



Mary Rasenberger
Policy Advisor for Special Programs
U.S. Copyright Office
section108@loc.gov

25 April 2006

Dear Ms Rasenberger:

The Arts Libraries' Society of North America (ARLIS/NA), a professional organization of nearly 1,000 members, including architecture and art librarians, visual resources professionals, artists, curators, educators, publishers, and others interested in visual arts information, has followed with great interest the discussions of the Section 108 Discussion Group. Roger Lawson of the National Gallery of Art attended the March 16 Roundtable as an observer on behalf of the ARLIS/NA Public Policy Committee, and reported to the committee on the proceedings. We are all grateful to the members of the Section 108 Study Group for their work over the past year.

Modifications to Section 108 of the US Copyright Law are obviously important for the ARLIS/NA community and its constituencies because the changes will address fundamental questions about reproduction of and access to copyrighted materials (including images) in digital formats. While we do not yet know what specific modifications the Study Group will recommend, on the basis of the summaries we have seen, we are generally supportive of the direction the Group's discussions have taken. Four areas are of very specific concern to us as art librarians and information professionals:

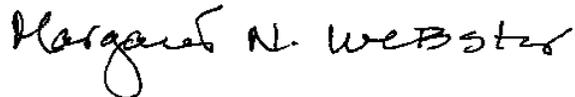
First, we strongly support expanding eligibility for Section 108 exemptions to museums, historical societies, and similar not-for-profit cultural institutions. Many of our members are employed by museums; we believe that museums serve a cultural function analogous to libraries and archives, and that extending the Section 108 exemptions would enable our institutions to better serve the public and better ensure the availability of the works we house over time.

Second, we strongly support the creation a new exemption for preservation of websites. Websites have become a significant new medium for documenting the historical and cultural record. In many cases, websites have become primary sources that are likely to be valuable for future scholars. Of particular interest to art librarians are websites created by artists; some of these are art works in their own right. Indeed, websites have become a significant new form of artistic expression, but one which is extremely ephemeral. It is important for future art historians that it be made possible to preserve the art created in this ephemeral format. Therefore, we support amending the copyright law to permit cultural institutions such as libraries, archives, and museums to capture online website content for purposes of preservation.

Third, we strongly support rectifying the shrinking protections offered by Fair Use by giving libraries greater freedoms in hosting and circulating content for pedagogical purposes which "fair use" is meant to guard.

Finally, we strongly support allowing libraries more freedom in making materials available through physical and electronic reserves and allowing access unimpeded by technical copy protections that frustrate intellectual use.

Sincerely,

A handwritten signature in black ink that reads "Margaret N. Webster". The signature is written in a cursive style with a large, looped initial "M".

On behalf of the Art Libraries Society of North America
Margaret N. Webster, President

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