

For Immediate Release

National Media Market to manage preservation cooperative to address videotape crisis in academic libraries

February 20, 2018

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National Media Market and Conference (NMM) today announced the formation of the Academic Libraries Video Trust, a cooperative open to interested institutions, to facilitate preservation of commercial video content (primarily VHS) which is no longer in distribution. The Trust will leverage preservation and replacement exceptions for reproduction by libraries established by U.S. copyright law (17 U.S. Code § 108) that allow for duplication of content that is damaged, deteriorating, lost, or stolen, or is in an obsolete format. The Trust is expected to become fully operational by late 2018, thanks to a \$10,000.00 gift by recently retired librarian deg farrelly.

“The opportunity to help create this new organization and serve libraries that value media collections is very important to me,” said farrelly, a Librarian Emeritus at Arizona State University in Tempe, AZ, who prefers his distinctive name spelled without the customary capital letters. “The Academic Libraries Video Trust will provide a service to benefit many institutions, especially research libraries. It’s a natural extension of the work I’ve been performing for four decades, to strengthen the usefulness and legitimacy of film and video as a tool in teaching and research across all disciplines.”

Section 108 is a topic explored extensively by farrelly and colleagues Chris Lewis, Media Librarian at American University, Washington, D.C., and Jane Hutchinson, former Associate Director of Media Services at William Paterson University Library, in Paterson, N.J. The trio created an online database called The Section 108 Due Diligence Project (<http://section108video.com/>) and documented search efforts for thousands of titles no longer available for purchase or licensing. Maintenance of the site and creation of secure technology will become the responsibility of the Trust, administered under the auspices of National Media Market and Conference.

Former NMM Chair Sarah McCleskey, Head of Resource & Collection Services at Hofstra University, is facilitating development of the Trust along with Chris Lewis. “Based on research performed by deg and other prominent media professionals, it’s estimated that U.S. academic libraries alone have thousands of VHS titles which are rapidly degrading,” said McCleskey. “It’s a matter of preservation — libraries that have spent significant funds collecting video need to protect their investments and fulfill their mandate to preserve this content.” According to Lewis, “The Trust has been created because the VHS format, which was once massively popular, is now obsolete, and much of the content borne on videotape has never been rereleased. No one makes the VHS players anymore, and regularly-circulated tapes and players quickly degrade to

the point of being unusable. The benign neglect that resulted in the loss of thousands of early motion pictures and early television recordings will happen with VHS recordings unless libraries undertake major preservation projects to protect them.”

“The intent of Section 108, and of the Academic Libraries Video Trust, is clearly not to sidestep any legitimate commercial interest,” states Kenneth Crews of Gipson Hoffman & Pancione in Los Angeles, the attorney retained by NMM for legal counsel regarding the Trust, “but to help support replacement and preservation copying after checking the market. The institutions that become members of the Academic Libraries Video Trust won’t be purchasing anything through the organization, but replacing a copy of a work they’ve already acquired consistent with copyright law.” “In fact,” adds Farrelly, “the purpose of the Section 108 Due Diligence Project website has been to make widely available a list of titles for which librarians want to find replacements, and can’t. It can be viewed by rights holders as well as librarians.”

Member institutions will confirm that their use of any materials archived by the Trust will be in compliance with Section 108.

The Trust is currently inviting libraries and archives to become founding institutional members. Interested parties are encouraged to contact Jeff Tamblin, Chair of the National Media Market and Conference ([chair@nmm.net](mailto:chair@nmm.net)), for further information.

Relevant sites :

National Media Market <https://www.nmm.net/>

Section 108 Due Diligence Project <http://section108video.com/>

Cornell Law School Section 108 webpage <https://www.law.cornell.edu/uscode/text/17/108>