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STACKTRACE // News from Software Preservation Network

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SPN-WIDE INITIATIVES

Learn about current SPN-wide efforts—activities that crosscut working groups and affiliated projects.

LAW & POLICY

April-May 2020: DMCA Rulemaking Kicks Off, Comments on Access to Federally Funded Research, Developing a Research Project on Legacy Software License Terms

The Digital Millennium Copyright Act (DMCA) rulemaking process is kicking off again this summer, starting with informal phone calls in June to let participants chat with Copyright Office staff about their plans. SPN's Law and Policy Advisor and our representatives from the Harvard Cyberlaw Clinic will join these calls and keep members informed about the process. **We need your help this cycle**, because we need to tell compelling stories about the need for *remote access* to software, in particular, but we'd also like to hear anything you can tell us about barriers you encounter when preserving DRM-protected software

within the [bounds of the current exemption](#). Please see the announcement below for details about [our poll](#), where you can share your contact info so we can reach out and hear your story.

The steady drumbeat of SPN federal policy filings continued into May, as the Law and Policy Working Group developed and submitted a [short and sweet response](#) to the White House's inquiry on "[Public Access to Peer-Reviewed Scholarly Publications, Data and Code Resulting From Federally Funded Research](#)." This inquiry was closely watched by many in the scholarly communication sphere, with a strong focus on access to articles and data. Our intervention was focused on the importance of software code in scholarship. We argued that access to the underlying code is essential to fully understanding (and building on) research, and we urged the federal government to make policy that would ensure the broadest possible access and reuse rights for software created in the course of federally funded research.

The Law and Policy Working Group is exploring a possible research project around the license agreements that accompany legacy software held in archives. In collaboration with several SPN member institutions, the Group has started to identify collections containing license documentation and, within those collections, a set of licenses that could be representative of a diversity of software genres and publishers within a defined time period. Once a suitable collection is identified, we hope to collaborate with a law clinic to develop an analysis of the contents of the licenses. The existence of software licenses has long been a source of anxiety for archives and their users, who are unsure what sorts of license terms may be relevant to a given title or collection of titles, as well as whether any particular license actually binds them.

Share Your Remote Access DMCA Story

SPN needs your stories! Most importantly, we need stories that show the importance of **REMOTE ACCESS** to software titles for research and teaching (meaning access anywhere outside the physical premises of the library or archives, including at other locations on an institution's campus, or via authenticated VPN). We believe the current rules' limitation to on-site access is the best place to seek improvement, but we would love to hear any stories you have about the need for software preservation and access that is not currently permitted by the DMCA exemptions for software preservation. (See the [Preservationist's Guide](#) to learn more about what is currently covered). Please [fill out this form](#) if you would be willing to talk with someone from SPN or the Harvard Cyberlaw Clinic about examples in your practice. We just need

your name and contact information. You can provide a brief summary of your example in the space provided, or just wait and speak with us in our follow-up conversation.

Additional background: The Copyright Office is gearing up again for its triennial rule-making to grant temporary exemptions from the digital locks provisions in the Digital Millennium Copyright Act. SPN is teaming up with the Cyberlaw Clinic at Harvard Law School to ask for new, expanded exemptions that protect our right to preserve software that is encumbered with digital rights management (dongles, authentication servers, authentication keys, and other measures that restrict access and copying). The most serious flaw in the current exemption is that it only permits access on the premises of the preserving library or archives. We are hopeful that the current crisis has shown the short-sightedness of that limitation, but we **MUST HAVE** good stories to tell if we want to present the strongest possible case.

[Share your story!](#)

Mark Your Calendars: Upcoming Law & Policy Chat on July 7

Resource for SPN Members

Law & Policy Chats



An opportunity for members to chat with SPN's Law & Policy Advisor, Brandon Butler, and each other about their questions or concerns, plus learn more about how to use tools like the Best Practices and the DMCA Exemption to preserve and provide access to software.

Who: SPN Members

When: Tuesday, July 7 from 3:00-4:00 ET



If you're at a SPN member institution, mark your calendars for the next Law & Policy Chat on **Tuesday, July 7 from 3:00 to 4:00 pm ET**. It's your monthly opportunity to chat with SPN's Law and Policy Advisor, Brandon Butler, about your software preservation questions and concerns.

All members should have received call-in information via email. We look forward to seeing you there!

QUARTERLY COMMUNITY FORUM

Software Preservation Community Forum

Tuesday, June 9

8 am PT/10 am CT/11 am ET/3 pm UTC

Subscribe to the Software Preservation Network
listserv to receive call-in information:
<http://bit.ly/spn-listserv>



The next [Software Preservation Quarterly Community Forum](#) is TOMORROW (Tuesday, June 9, 2020) at 8am PT / 10am CT / 11am ET / 3pm UTC. Each quarter, we invite our colleagues across professional and disciplinary communities to participate in an hour-long discussion on topics related to software curation, preservation, and reuse.

The Summer 2020 Community Forum will be a virtual roundtable with members of the [FCoP cohort](#) and Dr. Amelia Acker, FCoP Project Researcher. The discussion will include a summary of the project timeline, challenges, insights, and the resulting priorities for field-level action in software preservation and emulation.

SAVE-THE-DATE: the Fall Quarterly Community Forum is scheduled for Sept. 8, 2020 at 8 am PT/10 am CT/11 am ET. If you are interested in discussing a specific topic during future Community Forums, [submit your topics and questions via Google form.](#)

AFFILIATED PROJECTS

Learn about SPN affiliated project activities and milestones. SPN affiliated projects focus on specific aspects of software preservation/curation that support the strategic goals of SPN.



Timeline: January 2018 – June 2020

Funder(s): Andrew W. Mellon Foundation and Alfred P. Sloan Foundation

Awardee: Yale University

Heading into the home stretch of the EaaS! project's "Phase One", we continue to gather more and more evidence of the need for emulation as a service. Remote delivery of digital resources is at the top of everyone's minds and the project team is hard at work preparing a platform that will keep legacy software and data in the conversation, no matter where our users are. Meanwhile, we've had the opportunity to reflect not just on where we're going, but how far we've come!

[Read the complete update here!](#)



Timeline: June 2017 – May 2020

Funder(s): Institute for Museum and Library Services #RE-95-17-0058-17

Awardee: CalPoly State University

With celebration, we share the FCoP's last Stacktrace update. The cohort

efforts wrap up in June and the staff are working to package and publish the rich documentary resources developed over the last three years—keep an eye out on listservs and social media. Join us for the summer Quarterly Community Forum on June 9th to hear more directly from FCoP cohort members and our Project Researcher, Amelia Acker.

[Read the complete update here!](#)

JOIN SPN

The Software Preservation Network (SPN) facilitates and supports software preservation efforts. SPN preserves software through community engagement, infrastructure support, and knowledge generation in five core activity areas including Law & Policy Advocacy, Metadata & Standards Development, Training & Education, Research-in-Practice, and Technological Infrastructure.

Do you appreciate the work that SPN has been doing over the last several years to broaden participation and ensure lawful preservation, sharing, and reuse of software? Would you like to SPN to continue its work of coordination, research, advocacy, and capacity building? Do you have ideas or a vision for the future of software preservation that you would like to see realized through the SPN community?

If you answered “Yes” to any of these questions, then consider supporting our work through membership or sponsorship. To learn more about the benefits of membership and sponsorship, visit: <https://www.softwarepreservationnetwork.org/get-involved/>



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