

Libraries laud appeals court ruling: Mass book digitization by Google is fair use

The Library Copyright Alliance (LCA) lauded the U.S. Court of Appeals for the Second Circuit ruling in *Authors Guild v. Google* that Google Book's mass scanning of books held by research libraries to create a searchable keyword index constituted a legal "fair use" of copyrighted material rather than an infringement. Libraries represented by LCA, including ACRL, ALA, and ARL, submitted numerous briefs in support of fair use in the Google case, which was bolstered by the affirmative fair use ruling in *Authors Guild v. HathiTrust*. "I join my colleagues in applauding this ruling as it strongly supports fair use principles, allowing scholars and others to discover a wealth of resources. This is a tremendous opportunity for our communities, in particular for students. In addition, Google Books provides full text accessibility to people with print disabilities, making millions of books available for the first time," ACRL President Ann Campion Riley said.

"We are extremely pleased that this court understands that digitizing for search purposes is a transformative fair use, and one which supports learning, research, and understanding. Google Book Search advances the purpose of the copyright law and, by creating the greatest index of its kind, provides students, academicians, researchers, and the visually impaired with an incredible tool, greatly serving the public interest," ALA President Sari Feldman noted.

Librarian of Congress expands film clip exemption

LCA welcomed an October 27 decision issued by the Librarian of Congress to broaden the exemption for the use of film clip excerpts to Massive Open Online Courses (MOOCs) and digital and media literacy programs offered by libraries and museums. The Librarian of Congress also extended the exemption for use in

media courses to include Blu-ray discs. Further, the Librarian of Congress renewed existing education exemptions.

Under Section 1201(a)(1) of the Digital Millennium Copyright Act (DMCA), the Librarian of Congress may grant exemptions to the anticircumvention provision following a triennial rulemaking process. In this latest round of exemptions, the Librarian of Congress, acting on the Register of Copyright's recommendations, ruled positively to requests made by LCA, along with other educators and associations. The DMCA established a provision that prohibited the disabling of scrambling systems or other technological protection measures without the prior authorization of the rights holder. At the same time, the DMCA also established a mechanism to periodically check if this provision prevented users of copyrighted works from making lawful uses of works, such as fair uses.

Librarian of Congress and modernization of the Copyright Office

ALA is urging President Obama, amidst his deliberations on selecting the next Librarian of Congress, to appoint a working librarian who offers executive management and global leadership skills, has an entrepreneurial spirit, and is a strong advocate for cutting-edge library information services. Likewise, ALA is calling for a champion for equitable information access and digital inclusion so that all Americans have access to the information they need to lead productive lives. In a recent *Christian Science Monitor* article, Emily Sheketoff, executive director of ALA's Washington office, said the appointment of a new Librarian is "a great opportunity for the library to step up and serve the people." A bill to limit the Librarian of Congress to a ten-year term limit breezed through Congress this fall, and, on November 5, was signed into law by the President. ALA observes that a ten-year term, in contrast to a lifetime appointment, would allow for a broader pool of candidates, while noting that the bill still allows the President the option of reappointing—subject to reconfirmation—the Librarian to another term. ♪

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