

ZEGGAR Hicham (MARKT)

From: Shira Perlmutter <shira.perlmutter@ifpi.org>
Sent: 10 April 2011 12:00
To: MARTIN-PRAT Maria (MARKT)
Subject: libraries and archives

Current criteria under US Copyright Act section 108:

Library or archives must act “without any purpose of direct or indirect commercial advantage,” plus their collections must be either open to the public, or available not only to researchers affiliated with them or their institutions, but also “to other persons doing research in a specialized field”, and appropriate notices of copyright must be included.

The new additional criteria proposed by the Section 108 Study Group (consisting of rightholder and library representatives) (full report at <http://www.section108.gov/docs/Sec108StudyGroupReport.pdf>):

Additional Functional Requirements: Subsection 108(a)

Issue:

Subsection 108(a) contains certain minimal qualifying criteria for the section 108 exceptions, but does not define the terms “library” or “archives.” Should subsection 108(a) be revised or supplemented?

Recommendations:

- 1. The current requirements for section 108 eligibility as set forth in subsection 108(a) should be retained.**
- 2. Libraries and archives should be required to meet additional eligibility criteria. These new eligibility criteria include possessing a public service mission, employing a trained library or archives staff, providing professional services normally associated with libraries and archives, and possessing a collection comprising lawfully acquired and/or licensed materials**