

Copyright Protection does not apply to Systems or the CS

From: Rorschach_List@yahoogroups.com [mailto:Rorschach_List@yahoogroups.com] **On Behalf Of** Philip F. Caracena, Ph.D.
Sent: Monday, August 24, 2009 23:38
To: Rorschach_List@yahoogroups.com
Subject: Re: [Rorschach_List] Digest Number 1456

Brenton, Mike, Mark, et al.,

Brenton, your note that my posts on the copyright issue "astoundingly" slipped by without effect is something I'm kind of getting used to. I've also brought the issues up off the list to a few key people and have yet to receive a reply. I'm guessing one problem is that I go on and on, whereas email is best used for twitter-like short notes and I don't do tweets. Even so, some listmembers are actively addressing the problem of how to advance the CS and I'm very glad to see that.

It seems extraordinary to me for the CS to have been established as the dominant system, yet for it to be subject to constraint more characteristic of technologies that just don't go very far.

To repeat my tired refrain, the CS is not subject to copyright constraint. The problem is just that we've lost the leader who deemed when changes were "official". In respectful retrospect, I don't think all of John's methods for determining official changes were always the best, as I deduce from some of Greg's comments to the list (e.g., that the Ag Content codes were not accepted because John didn't invent them, that some announced changes were made with no research justification at all, etc.). The historic "because Exner's RRC says so" method allowed too much room for ego involvement and fiat. Nevertheless, most of us justifiably trusted that John's long history of scrupulous caution, conservative judgment, and demand for abundant data gave us the best vetted of the CS.

What is true CS and non-true CS? Who decides?

That's the big new question. Let's try to get it right.

What role does research play that is not sanctioned by those with copyright interests?

Unlike a specific copyrighted test such as the MMPI, the CS don't need no steenking sanction by no steenking copyright interests. Nobody has copyright interests in the CS. Well, a few people believe they own a copyright, but as I've repeated, copyright law does not cover systems. In a scientific endeavor, research should play the major role. And the name "Rorschach Research Council" is not copyrighted. Look it up on the U.S. Copyright Office website.

I think Phil's post of a few weeks ago discussing these issues warrants a careful re-read. It was thoughtful, measured, detailed and yet, astoundingly, seemed to slip by without effect on the discussion. As someone who once upon a time offered a small test scoring service, I recognize

that Phil knows a lot about copyright issues. He couldn't have established his RorScan business if he didn't.

I've never offered a test scoring service but when a large corporation told me they owned the CS copyright and I must cease & desist my software for the CS, I read everything I could get my hands on about copyright. I checked back recently and found nothing had changed about that issue. That's what I based my posts on. I'm no attorney, but their attorneys eventually went silent and I was not sued.

Mike H. said:

Yes ... even more reason to have a formal process which we can agree upon so proposed changes can be considered for the CS.

My vote would be for the research council to agree to take this on with a period allowed for comment by the CS community - perhaps using the listserve for this purpose - prior to final adoption - implementation of changes in the CS.

And then Mark S. said:

I completely agree. It seems to me that a peer review process, along with formalized procedures for evaluating the addition and deletion of accepted indices etc. would be helpful for practitioners as well as increasing the view of the validity/utility in the broader community. This should not prohibit the use of other information by individual practitioners but would while preserve the integrity of a single entity called the Comprehensive System.

Bravissimo! A brilliant idea! Peer review and participation would increase objectivity to changing the CS and give the RRC more input about our concerns. In addition to benefiting practitioners, this would help Rorschach Trainers and others who teach the CS stay on the same page. This would almost be like "open source CS". (That term is not my invention but I won't give credit because I'm not sure its creator would want to associate the term to this idea. ;-))

At first, I thought maybe SPA might be persuaded to take on a sanctioning/monitoring role with the RRC but SPA has a history of resisting such activities and I have no idea if the RRC would want that either, so I think pursuing it would lead to a dead end. There is, however, the SPA Foundation which is a legal non-profit corporation which functions, in part, to accept donations in support of SPA's assessment utility research (employing the Rorschach) that is currently underway. I don't know how the Foundation would view this idea but I could inquire if enough listmembers want to move forward with some version of this.

Let me throw in a very practical consideration. The RRC no longer has financial support from the Exners and I'm sure the RRC has some expenses to cover, especially if we ask them to formally present to the listmembers proposals for review, consideration, and comment prior to formal adoption, modification, or rejection of CS changes. Would those who support further development of this idea be willing to contribute just a very small annual fee to support RRC's activities on our behalf? The SPA Foundation could act as the receiver and

distributor of funds and as the de facto sanctioning organization for the RRC. Perhaps this would add appeal and motivation to the RRC's acceptance of any proposal growing out of this.

And then perhaps not. ;-)

What do others think?

Phil