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# Copyright, Digital Humanities, and Global Geographies of Knowledge

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Copyright is controversial and murky. By any name, it refers to rights connected to original works. In some countries, emphasis is on the rights of authors or distributors of a work; in others, public good is given prominence. In most places it's a combination of the two. Significant commercial and personal interests are involved, and the advent of the internet has redefined distribution; and so copyright laws are constantly changing. Although the notion of intellectual property exists in almost all countries its significance and actual implementation varies as does the degree to which the counter balancing rights of access to information are implemented and supported.

In digital humanities, copyright is implicated in multiple ways. As with all scholarship, book and article publishing is fraught with rights transfers embedded in publishing contracts, and subsequent publisher practices that often impede scholarly progress. Other copyright issues are unique to DH. Who holds copyright to what part of a collaborative, web-based project? What is the difference, and what are the intersections, between having, protecting, and exercising legal rights on one hand, and being given proper credit on the other?

We propose a DH2017 panel to discuss these issues, with an eye toward helping DH practitioners make better informed decisions regarding the new

knowledge they create. More importantly, though, we aim to spur a community conversation about copyright as an area in which digital humanists have agency as knowledge producers, not just as consumers. The rapid worldwide expansion of digital humanities work demands that we begin to deal with the complex tangle of rights around digital humanities knowledge production before others do it for us.

This conversation has not yet happened at the DH conference or in the field at large in a robust way. Copyright is mentioned usually as an issue around using third-party materials, an obstacle or a limitation for a particular project (Neuman, Greent, Unsworth 1997; Evenson 1999; Lord 1999; Ben-Porat, Reich, Behrendt 2002). We were unable to locate conference abstracts that addressed copyright and intellectual property issues for the new knowledge produced. Workshop-type events on DH and copyright tend also to take a more applied approach, on how third-party copyright affects the project. Two related conversations are taking place, though. One is about labor in academe at large and in DH in particular (Keralis, Burgess and Hamming, Anderson et al, Flanders); the other is about access to knowledge as a social justice issue—what access to scholarship means in terms of power distribution, perpetuating systemic inequalities in academe and outside it (Risam et al, Chenier, Faull et al). We think that our panel will contribute to this conversation. Considering questions of labor from the perspective of rights to knowledge produced potentially clarifies, and makes more expansive, our collective notion of where labor exists in a digital humanities project. And, thinking of the knowledge we produce in terms of rights we possess to it highlights our agency as individual contributors. This enables us to consider whether our individual and collective practice around author rights promotes or impedes our work's overall contribution to society.

We envision this panel beginning with a 10-12 minute presentation from each panelist on the topics described below, followed by a discussion with the audience.

**Isabel Galina Russell** will speak on the long tradition of Open Access publishing in Latin America and discuss how this may have impacted the way in which DH resources are produced, disseminated and published in this region. She will draw on examples of DH projects in the region and analyse the copyright situation, as well as present the results of conversations with DH creators and their attitudes and experiences with copyright in relation to their work.

**Alex Gil** will address the intersection between shadow libraries, digital humanities, vendor databases and digital libraries. Departing from the research work of the Piracy Lab and the Group for Experimental Methods in the Humanities at Columbia University, Gil will argue that our burgeoning global, hybrid republic of letters is being shaped in specific ways by the relationship of specific sectors of society to intellectual property. In a sense, Gil argues, architectures of humanistic knowledge are being produced by these different sectors, where the end product may resemble each other, but in large part due to the work of intellectual property laws, the labor conditions and social impact are quite different. The talk will conclude with a series of proposals for future humanistic research in the burgeoning area of what Alan Liu calls "critical infrastructure studies."

**Padmini Ray Murray** will address how the global hegemonies of knowledge production, ownership and circulation are challenged by creation and consumption practices in India, as embodied by the landmark ruling of the Delhi High Court in 2016, which dismissed suits filed by three international publishers who alleged that the circulation of photocopied material was an infringement of copyright. This will contextualise Ray Murray's consequent discussion of how both academic publishing and conventions of copyright are largely colonial legacies, and how this case marks a significant moment in the decolonisation of the Indian university and intellectual life. Ray Murray will demonstrate how practices in Indian language publishing might exemplify alternatives to dominant regimes, as well as how digital spaces and practices can and are already fostering an emergent model of humanities scholarship different than that found in the global North.

**Vika Zafrin** will give a brief overview of the current state of copyright in the United States as it relates to academic work from both the consumer/reader/user and the creator/author points of view. She will touch on some struggles academic libraries face in the current scholarly publishing climate, and describe strategies some institutions have adopted to improve the situation, including open access policies and an access-oriented approach to stewardship of digital (or digitized) scholarly materials given to libraries for archival and preservation. Zafrin will compare the institution- and funding-agency-level approaches to open access generally taken in the U.S. to those seen in some European countries (and in Europe as a whole via the Europeana project), highlighting differences and

comparing their effectiveness while taking account what is possible in the respective political and legislative climates. She will briefly discuss some representative collaborations between U.S. researchers and colleagues worldwide, and their treatment of rights issues. Finally, she will make some suggestions for resources DH practitioners can use to make decisions about rights claims and attribution in their projects.

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