

מידע נגיש וגישה פתוחה;
הנסיון של UCLA והתפתחויות החדשות בארה"ב

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The purpose of ALMs is to provide a more accurate means for measuring the impact of research at the article level rather than the journal level, as is tradition, said Juan Pablo Alperin of PKP. "ALMs have the potential to be a truly valuable tool for both publishers and readers. We urge all journals using our Open Journal Systems (OJS) to [sign-up for the service](#)." PKP's ALM offering is built on an [open source application](#) developed by the Public Library of Science (PLOS) and has been implemented with the guidance and support from PLOS. (See [PLOS blog](#) for their announcement)

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Microsoft Internet Explorer window showing the book details for "Making Films Your Business" by Mollie Gregory. The address bar shows the URL: <http://books.google.com/books?vid=ISBN0805237283&id=apcFAAAAMAAJ&q=fair+use&dq=fair+use&pgis=1>. The book details include:

- Synopsis:** Practical information for filmmakers and film students provides extensive coverage of proposal writing, selling, financing, and distributing nonfiction and non-theatrical films, and such legal matters as copyrights, contracts, and insurance.
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 - ISBN: 0805237283
 - Publisher: Schocken Books
 - Author(s): Mollie Gregory
 - Format: Hardcover
 - Publication Date: 1979
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Campbell v. Acuff-Rose (1994)

The central purpose of this investigation is to see ... whether the new work merely “supersede[s] the objects” of the original creation, or instead adds something new, with a further purpose or different character, altering the first with new expression, meaning, or message; it asks, in other words, **whether and to what extent the new work is “transformative.”** Leval article, at p. 1111.

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- Other images, including a car, a person in a red dress, and a person in a white shirt.

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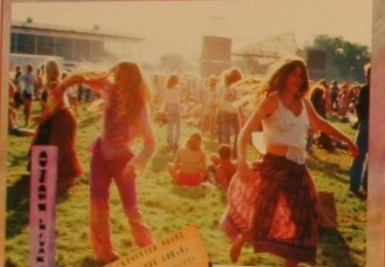
Bill Graham Archives v. Kindersley, 2nd Cir. 2006



Saturday September 6
Maine State Fairgrounds,
Lewiston, Maine

Opening acts include guitarist Roy Buchanan (never billed by his record company as "the best unknown guitarist in the world"), plus Ernie and Earl Carr performing with Levon Helm. In 1983 the Cate Brothers joined Herb, Rick Danko, Garth Hudson, and Richard Manuel to form the second—Redbe Robertson—incarnation of The Band.

Above and below: Saturday September 6, Maine State Fairgrounds, Lewiston, Maine



THURSDAY SEPTEMBER 4
PROVIDENCE CIVIC CENTER
PROVIDENCE, RHODE ISLAND

First wireless jam around "Sassafras," the Warfield Theatre, and the mid-1970s, so this date, the jam brings "Wanda on Road" and "Estimated Prophet."



Wednesday September 3
Springfield Civic Center
Springfield, Massachusetts

Thursday September 25
Friday September 26
Saturday September 27
Warfield Theatre,
San Francisco, California

Tuesday September 2
Community War Memorial,
Worcester, New York

The Warfield/Radio City Shows

The Dead's real 15th anniversary celebration in 1980 spanned months, two coasts, and eventually spawned two albums, *Radio City* (see pages 261 and 265). The bicentennial settings for the shows were very different—San Francisco's Warfield Theatre was a 1,000-seat house of 2,400 seats, while New York City's Radio City Music Hall was, well, Radio City—but the Dead's performances in both venues were some of the most treasured moments of the band's early '80s run.

For both the Warfield and Radio City shows, the band returned to a format similar to the "Evening with the Grateful Dead" shows of the late '70s. The opening set from the New Riders of the Purple Sage. Each performance began with an acoustic set followed by two electric sets. Each performance was an acoustic work in the 1970s, and they didn't have much time to rehearse the Warfield run began, so by some accounts the first acoustic sets were a bit shaky—not that anyone minded.

Demand for both shows was huge. The Warfield run was extended by three nights, and when tickets went on sale for the Radio City shows, the line at the box office practically filled Rockefeller Center—a publicity bonanza for the band. Many media types who'd been counting the Grateful Dead out for years were surprised.



Above: The Dead play 15 dates at the Warfield Theatre in September.

Monday October 6
Tuesday October 7
Warfield Theatre,
San Francisco, California

Thursday September 25
Friday September 26
Saturday September 27
Warfield Theatre,
San Francisco, California

Thursday October 2
Friday October 3
Saturday October 4
Warfield Theatre, San Francisco, California

Saturday night and The Dead play "Deep Elem Blues" for the first time in 10 years. The songs "Deal" and "Feel Like a Stranger" are the first to appear on *Deal*.

Monday September 29
Tuesday September 30
Warfield Theatre, San Francisco, California

Monday's show sees the band's first performance of "Heaven Help the Fool," from Bob Weir's 1978 solo album of the same name.

The final Warfield show saw one of Bill Graham's most inspired acts of showmanship. Returning onstage for the encore, the boys found a table set with glasses and a bottle of champagne—then the house lights came up to reveal the entire audience making a champagne toast to the band.

The otherwise brilliant Radio City run was marred by a bizarre dispute between the band and Radio City's management. The latter objected to promotional posters showing the inevitable skeletons flanking the venerable venue. Evidently not well versed in Grateful Dead iconography, the Radio City execs interpreted the posters as a coded message that the band thought that Radio City's days were numbered, and they slapped the band with a million dollar lawsuit. The misunderstanding was quickly cleared up.

Bassist bedeviled
The last Radio City night was Halloween, and appropriately enough, technical gremlins kept Phil out of the mix until "It Must Have Been the Roses," five songs into the first set.

The show's hosts, Al Franken and Tom Davis, *Saturday Night Live* writers and performers (and Dead fans), conducted a wickedly funny ongoing parody of Jerry Lewis's annual telethon. They targeted his top the appeals on behalf of needy children, known as "Jerry's Kid's." But the donations in this case were a bit of acid and a ticket to the next GD gig. In addition to generating albums the Halloween Radio City was broadcast on closed-circuit TV and simulcast on FM stations. The show was also released on video, *Deal Ahead*, in 1995.

The significance of the Grateful Dead's pioneering return to nonelectric performance wouldn't be fully appreciated until 1989, when MTV's *Unplugged* series began turning on a new generation of rock fans to the delights of acoustic music.

"Radio City, a beautiful and dandy venue, brought awe and respect from the 6,000 or so Deadheads who piled in each night. It was also a dramatic run—every gig had something we dreamed of since we first started lacing up our Grateful Dead sneakers: an acoustic set."
—ALAN SHUCKER, MUSIC PHOTOGRAPHER, 2001

Thursday October 9
Friday October 10
Warfield Theatre, San Francisco, California

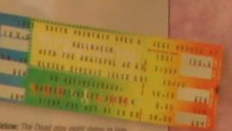
Friday's version of "Jack a Row" appears on *Deal*.

Saturday October 11
Monday October 13
Tuesday October 14
Warfield Theatre, San Francisco, California

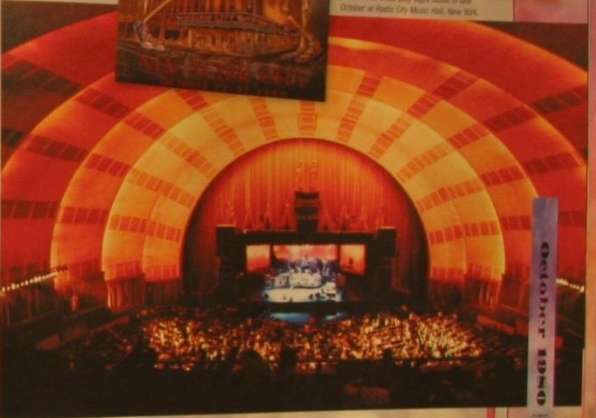
Three extra shows are added to the Warfield run, and John Cipollina joins the band on Saturday night to play "Hot Runaway," "Wharf Rat," "Goin' Down the Road"; the same night's performances of "Deep Elem Blues" and "Loser" turn up on *Reckoning*.



Left: The poster for the Dead's October concerts at New York's Radio City Music Hall



Below: The Dead play night after night in October at Radio City Music Hall, New York



Thursday October 23
Radio City Music Hall,
New York, New York

Saturday October 18
Sunday October 19
Saugor Theatre, New Orleans, Louisiana

Between the Warfield and Radio City runs, the band took the acoustic/electric format to the Crescent City (twice for two nights).

Wednesday October 22
Radio City Music Hall,
New York, New York

Friday October 31
Radio City Music Hall,
New York, New York

The night's "Drums"/"Fire on the Mountain" make it onto *Deal*.



Thursday October 29
Radio City Music Hall, New York, New York

Drummer Billy Cobham—a jazz and fusion legend who'd performed with, among others, Horace Silver and Miles Davis—joins Bill and Mickey for the Thursday "Drums."

Saturday October 25
Sunday October 26
Monday October 27
Radio City Music Hall, New York, New York

Saturday's performance of "Travis's Tower" appears on *Deal*.



Merl Saunders

Organist Merl Saunders was a number of years Garcia's senior and had already had a successful career as a jazz and R&B keyboardist by the time he hooked up with the guitarist in 1971. Saunders replaced Howard Wales at The Matrix jam session in San Francisco and then moved on, with bassist John Kahn and drummer Bill Vitt, to a residency at the Keystone Korner jazz club and the New Monk later the Keystone Berkeley. A master of the Hammond B-3 organ, Saunders had performed with the likes of Lionel Hampton, Miles Davis, B.B. King, Paul Batterfield, and others. Garcia credited Saunders with opening him up to the world of jazz and pop standards. They played together from 1972-1975 which yielded the 1974 *Live At Keystone* album and a pair of Saunders "solo" discs, then again in the jazzy group Reconstruction in 1979. Their last collaboration was on Saunders' *Blues From the Rainforest* "new age" CD in 1988.



Right: Monday June 21, Chateau d'Herouville, France. The band's last ever show was made by their friend Courtney Placek.

Saturday May 29

Sunday May 30

Winterland Arena, San Francisco, California
With NRP's, R.J. Fox, and James and the Good Brothers. The first night of this Memorial Day weekend run is remembered as the "Acid Punks Night," thanks to a heavily dosed beverage that sent a number of people on some very bad trips; 30 of them wound up in the emergency room. The attendant publicity (and an unjustified rebuke of Bill Graham by the SFPD) led Graham to announce that the Fillmore West, too, would soon close its doors. Saturday's show also sees the first "Promised Land."

Parlez-Vous Dead?

Jane brought a weird, wonderful, one-off gig on the manicured grounds of a 16th century chateau at Avers, outside Paris. The impetus for the band's second overseas jaunt was a free festival—"Free Friday Three Days"—sponsored by a French fashion designer, Jean Bouquin, who owned a boutique that catered to the Parisian *jeunesse dorée*. Bouquin's motivations in setting up the fête were either to impress his haute-monde friends, to use it as a springboard into politics by scoring points with the youth of France (this was just a couple of years after student radicals had nearly fomented another French revolution), or to drum up business for the recording studio his friend, composer Michel Magne, had installed in his chateau. Whatever the reason,

Bouquin decided it would be good to have this American hippie band in the lineup. The band accepted readily, because Bouquin agreed to fly over not only the musicians and crew but also many of the band's ever-growing family of girlfriends, friends and staffers. Who could say no to such a junkie? The party set down in *La Belle France* only to discover the festival was a literal washout thanks to the worst rains in years. So they camped out in the Chateau d'Herouville, not doing any recording but taking full advantage (when the lousy weather permitted) of the swimming pool, the tennis courts, and the magnificent wine cellar (Pigpen preferred duty-free bourbon, until he had laid low by some kind of illness—a harbinger of sad events to come). Phil Lesh was delighted to learn that Frederic Chopin had once been a guest at the chateau. And there was a day trip to the City of Lights, where some visiting American hippies were amazed and delighted to run into the Grateful Dead at the Eiffel Tower.

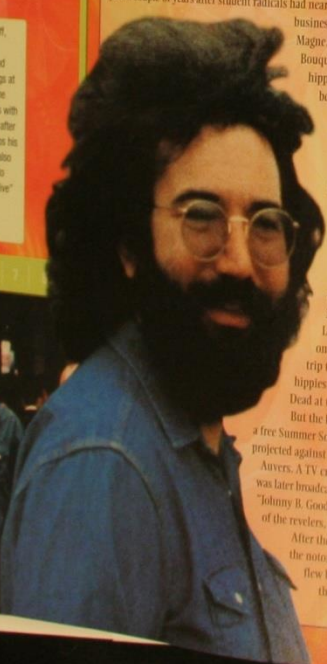
But the band had come to play, and play they did, throwing a free Summer Solstice show (complete with Bill Ham's light show projected against the chateau) for 200 or so bemused villagers of Avers. A TV crew came out from Paris to record the event, which was later broadcast on French TV and radio. After the band closed with "Johnny B. Goode," there was a rollicking party that ended with most of the revelers, including the local *Chef des Gendarmes*. In the p.m., after the torturous process of checking the equipment through the notorious French customs bureaucracy, the band & co. flew back to San Francisco, arriving exactly a week after the trip had first been proposed.



Left: To save money, BSP arranged the back of later tickets with current show dates. The second ticket was used for a one-night show at the Fillmore on the 10th May just for the Dead show at the chateau on the 28th.

The band took most of May '71 off, but the now-active Jerry Garcia continues with his several solo and side projects, including regular gigs at Berkeley's Keystone club, where he works up his jazz/funk/R&B chops with Merl Saunders, who will become, after John Kahn (see page 148), perhaps his most frequent collaborator. Jerry also brought Saunders into the studio to do some organ overdubs on the "Her" Skullfuck album.

MAY



Above: Monday June 21. The show was filmed at Chateau d'Herouville, in Avers, France.

JUNE

Monday June 21

Chateau d'Herouville, Herouville, France
Last performance of "Lingua Franca" by "Black Lingo"



"PROMISED LAND" BERRY

It may not have been the region of milk and honey referenced in Moses' tale, but Chuck Berry's "Promised Land" was a place the Dead visited often after defecting their services at Winterland Arena in San Francisco on May 29, 1971. Released on Berry's album *St. Louis to Liverpool* (1964) and written while he was serving time in Missouri for interstate transportation of an underage female for "immoral purposes," the song's cryptic details posed a peculiar problem for the rockers: "Remember having extreme difficulty... in trying to secure a road album of the United States to verify the routing of the 'Be' bus from Norfolk, Virginia to Los Angeles." Berry wrote its lyrics as a map of any kind, for fear of providing the cops (or an escapee) "covers of Berry's 'Animal and Asexual' or 'Johnny B. Goode.'" "Covers of Berry's 'Animal and Asexual' or 'Johnny B. Goode'" had turned up at over twenty Dead gigs before the arrival of "Promised Land," and by the last show of 1995 the band had played the three songs a total of just over 1,000 times.

BERRY - SHARPE 131



The Authors Guild, Inc. v. Google Inc.,
S.D. N.Y. November 14, 2013:

“Google’s use of the copyrighted works is highly transformative. Google Books digitizes books and transforms expressive text into a comprehensive word index that helps readers, scholars, researchers, and others find books.... The use of a book text to facilitate search through the display of snippets is transformative.”

“Google Books is also transformative in the sense that it has transformed book text into data for purposes of substantive research, including data mining and text mining in new areas, thereby opening up new fields of research.”



Authors Guild, Inc. v. Hathitrust, 902 F.Supp.2d 445 (S.D. N.Y. 2012)

The screenshot shows the HathiTrust Digital Library homepage. At the top left is the HathiTrust logo, which features a stylized elephant head in an orange square next to the text "HATHI TRUST Digital Library". To the right of the logo is a yellow "LOG IN" button with a dropdown arrow. Below the logo is a search area with the heading "Search HathiTrust's digital library". It includes two tabs: "FULL-TEXT" (selected) and "CATALOG". A search input field contains the placeholder text "Search words about or within the items". To the right of the input field is a "Search" button with a magnifying glass icon. Below the search field are links for "Advanced full-text search" and "Search tips", and a checked checkbox for "Full view only". A question mark icon with the text "? Should I search catalog or full-text?" is also present. On the right side of the page, there is a yellow callout box with the heading "Want to get the most out of HathiTrust?" and text explaining that users need to log in with a partner institution account to access the largest number of volumes and features. Below this is a link: "Not with a partner institution? »". At the bottom of the page, there is a section titled "WHAT CAN YOU DO WITH HATHITRUST?" with four icons and corresponding text boxes: 1. "BROWSE COLLECTIONS" with an icon of a stack of books, text: "Explore user-created featured collections." 2. "READ BOOKS ONLINE" with an icon of a laptop and a book, text: "Read millions of titles online — like this one!" 3. "READ BOOKS ON THE GO" with an icon of a smartphone and a book, text: "Take the library's books anywhere with our mobile website." 4. "DOWNLOAD BOOKS* & CREATE COLLECTIONS" with an icon of a book and a padlock, text: "*requires institutional login".

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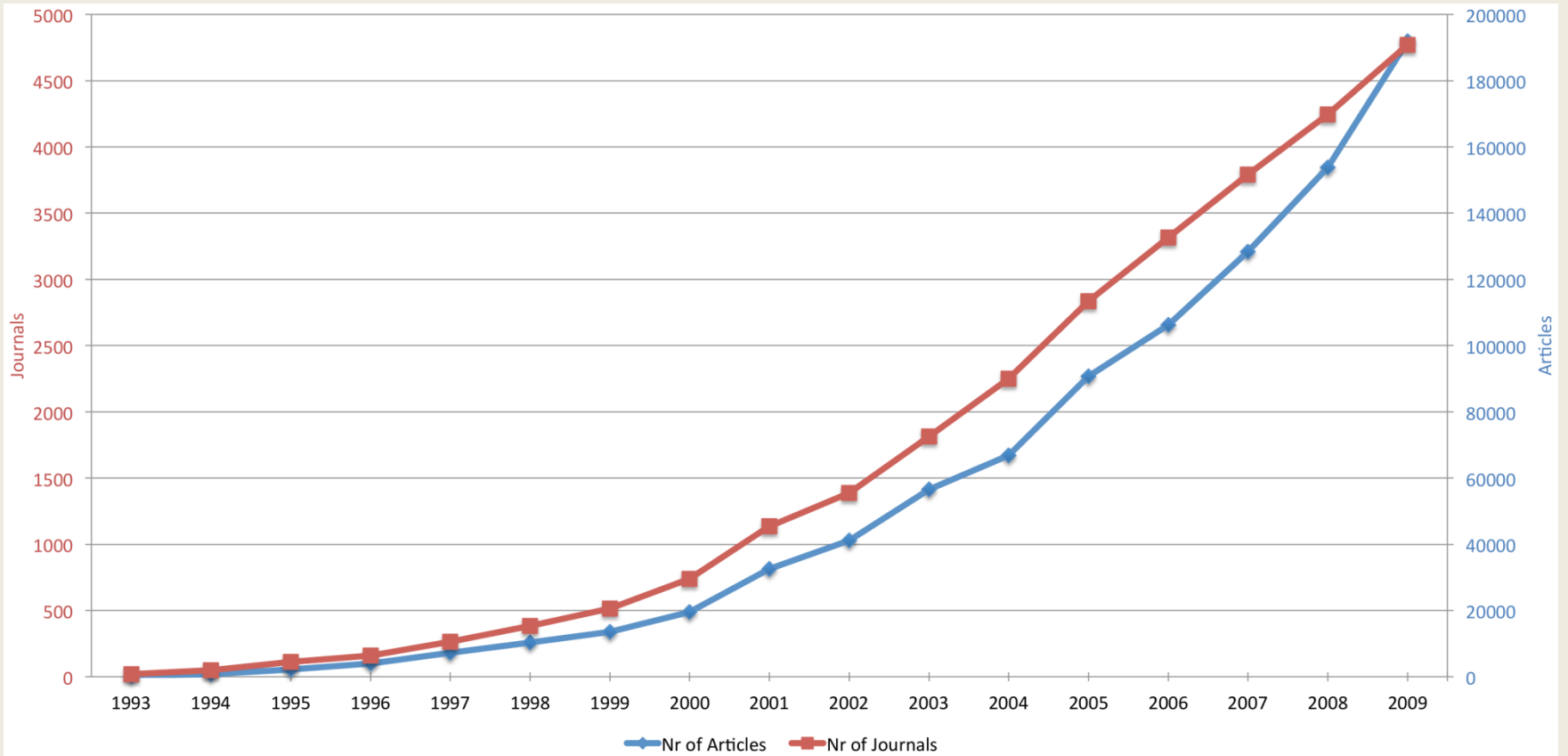
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האוניברסיטה העברית בירושלים נ' בית שוקן להוצאות ספרים בע"מ (2011)

"ספק אם העתקת ספר שלם צריכה לחסות בצל
הגנת השימוש ההוגן, וזאת בין אם בהקשר החינוכי
בין אם בעניין אחר."

שימוש לצורך הוראה

- Cambridge University Press v. Becker, 863 F.Supp.2d 1190 (N.D. Ga 2012)-- אחסנת דיגיטלית —
- Association for Information Media and Equipment v. Regents of the University of California (C.D. Cal. 2012) – זרימת וידאו לתלמידים –



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