

Copyright Hot Topics for College and Research Libraries

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Overview of the session



- Welcome, setting the stage
- Current HOT copyright topics
- New Congress and State Legislatures, Advocating on Copyright and Ebooks
- Q&A

Who we are

- **Jim Neal**, University Librarian Emeritus, Columbia University
- **Carla Myers**, Associate Librarian/Coordinator of Scholarly Communication, Miami University
- **Alan Inouye**, Interim Associate Executive Director, Public Policy and Advocacy, ALA
- **Tim Vollmer**, Scholarly Communication + Copyright Librarian, UC Berkeley

Setting the stage

COPYRIGHT BASICS

- Originality Plus Fixation
- Exclusive Rights
- Term of Protection/Public Domain
- Limitations and Exceptions
- Fair Use

Setting the stage

A FEW COPYRIGHT ISSUES

- Copyright Balance
- National and Global
- Analog and Digital
- Learning and the Internet
- Copyright Management Systems
- New Types of Works

Quick hits

Current hot copyright topics
in college & research libraries

Quick hits

The CASE Act and effects on libraries

- Copyright Alternative in Small-Claims Enforcement (CASE) Act
- Copyright Claims Board (CCB) to hear smaller \$ infringement claims
- individual opt out (60 days), federal & state exempted, libraries & archives can opt out permanently
- advocacy & education for our higher ed communities

Quick hits

Controlled digital lending and the Internet Archive lawsuit

- Libraries make digital copies of physical works held in their collections available to users
- 1:1 “own to loan”, TPM to prevent copying, limited time of lend, etc.
- During Covid pandemic, HathiTrust ETAS
- Publisher lawsuit against IA’s Open Library & National Emergency Library
- Other libraries continued & expanded CDL services

Quick hits

Intersection of copyright and contracts

- Faculty, students, researchers leverage fair use in scholarship
- Licensed resources can trump fair uses through unfriendly TOS
- Library licensed resources and fair use savings clauses
- Copyright preemption: *ML Genius v. Google*

Quick hits

Copyright and text data mining, artificial intelligence, etc.

- Fair use to compile corpus to conduct text data mining (*Authors Guild v. Google*, *Authors Guild v. HathiTrust*)
- But not necessarily fair to republish the underlying corpus
- Now: lawsuits on AI image creation tools
- USCO refuses to register © in AI-generated images
- What's the future of © and AI?

Quick hits

New Congress and State legislatures, Advocating on Copyright and Ebooks

Quick hits

The fundamental
problem remains

- The unrealized promise of the digital world
- Licensing
- Loss of rights
- Across all library types
- Attempts to chip away
- The long arc of history

Quick hits

U.S. Congress

- Divided government—what are the implications?
- Senate Judiciary Committee
 - Two Subcommittees
- House Judiciary Committee
 - Two Subcommittees
- Senate Rules & Admin Cte
- House Admin Committee
- Likelihood of progress

Quick hits

Some stuff happening

- Some bills introduced or might be introduced...
- Our big thing: Contract preemption
- Workshop in May, hosted at American University, co-sponsored by ALA & ARL

Quick hits

Digital books and state legislatures

- Bills in state legislatures – quick, quick history...
- What happened in Maryland
- What's happening in 2023
- Variations in approach
- Benefits of state bills

Quick hits

Conclusion: Making the ultimate case

- Long-term proposition. 1909, 1976, (1998)
- The “what”? Leverage advantages of digital media
- Materials & data
- Broad awareness, education, communications
- Political influence & power
- Supporters, advocates who are not librarians, allies

Questions, Answers