LIBRARIES AND THE NEXT GREAT COPYRIGHT ACT

Ivy Anderson, California Digital Library
ivy.anderson@ucop.edu

The Next Great Copyright Act
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“I’M NOT A LAWYER, AND MAYBE I SHOULD HAVE USED MORE SPECIFIC LEGAL LANGUAGE.”

SONNY BONO

© Lifehack Quotes
Three Themes

- The digital imperative
- The need to work at scale
- How Fair Use has served libraries well
Libraries Are a Vital Public Good

The Library Mission:

- **Stewardship:** Preserving the intellectual record
- **Advancement of knowledge:** Education, research and scholarship
- **Public service:** Civic engagement and cultivation of an informed citizenry
Fast Facts

- **120,000 Libraries in the U.S.**
  - (98,000 of these are school libraries)
  - 3,793 academic | 8,951 public | 8,622 special, government, corporate

- **With over 2.8 billion items in their collections**
  - Academic and large public libraries only
  - Books, periodicals, manuscripts, photographs, maps, microforms, A/V…
  - The 100 largest libraries hold nearly half of those materials

- **U.S. academic and public libraries spend at least $4-5 billion annually on content**
  - Some industry estimates put this figure at $10+ billion for libraries of all types

- **U.S. research libraries have spent over $50 billion since 1923 on purchased collections,**
  - and another $50 billion in staffing and operational costs
  - All academic libraries: $200 billion?

Sources: ALA / ARL / NCES / IMLS / LC / STM
Librarianship is a professional practice founded on standards and best practices.
The nation’s libraries, archives, and museums hold some 46 million sound recordings, millions of which are in need of preservation.
The Great Digital Transformation

“...as the world goes digital, we cannot let the library become a pile of dusty books.”

- Peter Brantley, “You Have Two, Maybe Three Years...” Publishers Weekly, Dec 14, 2012

- Preservation

- Access and Scholarship

- Service Re-configuration
Digital Transformation: Preservation

Once disasters have occurred, preservation is too late

Earthquake
1994: Northridge, California

Flood
2005: Hurricane Katrina

Fire
2011: Egyptian Uprising
Digital Transformation: Access and Scholarship

Computational media brings together people knowledgeable about the arts, the humanities, and the sciences – particularly computer science, but also the social sciences – to pursue questions that can only arise, and only be answered, through interdisciplinary research.
musica de la FRONTERA

archivo de la música Mexicana-Americana

archive of Mexican-American music

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Fair Use of Historical Images and Archival Materials: Calisphere

Title: Send Off Husband at Jerome Camp
Creator/Contributor: Squires, Henry
Date: 1843
Contributing Institution: Japanese American National Museum

More information about this image

Title:
Creator/Contributor:
Date:
Contributing Institution:

Browse by institution
Discover all of the material contributed to Calisphere by 123 California archives, libraries, museums, and other historical societies.
Tobacco Industry Web Archive

UCSF Library and Center for Knowledge Management

Description
Contains periodically archived websites of the major U.S. and international tobacco companies and emerging tobacco products. The company websites are the public face of the tobacco industry. They include timely press releases, market share reports and company opinions on health-related and corporate responsibility issues.

Search

Quick Facts
Sites: 158
Oldest site: 05/06/10
Most recent site: 09/20/13

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Digital Transformation: Service Re-Configuration

A global change in the library environment

Academic print book collection already substantially duplicated in mass digitized book corpus

<table>
<thead>
<tr>
<th>Rank in 2008 ARL Investment Index</th>
<th>% Duplicates in Legal Collection</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 2010</td>
<td>Median duplication: 31%</td>
</tr>
<tr>
<td>June 2009</td>
<td>Median duplication: 19%</td>
</tr>
</tbody>
</table>

Northern Regional Library Facility, Richmond Field Station

Southern Regional Library Facility, UCLA
assertion with the $x$ in the other. This will be the case—so our axiom

The law of excluded middle:

$h \cdot p \lor \sim p$.

This is 0211 below. We shall indicate in brackets the numbers given to the following propositions in the body of the work.

The law of contradiction (0324):

$h \cdot \sim (p \cdot \sim p)$.

The law of double negation (0413):

$h \cdot \sim (\sim p)$.

The principle of transcription, i.e., "if $p$ implies $q$, then not-$q$ implies not-$p$," and vice versa: this principle has various forms, namely

$(041) \vdash: p \lor q, \sim q \rightarrow \sim p$,

$(0411) \vdash: p \equiv q, \sim p \equiv q$,

$(0414) \vdash, p \lor q, \sim p \rightarrow r, \sim r \rightarrow q$,

as well as others which are variants of these.

The law of tautology, in the two forms:

$(0424) \vdash: p \equiv p \cdot p$,

$(0425) \vdash: p \equiv p \lor p$,

i.e., "$p$ true" is equivalent to "$p$ is true and $p$ is true," as well as to "$p$ is true or $p$ is true." From a formal point of view, it is through the law of tautology and its consequences that the algebra of logic is chiefly distinguished from ordinary algebra.

The law of absorption:

$(0471) \vdash: p \lor q \equiv p \equiv p \cdot q$,

i.e., "$p$ implies $q$" is equivalent to "$p$ is equivalent to $p \cdot q$." This is called the law of absorption because it shows that the factor $q$ in the product is absorbed by the factor $p$, if $p$ implies $q$. This principle enables us to replace an implication $(p \lor q)$ by an equivalence $(p \equiv p \cdot q)$ whenever it is convenient to do so.

An analogous and very important principle is the following:

$(0473) \vdash: q, p \equiv p \cdot q$.

Logical addition and multiplication of propositions obey the associative and commutative laws, and the distributive law in two forms, namely

$(044) \vdash: p, q, r \equiv p \cdot q, r \equiv q \cdot p, r$,

$(0441) \vdash: p, q, r \equiv p \lor q, p \lor r$.

The second of these distinguishes the relations of logical addition and multiplication from those of arithmetical addition and multiplication.

Propositional functions. Let $\phi$ be a statement containing a variable $x$ and such that it becomes a proposition when $x$ is given any fixed determined meaning. Then $\phi$ is called a "propositional function"; it is not a proposition, since owing to the ambiguity of $x$ it really makes no assertion at all. Thus "$x$ is hurt" really makes no assertion at all, till we have settled who $x$ is. Yet owing to the individuality retained by the ambiguous variable $x$, it is an ambiguous example from the collection of propositions arrived at by giving all possible determinations to $x$ in "$x$ is hurt" which yield a proposition, true or false. Also if "$x$ is hurt" and "$y$ is hurt" occur in the same context, where $y$ is another variable, then according to the determinations given to $x$ and $y$, they can be settled to be (possibly) the same proposition or (possibly) different propositions. But apart from some determination given to $x$ and $y$, they retain in that context their ambiguous differentiation. Thus "$x$ is hurt" is an ambiguous "value" of a propositional function. When we wish to speak of the propositional function corresponding to "$x$ is hurt," we shall write $\sharp x$. Thus $\sharp x$ is the propositional function and "$x$ is hurt" is an ambiguous value of that function. Accordingly though "$x$ is hurt" and "$y$ is hurt" occurring in the same context can be distinguished, "$\sharp x$ is hurt" and "$\sharp y$ is hurt" convey no distinction of meaning at all. More generally, $\phi x$ is an ambiguous value of the propositional function $\phi x$, and when a definite specification $a$ is substituted for $x$, $\phi a$ is an unambiguous value of $\phi a$.

Propositional functions are the fundamental kind from which the more usual kinds of function, such as "$\sin x" or "\log x" or "the father of $x" are derived. These derived functions are considered later, and are called "descriptive functions." The functions of propositions considered above are a particular case of propositional functions.

The range of values and total variation. Thus corresponding to any propositional function $\phi x$, there is a range, or collection, of values, consisting of all the propositions (true or false) which can be obtained by giving
HathiTrust CRMS Project

• 300,000 volumes published between 1923-63 were reviewed for copyright renewal status
• 160,000 (55%) not renewed and determined to be in the public domain

What made CRMS possible?

• Copyright formalities (renewal)
• Existence of a registry (copyright renewal records)
• Prior digitization (allowed an efficient, collaborative workflow)
The digital shift is occurring in a robust marketplace of current and retrospective purchases.
Section 108: the Promise and the Peril

("I'm not a lawyer, and maybe I should have used more specific legal language.")

Sonny Bono

(Repeat Disclaimer)
What was successful:
• Issues treated with great sensitivity, nuance and balance
• Several valuable recommendations

What was challenging:
• Little consensus on difficult issues
• Some recommendations too modest and incremental to be broadly useful

OK Revisions:
• 108(b)&(c):
  • “Reasonable number” instead of rule of three
  • Allow outsourcing (some concerns about liability recommendations)
• 108(c):
  • Add “fragile” to list of conditions

Add:
• make Section 108 applicable to all types of works, including music, pictorial, and A/V
• Precedence of copyright over contract