

**Which way to the Lifeboats?:**

**Copyright, Archives, and**

**Unpublished Material After *Eldred***





The current copyright law landscape –  
Where are we and how did we get here?



# Chapter 1 - Copyright Act

## Subject Matter and Scope of Copyright

- Section 106

- Exclusive rights in copyrighted works

- Section 107

- Limitations on exclusive rights: Fair Use

- Section 108

- Limitations: Reproductions by libraries and archives

# Chapter 3 and Chapter 5

- **Chapter 3**

- **Duration of Copyright**

- **Chapter 5**

- **Copyright Infringement and Remedies**

# Chapter 12

**Copyright Protection and Management Systems**  
**Digital Millennium Copyright Act**

# Post-*Eldred* Issues and Legislation







# Digital Rights Management



# Legislation

- **HR 107**

- Digital Media Consumers' Rights Act of 2003
- Labeling Notice on protected Compact Disks with DMCA amendments

- **S 692**

- Digital Consumer Right to Know Act
- Labeling Notice on protected digital content

- **HR 2601**

- Public Domain Enhancement Act
- Maintenance fee for published works

**Archives + Access + ©**

<http://www.copyright.iupui.edu/checklist.htm>

<http://www.archivists.org/news/int-property.asp>

<http://www.loc.gov/copyright/>

[http://www.ala.org/Content/NavigationMenu/Our\\_Association/Offices/ALA\\_Washington/Washington\\_Office.htm](http://www.ala.org/Content/NavigationMenu/Our_Association/Offices/ALA_Washington/Washington_Office.htm)

<http://archive.salon.com/tech/feature/2003/01/17/copyright/index1.html> – “After the Copyright Smackdown: What next?”

<http://chronicle.com/free/v48/i47/47b00701.htm>

<http://www.law.berkeley.edu/institutes/bclt/drm/resources.html>

<http://www.law.berkeley.edu/institutes/bclt/drm/transcripts.html>