

archives, as well as the need for archival description and other access tools to respond to this interest, to alert researchers to the impact of the archival acts of *archivists*. This will ensure that significant portions of “archival stories” are not left out.

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Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums. PETER B. HIRTLE, EMILY HUDSON, and ANDREW T. KENYON. Ithaca, New York: Cornell University Library, 2009. xi, 259 p. ISBN 978-0-935995-10-7. Free PDF download available at <http://hdl.handle.net/1813/14142>

There was a time not long ago when it seemed possible to work as an archivist without needing a close familiarity with copyright. But the new digital universe has brought the issue of copyright to the forefront of archival practice. Archives are not only providing copies of their material to individual researchers, they are also making material available online. Consequently, institutions bear additional responsibility for ensuring compliance with copyright law as creators of digital content. Accordingly, this new publication, billed as a copyright manual for American cultural institutions, promises to be well used, at least in the United States. It is based on Emily Hudson and Andrew T. Kenyon’s *Copyright and Cultural Institutions: Guidelines for Digitization*,¹ which was written for Australian audiences. As the title indicates, this version of the book was adapted for American use, focusing on American copyright legislation and case law. The question, then, is whether this book has any useful insights for Canadian archivists. In my opinion the answer is yes, albeit fairly limited.

Most of the book focuses on American law, but a few of the chapters address a broader framework that may be helpful in other jurisdictions. Chapter 7, “Copyright Permissions and Licenses,” and Chapter 8, “Locating Copyright Owners,” provide some useful strategies, although the organizations and databases described are primarily American. A short section on international issues in Chapter 9, relating to other legal and jurisdictional matters, is also helpful. The authors remind us that the Internet “is international,” and give advice about scenarios where it could be important to ensure compliance with other countries’ copyright provisions.

1 Emily Hudson and Andrew T. Kenyon, *Copyright and Cultural Institutions: Guidelines for Digitization* (Melbourne, 2005).

Chapter 10, “Risk Management: How to Digitize Safely,” includes a workflow diagram for conducting a risk analysis, and a checklist of potential risks; however, since a detailed risk analysis involves reference to specific copyright provisions, even this chapter is linked directly to the American copyright act. The discussion is also largely focused on the risk of litigation, but there are other issues related to copyright that would be useful to address, such as implications for donor relations.

The book is well organized, accessible, and clearly written. Indeed I would go so far as to say that it is an enjoyable read! This publication should be a valuable resource for American institutions. In addition to a comprehensive and well-sourced narrative, the book is full of tables, flow charts, and checklists summarizing “key points” and “tricky areas.” A particularly welcome feature is its many references to case law. Most archivists and other heritage professionals will not have the expertise (or inclination) to keep up with such developments, but clearly this is a vital part of understanding current copyright legislation. The book is less handy as a quick reference tool: an index would be useful, as would a list of tables and flow charts. The existence of an online table (<http://copyright.cornell.edu/resources/publicdomain.cfm>), helpful for calculating the duration of copyright, is buried in a footnote. Similarly, a more user-friendly version of the e-book would be appreciated. While the authors are certainly to be applauded for making it freely available, PDF is not an optimal format for online browsing. Even making each chapter available separately might help.

Non-Americans with an interest in copyright issues may find it interesting to broaden their knowledge by reading about American copyright law. Of course, there are many parallels between the American and Canadian laws – but there are also many pitfalls based on similar terminology, notably “fair use” in the United States versus the narrower “fair dealing” in Canada. Some of the exemptions and limitations mentioned in the book led me to clarify my own understanding of Canadian copyright law. For example, I never considered whether architects can claim copyright on photographs of their completed buildings. The book points out an American exemption: “With architectural works ... it is not an infringement of copyright to photograph the work if it is visible from a public place” (p. 104). Given the countless building photographs in archival collections, it was with some relief that I discovered a reasonably similar provision in the Canadian law.

Clearly this book will not suffice as a copyright manual for Canadian digitization programs. Although the *Staff Guide to Copyright* (written by Wanda Noel for the then National Archives of Canada in 1999) remains available, there have been amendments to the *Copyright Act* and significant court rulings in the last decade. The Canadian Council of Archives’ Copyright Committee has published a series of information bulletins (http://www.cdncouncilarchives.ca/copycomm_info.html), which are help-

ful, interpretive notes, but by no means comprehensive. Depending on what happens with the new copyright bill tabled in Parliament in June 2010, one can only hope that the Canadian copyright situation will stabilize long enough for an up-to-date copyright manual for Canadian archivists to be produced. Jean Dryden has suggested that a new edition of the *Staff Guide to Copyright* is needed, perhaps an online version that would be more readily accessed and updated.² Amending the original version of the book under review to reflect Canadian copyright law would be another approach, although a more general copyright manual, not specific to digitization, would probably be more useful.

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2 Jean Dryden, "What Canadians Know About Copyright and Where They Get Their Knowledge," *Archivaria* 69 (Spring 2010), p. 115. Dryden further points out that a professional association or some other body would need to take on responsibility for this work, and decide to what extent legal advice beyond generalities could be offered.