

CODE OF BEST PRACTICES IN FAIR USE FOR SOFTWARE PRESERVATION: WEBINAR SERIES

Episode 3: Access within Organizations and Across Networks


Welcome!

- **Episode 3** of a 7-part series on the *Code of Best Practices* and Other Legal Tools for Software Preservation
- Every episode is **recorded** and will be freely available online for future viewing
- Today: **Access within Organizations and Across Networks**, with guests Euan Cochrane (Yale) and Jonathan Farbowitz (Guggenheim)

Housekeeping

- Audience is **muted** (audio and video) to preserve bandwidth
- Please **ask questions** by typing them into the chat window
- We will **hold** most questions until the end of the presentation; time has been reserved for Q&A

Roadmap

- Overview of Principles 3 & 4
 - Experiences in the Field
 - Euan on Yale and the EAASI emulation project
 - Jonathan on providing research access to digital art
 - Discussion
 - Q&A
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Situation/Principle 3:

Providing controlled access to software for use in research, teaching, and learning.

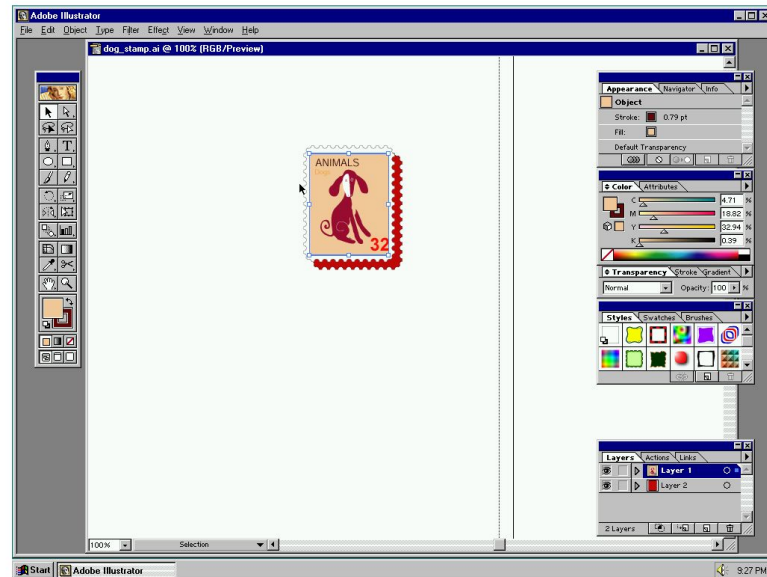
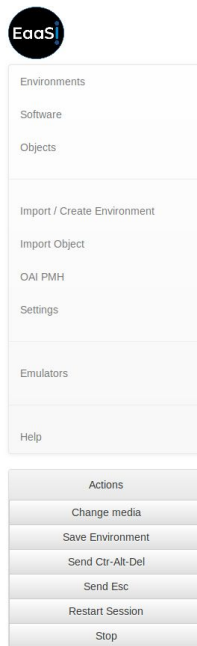


Limitations

- a. Individuals granted access to collection software should be notified that access is provided for teaching or research purposes, and they personally are responsible for ensuring that any further uses are lawful.
- b. Where a preservation institution intends to provide only controlled access, it should take appropriate measures to limit the possibility of users copying or otherwise retaining software.
- c. Access to commercially-available software should be restricted to minimize impact on ordinary commercial sales. Access may, for instance,
be enabled on a case-by-case basis for limited purposes not served by commercial offerings, such as data verification and reproducibility studies, subject to the user's affirmative agreement to reasonable terms and conditions. Another approach could be to limit access to commercially available software to local terminals that limit how the software can be used or copied.


Situation/Principle 4:

Providing Broader
Networked Access To
Software Maintained
And Shared Across
Multiple Collections Or
Institutions.



@Adobe @Illustrator 9.0 running in @Windows NT 4.0 Workstation, via @softpresnetwork
<https://twitter.com/SoftPresNetwork/status/1104142207731331073>

Limitations

- a. To ensure collective activities are conducted within the scope of institutional missions, the roles and responsibilities of member institutions in a cooperative arrangement should be specified in a Memorandum of Understanding or other agreement.
 - b. Participating institutions should set policies about how and when to extend access to their own affiliated teachers and researchers, mindful of the need to safeguard the legitimate interests of software owners and vendors. For instance, they may adopt measures to discourage users from building private software libraries, or to prevent substitution for commercially-available tools (such as word processors or computer-aided design programs).
 - c. Likewise, any cooperative effort should develop policies to evaluate requests for access from non-affiliated researchers, and grant them subject to appropriate safeguards.
 - d. Participating institutions should establish and publicize a mechanism for registering and following up on concerns expressed by software developers, publishers, and other stakeholders about the availability of specific software programs or environments within the network.
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Questions?

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More information
arl.org/fairuse
cmsimpact.org/software
wcl.american.edu/bestpractices