Copyright Law for the Digital Library:  
A Bibliography

Revised Version:  5 January 2004  
Original Version: 12 September 2003

Prepared in furtherance of Variations2: Indiana University Digital Music Library Project  
National Science Foundation  
NSF Award No. 9909068

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The investigator would like to acknowledge the assistance of David Wong, a student at  
the Indiana University School of Law-Indianapolis, who contributed to this version of the  
project.

Introduction

The Variations2 project is funded in 2000 by the Digital Libraries Initiative –  
Phase 2 program, with support from the National Science Foundation and the National  
Endowment for the Humanities. A primary goal of the project is to establish a digital  
music library testbed system containing music and related works in a variety of formats.  
The project accordingly raises numerous complex questions of intellectual property, from  
protection for new software and other innovations to the appropriate use of existing  
music in the digital library. Specific research studies examine many of these issues and  
are available on the project website: http://www.dml.indiana.edu/.
This bibliography is in furtherance of those research objectives. Its central purpose is to guide the user to specific sources related to intellectual property and the creation of a digital library in general and a digital music library in particular. These sources should help users better understand the legal implications of a digital music library, and assist with the study of a wide variety of relevant issues.

This bibliography is an evolving project, and the investigators anticipate future installments will expand on the present scope. The initial installment focused on legal literature available through a variety of online databases: HeinOnline, Lexis/Nexis, and Westlaw. This revision includes more legal literature. The specific type of literature includes both law review articles and legal journals. Search terms used include different combinations of: copyright, digital, library, Internet, and music. In addition, the phrases “distance education”, “fair use”, and “audio home recording act” were used in the electronic search engines.

The initial installment of the bibliography included materials published since 1995. The original cutoff date for conducting research was August 31, 2003. This revision includes new materials available from September 1 to December 29, 2003. Copyright has changed dramatically in recent years due to the development and growth of digital technology. For example, Congress passed the Digital Millennium Copyright Act in 1998 and the TEACH Act in 2002. The span of years from 1995 to 2003 encompasses these recent additions to copyright law.

Citation style adheres to the Turabian style and includes the author, title of the work, law review or journal title, volume, date, and page. To facilitate finding the most recent materials on any particular topic, the materials are listed in reverse chronological order.

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Introduction to the Problem – Digital Music and Copyright


Copyright and New Technology


Internet

Multimedia


Digital Rights Management


Self-Help


Fair Use


Copyright Ownership in the Digital Age

Faculty Works in the University Community

- Packard, Ashley. “Copyright or Copy Wrong: An Analysis of University Claims to Faculty Work.” *Communication Law and Policy* 7 (Summer 2002) : 275-316.
Works Made for Hire


Contracts


Digital Sampling


Copyright Duration

Public Domain in the Digital Age


Fair Use


Protecting Public Interest


Statutory Exceptions

Distance Education and the TEACH Act

Libraries and Technology


The Digital Millennium Copyright Act

Anticircumvention Protection


Relationship to Fair Use

General Studies


Peer-to-Peer Digital File Sharing

Napster Case


General Studies

International Issues


Audio Home Recording Act


Commercial Distribution of Music on the Internet and Copyright


Intellectual Property Protection for Software

Legal Protection for Databases


Webcasting

- Craft, Kimberly L. “The Webcasting Music Revolution is Ready to Begin, as Soon as We Figure Out the Copyright Law: The Story of the Music Industry at War with Itself.” Hastings Communications and Entertainment Law Journal Law Journal 24 (Fall 2001) : 1-42.

Digital Performance Right in Sound Recordings


Consequences of Infringement


International Copyright Law Issues

• Perlmutter, Shira. “Participation in the International Copyright System as a Means to Promote the Progress of Science and Useful Arts.” Loyola of Los Angeles Law Review 36 (Fall 2002) : 323-335.