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Kevin Amer
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Re: Docket Number 2015-3, Mass Digitization Pilot Program

Dear Mr. Amer:

Please reconsider the elements in the Copyright Office's proposed 5-year pilot extended collective licensing (ECL) system. Allow the professional archivists and librarians -- whose work you are going to inhibit -- to guide your thinking and approach on this initiative. Let my colleagues of the Society of American Archivists and the Digital Public Library of America take the lead. Take full advantage of my colleagues' expertise and leading edge experience with digitization and service. Service - that is what is at the heart of this discussion. Let the leadership in the archives profession lead you in this particular legal enterprise.

I am the archivist at the University of Minnesota Duluth Kathryn A. Martin Library Archives and Special Collections unit. The ECL proposal will affect my primary work. My primary work is instructing and assisting undergraduate students in the use of unique archives materials to enhance their classroom assignments and research efforts. These students, encouraged by their faculty, encourage by us in the Martin Library, collaborate with us in archives to develop broader and deeper academic skills and experiences. We help them develop skill and awareness in critical and creative thinking. They tell us that we are good for them. They tell us that by adding archives experiences to their college years we expand them. This is truly basic academic supporting work but important work. We want students to know about and draw upon the unique cultural resources of Minnesota we hold in our collections to inform them as well as engage them. We are helping them to know history and culture and to be better informed citizens as a result. You must know that many of these students are juggling mightily in college. Efficiencies and practical help is crucial. Many students are burdened with working two jobs to afford college - working before and after class. They are needing every bit of aid we can provide. The students need the advantages of the quick and more efficient format of special collection materials that are DIGITIZED. In archives, we are striving to digitize more and more

collections to facilitate discoverability of the collections as well as easier use of these materials by students. I won't go on: you see what I mean.

There are multiple issues at play here for ECL, but I wanted to pull your attention to our overlooked primary beneficiaries - undergraduate students all across the country.

My biggest concerns with ECL are the costs and the implications for fair use. Mainly, I am concerned about fair use. In libraries and archives the fair use provision is essential. We, like so many thousands in our profession, our library and our archives depends upon fair use. We are continually applying fair use in our non-profit educational uses of orphan works and transformative use of special collections materials. While the Society of American Archivists communication with you states that fair use does not permit all mass digitization uses, the kinds of projects that we are most focused on -- digitization for non-commercial research uses of our unique collections, most of which were never commercially exploited or created with copyright in mind -- fit well within the current copyright law.

As a colleague recently clearly said: Rather than focus its energy on creating a licensing system that can only reach a small segment of library and archive collections, the Office should instead promote the use of legal tools that are working, such as fair use, and work to solve the problems underlying the rights-clearance issues by helping to create better copyright information registries and by studying solutions that would encourage rights holders to make themselves easier to be found by potential users of their works.

I urge you to work practically with SAA and DPLA leadership to resolve ECL limitations, fees, and constrictions that will inhibit the work archivists like me take on when helping teach undergraduate students at smaller academic libraries like mine.

Thank you,
Patricia Maus
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