

1. Record Nr.	UNINA9910825986803321
Autore	Neuenschwander John A.
Titolo	A guide to oral history and the law // John A. Neuenschwander
Pubbl/distr/stampa	New York, New York : , : Oxford University Press, , 2014 ©2014
ISBN	0-19-934253-9 0-19-020987-9 0-19-934252-0
Edizione	[Second edition.]
Descrizione fisica	1 online resource (177 p.)
Collana	Oxford Oral History Series
Disciplina	344.73/09
Soggetti	Historians - United States Oral history - United States Copyright - United States Contracts - United States Freedom of information - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Cover; A Guide to Oral History and the Law; Copyright; Dedication; Contents; Preface; A Note on Legal Terms; The Use of State Cases; The Use of Federal Cases; Prevention Is the Key; Acknowledgments; 1 A Case Study; 2 Legal Release Agreements; Drafting Legal Release Agreements; Deed of Gift Agreements; Contractual Agreements; Prefatory Language; Future Use Clauses; Transfer of Copyright; Transfer of Copyright by Nonexclusive License; Restricting, Sealing, and Masking Identity; Exculpatory and Indemnity Clauses; Warranty Clauses; Right of Publicity Clauses Legal Release Agreements for InterviewersIRB Modified Agreements; Legal Release Agreements for K-12 Projects; Explaining Legal Release Agreements; Conclusion; 3 COMPELLED RELEASE OF INTERVIEWS: SUBPOENAS AND FOIA REQUESTS; Oral History as Evidence; Oral History and Discovery in Civil Cases; Oral History and Discovery in Criminal Matters; An Arson Investigation; A Criminal Damage Investigation; The Boston College Case; Impact of the Boston College Case on Oral History?; Is There an Archival Privilege?; Informing Interviewees That

Restrictions Are Not Absolutes; Certificates of Confidentiality
Admissibility by Statute Freedom of Information Requests; Conclusion; 4
Defamation; Republishers Beware; The Elements of Defamation; The
Dead Cannot Be Defamed; Statute of Limitations; Organizations Also
Have Reputations; Public Figures Bear a Heavier Burden; Negligence
versus Actual Malice; Limited-Purpose Public Figures; Once a Public
Figure Always a Public Figure; Pure Opinion Is Not Defamatory, But; The
Major Categories of Defamation; Professional Competency: A Special
Concern; Suggestions for Avoiding Defamation Lawsuits; 5 PRIVACY
ISSUES: THE STEALTH TORTS; False Light
False Light versus Defamation Common False Light Claims; Docudramas
and Photographs; Possible Links to Oral History; Public Disclosure of
Private Facts; Disclosure of Private Facts in Public Records; Passage of
Time and Public Figures; Possible Links to Oral History; Right of
Publicity; Possible Links to Oral History; Do the Dead Have a Right to
Privacy?; Conclusion; 6 Copyright; Copyright in Nonfiction Works;
Copyright Protection of Oral History: A Case Study; Using Nonfiction to
Create Fiction; Ownership; Joint Works; Works-Made-for-Hire; The Six
Exclusive Rights of Copyright
Length of Copyright Protection Licenses and Transfers; Fair Use of
Interviews?; Suggestions for Analyzing Potential Infringement; Pre-
Lawsuit Responses to Possible Infringement; To Sue or Not to Sue?; A
Remedy for Infringement in Cyberspace; Registration Status Is Crucial;
Selective Registration; The Orphan Interview Problem; Resources of the
U.S. Copyright Office; Copyright and the Federal Government;
Copyright Protection Elsewhere in the World; How to Dispense with
Copyright; 7 Oral History and the Internet; Legal and Ethical Authority
to Upload; Copyright and the Internet
Protecting Copyright Online

Sommario/riassunto

According to the Oral History Association, the term oral history refers to "a method of recording and preserving oral testimony" which results in a verbal document that is "made available in different forms to other users, researchers, and the public." Ordinarily such an academic process would seem to be far removed from legal challenges. Unfortunately this is not the case. While the field has not become a legal minefield, given its tremendous growth and increasing focus on contemporary topics, more legal troubles could well lie ahead if sound procedures are not put in place and periodical
