarian **Judy Corin** has joined **Linda Hendrick** at Island Hospital in Anacortes.

Physio-Control Information Center in Redmond is now on DOCLINE; their code is 98052C. The SERHOLD code is CCP.

Schick Shadel Hospital in Seattle has a new fax number: 206/431-9153.

Highline Community Hospital in Seattle has a new fax number: 206/241-6945. Please note that this machine is still not in the library, so you will need to clearly mark your materials for the library.

Montana

St. Patrick Hospital in Missoula has added a second fax machine. It's still not in the library, but it's much closer. The new number is 406-543-8992. Please use this number as much as possible.

PNC/MLA Committee Chairs for 1991

Archives: Janet Schnall
Bylaws: Jan Schueller
Education: Kathy Nelson
Governmental Relations:

Susan Long

Library Automation & Technology: Peggy Burrell
Membership: Leilani St. Anna
Program: Pam Spickelmier
Publications: Valerie Schultheiss
Research: Marcie Horner
Nominating: Kathy Murray

- publishers aren't just printers; they promote knowledge and are entitled to recoup their investment through licenses to distribute and copy protected works.

- copyright is a broad law; the "limitations on exclusive rights: fair use" exclusions are defined in section 107. These exclusions to copyright rights are very narrow in scope. Libraries do their business within those exemptions. To determine fair use of a copyrighted work (this determination to be made in each particular case), these factors should be considered: what is the purpose and character of the use of the copyrighted work; what is the nature of the copyrighted work; what is the amount used in relation to that work as a whole; and what is the effect of the use on the potential market for the copyrighted work.

- library copying (section 108) is allowed when it is isolated, sporadic, and unrelated—not systematic. Replacing damaged or decaying copy, providing a patron with a copy for private study, and requesting to borrow, through interlibrary loan, up to 5 articles per calendar year from one journal's current (5 years) span of material is considered nonsystematic. Beyond that you're supposed to request permission for every use. Permission doesn't necessarily cost money.

- document delivery services should include any royalty fees in their charges to you.

- keep your ILL records for 3 years.

- making multiple copies of tables of contents is okay, but systematic copying of articles violates copyright law.

- if you have users who subscribe to a title and then pass it on to the library to keep, that's probably okay, as long as it's only a smattering of titles. Even though personal subscriptions frequently cost less than institutional subscriptions, the subscribers are considered to own their subscriptions. Within reason, they are free to do with the product (as a whole) what

they want, although the rights to individual usage of the articles within that whole are still the property of the copyright holder. (But if millions of doctors suddenly start subscribing at the "personal" rate and millions of libraries suddenly stop subscribing at the "institutional" rate, there might be a problem!)

- stamping copies you make with "Notice: Material may be protected..." is probably better than not stamping, but the publishers don't think ALA's standard wording on this is adequate. They'd like us to identify works that are copyrighted and say "This is copyrighted and therefore protected..." It was admitted, though, they're probably not going to send out the copyright cops on this one.

- every time you use a video or audio tape, you are "performing" it, and performance by non-authors is allowed only under strict conditions. Section 110 allows for an exclusion for face-to-face teaching in a nonprofit

... although we could all think of a time or two ... where we'd probably stretched "fair use" ... the consensus seemed to be that we librarians generally tried to play pretty fair and yet also do our business in the "real world", where there are time and money constraints.

institution in a setting devoted to instruction (a classroom, for example—not an arcade). If you're not sure about fair use of a tape, call or write the producer or author, or call the broadcasting station or network. Permissions to use can usually be negotiated.

- if it's software (Section 117), assume it's copyrighted; fair use allows you to make adaptations of software you've legally acquired, but you are not entitled to copy, sell, or give away your adaptations. If multiple copies are needed, the copyright holder (usually the producer) can give you a license or in some other way provide a

contract that allows multiple users.

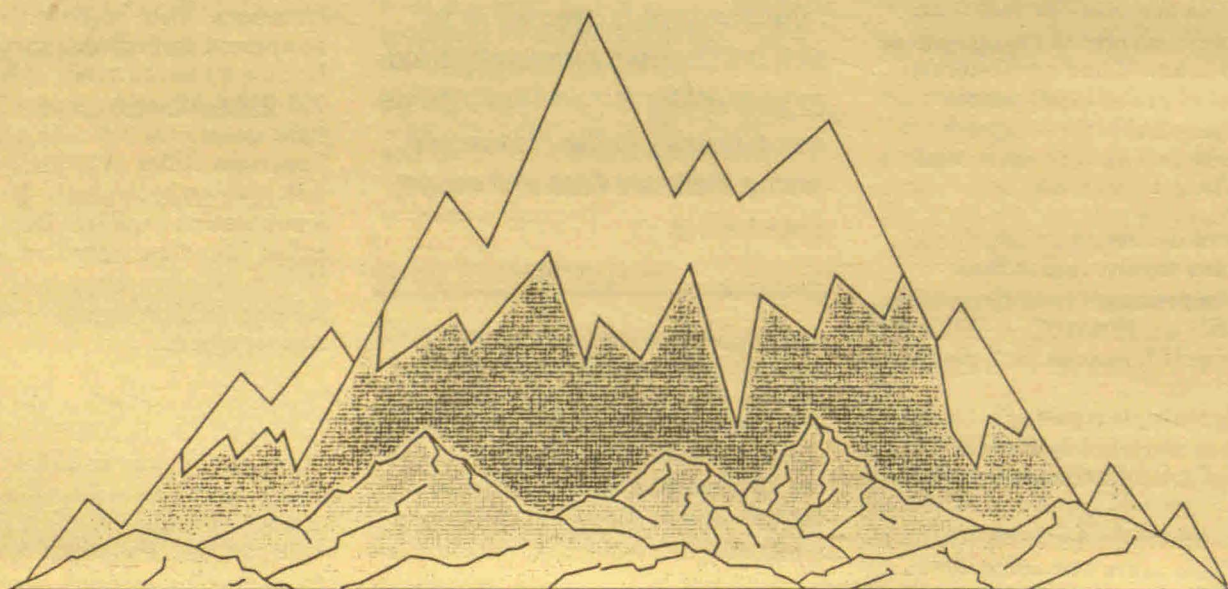
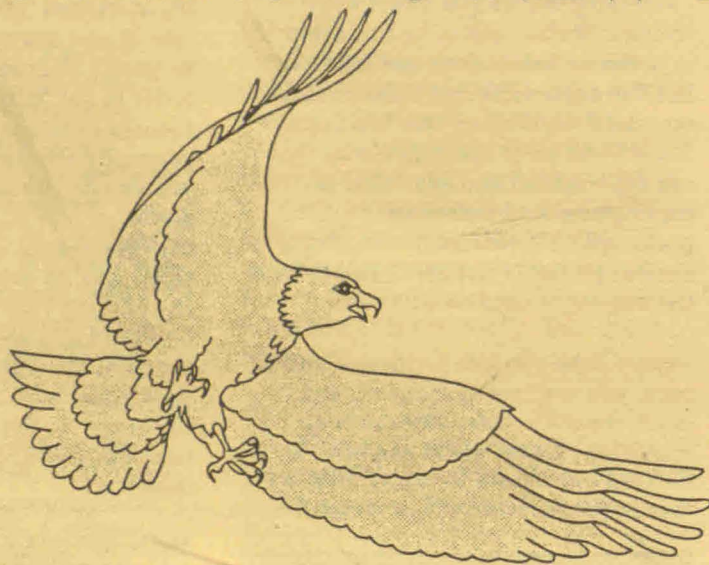
- develop copyright policies for your institution.

While we did hear stories about the copyright cops going after the Texaco library and its copying practices, and although we could all think of a time or two (or three...) where we'd probably stretched "fair use" and broken the law, it also sounded like you'd have to be pretty flagrant and persistent in order to get "caught". The consensus seemed to be that we librarians generally tried to play pretty fair and yet also do our business in the "real world", where there are time and money constraints. At the same time, there was an acknowledgement that as resource sharing grows, we probably could and should work out arrangements with the Copyright Clearing Center so that we wouldn't all be burdened by the paperwork every time we needed permission to use an item.

There are two circulars available free from the Copyright Office, Library of Congress, Washington, DC 20559. They are Circular 1, Copyright basics; and Circular 21, Reproduction of copyrighted works by educators and librarians. Both of these circulars can be ordered through the Copyright Hotline 24 hours a day, by calling 202/707-9100. If you have specific copyright questions, you may call the Copyright Office at 202/479-0700 and talk with an individual. Also, there is a publication available from MLA called "The Copyright Law and the Health Sciences Librarian," available for \$10 for MLA members or \$15 for non-members.

If you didn't make it to the workshop or if you'd like to return to the "scene of the crime", you will be able to get all the particulars from the sponsoring organizations' lending libraries, including the PNC/MLA Lending Library. The sessions were audio-taped and all the handouts and pertinent info have been assembled into packets. These packets should be available to borrow by the time you read this article. Take advantage of the opportunity to "participate" in this great workshop. Oh, and not to worry—permissions were granted for duplicating the packets!

SOARING TO NEW HEIGHTS:



HEALTH INFORMATION IN THE 90's
PNC/MLA 1991
Boise, Idaho

9:00 am-4:00 pm Bus Tour to Snake River Birds of Prey Area with Lunch

Professional Development Funds Available

The PNC Professional Development Fund is designed to encourage participation in professional programs and courses by our members. The Board recognizes that meetings and courses are often too far away for many members to attend — those who live in the major metropolitan areas have a distinct advantage. The aim of the fund is to improve access for members, and to equalize opportunities for attendance at programs and courses which improve members' professional development.

Criteria for applications were printed in the March-April issue of *Northwest Notes*. You or another PNC member on your staff may wish to apply for a grant to help offset costs of the Pacific Northwest Chapter's annual meeting this October in Boise, Idaho. Copies of the application form for PNC Professional Development funds may be obtained from Leilani St. Anna, PNC Membership Chair, Health Sciences Library & Information Center, University of Washington, SB-55 Seattle, WA 98195; call 206/685-3125; OnTyme: UWHSL/GEN; Bitnet: LSTANNA@U.WASHINGTON.EDU.

Boise Meeting Continuing Education Programs

The CE committee is working on the offerings to be available in Boise, Idaho on October 10, 1991. The results from the CE survey done by **Nancy Press** were used to identify course topics of interest to medical librarians in the Northwest. The program so far consists of one all day workshop and three half day workshops. Topics and presenters include:

Local Area Networks: Are They for You?

Randall Collver, Director Information Resources, Lewis and Clark College, Portland, Oregon
(All day workshop, \$80.00)

Developing an End User Station: Nuts and Bolts

Lelani St. Anna and Terry Ann Jankowski, University of Washington, Seattle Washington
(1/2 day workshop, \$30.00 - Morning session)

The Clinical Medical Librarian: Part of the Patient Care Team

Mary Moore, Texas Tech University, Lubbock, Texas
(1/2 day workshop, \$50.00 - Afternoon session)

BRS Update: A Regional Review

Joan Gerteis, BRS Representative, San Francisco, CA
(1/2 day workshop, BRS will set fee - Afternoon session)

There will need to be a minimum of 15 participants for each course, or the session will be cancelled. For more information about these workshops please contact **Kathy Nelson** at Madison Memorial Hospital, (208) 359-6455 or fax (208) 359-6457 or EMS MDSNMH. It's not too late to add to the program!

Calendar of Events

June 29-
July 4

Kids Who Read

Succeed: American Library Association Conference, Atlanta, GA.
Contact: Preliminary Program, ALA Conference Services Office, 50 E. Huron St., Chicago, IL, 60611.

July 9-13

White House Conference on Library and Information Services, Washington, DC.

August 19-21

MEDLARS Fundamentals Class, held at University of Washington, Seattle, WA. Contact: Judy Consales or Geo Takato, PSRMLS, 213/825-1200.

August 22

TOXNET Class, held at University of Washington, Seattle, WA. Contact: Judy Consales or Geo Takato, PSRMLS, 213/825-1200.

August 23

Popline/Bioethics/Histline Class, held at University of Washington, Seattle, WA. Contact: Judy Consales or Geo Takato, PSRMLS, 213/825-1200.

October
19-21

Soaring to New Heights: Health Information in the 90's. Pacific Northwest Chapter/MLA Annual Meeting, Boise, ID. Contact Deanna Canfield, Registration Chair, Mountain States Tumor Institute, 208/386-2744.

November
17-20

Symposium on Computer Applications in Medical Care, sponsored by the American Medical Informatics Association, Washington, DC. Contact AMIA, 11140 Rockville Pike, Box 324, Rockville, MD 20852.

MLA Dues - from Page 7

To be included in the initial draft, comments must be received by July 12. Please send your comments to **Gail Yokote**, MLA Dues Structure, UCLA Biomedical Library, Center for the Health Sciences, 10833 Le Conte Avenue, Los Angeles, CA 90024-1798. There will be some discussion at fall chapter meetings; watch for an announcement from your chapter. Please let us know your thoughts on a dues structure for our Association.

From the Chair

Jeri van den Top

I think we need to do something we don't do enough of — pat ourselves on the back. I'm proud to be a medical librarian because of the network we have spent so many years developing and because librarians are so service oriented. This was illustrated for me recently when a doctor requested that we rush his articles via telefax because he needed them in 10 days. He received all the information he needed, including a book, on time without the need for our interlibrary loan department to request RUSH service.

The 91st Annual Meeting Medical Library Association, as you know, was in San Francisco this year. I hope that many of us had the opportunity to go to this national meeting, and that we brought back many new ideas to share with our fellow librarians in Region 6. In addition, I was very pleased to note that several of our members taught courses and presented papers at the meeting.

Congratulations to our bylaws committee chair, Jan Schueller who has been appointed to the MLA Bylaws Committee.

PNC Members Named to Leadership List

The following individuals have been nominated to the Hospital Libraries Section **Leadership List**. It is an honor to be nominated to the list since it involves a fellow librarian, a peer, taking time to complete an application recommending someone for one or more of the following reasons: their outstanding leadership abilities; their active participation in professional activities; their consistently high levels of work performance; special projects completed; or an exemplary professional career.

The nominees from the Pacific Northwest are: **Edean Berglund**, Olympia, WA; **Jacquelyn Gagne**, Seattle, WA; **Mary C. "Suzy" Holt**, Helena, MT; **Susan Long**, Kalispell, MT;

Sylvia MacWilliams, Vancouver, WA; **Kathleen Murray**, Seattle, WA; **Tamara Turner**, Seattle, WA; **Ann Von Segen**, Portland, OR.

Congratulations to all of you from all of us!

MLA Members Appointed to JCAHO Task Force on Information Management

The Medical Library Association (MLA) has been invited to participate in the JCAHO "Agenda for Change," a program for reviewing and revising the accreditation process for health care organizations. The JCAHO has concluded that "improvement in patient care quality could be facilitated by — and may be dependent upon — better information management by health care organizations."

In order to foster improved patient care quality, the JCAHO has appointed a Task Force on Information Management in Healthcare Organizations. MLA members **Jana Bradley**, Ph.D., Indianapolis, IN, and **Jacqueline D. Doyle**, Phoenix, AZ, have been invited to serve on the task force because of their expertise in hospital librarianship and information management.

According to the JCAHO, health care organizations must establish and maintain information management systems and databases that support practitioners' care of patients and quality improvement efforts. These information management systems and databases include patient level clinical data, clinical support service reporting and quality control data, aggregate quality assurance, risk management, utilization review data, and scientific literature and clinical report data. The task force will develop the general specifications for new databases and systems.

MLA Dues Structure

Submitted by Rosanne Labree, Chairman, MLA Membership Committee

The MLA Membership Committee wishes to hear your views regarding a

dues structure that will meet the needs of MLA members and provide the Association with a viable financial base. During the next few months, the committee will be providing members with three opportunities to express their views. Your suggestions will be used by the committee to prepare a recommendation on a dues structure for the MLA Board of Directors.

Members who were unable to attend the open forum that was held at the MLA Annual Meeting may send comments on the MLA dues structure to **Gail Yokote** (address below). In particular, the committee is interested in your answers to the following questions:

1) Should there be different categories of membership? Current categories are regular (individual), student, associate, sustaining, emeritus (retired), life, institutional, and corporate.

If yes, what categories do you recommend?

2) For each member category proposed, should each member pay the same amount of dues? If no, how should the dues be determined? Please comment on the two options listed below.

a. Each member receives the same benefits, services, and products but pays different amount based on special characteristics (e.g. salary, library budget, number of serial subscriptions).

b. Each member receives benefits, services, and products equal to amount paid for. Select packages of benefits, services and products are created and priced accordingly.

See **MLA Dues**, Page 6

Northwest Notes
Valerie Schultheiss, Editor
Highline Community Hospital
Medical Library
16251 Sylvester Road S.W.
Seattle, WA 98166

Northwest Notes is published bimonthly by the Pacific Northwest Chapter of the Medical Library Association.
Valerie Schultheiss, Editor, Medical Library,
Highline Community Hospital, 16251 Sylvester Road
S.W., Seattle, WA 98166. 206/244-9970, ext. 533; fax:
206/241-6945; OnTyme: HCH.

News and articles are most welcome! Please submit items via OnTyme (the best!) or send them on disk — it saves HOURS of work! Call or write for details. Please specify clearly that items are for the newsletter. Short items (under one page) may be submitted to the Editor as typed copy. Please include your name, library, address, phone, and fax number (if available) with all submissions.

The Editor reserves the right to edit submissions if necessary.

Deadlines for *Northwest Notes* (subject to change) are: July 26, September 27, and November 22.

Articles from *Northwest Notes* may be reprinted without permission; credit would be appreciated.

Advertising information is available from the Editor.

To join the Pacific Northwest Chapter, send membership dues to:

Maryanne Blake **DUES:** \$5.00 U.S.
VA Medical Center \$6.00 Canadian
Library 142D
1660 South Columbian Way
Seattle, WA 98108

Non-members of PNC: Subscription rates \$7.50 per year. MAKE CHECK PAYABLE TO PNC/MLA

Your Name: _____

Address: _____

(You may use home or work address)

Circle those that apply: **Renewal New Member**

Membership type requested:

Individual Institutional

Are you a member of the Medical Library Association?
Yes No