

## Statement about On Our Backs

The inclusion of On Our Backs (OOB) in the Independent Voices digital collection has raised two concerns – one regarding controlling access to minors of sexually explicit material and the second on safeguarding the privacy of contributors to print publications, particularly as those publications are digitized and made accessible through the Internet.

### Background:

In 2011, Reveal Digital secured permission from the copyright holder of OOB to digitize and host it as part of the Independent Voices collection; which exists to preserve and make accessible the periodicals documenting the rise of alternative social and cultural movements from the late 20th century. To date we have scanned and loaded 68 issues published between July, 1984 and December, 2004.

Inclusion of OOB in Independent Voices was based on the recommendations of contributing libraries and scholars, and the digitization rights have been fully cleared in accordance with current copyright law.

As faithful digital reproductions of OOB as it originally appeared in print, and pursuant to 17 U.S.C Section 201(c) of the Copyright Act, these scans and related metadata are permitted revisions as upheld by the Eleventh Circuit Court's ruling in *Greenberg v. National Geographic Society*. Legal precedent indicates that publishers do not have to secure additional rights from contributors to digitize and display their previously published works, regardless of the media selected for re-distribution, as long as the original printed context is maintained. This position is supported by ALA, ARL, AALL and MLA through their joint amicus brief in support of the National Geographic Society.

While the subject matter of OOB makes it different from any other publication in Independent Voices, it was only after careful consideration and consultation with librarians and scholars that we arrived at the conclusion to include the title in the collection. OOB fills an important hole in the feminist digital canon and is an essential artifact of the "feminist sex wars", when feminists split into factions based on their attitudes towards women's sexual expression.

### Concerns:

#### *Access by Minors*

Given the sexually explicit material contained in OOB, state laws require restricted access based in the age of the viewer. Currently, Reveal Digital is not able to restrict access to content within Independent Voices in this manner. To implement this will require additional software development.

#### *Contributor Privacy*

On the more complex issue of contributor privacy, Reveal Digital has come to share the concerns expressed by a few contributors and others around the digitization of OOB and the potential impact it might have on contributor privacy. While we feel that OOB carries an important voice that should be preserved and studied, we also feel that the privacy wishes of individual contributors should have an opportunity to be voiced and honored.

### Changes in Access to On Our Backs:

As a result of the above concerns we have elected to remove OOB from Independent Voices, at least temporarily, to provide a window to make the necessary software upgrades and to further engage with all interested parties (publishers, contributors, libraries, archives, researchers, and others), on an equitable process by which OOB can be made accessible to future generations.