

inspire Canadian archivists to attend to the changing imperial and colonial circulations of materials, ideas, and peoples that link Canada's archives to various sites around the globe, while also challenging the Eurocentric truism that underwrites the dominant view of Canada's archival lineage. Indeed, *Import* should encourage Canadian archivists to further interrogate the role of Canada's archives in the material and psychic aspects of Canada's imperial efforts abroad and in the ongoing subordination of sovereign Indigenous nations "at home."<sup>7</sup>

*Import of the Archive* is a short book well worth reading. Aside from a few terms that need defining (for instance, "disciplinary violence" on p. 28), Beredo has produced a clearly written and impressively researched book. While familiarity with US imperial history may help readers embrace Beredo's text more quickly, they do not need to be experts in American and Filipino history to comprehend the import of this publication.

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**Demystifying Copyright: A Researcher's Guide to Copyright in Canadian Libraries and Archives, 2nd ed.** JEAN DRYDEN. Ottawa: Canadian Library Association, 2014. 84 pp. ISBN 978-0-88802-340-7.

Thirteen years have passed since the publication of the first edition of Jean Dryden's *Demystifying Copyright: A Researcher's Guide to Copyright in Canadian Libraries and Archives*. In the world of copyright, particularly in the Canadian context, that seems like a lifetime. Not only have the years between editions seen significant amendments to the *Copyright Act* and an unprecedented number of Supreme Court decisions affecting copyright, they have also been a time of rapid technological change that has stretched and

7 Todd Gordon, *Imperialist Canada* (Winnipeg: Arbeiter Ring Publishers, 2010); Adam J. Barker, "The Contemporary Reality of Canadian Imperialism: Settler Colonialism and the Hybrid Colonial State," *American Indian Quarterly* 33, no. 3 (Summer 2007): 325–51. On the place of Aboriginal modes of "archiving" in the Canadian context, see in particular Laura Millar, "Subject or Object? Shaping and Reshaping the Intersections between Aboriginal and Non-Aboriginal Records," *Archival Science* 6, no. 3–4 (December 2006): 329–50; Shauna McRanor, "Maintaining the Reliability of Aboriginal Oral Records and Their Material Manifestations: Implications for Archival Practice," *Archivaria* 43 (Spring 1997): 64–88; and James Morrison, "Archives and Native Claims," *Archivaria* 9 (Winter 1979–80): 15–32. For a discussion of colonial archiving in Canada, see William Russell, "The White Man's Paper Burden: Aspects of Records Keeping in the Department of Indian Affairs, 1860–1914," *Archivaria* 19 (Winter 1984–85): 50–72.

challenged our notions of what copyright is and what it is not. These changes have also ushered in a generation of citizens who are more aware of intellectual property issues than their predecessors. For anyone who works in a library or archives, this means that the need to continually update one's copyright knowledge is more critical and difficult than ever. Fortunately, the second edition of *Demystifying Copyright*, long awaited by those who were avid users of the first edition, will make it easy for both librarians and archivists to understand copyright in its current context, as well as to provide guidance to the researchers they serve.

The author, Jean Dryden, is well known for her expertise in the realm of copyright and its impact on archival practice. She has extensive archival and records management experience and has taught at the University of Maryland's College of Information Studies as well as at the University of Toronto's iSchool. In addition to providing consulting services on a wide range of issues, including copyright, records management, and information law and policy, she has written extensively on these topics.

In the updated edition of *Demystifying Copyright*, Dryden has once again set out to educate readers about Canadian copyright regulations as well as provide them with the tools for determining how information can be copied and used. Recognizing that copyright can be both confusing and intimidating, she deconstructs the key components of Canada's *Copyright Act* and sets them out in a logical, understandable progression. Her goal, as the title suggests, is to "demystify" copyright for her readers and, by cutting through the complexity, to dispel the notion that it is "something to be feared" (p. 2). But copyright, by its very nature, does not lend itself to such a straightforward presentation – there are general rules, but then there are numerous limitations and exceptions to those rules that cannot be ignored. *Demystifying Copyright* manages to capture the essential detail while keeping the format simple and concise. Dryden writes in plain language, using laymen's terms and providing examples to illustrate some of the more complex concepts. She makes no assumptions about what the reader might already know and addresses possible misconceptions (see, for example, the section on "What Copyright Is Not," p. 6). She has also opted not to include references to primary sources such as statutes or relevant case law. While library and archives staff who are already familiar with the *Copyright Act* may find this frustrating at times, there is no doubt that without statutes or case law, this guide is more user-friendly and accessible.

While there are other books that seek to simplify and make sense of copyright in the Canadian context, *Demystifying Copyright* is unique in its systematic approach and its focus on the facts with a minimum of commentary or analysis. It has also been written with a target audience in mind: researchers using Canadian libraries and archives. This is critical to understanding the choices Dryden has made about what information to include and what to leave out. While she acknowledges that the book will be helpful to librarians

and archivists when they are fielding questions from their users, she makes clear that “it is not intended to provide detailed advice on the administration of copyright matters in a library or archives” (p. 3). It does not, for example, offer any guidance on the establishment of archival copyright policies or the negotiation of copyright matters with donors. But in spite of this, library and archives staff will find much of value in this guide – it is a succinct, easy-to-use reference tool that is accessible to a broad and diverse audience.

Dryden lays out the basics in a series of chapters with titles such as “What Is Copyright and How Does It Work?,” “How Long Does Copyright Protection Last?,” and “Using Copyrighted Material.” She uses equally straightforward subtitles within each chapter. Read in order, the chapters walk the reader through the fundamentals, each building on the concepts outlined in the previous chapter. *Demystifying Copyright* also makes use of extensive appendices (more than 20 pages of them), and in many ways these are the heart of the work in that they codify Dryden’s systematic approach to applying copyright rules. The appendices are also where the reader gains a true appreciation for the complexity of copyright. Appendix A consists of two tables: “Document Type and Rules that Apply” and “Rules for Determining the First Copyright Owner and the Term of Copyright,” which the reader must use in combination to determine whether or not a work is still in copyright and potentially requires permission. Together with Appendix B, which defines many of the relevant terms in the *Copyright Act*, and Appendix D, which provides a comprehensive list of “what can be used without seeking authorization,” these tables offer a road map for navigating copyright in almost any context.

Although researchers may be the target audience for *Demystifying Copyright*, it has plenty of content that pertains directly to staff working in libraries and archives. For instance, Dryden has included an extensive section on “Users Rights for Libraries, Archives, and Museums,” which details the *Copyright Act* exceptions crafted specifically for the benefit of LAMs in order to enable them to perform such activities as maintaining and preserving their collections, and making copies on behalf of their users. Other content likely to be of particular interest to archivists is the discussion of orphan works, the section on using unpublished and posthumous works, and the chapter called “Protecting Your Rights.”

While the second edition of *Demystifying Copyright* retains most of its original formatting as well as its focus on educating readers, there are some notable differences when compared with the first edition. In the preface, Dryden outlines the dramatic changes that have unfolded in the Canadian copyright landscape since 2001, and the impact of these changes is evident throughout the new edition. New sections address topics such as licensing (including Creative Commons licences), technological neutrality, non-commercial user-generated content, and the impact of international trade agreements. The chapter that in the first edition addressed exceptions to the

rights of copyright owners has been reframed as a chapter on users' rights, and the section on fair dealing has been expanded to incorporate the language of the landmark 2004 and 2012 Supreme Court decisions. There are also detailed explanations of the specific revisions to the Act that have relevance for libraries, archives, and their users, including the new rules concerning copyright in photographs,<sup>1</sup> prohibitions on circumventing digital locks, and limits on statutory damages for non-commercial infringement. Also new to the second edition are navigational aids such as an index (a welcome addition), and call-out boxes that highlight key concepts in each section.

With so much content in such a slim volume, it seems almost unfair to point out the topics that *Demystifying Copyright* does not address, at least not in detail. Given that its focus is on the copyright needs of researchers, there is only a passing mention of many of the other users' rights in the Act, such as the private copying exception, the exception for making backup copies, or the provisions for persons with perceptual disabilities. The educational exceptions that permit the display of copyrighted works in classes, or permit the educational use of materials found on the Internet, are not addressed at all, although they could well be relevant to users of libraries and archives in educational institutions. And given the growing body of digital collections held in libraries and archives, there is surprisingly little information that explicitly addresses issues researchers might encounter when linking to or downloading content from the Internet. There is, however, a list of excellent resources in the "Further Reading" section, for those looking for copyright information that is beyond the scope of this guide.

Dryden has previously written about "a disconnect between archives' copyright practices and their broad mandate to make their holdings available for use,"<sup>2</sup> and in her research she has found that copyright practices in Canadian archives are often more restrictive than they need to be.<sup>3</sup> This suggests that archives might consider adopting a more generous interpretation of copyright, given the Supreme Court's assertion that users' rights such as fair dealing

- 1 Copyright scholars differ in their interpretation of the 2012 *Copyright Act* amendments regarding photographs. Jean Dryden provides one interpretation in the second edition of *Demystifying Copyright*, pp. 23–24; for an alternative interpretation, see Carolyn Soltau, Margaret Ann Wilkinson, and Tierney G.B. Deluzio, "Copyright in Photographs in Canada Since 2012," *Open Shelf* (December 2015), accessed 21 January 2016, <http://www.open-shelf.ca/151201-copyright-photographs/>. The issue is whether all photographs are now protected for the life of the author plus 50 years, or whether some photographs, which were in the public domain when the law changed in 2012 (as their copyright had already expired under the previous ownership rules) continue to be in the public domain. Dryden's interpretation is the latter, and for libraries and archives it is a more liberal view in that more photographs will be considered to be out of copyright.
- 2 Jean Dryden, review of *Canadian Copyright: A Citizen's Guide*, by Laura J. Murray and Samuel E. Trosow, *Archivaria* 66 (Fall 2008): 147.
- 3 *Ibid.*

“must not be interpreted restrictively.”<sup>24</sup> The second edition of *Demystifying Copyright* provides a good starting point for such a discussion, first by enabling archival staff to easily attain a basic understanding of copyright and to be confident in their interactions with their users; second, by reframing copyright as a balance between the interests of copyright owners and those of consumers of copyrighted works; and third, and perhaps most importantly, by addressing copyright from the perspective of the researcher, which paves the way for librarians and archivists to develop copyright policies with users’ needs in mind.

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**Ephemeral Material: Queering the Archives.** ALANA KUMBIER. Sacramento, CA: Litwin Books, 2014. 266 pp. ISBN 978-1-936117-51-2.

*Ephemeral Material* brings together theoretical and methodological discussions about queer archival practices focused around five case studies. Alana Kumbier is the Critical Social Inquiry and Digital Pedagogy Librarian at Hampshire College in Amherst, Maryland, where she teaches and practises critical library instruction. She holds a graduate degree in Library and Information Science from Kent State University, Ohio, and completed a PhD in Comparative Studies at the Ohio State University. *Ephemeral Material* is adapted from Kumbier’s dissertation work, which she concluded in 2009. The book is the fifth volume in Litwin Books’ groundbreaking series Gender and Sexuality in Information Studies, which has previously explored feminist pedagogy in library instruction, documenting queer activism and workplace issues for LGBTQ librarians.

The very concept of “queering the archives” raises important questions for information professionals. *Queer* is not an easy word for some of us, and it is worth exploring how and why Kumbier has elected to use it in her work. The word *queer*, which originally meant “strange” or “out of sorts,” evolved in the late 19th century into a common pejorative slang term used to describe homosexuality. The use of *queer* also sets up heterosexual desire as a “normal” sexual expression in opposition to the “peculiarity” of same-sex desire. In the 1980s, activist groups responding to the AIDS crisis deliberately adopted the offensive term as a way to challenge and disrupt heteronormative politics

4 *CCH Canadian Ltd v Law Society of Upper Canada*, [2004] 1 S.C.R. 339, 2004 SCC 13, at para. 48.