



Infringement Alert - "National Emergency Library"

News from the SFWA Legal Affairs Committee:

In 2018, SFWA's Legal Affairs Committee issued an advisory concerning the Internet Archive's "Open Library" program which was scanning entire books and posting them on the public Internet. The Internet Archive justified these actions based on an unproven and dubious legal argument called "Controlled Digital Lending" which supposedly would allow the Archive to make and distribute a single digital copy of a donated physical book in their storehouse as long as they "control" its distribution. It was and is SFWA's understanding that this is not library lending, but direct infringement of authors' copyrights. As if this wasn't bad enough, using the Coronavirus pandemic as an excuse, the Archive has created the "National Emergency Library" and removed virtually all controls from the digital copies so that they can be viewed and downloaded by an unlimited number of readers. The uncontrolled distribution of copyrighted material is an additional blow to authors who are already facing long-term disruption of their income because of the pandemic. Uncontrolled Digital Lending lacks any legal argument or justification.

In one minor concession to authors, the Internet Archive has said that they will remove these books at the author's request if they are sent a simple note at info@archive.org with "National Emergency Library Removal Request" as the subject line requesting removal and containing the URL(s) of the infringed work(s). SFWA has already sent such a notice to the Archive ordering removal of the works to which it owns copyright. Having to send a notice is a burden to authors who must register and use the unwieldy search function to find their works on these sites. Sending a DMCA notice, using SFWA's [DMCA notice generator](#), for example, may not be necessary. If you want to find out if your books are being infringed at the Internet Archive, go to <https://archive.org/search.php>, search metadata for your name and/or title.

We recommend searches at both archive.org and [openlibrary.org](https://openlibrary.org/search) to find all instances of infringement.

In your note to info@archive.org, you may want to request that the DAISY formatted file(s) for the visually impaired continue to be made available.