

COPYRIGHT INFRINGEMENT

The Copyright Act of 1976 grants the copyright holder exclusive rights under Section 106 to:

- reproduce the work,
- adapt or prepare derivative works based upon the work (how the material will be used),
- distribute the work,
- perform the copyrighted work publicly (creator and copyright holder hold performance rights),
- display the copyrighted work publicly, and
- perform copyrighted sound recordings publicly by means of a digital audio transmission (11-95).

Under Section 107 the Fair Use Exemptions for Education allow the educator to use copyrighted materials of others in support of education of students in nonprofit educational institutions. There are four factors to determine if the fair use exemption applies. Each of these factors must be met for the use of the work to be considered fair use. They are as follows:

1. The purpose and character of use - more likely if the work is for a noncommercial educational purpose
2. The nature of the copyrighted work - factual or creative material? - more likely if the material is factual
3. Amount and substantiality of portion used in relation to copyrighted work as a whole - in general, up to 10% in total from a single work can be used without permission for educational purposes
4. Effect of use upon the potential market or on value of copyrighted work

Under the "Sonny Bono Copyright Term Extension Act" the copyright term for all protected works is now life of the author plus 70 years, or for a corporate author the shorter of 95 years from publication or 120 years from creation. This applies to works created on or after January 1, 1978. Works published in 1922 and earlier are in the public domain. For dates between 1922 and 1978 see [When U.S. Works Pass Into Public Domain](#).

Digital Millennium Copyright Act of 1998

The Digital Millennium Copyright Act of 1998 was signed into law by President Clinton on October 28, 1998 to amend the Copyright Act of 1976. A summary by the U.S. Copyright Office is available online.

View the summary of the [Digital Millennium Copyright Act of 1998](#) or the [amendments](#) to the U.S. Copyright Law, Title 17 since 1976.

The new law includes [provisions to limit Online Service Provider liability](#). Libraries and educational institutions that provide online services or network access or operate such facilities must comply with specified requirements to qualify.

Websites on Copyright

- [U.S. Copyright Office](#)
- [American Library Association - Intellectual Property and Copyright](#)
- [Brad Templeton's 10 Big Myths About Copyright Explained](#)
- [Copyright & Fair Use: Library Copyright Guidelines \(Stanford University Library's collection\)](#)
- [Fair Use Guidelines for Educational Multimedia](#)