

# Copyright for Libraries

The Basics in 8 Minutes  
By  
Marilyn Billings

# 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

Creative

**FAIR**

**NOT FAIR**

Material is the subject of  
scholarly analysis

Material is intended for  
use in education



# Fair Use Test #3

## Amount being Copied

Small Excerpt

Whole Work

FAIR

NOT FAIR

Peripheral Portion

“Heart of the Work”

# Fair Use Test #4

## Effect of Copies

No Effect

Replaces Purchase

**FAIR**

**NOT FAIR**

Posting behind Password

Posting on Public Site

# 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/>