

**Transcription**  
**Section 108 Study Group, Public Roundtable #1**  
**March 8, 2006, UCLA School of Law, Los Angeles, California**

**Introduction**

**Mary Rasenberger:** Let me start by sharing with you what this session is about. It's a small group that the Library of Congress' Office of Strategic Initiatives convened, in cooperation with the Copyright Office, for the express purpose of re-examining the provisions in section 108, and the exceptions and limitations for libraries and archives generally, under copyright, in light of digital media. Understanding that section 108 is not in sync with current technology and practice, we put a small group of nineteen members together, about half are from libraries and archives, half from the various copyright industries. We tried to get a very broad range of perspectives, and we kept the group small and closed because there are a lot of issues, and we really wanted a work product at end of the day, something we could take to Congress, that we felt could get passed. And we feel like we're right on track, and are hoping and presuming we will get there.

We charged the group with coming up with a report with findings and recommendations by the end of 2006. The group is about halfway through its work now, it's been meeting for about a year. I have to say that the group's been working unbelievably hard, all 19 members have committed tremendous amounts of their time and energy to this group.

So we're now here seeking public input through these roundtables and also through written comments which we are soliciting starting March 17<sup>th</sup> through April 17<sup>th</sup>. The purpose of the roundtables today is really just to get your perspectives and information from you to address the issues raised in the Federal Register notice. I do want to note that the Study Group has not made any final decisions on any of these issues; everything is open until it's all closed, so your input will be very much taken into consideration.

I want to introduce our co-chairs: We have Dick Rudick, recently retired General Counsel from Wiley & Sons, and Lolly Gasaway, who is a University Law Professor and Director of the Law Library at the University of North Carolina. Lolly and Dick will lead the discussions today - as they lead our group discussions. And the rest of the Study Group, we have a number of members here today; however, they are not at the table, because we want to hear from you. The Study Group is not going to be doing any talking today; we really want to hear from you. But I

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would like the other Study Group members to stand up and introduce themselves, and I'm sure all of them will be available to talk to you.

**Maureen Whalen** - I'm Maureen Whalen and I work at the Getty and I know many of you; it's good we're on our home field here in L.A.

**Peter Givler** - Peter Givler, Association of American University Presses.

**Martha Fishel** - Hi I'm Martha Fishel, I'm with the National Library of Medicine of the National Institutes of Health, and I'm also new to this group.

**Peter Hirtle** - I'm Peter Hirtle, an Archivist from Cornell University.

**Don Waters** - Don Waters, Program Officer for the Mellon Foundation.

**Miriam Nisbet** - And I'm Miriam Nisbet, Legislative Counsel for the American Library Association.

**Mary Rasenberger:** Well, without further ado, let me turn it over to Dick and Lolly and thank all of you for coming and participating today.

**Lolly Gasaway:** Good morning, everyone; we are really glad to see you here and we are looking forward to this to really gather information from you as Mary said. We will ask a series of questions on each of the main topics that we indicated would be discussed today. The initial questions will be those set out in the notice but we may ask them in a slightly different fashion. Dick and I will ask the initial questions and then will turn to the folks from the Copyright Office to see if there in any follow up based on your responses. Everyone at the table is invited to respond to each of our questions. If you would just raise your hand or somehow let Dick and me know you want to speak we'll keep a list -- we are getting real good at this, at keeping a list of people who want to speak. We have to do that in the Study Group too. And we'll do our

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best to take the comments in order as your hands are raised. One of the things we have to ask because of the recording of this is to please identify yourself each time you speak. I mean I know it's going to get boring when you say "I'm Kenneth Crews" a thousand times but it's important. We have a tight schedule today to cover everything that we need to cover. The times for each of the four main topics are in the handout that you have about the roundtable and it's more important for us to discuss the critical issues in some depth than to cover all the issues that we raise, so we may cut some issues short because we kind of evaluated how much time we need on the different ones based on how critical we believe that question to be. Now we are going to presume you have read the Federal Register notice and the information paper, there are some copies of that around, if you haven't done that, we are going to presume that you have; so, based on what I see and I think it's pretty clear, we are not going to ask you to make an opening statement or anything, you are going to be asked to respond to our questions.

**Dick Rudick:** Thinking of qualities in my role I'm reminded of James Thurber saying that it was easier to ask some of the questions than to come up with all of the answers. Anyway . . . I was told not to tell a joke. There are ground rules, they are in the schedule that was distributed today, some of this has been alluded to in the introduction Lolly gave. I urge you to keep in mind that it is your chance; it is our chance to hear from you, your chance to talk to us. We are not here to convince each other of anything. That will come. For that reason we are asking you not to ask us questions, I'm sure you are dying what we are thinking and so are we, there will be time for that as well, but not today. Due to the time constraints, there is so much to do and such a short time, we want to be sure everyone gets a time to speak. We are going to ask you to limit your responses to questions to three minutes and will call time if necessary, and we will do a second round if necessary, but no more than three minutes at least the first time. As it's been said, it's more useful to discuss what is really important to you fully than to cover everything. As noted in the last bulletin, you do have an opportunity to submit written comments, so that is a good

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time to speak about matters we do not cover today. I would urge you to use the time to really talk about what matters. Do that fully. And just give us all the relevant information you think we should have within the time constraints and use specific examples and key words or phrases to help us understand what you are saying. Ok. My compliments to the people who have done the nametags that understand the meaning of large type. I think it would be useful if we went around the table, maybe left to right and just stated our name and where we come from.

**Liza Posas:** I'm Liza Posas. I'm the reference librarian for the Brown Research Library, which is affiliated with the Autry National Center.

**James Gilson:** I'm James Gilson. I'm the General Counsel of the Los Angeles County Museum of Natural History Foundation.

**Gordon Theil:** I'm Gordon Theil. I'm the Head of the Arts and Music Libraries here at UCLA. I'm here representing the Music Library Association.

**Richard Pearce-Moses:** I'm Richard Pearce-Moses. I'm director of Digital Government Information of the State of Arizona Library and Archives. I'm here representing the Society of American Archivists.

**Kathleen Bursley:** Kathleen Bursley here representing Reed-Elsevier Inc., formerly general council of Harcourt.

**Patricia Cruse:** Hi I'm Patricia Cruse, I'm from the California Digital Library. I'm the director of the digital preservation program representing both CDL and the UC Libraries.

**Sherrie Schmidt:** Hello, I'm Sherrie Schmidt, the university librarian at Arizona State University and I'm representing the American Library Association and the Association of Research Libraries.

**Kenneth Crews:** And I'm Kenny Crews, this time and the other nine hundred and ninety nine times. I'm Kenny Crews,

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I'm an alum of UCLA and I'm happy to be back and I thank UCLA, and I'm a professor in Indiana University where I also direct an office called the Copyright Management Center.

**Jeremy Williams:** Good morning, my name is Jeremy Williams and I'm Deputy General Council of Warner Brothers Entertainment Inc., handling intellectual property matters at the movie studio.

**David Nimmer:** I'm David Nimmer, I write about copyright law, I teach it here at UCLA and I was the liaison to set up the meeting today so I want to welcome you to UCLA here in my role as landlord.

**Mary Rasenberger:** I just want to add, I forgot to thank you, David, very much, for setting this up and letting us use your facilities, and thanks to UCLA. We have a couple of people who just joined us, if you could just introduce yourselves and tell us where you are from.

**Brewster Kahle:** Yes, sorry about that, I got to visit the 405; I really have a good idea of the 405 at the moment. Brewster Kahle, Internet Archives Digital Librarian.

**Jeff Ubois:** Hi, my name is Jeff Ubois, I'm representing the Television Archives.

**Mary Rasenberger:** Welcome. Before I move on, I also would like to remind everyone to please speak up. We are going to be having a transcription done and the video recording is being made for our transcribers, but we want to make sure we pick up what everyone is saying. Oh yes, John is reminding me, please turn off your phones and your blackberries, at least your ringers.