Copyright for Libraries

The Basics in 8 Minutes
By
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Reasons for Copyright

- Foster the creation of new works
- Allow for monetary incentives
- Create a robust public domain
Rights of Copyright

For original works of authorship

Conferred at fixation upon tangible media
(registration is not required)

Limited by time and certain uses

Inheritable, separable, assignable
What are these rights?

To reproduce the work
To create derivative works
To distribute the work
To perform the work publicly
To display the work
To broadcast the work
Copyright History

Original: 28 yrs, renew for 28 yrs = 56 yrs
Changes:
  ‘60s + 47 yrs = 75 yrs
  ’92, automatic renewal
  ’98 + 67 yrs = 95 yrs

Copyright Act of 1976
  Life + 70 yrs

Upcoming in 2009
Section 107: Fair Use

- Purpose of Use
- Nature of the Work
- Amount of Work Used
- Effect On the Market
Fair Use Test #1

Purpose of the Copy

Transform  

Duplicate

FAIR  NOT FAIR

Non-Profit  Profit
Fair Use Test #2

Nature of the Original Work

Fact

Material is the subject of scholarly analysis

Creative

Material is intended for use in education
Fair Use Test #3

Amount being Copied

Small Excerpt

Whole Work

FAIR

Peripheral Portion

“Heart of the Work”

NOT FAIR
Fair Use Test #4
Effect of Copies

No Effect
Posting behind Password
FAIR

Replaces Purchase
Posting on Public Site
NOT FAIR
Section 108

Permits libraries and archives to make certain uses of copyrighted material

To preserve material

To make a replacement copy

To provide patron access
Resources

Copyright Law - http://www.copyright.gov/

Section 107 (fair use) -
http://www.copyright.gov/fls/fl102.html

Section 108 - http://www.section108.gov/

Orphan Works -
http://www.copyright.gov/orphan/