Controlled Digital Lending

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Controlled Digital Lending Elements

- Legitimately owned copy
- “Own to Loan Ratio”
- Digital Rights Management
Goals

- More effective collection development, collection sharing and preservation
- Level playing field in searching
- Maximize resources – budget, time, and personnel
Fair Use §107

● Four prongs
  ○ Purpose and character of use
  ○ Nature of work
  ○ Amount and substantiality of work used
  ○ Market effect
Purpose and Character of Use

- Transformative?
- Not commercial
- Underlying purpose is the same as the exhaustion doctrine
§109: First Sale Doctrine

- The term **first sale** focuses on whether there has been a *first, authorized* sale of a particular copy;
  - if so, the copyright owner may not prevent subsequent sales.
- Section 109 does not require a sale
Purpose and Character of Use

- Transformative?
- Not commercial
- Underlying purpose is the same as the exhaustion doctrine
- No additional copy is being used
Nature of & Amount Used of Work

- Largely neutral
- Context dependent
Market Effect

- Library owns a legitimate copy of the book
- The digital copy substitutes for the owned copy
- Same damage as using its acquired item
  - Technology
How CDL is Being Used

- Alice Jordan Collection
- Houghton Mifflin back catalog
- Mark Judge’s *Wasted*
- Turning Wikipedia blue
Chicago open housing movement, 1966

Main article: Chicago Freedom Movement

The SCLC formed a coalition with CCCO, Coordinating Council of Community Organizations, an organization founded by Albert Raby, and the combined organizations' efforts were fostered under the aegis of the Chicago Freedom Movement.[120] During that spring, several white couple/black couple tests of real estate offices uncovered racial steering: discriminatory processing of housing requests by couples who were exact matches in income, background, number of children, and other attributes.[121] Several larger marches were planned and executed: in Bogan, Belmont Cragin, Jefferson Park, Evergreen Park (a suburb southwest of Chicago), Gage Park, Marquette Park, and others.[120][122][123]

https://en.wikipedia.org/wiki/Martin_Luther_King_Jr.
Martin Luther King Jr.

From Wikipedia, the free encyclopedia

"Martin Luther King" and "MLK" redirect here. For other uses, see Martin Luther King (disambiguation) and MLK (disambiguation).

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many persons and perhaps even loss of life." The leader he added, had a "serious moral obligation" to consider marches; "with a heavy heart," he urged them so to do. CFM supporter, Robert Johnson of the United Auto Workers, changed his mind. In March, he had vowed that "the UAW thing all the way." But on August 11, Johnson joined others in meeting Daley and then endorsing Cody's plea.4

This sudden hemorrhage of white support caused agitated within the CFM, but it failed to stop the marches. The Board affirmed that "those who would express their contempt for nonviolent demonstrations must be protected."

sissy, Young wired Cody that a pause would be consis- c ago, however, Bevel and Raby rejected Cody's appeal. "Archbishop ... not to abandon us now." Raby urged. Beve castigated Cody for deserting the movement: "When the Daley sticks up his liberal bishop to say, 'You've gone for the white people.' We've got news for the man. If the bishop doesn't have the courage to speak up for Christ, let him join the devil." The bishop made this statement, Bevel led five hundred marchers to the Loop, stopping outside the office of the Chicago Re. Two days later, Bevel, Jackson, and Raby took seven hundred marchers from the Bogan. When local reaction was expected, they decided to hold simultaneous marches in Park, and Jefferson Park on August 14. No date had been set for Cicero march, but the tactic of multiple marches, which police to the limit, served equally well. About one thousand took part in Sunday's triple protest. Although they walked in the usual barrage of bricks and bottles, the most seri-
Other Resources on CDL

○ https://controlleddigitallending.org/
○ FAQ on Myths and Realities of CDL
QUESTIONS?

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ReDigi

**ReDigi** Lower Court: used e-book, used mp3, used digital secondary market

- Found to be infringement
- “First sale defense does not permit sales of digital music files”

Appeal: **Capitol Records, LLC et. al. v. ReDigi Inc., et. al.**

- Still infringement, but......