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## **Libraries Applaud Landmark Copyright Ruling Affirming Fair Use**

The Library Copyright Alliance is extremely pleased with today's decision by the Court of Appeals for the Second Circuit in *Authors Guild v. HathiTrust*, finding in favor of fair use. The Library Copyright Alliance filed an [amicus brief](#) in the case, supporting HathiTrust's position and the lower court's finding of fair use.

Jonathan Band, counsel for the Library Copyright Alliance, said, "The decision is a significant victory for the public."

The HathiTrust Digital Library (HDL)—comprised of eighty college, university and nonprofit member institutions at the time of the court filings—contains digital copies of more than ten million works and engages in several projects that provide new value and use to copyrighted works. These projects include the creation of a full-text search database, facilitation of access to works for the visually impaired and print disabled, and preservation of works in its library.

The Second Circuit affirmed the lower court's decision, holding that the creation of a full-text search database and providing access to the print disabled constitute fair uses and such activities are thus protected under the Copyright Act.

The Second Circuit declined to rule on the issue of HDL's preservation activities, noting its skepticism that plaintiffs had standing to bring this claim, and remanded to the district court. In remanding this issue back to the lower court, the Second Circuit in no way suggested that the preservation activities could not be fair use, but instead simply suggested that the plaintiffs could not bring the claim.

The Library Copyright Alliance believes the Second Circuit rightly concluded that HDL's activities are protected by fair use, ensuring the "safety valve" of fair use is well-functioning and providing meaningful balance through limitations on the copyright holder's rights. Fair use has long been relied upon to provide important protections for the public and promote new and transformative uses of copyrighted works, such as those facilitated by HDL.

The Library Copyright Alliance (LCA) consists of three major library associations—the American Library Association, the Association of Research Libraries, and the Association of College and Research Libraries. These three associations collectively represent over 300,000 information professionals and thousands of libraries of all kinds throughout the United States and Canada. Find LCA on the web at <http://librarycopyrightalliance.org/>.