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Class 05_InitialComments_Alisha Cunzio

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Under current Section 1201 exemptions, an institution is considered eligible for exemption so long as it is an archive, library, or museum:

(A) The collections of the library, archives, or museum are open to the public and/or are routinely made available to researchers who are not affiliated with the library, archives or museum;

(B) The library, archives, or museum has a public service mission;

(C) The library, archives, or museum's trained staff or volunteers provide professional services normally associated with libraries, archives, or museums;

(D) The collections of the library, archives, or museum are composed of lawfully acquired and/or licensed materials; and

(E) The library, archives, or museum implements reasonable digital security measures as appropriate for the activities permitted by this paragraph (b)(13).

However, most digital security measures include the stipulations that "the work is not distributed or made available outside of the physical premises of the eligible library, archives, or museum". This does not account for digital libraries, archives, or museums that do not have a physical premises.

As part of my comment I propose that digital institutions that would otherwise qualify as eligible for section 1201 circumvention exemptions be granted clear and specific inclusion in the language of the eight triennial final ruling. Not only is it imperative to include such institutions in an era of remote learning and pandemic distancing, but more and more digital-based institutions are being formed due to the significant accessibility that a lack of overhead costs due to a physical space makes.

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Comment Details

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