

August 23, 2018

Ms. Fang Gao and Mr. Stephen Kharfen
U.S. Government Publishing Office
732 N. Capitol St. NW
Washington, DC 20401
via e-mail

Re: Copyright Information in GPO Bibliographic Records

Dear Ms. Gao and Mr. Kharfen:

On behalf of the American Library Association (ALA)¹ and the American Association of Law Libraries (AALL)², we appreciate the opportunity to comment on the Government Publishing Office's (GPO) proposal to provide copyright information in GPO bibliographic records.³

We support GPO's goal to provide more information to users about the copyright status of works cataloged by GPO.⁴ Providing accurate and understandable information about the copyright status of works can assist users in identifying whether works are in the public domain or subject to copyright.

¹ The American Library Association (ALA) is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, the ALA has been the trusted voice for academic, public, school, government and special libraries, advocating for the profession and the library's role in enhancing learning and ensuring access to information for all.

² The American Association of Law Libraries (AALL) is the only national association dedicated to the legal information profession and its professionals. Founded in 1906 on the belief that people—lawyers, judges, students, and the public—need timely access to relevant legal information to make sound legal arguments and wise legal decisions, its more than 4,100 members are problem solvers of the highest order. AALL fosters the profession by offering its members knowledge, leadership, and community that make the whole legal system stronger.

³ Federal Depository Library Program, "Copyright Information in GPO Bibliographic Records – Your Feedback," May 31, 2018, available at <https://www.fdlp.gov/news-and-events/3444-copyright-information-in-gpo-bibliographic-records-your-feedback>.

⁴ See Depository Library Council, "Recommendations & Commendations of the Depository Library Council to the GPO Director & GPO Responses, Fall 2017," available at <https://www.fdlp.gov/file-repository/about-the-fdlp/federal-depository-library-council/council-recommendations/3012-recommendations-commendations-of-the-depository-library-council-to-the-gpo-director-gpo-responses-fall-2017>.

To provide the most useful rights information, we recommend that GPO:

1. Provide rights information appropriate to the cataloged item
2. Provide rights information in the RightsStatements.org standard format
3. Provide clear information when GPO does not have certainty about copyright status
4. Request rights information from content providers in ingest processes
5. Publish a description of the process GPO uses to identify copyright status
6. Provide a mechanism for the public to report incorrect rights information

1. Provide rights information appropriate to the cataloged item

When adding rights information to a work's catalog record, GPO should provide the most accurate information available to GPO at that time. Including rights information appropriate to the cataloged item would provide more meaningful information to users and would reduce the possibility that a catalog record may imply incorrect information about an item's copyright status.

While GPO may not have comprehensive rights information for every work, basic categories can meaningfully inform users based on the information generally available to GPO. Based on the work's title page or the metadata provided to GPO, catalogers should select a statement that the work appears to be:

- A. A U.S. Government work under copyright law (e.g., based on the publisher and absence of a copyright notice) that, however, may contain copyrighted material
- B. Copyrighted material (e.g., because of a copyright notice)
- C. In the public domain due to age (e.g., published before 1923)
- D. A U.S. Government work that the content provider has indicated does not contain copyrighted material

2. Provide rights information in the RightsStatements.org standard format

GPO is a content provider to the Digital Public Library of America (DPLA). In 2016, DPLA issued Standardized Rights Statements Implementation Guidelines,⁵ which ask content providers to use a set of standardized rights statements developed by RightsStatements.org. GPO should provide rights information using this community standard format, which would provide clearer information to users and support the work of DPLA.

⁵ Digital Public Library of America, "DPLA Standardized Rights Statements Implementation Guidelines," Dec. 7, 2016, available at <http://bit.ly/dpla-rights-guidelines>.

The DPLA guidelines recommend standard metadata formats for linking to a RightsStatements.org description and optionally providing additional rights information in a second field. GPO should align its categories with the RightsStatements.org descriptions and provide additional information in the second field from standardized statements that GPO develops. The categories described under Recommendation 1, above, can align to the RightsStatements.org descriptions as follows:

GPO Category	RightsStatements.org Description
A. Likely USG work, may contain copyrighted material	No Known Copyright ⁶
B. Copyrighted material	In Copyright ⁷
C. Public domain due to age (pre-1923)	No Copyright - United States ⁸
D. USG work as indicated by content provider	No Copyright - United States ⁹

3. Provide clear information when GPO does not have certainty about copyright status

In the case of works classified in Category A, where GPO lacks certainty about the copyright status of the work, GPO should provide clear information in the second catalog field in order to reduce the potential for misunderstanding. GPO should revise the draft statement from its proposal as follows:

According to the information provided to the U.S. Government Publishing Office, this work appears to be a works of the U.S. Government ~~are not subject to copyright protection~~ pursuant to 17 U.S.C. § 105; however, this work may contain copyrighted material ~~used with the permission of the copyright owner~~. Learn more at: [URL]

4. Request rights information from content providers in ingest processes

GPO ingests content through Document Discovery,¹⁰ Digital Content Contributor partnerships,¹¹ and other processes. In order to provide the most accurate rights information to users, GPO

⁶ RightsStatements.org, “No Known Copyright,” available at <http://rightsstatements.org/page/NKC/1.0/?language=en>.

⁷ RightsStatements.org, “In Copyright,” available at <http://rightsstatements.org/page/InC/1.0/?language=en>.

⁸ RightsStatements.org, “No Copyright - United States,” available at <http://rightsstatements.org/page/NoC-US/1.0/?language=en>

⁹ *Id.*

¹⁰ See Government Publishing Office, “Dissemination Program,” available at <https://www.gpo.gov/how-to-work-with-us/agency/services-for-agencies/dissemination-program>.

¹¹ See Federal Depository Library Program, “Partnerships,” available at <https://www.fdlp.gov/about-the-fdlp/partnerships>.

should request that content providers indicate the copyright status of provided works. GPO should provide guidance to content providers specifying preferred ways to provide rights information, e.g. on forms in the ingest process, as standardized metadata, or on the title page of publications. While content providers may not always provide the requested information, GPO guidance would offer the opportunity for them to do so and streamline GPO's cataloging processes.

5. Publish a description of the process GPO uses to identify copyright status

GPO should publicly outline the process that catalogers use to identify the copyright status of a work in order to increase understanding and confidence in the rights information included in catalog records. By publicly describing its process, GPO would increase transparency and allow stakeholders to understand how GPO makes its determinations.

6. Provide a mechanism for the public to report incorrect rights information

GPO should provide a mechanism for the public to notify GPO if the rights information in a catalog record appears to be incorrect, e.g. by providing a contact on the webpage with additional information about copyright status. By doing so, GPO would give the public and rightsholders a way to seek correction if the status of an item is misidentified.

Conclusion

We appreciate the opportunity to comment on GPO's proposed plan to provide copyright information in the bibliographic records that GPO creates. If you have any questions about these comments, please feel free to contact us.

Sincerely,



Gavin R. Baker
Assistant Director of Government Relations
American Library Association



Emily Feltren
Director of Government Relations
American Association of Law Libraries