

University of Massachusetts Amherst

From the Selected Works of Laura Quilter

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Promulgating Knowledge and Managing Risk

Laura Quilter, *University of Massachusetts - Amherst*



Available at: https://works.bepress.com/laura_quilter/40/

PROMULGATING KNOWLEDGE ... AND MANAGING RISK





"to promote the Progress of
Science and useful Arts"

US Const., Art. 1, s.8, cl.8



FAIR USE



ONE OF SEVERAL BALANCING DOCTRINES



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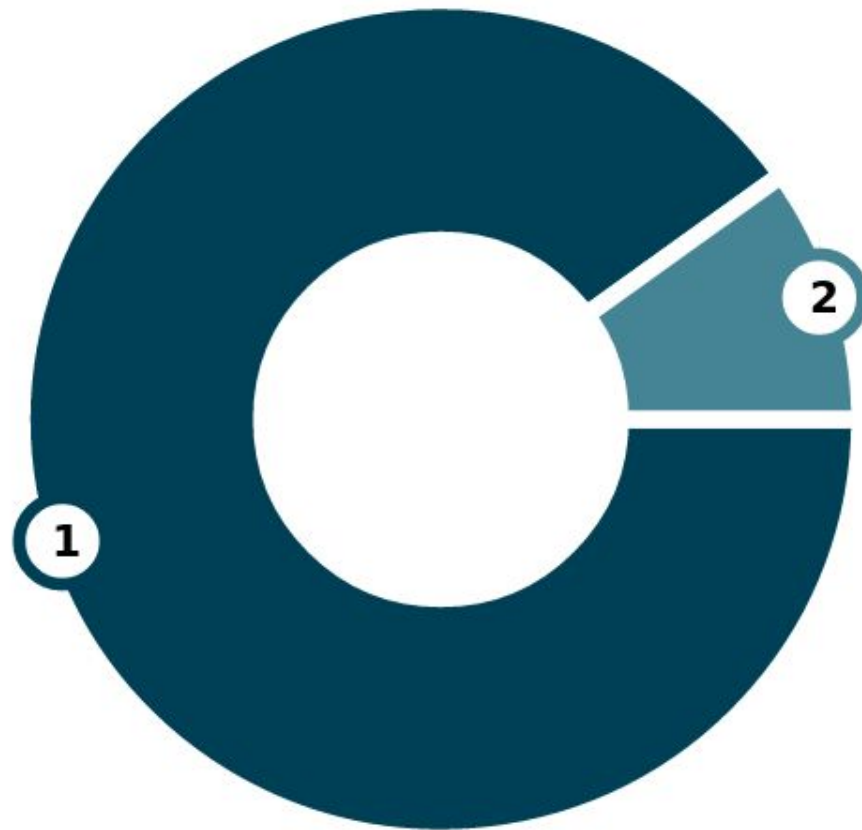


as copyright has expanded
...
so has fair use



Authors Guild v. HathiTrust

5 of 6 uses are educational

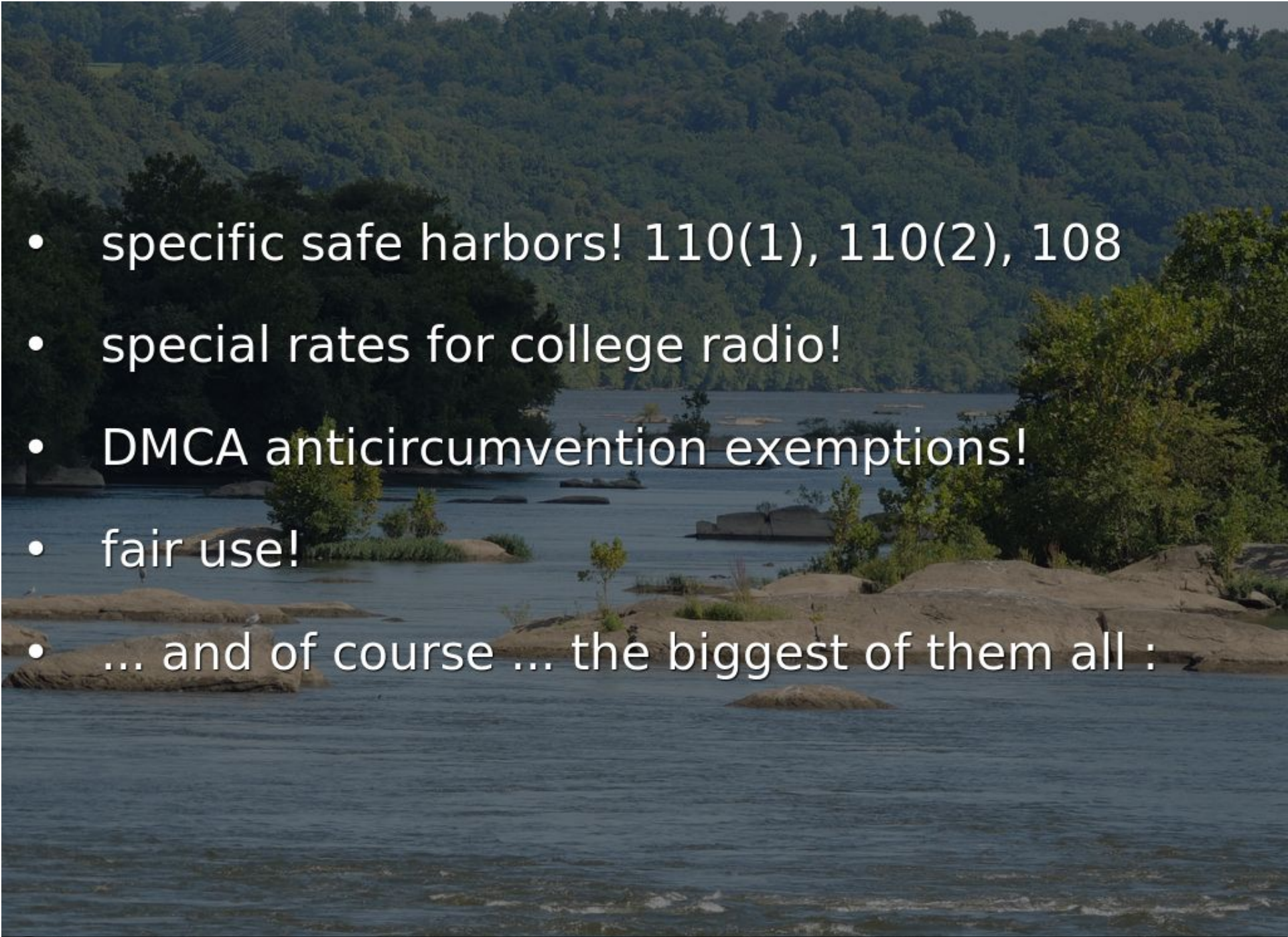


1	education-related	90%
2	"news reporting"	10%

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AGE OF ANXIETY

- 
- specific safe harbors! 110(1), 110(2), 108
 - special rates for college radio!
 - DMCA anticircumvention exemptions!
 - fair use!
 - ... and of course ... the biggest of them all :



SOVEREIGN IMMUNITY

11TH AMENDMENT PROTECTS STATE AGENCIES





AGE OF ANXIETY

CONSIDER THESE SCENARIOS

- print PDFs on faculty CMS or ereserves for course use
- streaming music & video from the library for course use
- digitizing for disability access by individual students
- faculty papers on websites & institutional repositories

CONGRATULATIONS



YOU ARE A RISK ASSESSOR.

RISK MANAGEMENT



SWIM
AT
YOUR
OWN
RISK

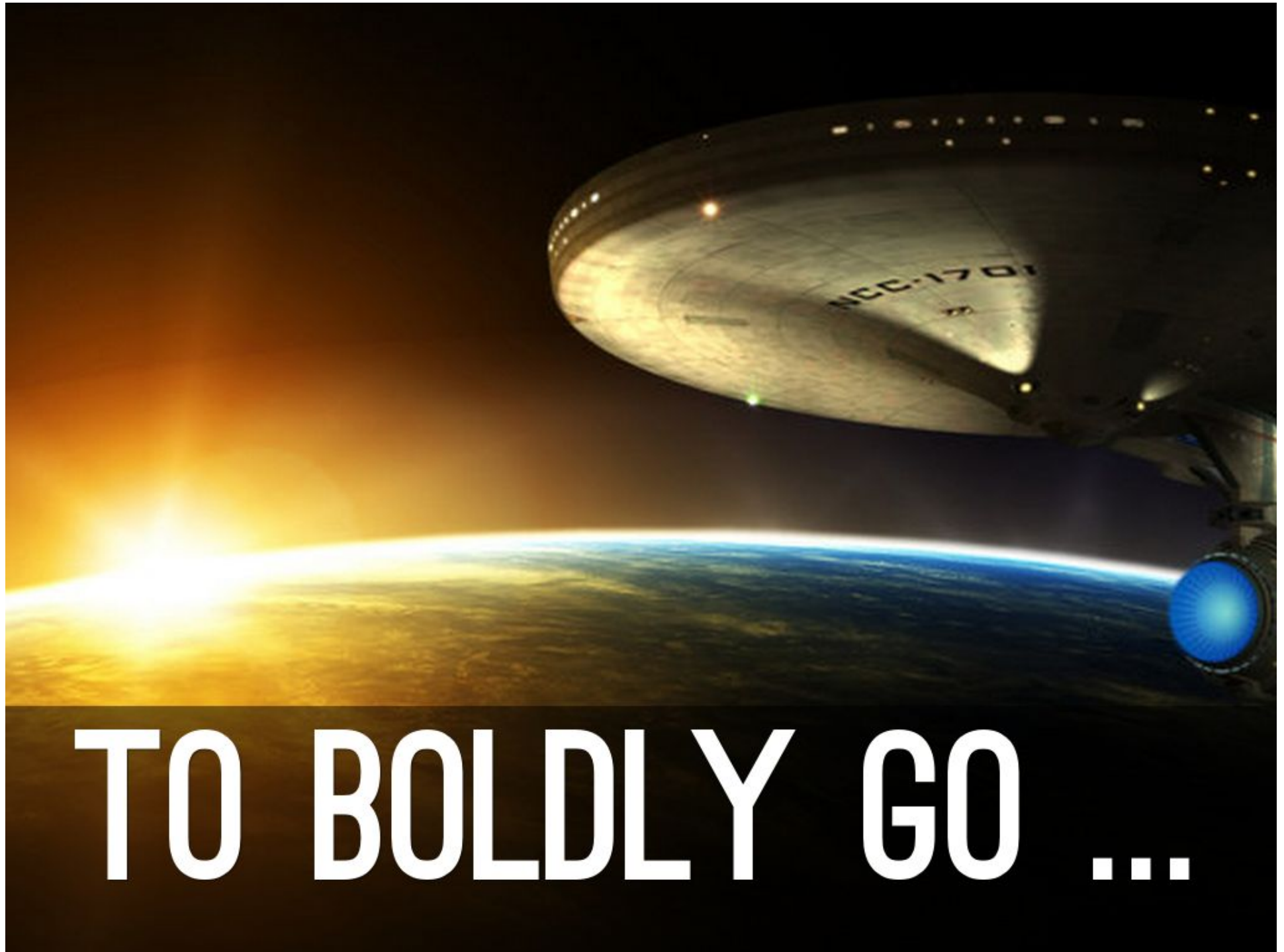
MOVING FROM ASSESSING TO MANAGING

RISK MANAGEMENT

- You can't reduce risk of being sued to zero.
- You don't want to, anyway, because MISSION.
- Flexibility & fact-sensitivity in analysis is key.
- Responsiveness will resolve vast majority of pro...
- Believe in the mission : Education is a compellin...

(RE) CONSIDER THESE SCENARIOS

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TO BOLDLY GO ...