

INTRODUCTION

This edition of *Library Technology Reports* focuses on current copyright issues in libraries. Many issues fall within the topic, but the focus here is about incorporating newer technologies into library service, such as the Web, distance education, and intranets.

The discussion is split into nine topics—one for each chapter. Rather than reading from beginning to end, first choose topics of interest or that are unfamiliar. The tenor of this Report is not intermediary. Many fine introductory texts and articles are available on basic topics within copyright law. This basic material is not covered—topics cover basic concepts in new applications or cover the implications of recent legal developments.

Each chapter follows a similar structure. Each begins with a brief overview of the topic and indicates what you need to know or understand to derive the most from the discussion that follows. Included are references to resources that might help you. Also included are a few observations about what is new, controversial, or noteworthy about this topic.

Selected background material is presented to help you understand the context of recent legal developments. Statutes are cited and cases discussed, but the emphasis is on a general discussion of concepts, not legal fine points.

All references to statutes by section (Section 101, Section 106, and so on) are to section of the copyright law, Title 17 of the U.S. Code, unless otherwise noted.

Finally, brief remarks appear throughout regarding emerging trends, likely issues, or what to watch for in the future. This information might prove helpful for those considering becoming active in the legislative or rule-making process. A list of copyright resources concludes each topic.

This Report is designed to provide accurate and authoritative information, but should be used only to guide you, not as a substitute for legal advice. Like any discussion of copyright law in new applications, it discusses the legal possibilities and potentials as well as the legal certainties. If legal advice is required, seek the services of a competent legal professional.

A comment should be said about the case law cited here, the author only suggests the trend it may represent and its application of the law and specific trends to your library. The only case law that applies to every library in the United States is case law from the U.S. Supreme Court. Most cases discussed and cited in this Report are from federal trial and appellate courts; a particular case you read about is likely not the actual law in your district or circuit. This situation does not mean, however, that an inapplicable case has no significance to your library. Quite the contrary, because so little case law applies the copyright statutes to libraries, much less to libraries in digital environments, and because little case law exists regarding the general interpretation of copyright law in digital settings coupled with the recent changes in the copyright law, the few cases that do arise will have nationwide influence. These cases invariably will be cited by parties in future litigation on similar issues, and librarians interested in legal issues would do well to familiarize themselves with their result and potential application.

This Report includes the following topics:

1. Liability in the Library: Recent Cases in the Digital Environment

Once you finish reading this Report, test your knowledge with a 33-question copyright quiz posted for free download at www.techsource.ala.org. Questions require short answers and directly correspond to issues raised in this Report—bear in mind that, as in real-life copyright scenarios, there is often no clear-cut right answer. The quiz can be used to test your understanding of copyright law or to assess your library staff's working knowledge of the law.

2. DMCA, Copyright Term Extension, and Section 108
3. Applying Sections 108 and 107 to the Creation of Digital Vertical and Clippings Files
4. Using Copyrighted Materials on the Library Intranet
5. Linking and Copyright Law
6. DMCA and Service Provider "Immunity" Under Section 512
7. DMCA and the Antitrafficking and Anticircumvention Rules of Section 1201
8. Section 110(2) and the Use of Copyrighted Material in Distance Education
9. Licensing and UCITA (Uniform Computer Information Transactions Act) Issues