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LCA pleased Librarian of Congress expands film clip exemption

Washington, D.C. – The [Library Copyright Alliance](#) (LCA) welcomes today’s [decision](#) issued by the Librarian of Congress to broaden the exemption for the use of film clip excerpts, including extending the exemption permitting creation of film clip compilations for educational purposes to K-12 students and extending the exemption for use in media courses to include Blu-ray discs. The Librarian also extended the exemption to Massive Open Online Courses (MOOCs) and digital and media literacy programs offered by libraries and museums. Further, the Librarian renewed existing education exemptions.

Under Section 1201(a)(1) of the Digital Millennium Copyright Act (DMCA), the Librarian of Congress may grant exemptions to the anti-circumvention provision following a triennial rulemaking process. In this latest round of exemptions, the Librarian of Congress, acting on the Register of Copyright’s recommendations, ruled positively to [requests](#) made by Library Copyright Alliance members – the American Library Association (ALA), the Association of College and Research Libraries (ACRL), and the Association of Research Libraries (ARL) along with other educators and associations.

The DMCA established a provision that prohibited the disabling of scrambling systems or other technological protection measures without the prior authorization of the rights holder. At the same time, the DMCA also established a mechanism to periodically check if this provision prevented users of copyrighted works from making lawful uses of works, such as fair uses.

As a result of today’s decision, K-12 students can use screen capture technologies to copy clips from motion pictures and television programming for use in class assignments. Previously, circumvention of screen capture technologies for educational purposes was limited to college faculty and students and K-12 educators. For K-12 educators and college faculty and students in film studies or other courses requiring close analysis of clips, the exemption extends to circumvention of Content Scrambling System (CSS) employed by rights holders on DVDs. Additionally, the new exemptions expand exemptions for college and university faculty and students in film studies or other courses requiring close analysis of clips to apply to circumvention of Advanced Access Control System (AACS) on Blu-ray discs.

The LCA in its comments demonstrated that the use of film clips for educational purposes is in fact common and valuable in many disciplines. The exemptions will be in force for the next three years.

LCA also is gratified by the Librarian of Congress's renewal of the exemption to circumvent protections that block the read-aloud/screen-reader function on e-books, critical in ensuring access to literary works for those with print disabilities. Additionally, LCA welcomes the new exemption permitting circumvention of video games for preservation purposes by libraries, archives or museums.

While LCA appreciates the granting of these important exemptions, the specific rules imposed are unnecessarily complicated and will ultimately lead to confusion. Accordingly, LCA will continue to work with its partners in the Re:Create coalition for broad reform of Section 1201 of the DMCA and the triennial rulemaking process to make it less burdensome and more expansive in its positive effects for students, educators, library patrons and the public at large.

About the Library Copyright Alliance

The Library Copyright Alliance (LCA) consists of three major library associations—the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries—that collectively represent over 100,000 libraries in the United States, employing over 350,000 librarians and other personnel. An estimated 200 million Americans use these libraries more than two billion times each year.

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