Answering Copyright Questions Asked By Library Patrons

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BYU Copyright Licensing Office
Introduction

- “When you absolutely positively have to know, ask a librarian.”
  American Library Association
- “Google can bring you back 100,000 answers, a librarian can bring you back the right one.”
  Neil Gaiman
- “There is no such thing as a stupid question, only stupid answers.”
  Colin Powell
Disseminating Copyright Information

1. Learn the basics
2. Identify trusted sources of information
3. Develop a collection of copyright resources
4. Refer patrons to attorneys for specific legal advice
Major Categories of Intellectual Property

- Copyrights
  - Protecting creative content
- Patents
  - Excluding others from using inventions
- Trademarks
  - Developing recognition with customers
- Trade Secrets
  - Preserving valuable confidential information
Copyright Foundations

- “The Congress shall have power … to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries” U.S. Constitution, Article I, Section 8 (1787).

- Copyright Acts of 1790, 1831, 1870, 1909, 1976
Copyright Basics

- Copyright creation and term
- Copyrightable subject matter
- Exclusive rights
- Statutory exemptions (library copies, face-to-face teaching, etc.)
- Fair use
- Public domain
- Licensing mechanisms (Creative Commons, etc.)
Copyright Infringement vs. Plagiarism

- Copyright law relates to obtaining permission to use protected content
- Plagiarism relates to properly attributing work, i.e., not passing off another’s work as your own
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Trusted Sources of Copyright Information

- United States Copyright Office
  - Circulars
  - Factsheets
  - Fair Use Index
- American Library Association
  - Copyright Tools
- Association of Research Libraries
  - Code of Best Practices in Fair Use
Copyright Information Sources

- Be careful of the source!
- Many commentators offer differing viewpoints
- Distinguish personal opinions from legally binding authorities
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Sample Copyright Resources

Additional Copyright Resources

- Copyright notice on unsupervised reproducing equipment
  - Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

- Website – copyright basics, FAQs, etc.

- Shameless plug: BYU Copyright Tutorial, copyright101.byu.edu
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Avoid commenting on specific fact patterns

Consider referring patrons to the Colorado Bar Association Intellectual Property Section for specific legal advice

- The IP Section Blog includes a searchable member directory
An inventor mistakenly deposited a manuscript describing his invention with the Copyright Office, without an attorney. The inventor later realized his mistake and filed a patent application with the Patent and Trademark Office. The deposit copy constituted a “printed publication,” preventing the inventor from obtaining a patent.
Lessons learned:

- Many people do not understand the difference between copyrights, patents, and trademarks.
- The consequences of failing to appreciate the distinctions can be dire.
- Library patrons should be provided with consistent, reliable, accurate information about copyright law, and should be referred to attorneys for specific legal advice.
Questions?

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