Digital Ephemera and
(Re)Formalizing ©

Fred von Lohmann
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digital ephemera
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dark matter of copyright
digital ephemera

is © an obstacle to unlocking the economic value of the dark matter of digital ephemera?

dark matter of copyright
what does copyright have to say?
what does copyright have to say? protected
what does copyright have to say? protected for how long?
what does copyright have to say?
protected
(effectively) forever
what does copyright have to say?
protected
(effectively) forever
orphaned at birth
who cares?
who cares?

what is it good for?
who cares?
registration
statutory damages
attorneys’ fees
who cares?
registration
eBay v. MercExchange
injunctions
who cares?
registration
eBay v. MercExchange
fair use
transformative purpose
intermediate copying
who cares?
registration
eBay v. MercExchange
fair use
de minimis
who cares? registration eBay v. MercExchange fair use de minimis um...
registration
eBay v. MercExchange
fair use
de minimis

are these tools intended for this problem?
who cares?
actual damages
class actions
1201
1202
takedown notices
204
...

...
this is embarrassing
this is embarrassing

The Next Great Copyright Act
formalities?
formalities?
subject matter?
remedies?
exceptions?
formalities