



Recommendation on Copyrighted Works in Obsolete Formats

February 26, 2020 - Approved by the University Senate

The University Senate Recommends that the University adopt the following policy and procedure for providing access to copyrighted works in obsolete formats:

When an employee of Montclair State University needs to use a copyrighted work only available to them in an obsolete format, they should contact the University Library to request a replacement version in a useable format. The Library will designate a point-of-contact and a means to register such requests.

When the material is available at a reasonable cost (either in a physical format or through streaming rights), and the funds are available, the Library will purchase a copy or access rights. If the Library cannot purchase a useable copy, or if the work is no longer available in a useable format, the Library will attempt to contact the copyright owner, and will make preservation copies in a non-obsolete format. These copies will circulate in accordance with existing Library policy.

Requests regarding works in obsolete formats should be made in a reasonable amount of time before the material is needed (e.g., well before the beginning of a semester in which the work is needed for a course). The Library will then respond in a timely manner, and requesters will be kept informed of the status and progress of their requests.

To ensure that the process is efficient, the Library should be provided with sufficient staff and other resources designated for this purpose.

The Campus Community should be regularly informed of this Policy. Moreover, the guidelines, expectations, procedures and points-of-contact should be readily accessible.

Rationale

In this era of rapid technological change, storage media become obsolete and the devices required to use them may become unavailable or unuseable, even as the works contained continue to be of scholarly and/or educational value. Under such circumstances, US Copyright Law (cf. Section 108(c.2) <<https://www.copyright.gov/title17/92chap1.html#108>>) provides for the creation of preservation copies of copyrighted materials by libraries and individuals.

Addenda

The Library of the University of North Texas has a detailed policy and procedure for replacement of works in obsolete formats under Section 108(c) of US Copyright Law, included here by reference. <<https://library.unt.edu/policies/copyright-108c-media-collection>>

Membership in the Academic Libraries Video Trust <<https://section108video.com>> may prove helpful in maintaining access to some videos and films.

The ADP Center for Learning Technologies has the capacity to transfer works from VHS tape to DVD. <<https://www.montclair.edu/adp-center/media-duplication-conversion>>. If the owner of the tape has the copyright for the work (e.g., videos from field work), or if the work is in the public domain, there are no copyright issues to consider when using the ADP-Center equipment.