

Writers and their Copyright Holders: the WATCH Project

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"Whom do I need to contact to get permission to publish a previously unpublished Ezra Pound letter?"

"Who can give me permission to put on a production of a play by Maurice Baring?"

"How do I find out about John Ruskin's copyright now that Messrs. Allen & Unwin no longer exist?"

"Which authors' copyrights are now in the public domain?" Until now, getting answers to questions such as these and finding out about copyright holders has been a haphazard and serendipitous process, and this has been a long-standing concern for those who work with primary, largely unpublished, source materials. The problem has been much the same in the United States, the United Kingdom, and all other countries of which we have made enquiries, despite their differing copyright laws. (Unpublished papers always seem to have special and extended copyright protection.) There exist specialized files, such as those maintained by the Copyright Office in Washington, D.C., and the Society of Authors and the Authors Licensing and Collecting Society in London, but these are concerned primarily with the published writings of living authors and are not designed to assist those working on archives and manuscripts. Librarians and archivists are asked frequently by researchers to help identify and locate copyright holders for papers in their collections, and many maintain informal files for this purpose, but the absence of any central reference work or database has continued to be at the heart of a problem recognized by the whole profession. Now there is a new solution to the problem.

In 1987 the ad hoc Literary Rights Committee

of the Rare Books and Manuscripts Section (RBMS) of the American Library Association sought, unsuccessfully, to identify an organization that would create and maintain a file of literary copyright holders. Those approached responded favorably to the idea, but the committee could find no one to undertake the initiative. The committee succeeded in identifying a good number of locally maintained files in a range of United States, Canadian, and British libraries whose managers were willing to contribute information to a central database, but there was no willing compiler. The committee shifted its focus and produced in 1991 a text sheet titled "Locating Copyright Holders," which, in a question-and-answer format, explains basic copyright considerations governing publication of manuscripts and lists steps scholars can take to locate copyright holders.

"Locating Copyright Holders" has established itself as an invaluable aid and will undoubtedly continue to be widely used. From now on, however, we believe that the first point of reference for scholars seeking particular copyright holders will be an electronic file newly available on the Internet through the General Libraries server at the University of Texas at Austin. The name of the file is Writers and their Copyright Holders, which gives us the pleasing acronym of WATCH (although a graduate intern at Austin, after a long day's inputting, queried whether we had considered ACHE - Authors, Copyright Holders, Estates). The WATCH file is also available through the World Wide Web.

The establishment of WATCH, as an innovative collaboration between the Universities of Texas and Reading, followed two breakthroughs in 1993, one in the United States and one in the United Kingdom. First, the Harry Ransom Humanities Re-

search Center, University of Texas at Austin decided to create on its own a file of copyright holders for authors represented in its collections. Shortly afterward the Strachey Trust, a charity established in 1972 to further the pursuit of scholarship especially in areas connected with literary manuscripts, agreed to provide funding for a small-scale project on literary copyright based at the University of Reading Library. The director of the Harry Ransom Humanities Research Center initiative was Cathy Henderson, and David Sutton was appointed to direct the Reading scheme. In a short space of time, agreement was reached between the two institutions that they would work together on a single project rather than two separate ones, and the first publicity for the joint venture was released in March 1994.

The objective is to make information on copyright holders available free of charge for use by anyone with access to the Internet. It is hoped that wide availability of the information will make it easier for scholars to identify whom to contact to seek permission to publish from unpublished manuscripts housed in libraries and archives. It is also possible that this initiative may grow into a much larger program of copyright research, in line with an all-embracing feasibility study prepared for the Strachey Trust by the Authors Licensing and Collecting Society.

At the moment WATCH is an indexed text file that contains primarily the names and addresses of copyright holders or contact persons for English-language authors whose papers are housed, in whole or in part, at the Harry Ransom Humanities Research Center. Records from the Reading team have now been added to the file, and it is anticipated that the principal area of growth in the coming months will be further Reading-generated records. The Reading team draws extensively on its predecessor project, the Location Register of English Literary Manuscripts and Letters, which provides valuable data about manuscripts of literary authors which are to be found in British repositories. Workers at Reading are also seeking to confirm and then include information from various locally maintained files, including those of the British Library; the Bodleian Library; King's College, Cambridge; and Trinity College, Cambridge. The help and cooperation of such institutions is testimony to British recognition of the importance of the project. Staff at the Harry Ransom Humanities Research Center are similarly engaged.

In order to compile the initial file, staff at the Harry Ransom Humanities Research Center mailed letters to all the copyright holders of whom they

had record and asked each to confirm that it was the copyright holder for a given individual and to give permission to include its name and address in the proposed WATCH file. The responses were affirmative. Fewer than fifteen of approximately one thousand respondents asked for their name not to be included in the file.

The individuals listed in WATCH have indicated that they are the copyright holders for the authors listed, or the copyright holder's appointed representatives, and have given written permission to have their names and addresses included. As compilers, we have made no attempt to verify an individual's claim to copyright ownership or representation and in the WATCH "read me" are indemnified against any claims brought for violations of copyright law. We suggest that scholars using the list verify copyright claims themselves before publishing anything on the basis of permissions received from people named in the list.

Occasionally information that an author's copyrights are in the public domain is received, and this assertion is recorded; other authors or executors reply that they do not wish to exercise their rights. We also come across situations where copyright in unpublished materials is still protected under United States and United Kingdom law but we cannot identify anyone who will claim the copyright. Consequently, some entries are worded cautiously and inconclusively, as in this example: "Copyright in unpublished papers of William Heinemann was believed to be held by the publishers William Heinemann Ltd. and was assumed to have passed to their present parent company Reed International, whose legal department, however, states that they do not hold any such rights [letter to the United Kingdom WATCH office, 20 May 1994]."

We would like to encourage anyone who has copyright information to contact us. WATCH is a not-for-profit public service and will be that much more effective if it has the active support of the archivists, librarians, and writers whose workload it aims to lighten. The continuing work of the project is dependent upon funding from charitable and cultural bodies. Subject to fund-raising progress, the two teams in Austin and Reading will continue their research, using everything from telephone directories and probate registers to anecdotal accounts and newspaper reports, but we will especially appreciate voluntarily contributed information.

The file now consists of up to a thousand records and is organized alphabetically by author surname. The entry underneath each surname will nor-

mally consist of a contact name and address for copyright inquiries, the date when the information was collected, and which of the compilers created the record. Telephone and fax numbers, e-mail addresses, and explanatory notes are included in some cases, and dates of the authors' births and deaths will be added as part of a future editorial review, since this information is useful in calculating the term of copyright protection.

A plan has been devised for the future evolution of the file, if this first stage is successful and if funders are prepared to continue their backing. We envisage progress from the present list of primarily literary authors to a second stage, which would include any English-language authors working in the

humanities whose papers are in repositories in Europe or North America. A third stage would extend the project to non-English-language authors in the humanities, and a fourth would cover English-language authors outside the humanities. Clearly there is a tremendous amount of work ahead of us, but we believe that the start we have made is already providing a major new service to scholarship.

For more information, contact Cathy Henderson at the Harry Ransom Humanities Research Center, Austin; e-mail: Cathy.Henderson@utxvm.cc.utexas.edu or David Sutton at the University of Reading Library, England; e-mail: D.C.Sutton@reading.ac.uk