

Resolution 1998-14. Endorsing the National Humanities Alliance's "Principles for Managing Intellectual Property in the Digital Environment."

The Faculty Council resolves:

The University of North Carolina at Chapel Hill should formally endorse the following Principles for Managing Intellectual Property in the Digital Environment established by the National Humanities Alliance:

1. Copyright law provisions for digital works should maintain a balance between the interests of creators and copyright owners and the public that is equivalent to that embodied in current statute. The existing legal balance is consonant with the educational ethic of responsible use of intellectual properties, promotes the free exchange of ideas, and protects the economic interests of copyright holders.
2. Copyright law should foster the maintenance of a viable economic framework of relations between owners and users of copyrighted works.
3. Copyright laws should encourage enhanced ease of compliance rather than increasingly punitive enforcement measures.
4. Copyright law should promote the maintenance of a robust public domain for intellectual properties as a necessary condition for maintaining our intellectual and cultural heritage.
5. Facts should be treated as belonging to the public domain as they are under current law.
6. Copyright law should assure that respect for personal privacy is incorporated into access and rights management systems.
7. Copyright law should uphold the principle that liability for infringing activity rests with the infringing party rather than with third parties. Institutions should accept responsibility for acts undertaken at their behest by individuals but should not be held liable for the acts of individuals--whether or not associated with the institution--acting independently. This principle is an essential underpinning for academic freedom.
8. Educational institutions should foster a climate of institutional respect for intellectual property rights by providing appropriate information to all members of the community and assuring that appropriate resources are available for clearing rights attached to materials to be used by the institution, e.g., in support of distance learning.
9. New rights and protections should be created cautiously and only so far as experience proves necessary to meet the Constitutional provision for a limited monopoly to promote the "Progress of Science and useful Arts."

10. Copyright enforcement provisions should not hinder research simply because the products of a line of inquiry might be used in support of infringing activity.

Comment by the UNC-CH Copyright Committee

The Committee on Libraries and Intellectual Property of the National Humanities Alliance, in order to help build consensus within the educational community on the uses of copyrighted works in the digital environment, prepared a statement of ten basic principles on the uses of copyrighted works in the digital environment. The National Humanities Alliance seeks endorsement of these principles by institutions and associations.

The NHA principles provide a balanced view of the needs of both providers and users of copyrighted material, while clearly articulating principles of fundamental importance to institutions of higher learning. The introduction to the NHA principles explains that as digital technologies revolutionize the means by which information is recorded, disseminated, accessed, and stored, they are eliminating the technical limits that have supplemented the legal framework of balance between ownership and public dissemination. Specifically, the unlimited technological capacity to disseminate by transmission in ways that can violate the rights of copyright holders confronts the equally unlimited technological capacity to prevent works from being used in ways contemplated by law. Carried to its logical extreme, either trend would destroy the balance, with results that would likely undermine core educational functions as well as radically transform the information marketplace. A primary tenet of the NHA principles is that it is in the interest of the evolving U.S. information society that the legal environment foster rather than disrupt the balance between private intellectual property owners and the public good that is embodied in current law.