



FAIR USE AND COPYRIGHT POLICY

Approved by the Vista Grande Public Library Board of Directors – 19-Aug-2008

Federal law governs the issuance of copyrights, and the use of copyrighted materials. (Title 17, United States Code, www.copyright.gov) Under current law, all original works of authorship produced since 1978 are copyrighted, including material available on the internet. Copyright protects works created before 1978, under a more complicated registration process. Copyright protection is granted for the life of the author plus 70 years. When copyright expires, the work becomes part of the public domain and can be used freely and without restrictions. (It is still a good idea to provide attribution to the author to avoid claims of plagiarism!) Government documents are not copyrighted. Even if a work is available “for free” it is still protected by copyright.

Using, modifying, copying, reproducing, selling, sharing, or performing (i.e. play, music) a protected work is a violation of law, unless it is done with the author’s or copyright holder’s (i.e. publisher’s) written permission.

Copyright law is a balance between protecting creators, and encouraging publication so as to generate inspiration, creativity and thought. Copyrighted materials may be used without the author’s written permission under the Fair Use policy. It provides that a copyrighted work may be used in criticism or parody, news reporting, teaching or research, as long as the value of the copyrighted work is not diminished. In addition, the user must consider all of the following factors to determine if their intended use is fair, and allowable:

Four-part Balancing Test:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect upon the potential market for or value of the copyrighted work.

If a library patron makes photocopies or internet downloads that is not “fair use”, the patron, and not the library, may be liable for copyright infringement.

Please visit the Copyright Office’s website for more information.