



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

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 \(disambiguation\)](#).

Chicago open housing movement, 1966 [[edit](#)]

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.

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https://en.wikipedia.org/wiki/Martin_Luther_King_Jr.

121. ^ Cohen & Taylor 2000, p. 347.

122. ^ Cohen & Taylor 2000, p. 416.

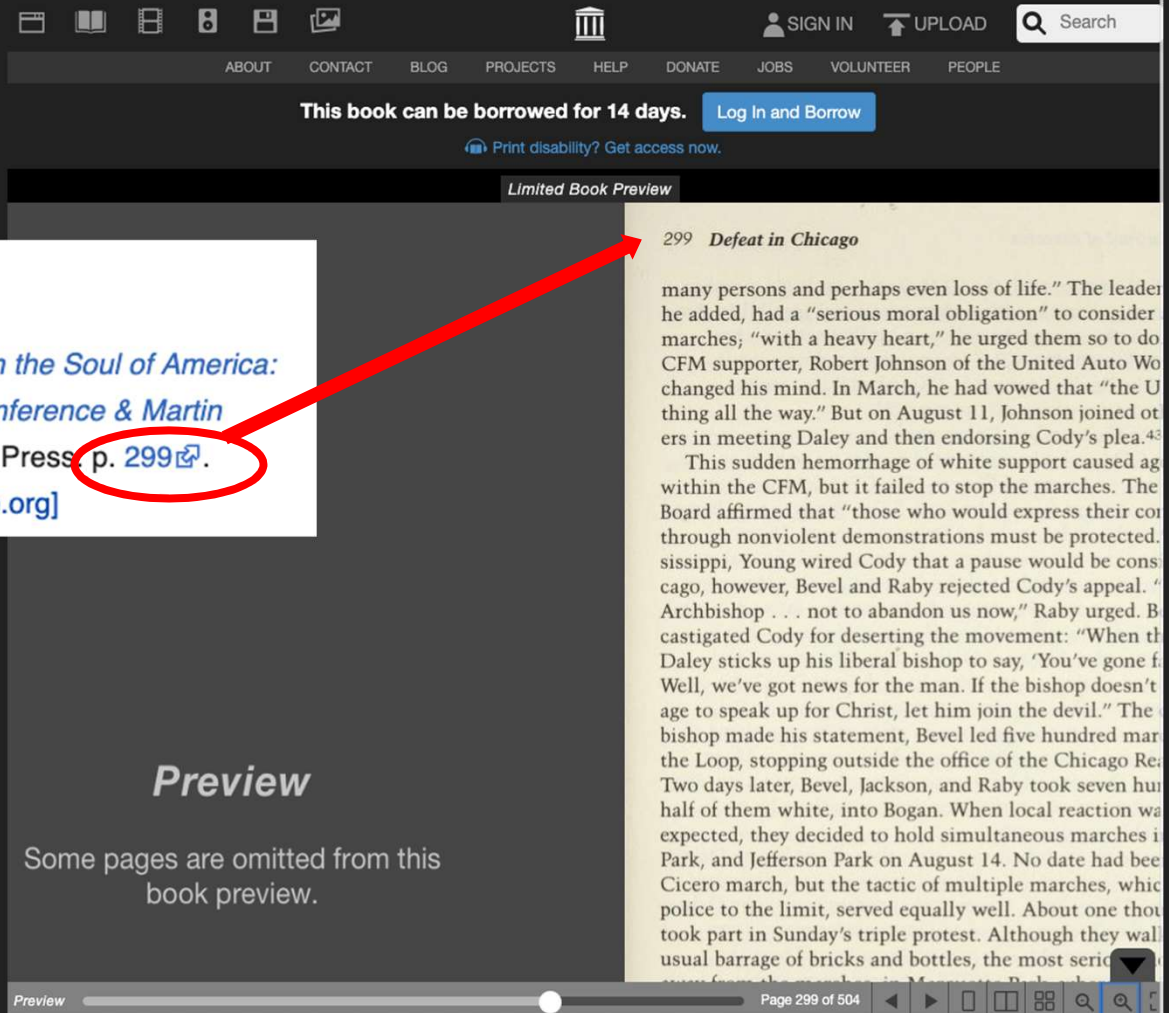
123. ^ Fairclough, Adam (1987). *To Redeem the Soul of America: The Southern Christian Leadership Conference & Martin Luther King Jr.*[↗]. University of Georgia Press. p. 299[↗]. ISBN 0-8203-2346-2. [Read on Archive.org]

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<https://archive.org/details/toredeemsoulofam00fair/page/299>

Other Resources on CDL

- <https://controldigitalending.org/>
- FAQ on Myths and Realities of CDL
- White Paper on CDL: <http://bit.ly/FUW2019Hansen>

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.....