

Comments on
Copyright Exceptions for
Libraries and Archives Under Section 108 of The Copyright Act
Notice of Inquiry, Copyright Office, Library of Congress
Docket No. 07-10802
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Thomas C. Leonard
University Librarian, University of California, Berkeley¹
on behalf of the
University of California Libraries

Individually and collectively, the University of California Libraries directly support the University's teaching, research, and public service missions by providing access to the world's knowledge for the UC campuses and the communities they serve. The academic enterprise supported by the libraries includes ten campuses, five medical centers, 15 health professional schools, three law schools, and a statewide Division of Agriculture and Natural Resources, an extensive Education Abroad Program, academic centers in Sacramento and Washington, and three U.S. Department of Energy laboratories, supporting academic offerings spanning more than 150 disciplines and involving 209,000 students and 170,000 faculty and staff. Without equal in North America, the UC Libraries' holdings includes over 35 million volumes, nearly 400,000 current serial subscriptions, and tens of millions of non-book holdings. Collectively, the UC libraries have assembled one of the largest digital research libraries in the world, including 23,000 current journal titles (many with extensive digital backfiles), 500,000 digital images and numerous digital archives. More recently, the libraries have partnered with the Open Content Alliance, Google and Microsoft in an aggressive program to convert their print holdings to digital form. Building on this foundation of rich and diverse print and digital collections, the UC libraries provide a wide range of services to their primary clientele and the general public, including a systemwide union library catalog, shared storage facilities, OpenURL linking services, a systemwide repository for current UC scholarship, a variety of scholarly publication services, and a digital preservation repository.

For over 30 years, the University has employed a systemwide strategy to create a multi-campus library system with capabilities for coordination, collaboration, application of new technology, and sharing of resources that are unequalled by the research libraries of comparable university systems. The University's resource sharing services include the Melvyl online union catalog and regional storage services, overnight intercampus courier service, a patron-initiated intercampus loan requesting service, and shared digital and print collections that are developed collaboratively, managed centrally, and available equally to faculty and staff at all UC campuses. As a result of this aggressive resource sharing strategy, interlibrary borrowing among UC's libraries (which accounts for about 73% of all items borrowed from other libraries) has increased by 144% since 1988-89, to a level of about 167,000 items per year (including both returnable items and copies in lieu of loan). Resource sharing transactions now account for a significant proportion (nearly 5 percent) of the libraries' annual recorded circulation of about 3.5 million

items. UC libraries also provide about 135,000 items to non-UC libraries by interlibrary loan each year.

Both interlibrary lending and digital collections and services are central to our libraries' ability to support the world-class research and teaching produced by the UC system. For these reasons, the UC Libraries strongly supports a statutory regime that (1) acknowledges and accommodates digital materials as resources central to the libraries' missions and operations, and that (2) ensures that the libraries' continued ability to offer responsive and high-quality services to their academic community is not impaired by unwarranted restraints on the use of digital collections.

Consistent with this view, the UC Libraries emphatically supports the comments submitted jointly by the American Library Association and the Association of Research Libraries in response to this inquiry. In particular, we wish to emphasize our support for two recommendations contained in the ALA/ARL response:

- As recommended by ALA and ARL in response to Question 2 of Topic A, the single-copy restriction for copies made under subsections (d) and (e) should be replaced by a flexible standard, "such copies as are reasonably necessary."
- As recommended by ALA and ARL in response to Question 1 of Topic B, subsection 108(i) should be eliminated.

The University of California Libraries greatly values the work that has been undertaken by the Study Committee to update Section 108 for the digital age, appreciates the opportunity to comment on these questions, and stands ready to assist the Study Committee in any way it may find necessary.

¹ University Library
University of California, Berkeley
245 Evans Hall, Mail Code 6000
Berkeley, CA 94720-6000