Copyright:
Public domain, registration, interlibrary loan, policy update...

A Mish-Mash of Fun!

CDLC Resource Sharing Symposium
Capital District Library Council
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ALA is going through some major changes!
Review of copyright law

• Limited, statutory monopoly to encourage learning
• Utilitarian, *not* a property right or natural right
• Protects original creative expression
• Exclusive rights make up the monopoly
  • reproduction
  • distribution
  • derivative works
  • public performance
  • public display
• Exclusive rights are divisible and can be inherited, given or contracted away
• Term of copyright
• Fair use and other exceptions
Copyright Registration and Renewal

• Registration and renewal are no longer required (which causes lots of problems)
• Prior to 1977, registration, renewal, and the copyright symbol were required
• Materials without one or more of these published after 1923 but before 1977 may be in the public domain
  • [http://librarycopyright.net/resources/digitalslider/index.html](http://librarycopyright.net/resources/digitalslider/index.html) (requires Adobe Flash)
  • [https://copyright.cornell.edu/publicdomain](https://copyright.cornell.edu/publicdomain) Public domain chart
Term of copyright

- Initially, 14 years with one renewal of 14 additional years if the author was still living
- Shifted to life plus formula
- Life plus 50 years
- Life plus 70 years
- Public domain before 1923 (except for sound recordings)
- Unlikely copyright term impacts your interlibrary loan operations
- No definite source, must assume protected by copyright unless you know otherwise
Section 108 – Library reproductions

• Exception for libraries and archives when copies are made for preservation and replacement purposes, for library users, for interlibrary loan (under certain conditions, of course!)

• CONTU – National Commission on New Technological Uses of Copyrighted Works (1974), produced guidelines for interlibrary loan
  • Not in the copyright law, but widely practiced, normative behavior
  • Rule of Five – journals/periodicals, last 5 years (only), no more than 5 articles in from one journal
  • Questions?
Current copyright legislation

Music modernization
  Combination of three bills
    Royalty rates (Music Modernization Act)
    Pre-1972 sound recordings, digital performance right (streaming) federalized (CLASSICS Act)
    Royalties for music producers (AMP Act)

The sound recording bill is not good – public domain concern – provides copyright protection to 2067
Copyright review

• Since 2014
• Lots of hearings, reports, roundtables
• No consensus
• Only music copyright is moving
• House Judiciary Chairman Goodlatte retiring, Nadler current ranking member
• Register of Copyright legislation has languished (which is what we wanted)
Marrakesh Treaty Implementation Act S. 2559

- International copyright treaty that requires member nations to have a “Chafee Amendment” exception
- Authorized entities can create accessible copies
- Accessible copies can be shared across borders
- Addresses the “book famine”
- Joint introduction of the legislation
- Good indications that the legislation will pass!
- President must sign
Net neutrality

• Ensures equal access and quality of broadband connection for everybody in the US (no discrimination), established in 2015
• Overturned on party lines, led by Federal Communication Commission Chairman Pai
• Allows providers more options in business models, like tiered pricing
• Congress can act (Congressional Review Act, but need a majority and the President can override)
• States are acting, establishing state net neutrality legislation
• Courts will act, lawsuits have been filed
• Questions?
Check out the Copyright Advisory Network

librarycopyright.net

Copyright questions answered by experts!