



The Library Copyright Alliance Welcomes New Exemptions to Section 1201

October 27, 2021

Today, the Librarian of Congress, upon the recommendation of the Register of Copyrights, issued new exemptions to the prohibition on the circumvention of technological protection measures set forth in the 17 U.S.C. 1201. The Librarian granted several of the exemptions—and expansions of existing modifications—requested by the Library Copyright Alliance (“LCA”) along with other parties. The Librarian also renewed the existing exemptions. LCA welcomes the adoption of these new exemptions, as well as the renewal of the existing exemptions. These exemptions are necessary for libraries and their users to exercise their fair use rights.

The new exemptions permit:

- libraries, archives, and museums to circumvent the technological protections on DVDs in their collections for the purpose of preservation; and
- researchers to circumvent the technological protections on DVDs and eBooks for the purpose of text and data-mining.

Additionally, the Librarian expanded the existing exemption for the preservation of software by libraries, archives, and museums to permit those institutions to provide researchers off-premises access to the preserved software. Further, the Librarian adopted important expansion to the existing exemptions relating to making of copies accessible to people with disabilities.

LCA appreciates the hard work of the Copyright Office and the National Telecommunications and Information Administration reflected in the Register’s page 350 recommendation to the Librarian. At the same time, LCA disagrees with some of the recommendations made by the Register and ratified by the Librarian. In particular, LCA believes that the DVD preservation exemption should have permitted libraries, archives, and museums to provide off-premises access to the preserved motion pictures.

Furthermore, the enormous complexity of the exemptions reflects the flaws in the underlying statute and the need for Congress to amend it, if not eliminate it.

LCA consists of the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries. These associations collectively represent over 100,000 libraries in the United States employing more than 300,000 librarians and other personnel. An estimated 200 million Americans use these libraries more than two billion times each year. US libraries spend over \$4 billion annually purchasing or licensing copyrighted works.

Please contact LCA’s counsel Jonathan Band with any questions: jband@policybandwidth.com