

**Copyright Perspective:
Current Issues in Libraries & Academia**



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Scenario #1:

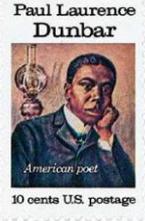
Your library includes a large archival collection, and one of the gems is the set of scrapbooks created by your wonderful local author, Marilla Libro del Pieza. The books have photos, news clippings, letters, and many other pieces from many different sources – many are well-known and commercially valuable. The scrapbooks were assembled in the mid-20th century. Can you digitize the scrapbooks under fair use?

What is Fair Use?

- Section 107 of the Copyright Act
- Based on Four Factors:
 - **Purpose** of the Use
 - **Nature** of the Work Used
 - **Amount** and Substantiality of the Portion
 - **Effect** on the Market for the Work



Scenario #1:



- Purpose?
- Nature?
- Amount?
- Effect?
- Bonus Points:
 - How old are the materials?
 - Are they separable or only part of the books?
 - What exactly is the “work” copied?

Scenario #2:

Your library has an extensive collection of books by early local poets. Some book are by one author. Some are collections of multiple authors. Some have photographs, illustrations, and other inserts. Several especially important books were published in the 1930s. When might the copyright expire on such a book published in 1930?

Scenario #2:

Some Variables:

- **What** is the work? (Book vs Recording)
- Was it **published**? **When**?
- **Where** was it published?
- Copyright **Notice** on original publication?
- **Renewal** after 28 years?
- **Restored** in 1996?
- Restored later by **treaty** or proclamation?

Scenario #3:

Your library and the archives hold a vast collection of materials and artifacts related to local poets: Books, magazines, recorded interviews, photographs, personal letters, manuscripts, journals, and much more. You would like to digitize all of these materials to preserve them. Will Section 108 cover all needs?

Scenario #3:

- Section 108(a): The Ground Rules
 - Notice on copies; Open to outside users.
- Section 108(b): Unpublished Works
 - Solely for preservation; Premises of library.
- Section 108(c): Published Works
 - Damaged, deteriorating, lost, stolen.
 - Format is obsolete.
 - Unused replacement not available – fair price.
 - Digital copy restricted to premises of library.

Scenario #4:

Professor Wanda Xe teaches the history of film and naturally needs to include a wide range of motion pictures, and stills, in her teaching. In her classroom plans for next year, she would like to show entire films, short clips, and still images. Can she show them in her classroom? In distance education? Can she make just one copy of the films onto her computer to make use in the classroom simpler?

Scenario #4:

- Section 110(1): Displays & Performances in face-to-face teaching.
- Section 110(2): Displays & Performances in transmissions or distance education.
 - Reasonable & limited portions
 - Technology & Policy conditions
- What about copies?

Thank You!

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