

MAINTAINING THE INTEGRITY OF DIGITAL ARCHIVES

June M. Besek and Philippa S. Loengard*

TABLE OF CONTENTS

1.0 Introduction	269
1.1 Overview	269
1.2 Approach and Resources	270
2.0 Material Removed from Databases and Archives	271
2.1 Copyright infringement/Plagiarism.....	272
2.2 Publisher's/Database owner's rights expire or are invalidated	273
2.3 Defamation	273
2.4 Factual errors	274
2.5 Fictionalized accounts/unsupported research or other misconduct.....	275
2.6 Author or customer request (for business or personal concerns)	275
2.7 Other (privacy, national security, censorship of various kinds).....	276
2.8 Business disruptions	276
3.0 "Archives" and "Digital Archives".....	277
4.0 The Legal Landscape	279
4.1 Introduction: Copyright Law and Archives Legislation.....	279
4.1.1 Copyright Law and Archives Legislation: United	

* June M. Besek is the Executive Director of the Kernochan Center for Law, Media and the Arts at Columbia Law School. Philippa S. Loengard is the Kernochan Center's Assistant Director. The authors express their deep appreciation for the contribution of Professor Jane C. Ginsburg, who was a principal investigator on the study and worked with them in preparing the report. The authors gratefully acknowledge research assistance from Columbia Law School students Carter Batsell ('07), Keith Bradley ('07), Vigdis Bronder ('07), Rachael Jackson Dugan ('06), Joshua Hartman ('08), Jennifer Jacobs ('09), Sidne Koenigsberg ('06), Joseph Lasher ('07), Suhna Pierce ('09), Tiffany Scott ('07), Kate Kaufman Shih ('06) and Maria Termini ('05), and from Eva Dickerman (Harvard College '08). They also acknowledge the contribution of Margo E. Crespin, former Assistant Director of the Kernochan Center, who worked on this project in its early stages. In preparing this report, the authors consulted many librarians, archivists, educators, publishers, legal professionals and computer and information technology specialists whose time and expertise is greatly appreciated. The complete list of acknowledgments can be found at <http://www.kernochancenter.org/Mellon.htm>.