

Preserving the Library of the Future

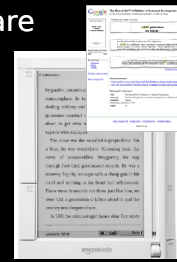
Wendy Seltzer,
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Fellow, Berkman Center for Internet & Society at Harvard Law School
New England Archivists, March 29, 2008

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Compare



?



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The library of the past (and present)



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In the library of the past



Books get torn, stained, burned

4

In the library of the past



Books get torn, stained, burned
... yet we still manage to read them

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Will we still be able to read from the library of the future?



Preservation - Access - Dissemination

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Law now locks up knowledge:

- Chilling scholarship and publication
- Blocking archiving and preservation
- Stifling access and use
- Hampering acquisition and dissemination

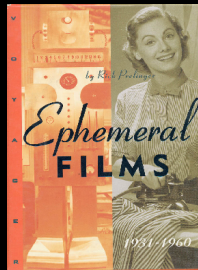
Copyright terms have increased



life +70 years
(95 for corporate works)

*Shrinking public domain: new adaptations and derivatives don't get produced

- Orphaned works can't be preserved or shared

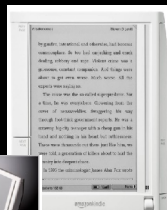


Copyright's scope has expanded



exclusive rights to copy, make derivatives of, distribute, publicly perform, publicly display, publicly digitally perform

- Every digital view makes a "copy"



- "derivative works" expand, fair use shrinks

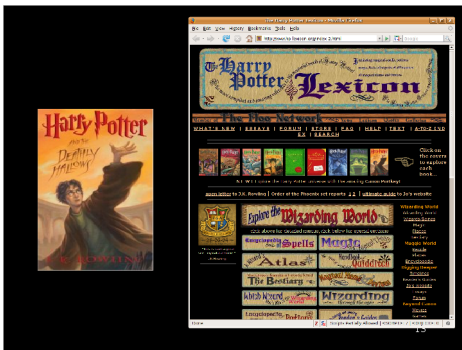
Harry Potter and the Deathly Hallows

>>


- publishers' risk-aversion contributes to the shrinkage

Harry Potter Lexicon

??



DMCA limits access, use, scholarship



- Anticircumvention locks up works
- prevents researchers from discussing encryption
- prevents archivists from preserving

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Anticircumvention

- News reporting and scientific publication threatened as "providing circumvention tools"
- **2600 Magazine on DeCSS**
- **Felton v. RIAA**
- **Halderman on copy-protected CDs**
- **Scientists afraid to travel to U.S.**

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Archiving Software

- Archivists must often circumvent to preserve digital content



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Internet Archive

- Internet Archive won 3-year exemptions from anticircumvention



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- Will copyright claims prevent us from building the next VCR?

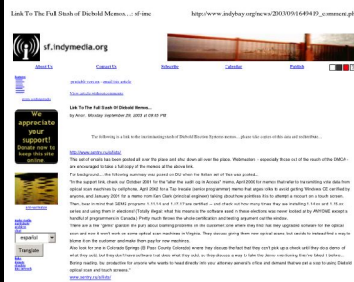


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Copyright Takedowns: Pull first, question later



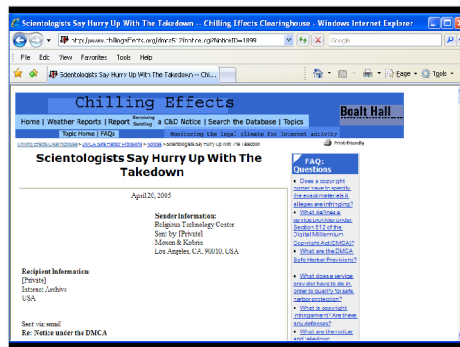
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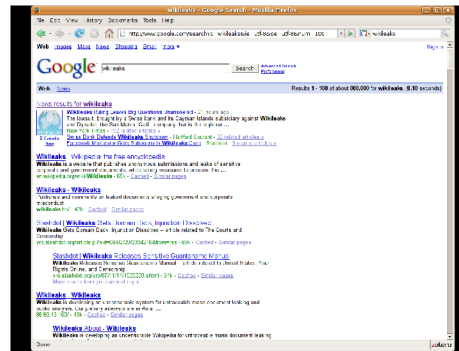
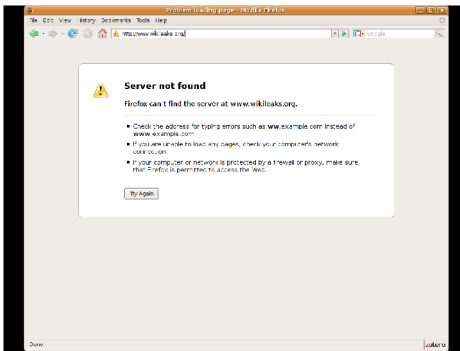
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Digital Chokepoints



- Internet Service Providers
- Search Engines
- Domain Registrars

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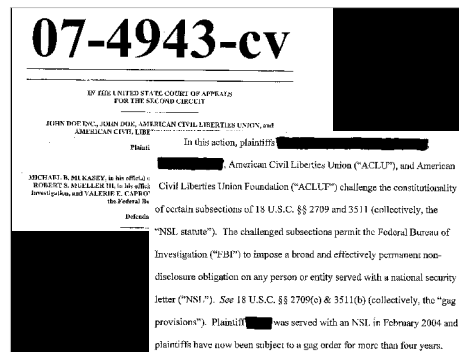


PATRIOT's secret searches



National Security Letters' gag orders invade privacy, bar discussion

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Open Access, Open Archives

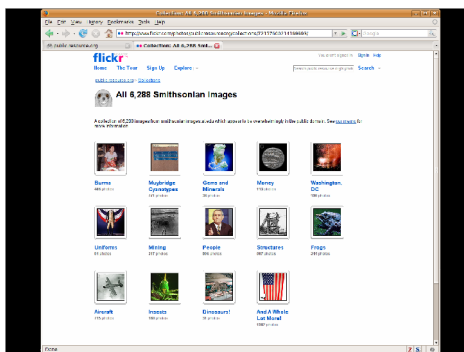


The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.

Harvard FAS Open Access Resolution

The Faculty of Arts and Sciences of Harvard University is committed to disseminating the fruits of its research and scholarship as widely as possible. In keeping with that commitment, the Faculty adopts the following policy: Each Faculty member grants to the President and Fellows of Harvard College permission to make available his or her scholarly articles and to exercise the copyright in those articles.

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As public

Make your voices heard in Washington:
Represent the public side of the debates

- Support copyright and FISA reform
- Stand up for fair use rights and the right to read privately
- Help demonstrate the importance of public access

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Thank you.

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<http://www.chillingeffects.org/>