

## **Audiovisual archiving and copyright law: Limitations & Exceptions in favor of Archives**

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Archives by nature and design play a critical role in the collation and the preservation of creative and scientific content. Applying present copyright law principles - the most basic one being the copyright owner's control of the access to the protected works- to digital collation process often thwarts rather than forwards these efforts. Typical functions of any archive are the collection, preservation, archiving, and dissemination of information. The preservation and archiving of copyrighted works often involves the making of reproductions from original works because they have been damaged, lost, or stolen. The dissemination of information is realized by lending copies of works, by permitting the public consultation of works on the premises of the archive or the consultation of electronic material at a distance or by allowing patrons to make their own reproductions of works for personal purposes using freely accessible machines (photocopy or microfiches). The aforementioned activities prove that copyright law has an important relationship to archives and plays an important role in the performance of archive services, since the permission of the rightholder is needed in order these actions to be performed. Nevertheless, limitations to the exclusive rights of copyright owners provided by copyright law and adopted for the benefit of archives (and usually libraries) try to alleviate the problem by allowing archives to perform their general tasks and to encourage the dissemination of knowledge and information among members of society at large, in furtherance of the public good under the condition that certain prerequisites are fulfilled. Copyright law also has relatively recently introduced some new concepts: on the one hand the legislative protection for copyright management information and technological protection measures controlling access to use of copyrighted works and on the other hand the prohibition of circumvention of these technological protection measures.

Archives expressed concerns about this concept from its earliest introduction into the legal system, and as a result many countries enacting that prohibition have carved out exceptions there too for archives. In the paper the contact and conflict points between audiovisual archiving and copyright law will be analytically presented regarding not only the economic but also the moral aspects. Most importantly, the legal framework of limitations and exceptions

adopted for the benefit of archives will be analysed in international, European and national level. Finally, the paper will examine the issue of technological protection measures and management information and the prohibition of their circumvention and its impact on audiovisual archiving.