



## **National Media Market Academic Libraries Video Trust**

### Copyright FAQs for Participating Libraries

#### **Introduction to the ALVT Service.**

The National Media Market (“NMM”) has launched the Academic Libraries Video Trust (“ALVT”), a service facilitating the preservation of audiovisual (“AV”) works in the collections of member libraries. The principal activity of ALVT is to provide a clearinghouse or repository of digital versions of selected AV works, generally works currently available only in the obsolete VHS format. The service is built on opportunities allowed to libraries and archives for the preservation and replacement of works in their collections, pursuant to Section 108 of the U.S. Copyright Act. NMM offers this service in order to encourage the preservation and appreciation of the educational films, motion pictures, documentaries, and other works that are increasingly out of reach because of the obsolete technology.

#### **What is the ALVT Service?**

Participating libraries may, under conditions prescribed by NMM and copyright law, upload digital versions of certain AV works from their collections. Libraries may then also download copies of those works and add them to the library collections. The ALVT service facilitates the application of opportunities in U.S. copyright law, enabling libraries to quickly locate copies of many AV works – especially works that are largely available only in obsolete VHS format – and efficiently and affordably add replacement or preservation copies to their collection.

#### **How does Copyright Apply to ALVT?**

Many AV works in ALVT will likely be protected by copyright law, and they may be uploaded and downloaded if done in a manner consistent with U.S. copyright law. Section 108(c) is a vital provision of the U.S. Copyright Act that permits qualified libraries and archives, under specific conditions, to make digital versions of many types of works to replace copies that are damaged, deteriorating, lost, stolen, or in an obsolete format. AV works contributed by and made available through ALVT may serve solely as replacements in member libraries, subject to the conditions of Section 108(c) of the U.S. Copyright Act.

#### **How does Copyright Apply to Uploading AV Works?**

A participating library may make a digital copy of an AV work and upload it to ALVT, provided that the library confirms to NMM that it has made the copy consistent with the requirements of



Section 108(c). NMM supplies information and guidance about copyright, and the member library must represent that it has reviewed and complied with all copyright requirements. For example, a qualified library or archives may make a copy of a work if it is damaged, deteriorating, lost, stolen, or in an obsolete format, and after checking the market for an unused replacement copy. Because the work may be damaged or even gone, the law allows a library to obtain the copy from another institution. Therefore, a library that made a copy for its own collection under Section 108 may in turn make that copy available to other libraries; ALVT provides a platform for uploading a copy for safekeeping and for lawful access by other member libraries.

### **What about Downloading AV Works?**

Section 108(c) authorizes libraries and archives to make a copy of an AV work, as described above. The law anticipates that a library may need to obtain the copy from another library, and ALVT makes such copies available for downloading and adding to library collections.

### **Who is Responsible for Copyright Compliance?**

ALVT does not change responsibilities under copyright. Each member library that makes a digital copy of a work for ALVT is responsible for making it in a manner consistent with Section 108(c). Similarly, each library that downloads a copy from ALVT is responsible for confirming that it may under the law receive a replacement copy. Each participating library will represent and warrant to the NMM that it complies with copyright law. NMM cannot give legal advice, but NMM has secured legal advice to help guide the planning and implementing the ALVT service.

### **What about Fair Use or Copyright Permission?**

Fair use and permission may be important alternatives to Section 108 in some cases. Clearly, an AV work may be uploaded and downloaded through ALVT with permission from the rightsholder. Permission might also come in the form of a Creative Commons or other public license. Some early works may even be in the public domain. NMM will consider those alternatives on an individual basis by request. Fair use may be important in many ways to ALVT, but the service does not rely on fair use at this time as a primary basis for its core activities.

### **Copyright Infringements and Takedown Policy**

The NMM has developed and implemented ALVT with respect for the interests of copyright owners and the public, and has made extensive effort to ensure that its services are in accordance with copyright law. Nevertheless, if you believe that ALVT includes your copyrighted work in a



manner that is not permitted under copyright law, you may send a notice to the NMM agent, registered with the U.S. Copyright Office, with all the required statutory information, at: [copyright@nmm.net](mailto:copyright@nmm.net).

## **Questions?**

NMM cannot give legal advice. Participating libraries should seek independent legal advice as needed. Please contact NMM with other questions about these FAQs or other matter at: [insert contact information].

For more information about NMM, please visit: [www.nmm.net](http://www.nmm.net).

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