

2006 copyright update

Section 108 of the Copyright Act permits libraries and archives to make certain uses of copyrighted materials in order to serve the public and ensure the availability of works over time. Among other things, section 108 allows libraries and archives to make copies in specified instances for preservation, replacement, and patron use. These provisions were drafted with analog materials in mind and, therefore, do not adequately address many of the issues unique to digital media, either from the perspective of rights-holders or libraries and archives.

The Library of Congress this year convened a "Section 108 Study Group" to prepare findings and make recommendations to the Librarian of Congress by mid-2006 for possible alterations to the copyright law that reflect current technologies. Several representatives of the library community are members of the study group.

The study group is reaching out to the library, archives, rights-holder, and creative communities for input on recommendations for revising the current library and archives exceptions. As part of that process, the study group will host two days of roundtables in 2006 for interested parties to offer suggestions and comments on how best to revise these exceptions for the digital era.

Specific facets of these issues on which the study group seeks input and comments will be described in the upcoming "Federal Register" notice. Other issues relevant to these broad areas may be discussed at the roundtables. In addition, other general topics pertaining to section 108 exceptions – such as making copies upon patron request, interlibrary loan, eReserves, and licensing – may be the subject of future public roundtables.

Roundtables will be held March 8 at the University of California-Los Angeles School of Law and March 16 in Washington, D.C.

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Information on how to participate was published in the February "Federal Register" and made available on the Section 108 Study Group Web site at www.loc.gov/section108. (For those who cannot participate in person, comments may be submitted to the study group directly via the Web site.) ALA will post information about the roundtables on ALAWON and on its Washington Office Web site at www.ala.org/copyright.

DMCA Section 1201 rulemaking

The Library Copyright Alliance (LCA) and the Music Library Association (MLA) filed comments on December 1, 2005, with the U.S. Copyright Office, requesting exemptions to the copyright law's prohibition on circumvention of technological locks that control access to copyrighted works.

Section 1201 of the Digital Millennium Copyright Act provides for exemptions from the prohibition on circumvention for users of "classes of works" who would be "adversely affected by virtue of such prohibition in their ability to make non-infringing uses" of those works. In their comments, LCA and MLA requested two new exemptions plus a renewal of the four exemptions granted in 2003 by the Librarian of Congress. The exemptions from the anticircumvention provision will be announced in October 2006. See www.ala.org/ala/washoff/WOissues/copyrightb/dmca/dmcasection1201.htm#2006 for more information.

Copyright Advisory Network

Are you someone who finds copyright issues interesting and challenging? Then please check out ALA's Copyright Advisory Network. This Web site, at www.librarycopyright.net/, is a new way for librarians to learn about copyright and to get help when they have copyright troubles. The purpose of this site is to encourage librarians to discuss copyright concerns and seek feedback and advice from fellow librarians and copyright specialists. ♪