



Academic Libraries Video Trust

Crowdsourcing Copyright, Digitization, and Access

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ALVT helps you efficiently protect your library's VHS content for future access

- ALVT is a resource for time- and cost-saving with the digitization of your institution's legally-acquired videos
- ALVT is a cooperative organization of member libraries leveraging § 108 for VHS content access

ALVT is ...

- a database of out-of-release VHS titles with log notes on searches for current distribution.
- a repository of digitized files of selected AV works currently available only in obsolete formats (primarily VHS) – for use by authorized library personnel for download purposes only.
- a collaborative effort of member libraries built on contributions of title search data and digitized files

ALVT is not ...

- A streaming platform
- A subscription to a new product
- A source for new content that your library does not already own
- A database that provides institution-wide access to content

Reviewing the situation

When VHS content is currently distributed on DVD format (or in the not-too-distant future another usable, non-obsolete, non-deteriorating, format), that title can and should be replaced with the distributor's copy.

What can a library do when that VHS content is unavailable for replacement in the commercial marketplace?

Example from Hofstra: VHS title with highest usage over past 10 years: “Anthropology on Trial” with 70 circs since 2007. It was acquired in 1989 ... How many uses did it have between then and 2006?

17 U.S. Code § 108

Limitations on exclusive rights: Reproduction by libraries and archives

(c) The right of reproduction under this section applies to three copies of a published work duplicated solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen, or if the existing format in which the work is stored has become obsolete, if—

(1) the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price; and

(2) any such copy that is reproduced in digital format is not made available to the public in that format outside the premises of the library or archives in lawful possession of such copy.

Interpreting the code

- Lost, damaged, stolen ... it's pretty clear what those terms mean.
- Deteriorating: studies show that analog, magnetic VHS tape starts to deteriorate almost immediately after manufacture. Though we feel certain that any circulating collection that dates back to the 1980s and kept in varying climatic conditions this applies to most VHS recordings.
- Obsolete: “For purposes of this subsection, a format shall be considered obsolete if the machine or device necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace.” (last VCR manufactured July 2016)
- The public: not defined in the statute
- Premises of library: not defined in the statute – though written decades before online education was conceived.

ALVT Background:

The Section 108 Due Diligence Project

- Launched in 2015 by deg farrelly (Arizona State), Jane Hutchison Surdi (William Paterson University) and Chris Lewis (American University)
- A database of out-of-release VHS titles with documentation of searches for current commercial distribution
- Documents Worldcat holdings, distributor searches, Amazon availability, and other web searches typically conducted when making a §108 decision.
- Currently 3500+ titles are included

Beyond due diligence

- Most academic libraries have VHS content they cannot replace.
- VHS is an unsexy format.
- Administrators may be loathe to commit major funding to digitize.
- Not all academic libraries have a copyright expert on staff
- Many academic librarians who handle video are not confident about applying § 108



Furthermore ...

- Not all academic libraries have expertise and equipment for digitization
- Some academic libraries have already undertaken digitization of VHS content and are willing to share files
- Once created, a digital file is easily shared – saving a member library the cost of digitizing ~\$30 per title.



Every semester Professor Langdon shows your library's VHS tape "Symbology of the Freemasons" in his "History of the Occult" class. Today he was distressed when the 30 year old classroom VCR player crunched the tape beyond repair. The film was never released on DVD and you cannot find an unused copy anywhere. Only a few other libraries own this title.

What will you do?

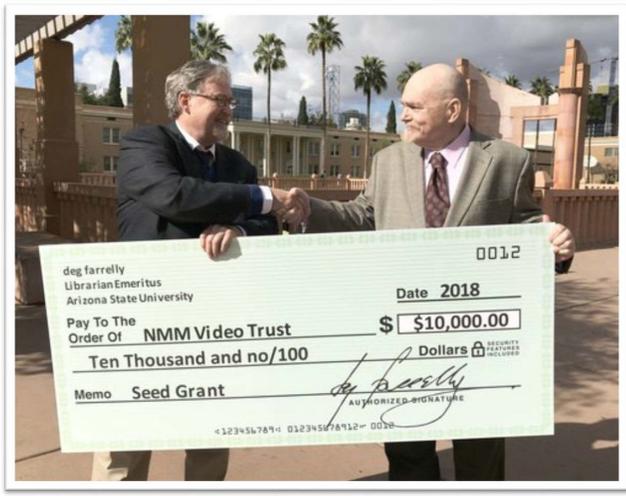
- You could ask another library to loan you its VHS of “Symbology” to digitize. Of course, that copy is also fragile and you might damage it during digitization, or it could be lost in the mail.
- You could ask another library to digitize their VHS copy and share the file with you. Assuming that the digitization process didn’t damage the original tape, that would work pretty well.
- As a member of ALVT, you can check to see if another institution has already digitized the file. You can download an existing file, or request another member to digitize their copy ASAP!

Consider: Loss and damage usually occur in a one-off manner, but obsolescence means that an entire collection becomes subject to loss.

ALVT is a community of common interest – protecting access to content that is currently on a fragile, obsolete medium dependent on equally fragile playback equipment. The result:

- Libraries help other libraries
- Members gain confidence in exercising Section 108 rights
- ALVT's user group provides training for best practices, discussions for future work, and collaboration with colleagues

Founding Benefactors



AMERICAN UNIVERSITY
WASHINGTON, DC

Berkeley
UNIVERSITY OF CALIFORNIA

Duke
UNIVERSITY

 HOFSTRA
UNIVERSITY®

UNT[™]
UNIVERSITY OF
NORTH TEXAS

UNIVERSITY OF
DELAWARE

Additional members

- Muhlenberg College
 - University of Pennsylvania
 - University of Saint Thomas
 - William Paterson University
 - ...and growing!
-
- Currently negotiating with a number of library consortia

Administrative structure

- ALVT is a cooperative-membership service provided by the National Media Market, a 501c6 nonprofit organization.
- The NMM Board of Directors oversees ALVT
- A steering board meets regularly to evaluate the service and make recommendations for changes and improvements.
- Current board members: Kyle Courtney (Harvard), Dave Hansen (Duke), Chris Lewis (American), Meghann Matwichuk (Delaware), Sarah McCleskey (Hofstra), Danette Pachtner (Duke), Gisele Tanasse (Berkeley)
- Counsel to National Media Market: Kenneth Crews — Gipson Hoffman & Pancione

Who is responsible for copyright compliance?

- ALVT does not alter your individual responsibilities under copyright.
- Each member library that adds 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.
- Though ALVT depends on its members' fealty to the law, audits of downloads are necessary to protect the integrity of the system.

How can member libraries use ALVT content?

- Downloaded files are suitable for burning and playing in DVD format.
- Local access on a networked drive is possible though each member institution must determine whether this use falls under the language of Section 108, 107, 110, etc.
- How will you define the “premises” of your library for access?
 - Brick and mortar library building
 - Your entire institution
 - Your online presence
- How will you define “the public”?
 - Institutional affiliates (students/faculty/staff)
 - Residents of your state

Institutions

[William Paterson University](#)
(Owner)
[Hofstra University](#)

Video Downloads

[Download Video](#)

Uploaded by:
American University

Notes:

Part 1, Mulholland's Dream

[Download Video](#)

Uploaded by:
American University

Notes:

Part 2, An American Nile

[Download Video](#)

Uploaded by:
American University

Notes:

Part 3, The Mercy of Nature

[Download Video](#)

Uploaded by:
American University

Notes:

Part 4, Last Oasis

[Upload a video file](#)

Cadillac desert

[View](#)

[Edit](#)

Bibliographic Information

Title: Cadillac desert

Distributor: PBS Video

Publisher/Producer: KTEH/San Jose and Trans Pacific Television

Publication Date: 1997

Publication/Version Notes:

pt. 1. Mulholland's dream (90 min.) -- pt. 2. An American Nile (60 min.)-- pt. 3. The mercy of nature (60 min.) -- pt. 4. Last oasis (60 min.).

Format: vhs

Local Identifier: VC 3846 v.1-4

[My institution does not own this](#)

[Add new WorldCat search](#)

[Add new web search](#)

[Add new Distributor search](#)

[Add new Amazon search](#)

[Add new additional search](#)

Updated distribution information? [Tell us!](#)



Cadillac desert

Search Data

Additional search

	Date Checked	Checked by	Notes
Additional search (Edit)	March 24 2016	Jane Hutchison Surdi	Checked: PBS, Films, Inc., AS, KTEH-TV - NA Print version - open source, some parts on You-Tube

Amazon search

	Found	Date Checked	Checked by	Notes
Amazon search (Edit)	Yes	March 24 2016	Jane Hutchison Surdi	VHS only

Distributor search

	Found	Date Checked	Checked by
Distributor search (Edit)	No	March 24 2016	Jane Hutchison Surdi

WorldCat search

	Found	Date Checked	Checked by	WorldCat Record
WorldCat search (Edit)	Yes	March 24 2016	Jane Hutchison Surdi	<ul style="list-style-type: none">• Number of Libraries: 4 59 WorldCat Record: 37429004



Future directions

- ALVT assists member libraries with outsourced digitization of VHS content that's not yet available for download
- When DVD content inevitably goes out of distribution and cannot be replaced, ALVT is in place to facilitate preservation
- ALVT considers acquiring and providing caption files

Membership Costs

- Founding Benefactor: \$10,000 (one time fee) – no annual maintenance fees
- Founding Member: \$ 1,500 (one time fee), \$750 annual maintenance
- Member: \$500-\$1000 per year depending on number of downloads

Membership credits

Member institutions can obtain credits toward payment of the following year's fee by contributing due diligence metadata and digitized video files to ALVT.

For full details of fees and credits:

www.videotrust.org/membership-fees

Consortial memberships

- Consortia are invited to join ALVT on behalf of their members at favorable discounted rates
- The discount rate depends on the number of consortial members who commit to join
- Contact Jeff Tamblyn (chair@nmm.net) to discuss options

Resources

- Besser, Howard. [Video at risk: strategies for preserving commercial video collections in libraries](#). New York University Libraries, 2012.
- Forsberg, Walter. A Declaration of VHS Independence.
<https://mediapreservation.wordpress.com/2013/02/22/a-declaration-of-vhs-independence/>
- Forsberg, Walter, and Erik Piil. "Tune In, Turn On, Drop Out." *Annual Review of Cultural Heritage Informatics: 2012-2013* (2014): 213.
- Lewis, C., & Hubbs, M. DIY VHS Preservation: Planning for Video Digitization at the American University Library. *Computers in Libraries*, 36/9 (2016) 28.
- McCleskey, Sarah E. "Copyright and Video Content in Libraries" (June, 2016). CHEER repository.
https://tigerprints.clemson.edu/cheer/library/all_crlibrary/17

For more information

Academic Libraries Video Trust

www.videotrust.org

National Media Market & Conference

www.nmm.net

Contact:

info@nmm.net



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Questions?

