



**Copyright Issues in Digitization Projects**  
*Workshop Agenda for the California Digital Library*  
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### Introduction

- ◆ Overview and risk
- ◆ Participants briefly raise issues of concern
- ◆ Copyright as one of many ways to protect content

### Determining Copyright Status of a Work

- ◆ **Public Domain** and the FRIDGE
- ◆ Detailed look at Expiration of a work's copyright
- ◆ **Section 108 – the Library Exception**
- ◆ *Exercise #1: Is it in the public domain, 108 exception, or copyrighted?*

### If Not Public Domain or Library Exception, Is There a Good Faith Case for Fair Use?

- ◆ PNAM – Purpose of use, Nature of work, Amount used relative to whole of original, Market effect (or potential market effect)
- ◆ *Exercise #2: Can you make good faith analysis of Fair Use?*

### Permissions, Disclaimers, and Liability

- ◆ *Exercise #3: Drafting permission requests*

### Additional Legal Concerns

- ◆ **Privacy, publicity, obscenity, disability access, NAGPRA, HIPAA, VARA**
- ◆ *Optional exercise: Working through privacy scenarios*

### Summary and Evaluation

*There will be two 15-minute breaks and an hour for lunch.*

### OK to Digitize?

