

# LIBRARIES AND THE NEXT GREAT COPYRIGHT ACT

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The Next Great Copyright Act

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# Disclaimer

**“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

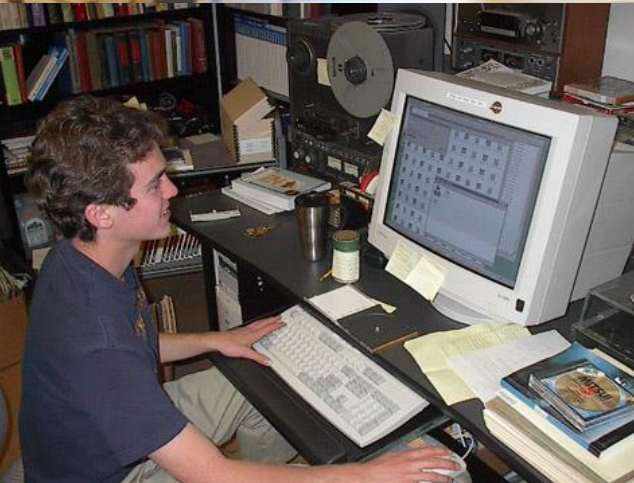
# Libraries Are a Vital Public Good

## The Library Mission:

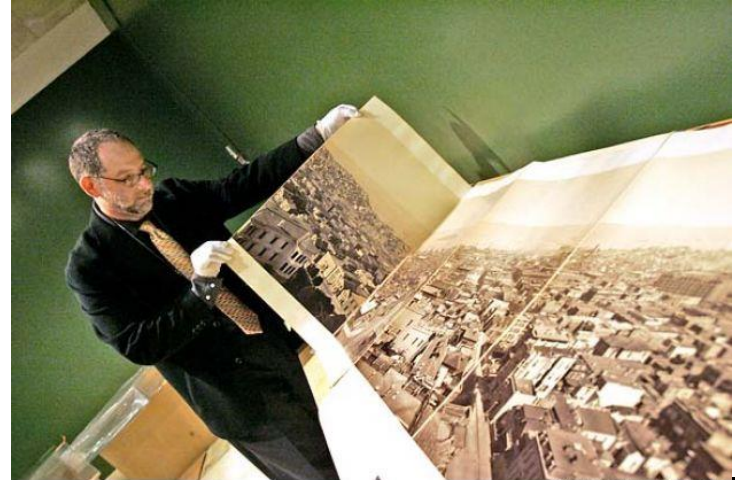
- ▣ **Stewardship:** Preserving the intellectual record
- ▣ **Advancement of knowledge:** Education, research and scholarship
- ▣ **Public service:** Civic engagement and cultivation of an informed citizenry

# 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?**



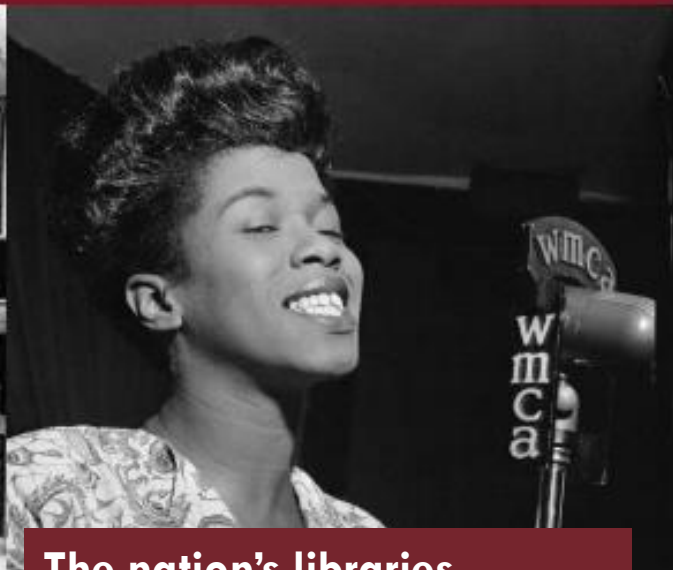
**Librarianship  
is a  
professional  
practice  
founded on  
standards  
and best  
practices**



# The Library of Congress

## National Recording Preservation Plan

December 2012



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

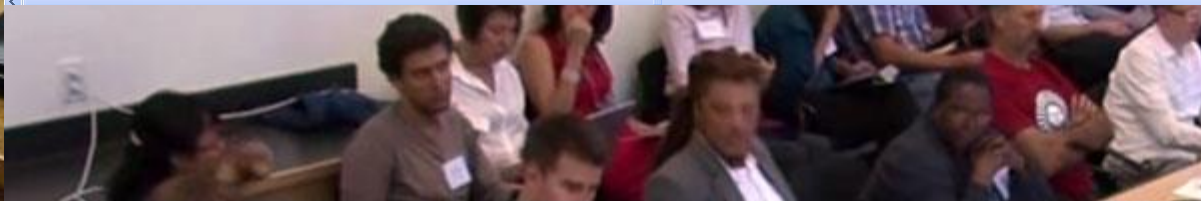


# Digital Transformation: Access and Scholarship



## Google books Ngram Viewer

Graph these comma-separated phrases:   case-insensitive  
between  and  from the corpus  with smoothing of  [Search lots of books](#)



**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.

# The Strachwitz Frontera Collection of Mexican and Mexican American Recordings

Arhoolie Foundation - Los Tigres del Norte Foundation - UCLA Library - UCLA Chicano Studies Research Center

  
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*musica de la*

## FRONTERA



*archivo de la  
música  
Mexicana-  
Americana*

*archive of  
Mexican-  
American  
music*



Images:  
© The Arhoolie Foundation

# Fair Use of Historical Images and Archival Materials: Calisphere



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## California Cultures

Calisphere > California Cultures



African Americans



Asian Americans



Hispanic Americans



Native Americans

### Multicultural California

#### Faces of Diversity

Selected primary source sets tell the stories, struggles, and contributions of four major ethnic groups in California that have been historically underrepresented by digitized primary source materials.

- [African Americans](#)
- [Asian Americans](#)
- [Hispanic Americans](#)
- [Native Americans](#)

**Especially for Teachers:** Primary source analysis worksheets, lessons plans, and other resource links.

[Learn more about California Cultures](#)

### Historical Essays

#### See Diversity in Historical Context

Brief historical overviews and related images explore California's evolving ethnic diversity:

- [Before 1768: Pre-Columbian California](#)
- [1768-1820s: Exploration](#)
- [1821-1847: Missions](#)
- [1848-1865: Gold Rush](#)
- [1866-1920: Rapid Population Growth](#)
- [1921-Present: Modern California](#)

### Lesson Plans

#### Teach with Selected California Cultures Images

Use these [lesson plans](#) just as they are, or as springboards for your own creative ideas.

**Los Californios:** California's Spanish Native American, and African Heritage

**Children in the Fields:** The Life of the Hispanic Child Laborer During California's Agriculture Explosion

**"How Do Men Like You Become Great?":** The Early Years of Dr. Ralph J. Bunche

**Stealing Home:** How Race Relations, Politics, and Baseball Transformed



**Title:** Send Off Husband at Jerome Camp  
**Creator/Contributor:** Sugimoto, Henry  
**Date:** 1943  
**Contributing Institution:** Japanese American National Museum

[More information about this image](#)



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Discover all of the material contributed to Calisphere by 123 California archives, libraries, museums, and historical societies.

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### A

- [Agua Caliente Cultural Museum](#)
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### B

- \* [Banning Library District](#)

# Web Archives

UNIVERSITY OF CALIFORNIA, SAN FRANCISCO

## LEGACY TOBACCO DOCUMENTS LIBRARY



### Tobacco Industry Web Archive

UCSF Library and Center for Knowledge Management

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#### 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

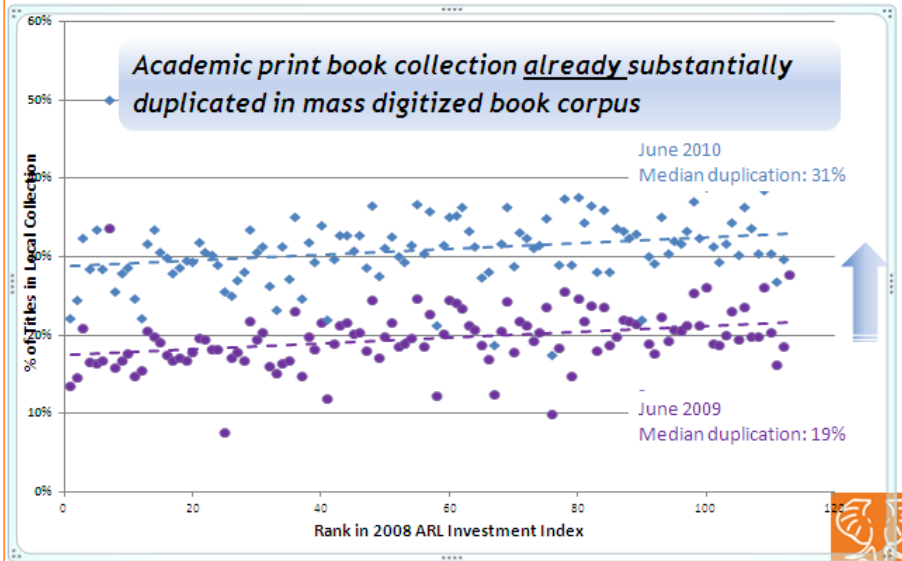
#### Quick Facts

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

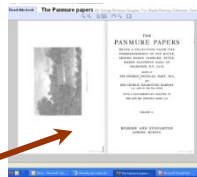
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# Digital Transformation: Service Re-Configuration

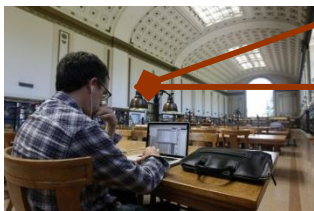
## A global change in the library environment



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 that is to say, if  $\phi x$  is a constituent in both assertions (whatever propositional function  $\phi$  may be), or, more generally, if  $\phi(x, y, z, \dots)$  is a constituent in one assertion, and  $\phi(x, u, v, \dots)$  is a constituent in the other. This axiom introduces notions which have not yet been explained; for a fuller account, see the remarks accompanying \*303 (which is the statement of this axiom) in the body of the work, as well as the explanation of propositional functions and ambiguous assertion to be given shortly.

Some simple propositions. In addition to the primitive propositions we have already mentioned, the following are among the most important of the elementary properties of propositions appearing among the deductions.

The law of excluded middle:

$$\vdash p \vee \sim p.$$

This is \*211 below. We shall indicate in brackets the numbers given to the following propositions in the body of the work.

The law of contradiction (\*324):

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

The law of double negation (\*413):

$$\vdash p = \sim(\sim p).$$

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

$$(*41) \quad \vdash p \supset q = \sim q \supset \sim p,$$

$$(*411) \quad \vdash p = q = \sim p = \sim q,$$

$$(*414) \quad \vdash p \cdot q \supset r = p \cdot \sim r \supset \sim q,$$

as well as others which are variants of these.

The law of tautology, in the two forms:

$$(*424) \quad \vdash p = p \cdot p,$$

$$(*425) \quad \vdash p = p \vee p,$$

i.e. " $p$  is 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:

$$(*471) \quad \vdash p \supset q = p = p \cdot q.$$

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 ( $p \supset q$ ) by an equivalence ( $p = p \cdot q$ ) whenever it is convenient to do so.

An analogous and very important principle is the following:

$$(*473) \quad \vdash p \cdot q \supset p = p \cdot q.$$

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

$$(*44) \quad \vdash p \cdot q \vee r = p \cdot q \cdot r \vee p \cdot r,$$

$$(*441) \quad \vdash p \cdot q \cdot r = p \vee q \cdot p \vee r.$$

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

Propositional functions. Let  $\phi x$  be a statement containing a variable  $x$  and such that it becomes a proposition when  $x$  is given any fixed determined meaning. Then  $\phi x$  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 " $\phi x$  is hurt." Thus " $\phi x$  is hurt" 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, " $\phi x$  is hurt" and " $\phi y$  is hurt" convey no distinction of meaning at all. More generally,  $\phi x$  is an ambiguous value of the propositional function  $\phi \delta$ , and when a definite signification  $\alpha$  is substituted for  $x$ ,  $\phi \alpha$  is an unambiguous value of  $\phi \delta$ .

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 derivative 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  $\phi \delta$ , 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



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Copyright Review Management System - IMLS

[Home](#) > [Grants](#) > Copyright Review Management System - IMLS National Leadership Grant

## Copyright Review Management System - IMLS National Leadership Grant

- **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**

Documentation

Sharing Rights Determinations

## What made CRMS possible?

- **Copyright formalities (renewal)**
- **Existence of a registry (copyright renewal records)**
- **Prior digitization (allowed an efficient, collaborative workflow)**

check their copyright status to make a determination. If a work is not in the public domain, it cannot be made accessible online. The system will aid in the process of making vast numbers of books from this period available online to the general public.

# copyright review management system

ational Leadership Grant from  
ight Review Management  
reliability of copyright status  
923 to 1963 in the [HathiTrust](#)  
other institutions. Hundreds of  
een 1923 and 1963, and  
individuals must manually



# The digital shift is occurring in a robust marketplace of current and retrospective purchases

## Springer Book Archives

Scientific Research of the Past to Drive Innovation of the Future

- Over 110,000 titles now available on [link.springer.com](http://link.springer.com)

Springer has a long history of publishing books that have helped to train and inform generations. As part of our ongoing commitment to providing access, Springer invested in a major initiative to digitize its **Book Archives** > around 110,000 titles from the 1840s, available on SpringerLink. We are proud to offer the largest single collection of books in the world.

The *Springer Book Archives* link is available anywhere access. Via SpringerLink in science, many previously unavailable include luminaries such as **Rudolf**

The **MyCopy** service (low cost, pay per use) English language collection of over 100,000 Springer eBooks are available on

### eDesiderata

Informed Investment in Electronic Resources

Dashboard Resources A-Z

eDesiderata is an interactive space for sharing information and opinions about resources of interest to CRL library collections or negotiated by CRL for member purchase and use as is [read more](#).

**New Feature:** [eDesiderata](#) is a new space for logged-in users to select and watch individual resources or groups

Total Resources (A-Z)

219

CRL Reviews

77

Resources analyzed by CRL  
(by date of posting)

- [American Pamphlets, Series 1, 1800-1900: From the New-York Historical Society](#)
- [American Broadside and Epitaphs, Series 1 \(1749-1900\)](#)
- [Ethnic American Newspapers from the Bakis Collection, 1799-1971](#)
- [Voxbox](#)
- [Engineering Case Studies Online](#)
- [Nimerige Premier](#)
- [Wayback Machine](#)
- [Meet the Press](#)
- [The Independent](#)
- [Punch, 1841-1992](#)

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Active Offers

30

Resources with active CRL offers  
(by date of expiration)

- [World News Connection](#) expires in 20 days
- [Engineering Case Studies Online](#)
- [Nineteenth Century Collections Online \(NCCO\)](#)
- [Meet the Press](#)
- [American Pamphlets, Series 1, 1800-1900: From the New-York Historical Society](#)
- [American Broadside and Epitaphs, Series 1 \(1749-1900\)](#)
- [Ethnic American Newspapers from the Bakis Collection, 1799-1971](#)
- [Sable Americana, 1476-1906](#)
- [Indigenous Peoples: North America](#)
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## Churchill Archive

A Window on History

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### Modern History; Documented and Digitised

Learn about the decision makers and how their discourse changed the course of history

[About the Churchill Archive](#)



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Topics covering society, governance, politics, religion, war, and the public and private lives of Winston S. Churchill himself.



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Named individuals from more than two hundred years



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Years and periods for Churchill

# Section 108: the Promise and the Peril

(Repeat Disclaimer)

**“I’M NOT A LAWYER, AND MAYBE I SHOULD  
HAVE USED MORE SPECIFIC LEGAL LANGUAGE.”**

**SONNY BONO**

© Lifehack Quotes

# The Section 108 Study Group Report

March 2008

## 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

## Successful:

• Conducted with great sensitivity,  
• Good balance  
• Valuable recommendations

## Challenging:

- Little consensus on difficult issues
- Some recommendations too modest and incremental to be broadly useful