

Copyright Resources

Candace Morgan (cd_df_morgan@msn.com) 3/26/2014

Books

Agnew, Grace. *Digital Rights Management: A Librarian's Guide to Technology and Practise*. Oxford, England: Chandos Publishing, 2008.

Armatas, Steven. *Distance Learning and Copyright: A Guide to Legal Issues*. Chicago: American Bar Association. Section on Intellectual Property Law, 2008.

Bielefield, Arlene. *Technology and Copyright Law: A Guidebook for the Library, Research, and Teaching Professions*. 2nd ed. N.Y.: Neal-Schuman Publishers, 2007.

Bluh, Pamela and Cindy Hepter, editors. *The Institutional Repository: Benefits and Challenges*. Chicago, IL: American Library Association. Association for Library Services and Technical Services, 2013

Bonner, Kimberly M., ed. *Center for Intellectual Property Handbook*. N.Y.: Neal-Schuman, 2006.

Boyle, James. *The Public Domain: Enclosing the Commons of the Mind*. New Haven: Yale University Press, 2008. Also available free for download under a Creative Commons Attribution – Noncommercial Share Alike License <http://www.thepublicdomain.org/download/>

Brito, Jerry et.al *Copyright Unbalanced: From Incentive to Excess*. Washington, D.C.: Mercatus Center at George Mason University, 2012.

A call for reform—to roll back the expansions and reinstate the limits that the Constitution's framers placed on copyright.

Brown, Michael F. *Who Owns Native Culture?* Cambridge, Mass.: 2003.

Butler, Rebecca P. *Copyright for Academic Librarians and Professionals*. Chicago, IL: ALA Editions, 2014.

_____. *Copyright for Teachers and Librarians in the 21st Century*. NY: Neal-Schuman, 2011.

_____. *Smart Copyright Compliance for Schools*. How To Do It Manuals, No. 165. N.Y.: Neal-Schumann, 2009

Cheeseman, Lawrence and Arlene Bielefield. *Technology and Copyright Law: A Guidebook for the Library, Research, and Teaching Professions*, Second Edition. Chicago, IL: ALA Neal-Schuman, 2007.

Colleges, Code, and Copyright: The Impact of Digital Networks and Technological Controls on Copyright and the Dissemination of Information in Higher Education. Conference Proceedings June 10 – 11, 2004. Chicago, IL: Association of College and Research Libraries, 2005

Copyright Infringement (Opposing Viewpoints). Farmington Hills, MI: Greenhaven Press 2014

Crews, Kenneth D. *Copyright Law for Librarians and Educators*. Third edition. Chicago, Ill.: ALA Editions, 2012.

Doctorow, Cory. *Content: Selected Essays on Technology, Creativity, Copyright, and the Future of the Future*. San Francisco, CA: Tachyon Publications, 2008

Fishman, Stephen. *Copyright Handbook: What Every Writer Needs to Know*, 11th ed. Berkeley, Calif: Nolo,

_____. *The Public Domain: How to Find & Use Copyright-Free Writings, Music, Art & More*, 4th ed. Berkeley, CA: Nolo, 2012. New edition forthcoming, May 2014.

Frankel, Susy and Gervais, editors. *The Evolution and Equilibrium of Copyright in the Digital Age*. N.Y.: Cambridge University Press, Forthcoming September 30, 2014

Gorman, Robert A., Jane C. Ginsburg, and R. Anthony Reese. *Copyright: Cases and Materials*, Foundation Press; 8th edition (August 19, 2011)

_____. 2013 Case Supplement and Statutory Appendix. NY: Foundation Press, 2013.

Hales, Alma and Bernadette Atwell. *The No-Nonsense Guide to Copyright in All Media*. Facet UK: 2014

A how-to-do-it guide to all aspects of archives and records management from creation of records through to making them accessible as archives. ideal for practitioners globally involved in the practical management of archives and records

Hallaar, Lee. *Legal Protection of Digital Information*. BNA Books, 2002. Online version <http://digital-law-online.info/lpdi1.0/treatise4.html>

Harris, Leslie Ellen. *Licensing Digital Content: A Practical Guide for Librarians*, 2nd ed. Chicago: ALA Editions, 2009.

Heins, Marjorie. “*The Progress of Science and the Arts*”: *Why Copyright Today Threatens Intellectual Freedom*. Free Expression Policy Project, 2003
<http://www.fepproject.org/policyreports/copyright2d.pdf>

Heller, James S. *The Librarian's Copyright Companion*. Buffalo, NY, William S. Hein & Co., 2004.

Hirtle, Peter, Emily Hudson, and Andrew T. Kenyon. *Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, & Museums*. Ithaca, N.Y.: Cornell

University Press, 2009. http://ecommons.cornell.edu/bitstream/1813/14142/2/Hirtle-Copyright_final_RGB_lowres-cover1.pdf

Hoffman, Gretchen McCord. *Copyright in Cyberspace 2: Questions and Answers for Librarians*. N.Y.: Neal-Schuman, 2004.

Keogh, Patricia and Rachel Crowley. *Copyright Policies*; CLIP Note #39. Chicago: College Library Information Committee, College Libraries Section, Association of College and Research Libraries, American Library Association, 2008.

Lang, David. *No Law: Intellectual Property in the Image of an Absolute First Amendment*. Stanford Law Books, 2008.

Lessing, Lawrence. *Free Culture: the Nature and Future of Creativity*. N.Y.: Penguin, 2004. <http://www.free-culture.cc/freeculture.pdf>

_____. *The Future of Ideas: The Fate of the Commons in a Connected World*. NY: Vintage Books, 2002. <http://www.the-future-of-ideas.com/download/>

_____. *Remix: Making Art and Commerce Thrive in the Hybrid Economy*. N.Y.: Penguin Press, 2008

Lipinski, T. A. *The Complete Copyright Liability Handbook for Librarians and Educators*. Legal Advisor for Librarians, Educators & Information Professionals, no.1. NY: Neal Schuman, 2006.

_____, *Copyright Law and the Distance Education Classroom*. Lanham, Maryland: Scarecrow Press, 2005.

_____. *The Librarian's Legal Companion for Buying and Licensing Information Resources*. N.Y.: Neal-Schuman, 2013

Litman, Jessica. *Digital Copyright*. Amherst, N.Y.: Prometheus Book, 2006 (originally copyrighted by author 2001) <http://deepblue.lib.umich.edu/bitstream/2027.42/56221/2/Digital%20Copyright.pdf>

McJohn, Stephen M. *Copyright: Examples & Explanations*. 2nd edition. N.Y: Aspen Publishers, 2009

Minow, Mary and Tomas A. Lipinski. *The Library's Legal Answer Book*, pp 13 – 84. Chicago, IL: American Library Association, 2003.

Netanel, Neil Weinstock. *Copyright's Paradox*. N.Y.: Oxford University Press, 2010

Patry, William. *Copyright Law and Practice*. Bureau of National Affairs, 1994, 2000.
<http://digital-law-online.info/patry/patry8.html>.

_____. *Fair Use Privilege in Copyright Law*. Washington, D.C.: Bureau of National Affairs, 1985.

_____. *Moral Panics and the Copyright Wars*. N.Y.: Oxford University Press, 2009.

_____. *Patry on Fair Use*. Eagen, MN. Thomson-West, 2009.

Patterson, Lyman Ray. *Copyright in Historical Perspective*. Nashville: Vanderbilt University Press, 1968.

Patterson, L. Ray and Stanley W. Lindberg. *The Nature of Copyright: A Law of Users' Rights*. Athens, GA: University of Georgia Press, 1991.

Rupp-Serrano, Karen, editor. *Licensing in Libraries; Practical and Ethical Aspects*. Binghamton, N.Y. : Haworth Information Press, 2005. Also published as *Journal of Library Administration*, Vol. 42, Numbers 3 – 4, 2005. Available from electronic journals WAW Library ESU.

Russell, Carrie. *Complete Copyright: An Everyday Guide for Librarians*. Chicago: American Library Association, 2004.

Schwabach, Aaron. *Intellectual Property: A Reference Handbook*. Santa Barbara, CA.: ABC CLIO, 2007.

Seltzer, Leon E. *Exemptions and Fair Use in Copyright Law*. Cambridge, Mass.: Harvard University Press, 1978.

Simpson, Carol. *Copyright Catechism : Practical Answers to Everyday School Dilemmas*. Worthington, OH: Linworth Publishing, 2005

Vidhyanathan, Siva. *The Anarchist in the Library: How the Clash Between Freedom and Control is Hacking the Real World and Crashing the System*. N.Y.: Basic Books, 2004.

Copyright Information Websites

American Association of Law Libraries. Intellectual Property
<http://www.aallnet.org/main-menu/Advocacy/aallwash/intellectualproperty>
Includes statements and issue briefs.

American Library Association. Washington Office. Office for Information Technology Policy (OITP) <http://www.ala.org/offices/oitp>

___ *District Dispatch*.
<http://www.districtdispatch.org/category/copyright/>
Copyright news of interest to librarians.

___ Copyright Advisory Network <http://www.librarycopyright.net>
Includes:

a forum for copyright questions;

Copyright Genie <http://www.librarycopyright.net/resources/genie/>

Designed to take the magic out of copyright by:

- Helping you find out if a work is covered by U.S. copyright
- Calculating its terms of protection, and
- Collecting and publishing the results (as a PDF) to save for your records or further vet with a copyright specialist;

Fair Use Evaluator <http://www.librarycopyright.net/resources/fairuse/>

A tool designed to help you better understand how to determine the "fairness" of a use under the U.S. Copyright Code. The tool will help you collect, organize & archive the information you might need to support a fair use evaluation by providing you with a time-stamped, PDF document for your records, which could prove valuable, should you ever be asked by a copyright holder to provide your fair use evaluation and the data you used to support it.

Section 108 Spinner <http://www.librarycopyright.net/resources/spinner/>

Section 108 of the U.S. Copyright Code allows libraries and archives, under certain circumstances, to make reproductions of copyrighted materials without the permission of the copyright holder. This simple tool can

1. help you determine if your reproduction is covered by Section 108 and
2. collect information to support your use of the exception.

Exceptions fo Instructors e-Tool" <http://www.librarycopyright.net/resources/exemptions/>

The U.S. Copyright Code provides for the educational use of copyrighted material without the permission of the copyright holder under certain conditions. Use this free online tool to find out if your intended use meets the requirements set out in the law. This tool can also help you collect information detailing your educational use and provide you with a summary in PDF format.

___ "Is it Protected by Copyright"

http://librarycopyright.net/resources/digitalslider/ada_pd.html

A text based version of the digital slider to determine if a work is protected by copyright

American University. School of Communication Center. for Social Media

http://www.centerforsocialmedia.org/resources/fair_use/

Best Practice Codes for a number of media related professions. Includes

Brigham Young University. Copyright Licensing Office. "Libraries and Copyright"

<http://lib.byu.edu/sites/copyright/about-copyright/libraries-and-copyright/>

CENDI Federal STI Managers Group. Copyright Working Group. *Frequently Asked Questions about Copyright Issues Affecting the U.S. Government*, CENDI/2008-1, October 8, 2008
<http://www.cendi.gov/publications/04-8copyright.html>

Frequently Asked Questions that can be used to educate librarians, information center staff, publications staff and agency authors about copyright.

Center for Democracy and Technology. *Digital Copyright*
<http://www.cdt.org/copyright/>

Center for Social Media
http://www.centerforsocialmedia.org/resources/fair_use/

Chilling Effects Clearinghouse. Copyright
<http://www.chillingeffects.org/copyright/>
Library Copyright Alliance. Submissions including amicus and issue briefs
<http://www.librarycopyrightalliance.org/submissions/index.shtml>

Copyright Laws Update <http://www.lawupdates.com/law/copyright/>

Copyright Watch <http://www.copyright-watch.org/>
Collects and monitors copyright laws from all over the world.

Cornell University. Copyright Information Center. <http://copyright.cornell.edu/>

Creative Commons <http://creativecommons.org>

Duke University School of Law. Center for Study of the Public Domain.
<http://web.law.duke.edu/cspd/>

Electronic Frontier Foundation. Fair Use and Intellectual Property <http://www.eff.org/IP>

Free Expression Policy Project. Issues – Copyright
<http://www.fepproject.org/issues/copyright.html>

Google News copyright search
<http://news.google.com/news?hl=en&ned=us&q=copyright&btnG=Search+News>

Indiana University and Purdue University. Copyright Management Center
<http://copyright.iu.edu/>

Intellectual Property Watch <http://www.ip-watch.org/>
A non-profit independent news service that “reports on the interests and behind-the-scenes dynamics that influence the design and implementation of international intellectual property policies”.

International Federation of Reproductive Rights Organizations.

<http://www.ifrro.org/content/ifrro-mission-statement>

IFRRO works to increase on an international basis the lawful use of text and image based copyright works and to eliminate unauthorised copying by promoting efficient Collective Management of rights through RROs to complement creators' and publishers' own activities.

Justia. Intellectual Property Featured Cases

http://www.justia.com/intellectual-property/feed/featured_cases-full.html

Open Access Overview <http://legacy.earlham.edu/~peters/fos/overview.htm>

<http://fairuse.stanford.edu/>

Lessig Copyright Wiki http://wiki.lessig.org/Main_Page

Library and Information Science News copyright search

<http://www.lisnews.org/search/node/copyright>

Library Copyright Alliance

<http://www.librarycopyrightalliance.org/>

Library Law – Copyright and Libraries

http://www.librarylaw.com/Copyright_and_Libraries.html

Michigan Library Consortium Copyright Links

http://www.mlc.lib.mi.us/cms/sitem.cfm/library_tools/copyright/copyright_links/

Music Library Association. Copyright for Music Librarians

<http://copyright.musiclibraryassoc.org/>

NOLO's Copyright, Patent and Trademark Blog

<http://www.patentcopyrighttrademarkblog.com/>

Ohio State University. Copyright Corner

<http://library.osu.edu/blogs/copyright/2011/02/>

OpenFlix; a directory of movies commonly thought to be in the public domain and works their owners are willing to let be distributed. <http://www.openflix.com/>

Organization for Transformative Works. “Frequently Asked Questions [on legal issues related to fan fiction] <http://transformativeworks.org/faq>

Public Domain Calculators for the entire European Union <http://OutOfCopyright.eu/>

QuestionCopyright.org; a clearinghouse for new ideas about copyright

http://www.questioncopyright.org/sita_distribution

Samuels, Edward. The Illustrated Story of Copyright <http://www.edwardsamuels.com/copyright/>
Includes the book, articles, cases, notes links

Stanford Encyclopedia of Philosophy. “Intellectual Property”
<http://plato.stanford.edu/entries/intellectual-property/>

U,S, Library of Congress. Copyright Office. “Copyright Matters Web Series
<http://www.copyright.gov/copyrightmatters.html>
_____. Reports <http://www.copyright.gov/reports/>

_____. Circulars and Fact Sheets <http://www.copyright.gov/circs/>
Of particular interest is: Copyright Office Circular 21 *Reproduction of Copyrighted Works
by Educators and Librarians (last update 11/2009)*
<http://www.copyright.gov/circs/circ21.pdf>

U.S. Office of the U.S. Trade Representative. Intellectual Property
<http://www.ustr.gov/trade-topics/intellectual-property>

University of Texas System. Crash Course in Copyright.
<http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm>

Visual Resources Association. Statement on the Fair Use of Images for Teaching, Research, and
Study http://www.vraweb.org/organization/pdf/VRA_FairUse_Statement_Pages_Links.pdf

Yale University Library. Copyright Resources Online
<http://www.library.yale.edu/~okerson/copyproj.html>
LIBLICENSE – Licensing Digital Information; a Resource for Librarians
<http://www.library.yale.edu/~llicense/index.shtml>

Selected Sources for Copyright Free Materials:

Copyright-Free Photo Archives - 27,000 images from NASA, NOAA, and FWS
<http://gimp-savvy.com/PHOTO-ARCHIVE/>

Copyright-friendly Music and Sound
<http://copyrightfriendly.wikispaces.com/Copyright-friendly+music+and+sound>

Digital Inspiration. “Find Public Domain Content via Creative Commons” June 11, 2009.
<http://www.labnol.org/internet/find-public-domain-content-with-creative-commons/8996/>

Find Copyright Free Files (of all kinds) <http://findcopyrightfree.com/>

Free Public Domain Images to View, Copy or Download
<http://www.pdimages.com/web6.htm>

Links to Copyright Free Materials <http://milicopyrightwiki.pbworks.com/Links+to+Copyright-Free+Materials>

Open Educational Resources <http://www.oercommons.org/>;
https://secure.wikimedia.org/wikipedia/en/wiki/Open_educational_resources

Wikipedia. Commons:Free media resources/Photography
[Commons:Free media resources/Photography](https://commons.wikimedia.org/wiki/File:Commons:Free_media_resources/Photography).

Copyright Reform - -Current

See Also Orphan works below

U.S. Library of Congress. Copyright Office
Study on the Right of Making Available; Comments and Public Roundtable
<https://www.federalregister.gov/articles/2014/02/25/2014-04104/study-on-the-right-of-making-available-comments-and-public-roundtable> See also Laws

U.S. Congress. House. Subcommittee on Courts, Intellectual Property, and the Internet
“Innovation in America” Hearings July 25 and August 1, 2013. Serial NO. 113-47
http://judiciary.house.gov/_cache/files/7c4f7598-a0b6-4837-b69f-61d38cb6b30b/113-47-82157.pdf

Statement of the Library Copyright Alliance, July 24, 2013
http://judiciary.house.gov/_cache/files/7c4f7598-a0b6-4837-b69f-61d38cb6b30b/113-47-82157.pdf

U.S. Congress. House. Subcommittee on Courts, Intellectual Property, and the Internet
”Section 512 of Title 17” [Takedown] Hearing, March 13, 2014
<http://judiciary.house.gov/index.cfm/2014/3/section-512-of-title-17>

Statement of the Library Copyright Alliance, March 12, 2014
<http://www.librarycopyrightalliance.org/bm~doc/512-hearing-12mar2014-2.pdf>

U.S. Congress. House. Subcommittee on Courts, Intellectual Property, and the Internet
”The Scope of Copyright Protection” Hearing January 14, 2014
<http://judiciary.house.gov/index.cfm/hearings?ID=111BC62C-5069-400A-92D2-6D8B8F3976DA> (Including Broadcast Right, the Making Available Right, and State Laws and Building Codes Under Copyright).

Statement of the Library Copyright Alliance,
<http://www.librarycopyrightalliance.org/bm~doc/stfairusepsarev.pdf>

Statement of David Nimmer, “Policy Considerations Relating to Copyright Law’s ‘Making Available’ Right” <http://www.irell.com/assets/attachments/Updated%20-%20Nimmer%20Testimony-1-14-14.pdf>

Statement of the American Council on Education.

http://www.nacua.org/documents/StatementSenateJudiciary_FairUse2014.pdf

American Association of Law Libraries. Congress Considers the Scope of Copyright
By *Emily Feltren* <http://aallwash.wordpress.com/2014/01/14/congress-considers-the-scope-of-copyright/>

Maria Pallante [Register of **Copyrights**] on Copyright Reform Dec 2013

<http://www.billboard.com/biz/articles/news/legal-and-management/5840088/maria-pallante-head-of-us-copyright-office-to-meet>

Laws, Regulations and Court Cases

Laws and Administrative Rules

U.S. Library of Congress. Copyright Office. *Copyright Laws of the United States and Related Laws Contained in Title 17 of the United States Code, Circular 92*

<http://www.copyright.gov/title17/> The latest edition is current as of December, 2011

For updates search <http://www.gpo.gov/fdsys/>

Administrative Rules – The Library of Congress. Copyright Office is responsible for administrative rules concerning copyright law. <http://www.copyright.gov/title37/>

Federal Register – proposed and final administrative rules are published there.

<http://www.copyright.gov/laws/>

For other relevant information from the Copyright Office including reports and studies

<http://www.copyright.gov/laws/>

Legal Cases

Copyright Guru. “Case and Litigation Updates”

http://www.copyrightguru.com/case_updates.html

Find Law. Cases and Codes

Contains resources and links for both state and federal laws. This includes resources pertaining to constitutions, statutes, cases and more. Run a [search for case summaries](#) or select a jurisdiction to browse applicable laws.

FindLaw Supreme Court Cases <http://www.findlaw.com/casecode/supreme.html>

A searchable database of Supreme Court decisions since 1893 (U.S. Supreme Court Decisions: U.S. Reports 150-, 1893-). Browsable by year and U.S. Reports volume number, and searchable by citation, case title and full text. There is also an archive of [Opinion Summaries](#) from September 2000 to the Present.

Google Scholar http://scholar.google.com/scholar?as_sdt=2003&q=copyright&hl=en

A searchable database of U.S. Supreme Court Cases since 1791; US federal district, appellate, tax and bankruptcy courts since 1923 and opinions for US state appellate and supreme court cases since 1950. Search results will return the text of the decision and official citations and pagination. The cases cited in the body of the decision, if Google has them, actually show up as clickable links. If there are legal journals that cite the case you have searched and Google has them, they will be included in the search results. By clicking the “How Cited” link next to the case name on the results page, you can see how the document has been cited, where it has been cited, and other related cases.

Justia. Cases Tagged with Copyright <http://news.justia.com/cases/copyright>

Leagle, Inc. <http://www.leagle.com/>

Caselaw from all Federal courts and all State higher courts. The collection is up to date within 24 hours of release of opinions from the courts and is also complete historically for all time for Federal courts and back to 1950 for state appellate and supreme courts. Slip Opinions are added daily, and Advance Sheets and Bound Volume copies as they become available.

Music Copyright Infringement Resource, sponsored by Columbia Law School and USC Gould School of Law <http://mcir.usc.edu/>

The purpose of this project is to make universally available information about U.S. music copyright infringement cases from the mid-nineteenth century forward available for research and discussion.

Nimmer , David. “Infringement 2.0,” Annual Frey Lecture in Intellectual Property. March 27, 2014. A discussion of current developments in U.S. copyright law and how they are pushing us in unanticipated directions.

https://www.youtube.com/watch?v=N0KUFzg68Go&list=TLCTrTvLG0j7dDwjwG_QWJDHbw_c3ESXkgH

Stanford University Libraries Copyright and Fair Use Featured Cases

http://fairuse.stanford.edu/more_feeds/featured_cases.html

University of Minnesota Libraries. <http://www.lib.umn.edu/copyright/cases.phtml>

Includes tools to assist in determining if a use of a copyrighted work is fair.

U.S. Department of Justice. Computer Crime and Intellectual Property Section. Office of Legal Education. *Prosecuting Intellectual Property Crimes*, 4th ed., 2013.

<http://www.usdoj.gov/criminal/cybercrime/ipcases.html>

Wikipedia. List of Copyright Case Law.

http://en.wikipedia.org/wiki/List_of_copyright_case_law

List with links to further information about cases that deal with issues of concern to copyright in various jurisdictions. Some of these cases are leading English cases as the law of copyright in various Commonwealth jurisdictions developed out of English law while these countries were

colonies of the British Empire. Other cases provide background in areas of copyright law that may be of interest for the legal reasoning or the conclusions they reach. The first U. S. case was in 1834.

Current Cases of Direct Interest to Libraries

Course Reserves

Cambridge University Press, Oxford University Press, Inc., and Sage Publications, Inc.,
v. Mark P. Becker, *et al.*,

On Appeal From the United States District Court for the Northern District of Georgia,
Atlanta Division, D.C. No. 1:08-cv-1425 ODE (Evans, J.)

Brief of Amici Curiae American Library Association, Association of College and Research
Libraries, and Association of Research Libraries in Support of Affirmance. April 25, 2013.

<http://www.librarycopyrightalliance.org/bm~doc/gsu-amicus-brief-25apr13.pdf>

Digitization

Google Books

Roberts, Jeff John. [“Fair use” takes center stage at Google Books appeal](http://paidcontent.org/2013/05/08/fair-use-takes-center-stage-at-google-books-appeal/)” paidContent, May 8,
2013 <http://paidcontent.org/2013/05/08/fair-use-takes-center-stage-at-google-books-appeal/>

Author’s Guild v. HathiTrust Digital Library 6351,2012 WL 4808939, at *15 (S.D.N.Y. Oct. 10,
2012).

The judge granted the defendants' ("Libraries") and the defendant-intervenors' ("NFB")
motions for summary judgment and held, among other things, that their participation in the Mass
Digitization Project and the present application of the HathiTrust Digital Library are protected
under fair use.

First Sale

Kirtsaeng v. Wiley—Total Victory for Libraries and Their Users, *District Dispatch*, March 19,
2013 [http://www.librarycopyrightalliance.org/bm~doc/lca-statement-on-scotus-decision-
kirtsaeng-v-wiley-ltrhd.pdf](http://www.librarycopyrightalliance.org/bm~doc/lca-statement-on-scotus-decision-kirtsaeng-v-wiley-ltrhd.pdf)

Today the US Supreme Court announced its much-anticipated decision in
Kirtsaeng v. Wiley, a lawsuit regarding the bedrock principle of the “first sale doctrine.” The 6-3
opinion is a total victory for libraries and our users. It vindicates the foundational principle of
the first sale doctrine—if you bought it, you own it. All who believe in that principle, and the
certainty it provides to libraries and many other parts of our culture and economy, should join
us in applauding the Court for correcting the legal ambiguity that led to this case in the first
place. It is especially gratifying that Justice Breyer’s majority opinion focused on the
considerable harm that the Second Circuit’s opinion would have caused librari

Kirtsaeng v. John Wiley & Sons, No. 11-697, 133 S. Ct. 1351, March 19, 2013

[http://www2.bloomberglaw.com/public/desktop/document/Kirtsaeng v John Wiley So
ns Inc No 11697 2013 BL 71417 US Mar 19/1](http://www2.bloomberglaw.com/public/desktop/document/Kirtsaeng_v_John_Wiley_Sons_Inc_No_11697_2013_BL_71417_US_Mar_19/1)

Media

SOFA v Dodgers, D.C. nos. 2:08-cv-02616 (Feb. 5, 2013) <http://connect.ala.org/files/SOFA-v-Dodger-9th-2013.pdf>

A theatrical production "Jersey Boys" used a 7-second clip of Ed Sullivan introducing the Four Seasons; they prefaced the clip with commentary and followed it with a performance. The lower court found this an obvious fair use, and the 9th Circuit affirmed. The courts also found that it was *such* an obvious fair use case, that they awarded attorney's fees to the defendants, citing the "chilling effect on creativity" that lawsuits can have.

Photographs

Art Media Agency. "Patrick Cariou drops charges against Richard Prince" March 21, 2014.

<http://www.artmediaagency.com/en/82949/patrick-cariou-drops-charges-against-richard-prince/>

Patrick Cariou v. Richard Prince, 2nd cir. 11-1197 (April 25, 2013)

http://www.law.berkeley.edu/files/Cariou_v_Prince_-_2d

"Following significant controversy, the decision was overruled in April 2013. Of the thirty incriminated works, 25 were judged to be examples of "fair use" on the part of Richard Prince. In effect, it is within the law to re-use works of art as primary artistic material with the aim of proving the work with renewed significance or to develop a means of expression. This re-use, however, must respect the "fair use" clause and should not stimulate the monopolisation of the work, nor should it give rise to doubt on the work's original creator. Five of the works involved in the case were considered to be worthy of further investigation with reference to their respect of this clause."

Best Practices

American University. Center for Social Media

http://www.centerforsocialmedia.org/resources/fair_use/

The Center has worked with groups to develop [Fair Use Best Practices statements](#) that inform a fresh approach to the subject and make it easier than ever to know what's fair. One of these is

Code of Best Practices for Academic and Research Libraries

http://www.cmsimpact.org/sites/default/files/documents/code_of_best_practices_in_fair_use_for_arl_final.pdf

Additional best practices codes are listed below and can be accessed from:

<http://www.centerforsocialmedia.org/fair-use/best-practices>

- [Code of Best Practices in Fair Use for Poetry](#)
- [Code of Best Practices in Fair Use for OpenCourseWare](#)
- [The Code of Best Practices in Fair Use for Media Literacy Education](#)
- [Code of Best Practices in Fair Use for Online Video](#)

- [Documentary Filmmakers' Statement of Best Practices in Fair Use](#)
- [Society for Cinema and Media Studies' Statement of Best Practices in Fair Use in Teaching for Film and Media Educators](#)
- [Set of Principles in Fair Use for Journalism](#)
- [Statement of the Fair Use of Images for Teaching, Research, and Study](#)
- [Society for Cinema and Media Studies' Statement of Fair Use Best Practices for Media Studies Publishing](#)
- [Code of Best Practices in Fair Use for Scholarly Research in Communication](#)
- [Best Practices in Fair Use of Dance-related Materials](#)

Creative Commons

See also Licenses

K. Matthew Dames. “Is Creative Commons Good for Copyright?” Copycense Editorial, August 31, 2009. http://www.copycense.com/2009/08/is_creative_commons_good_for_copyright.html

Digital

Ferullo, Donna L. and Aline Soules. “Managing Copyright in a Digital World”.: *International Journal of Digital Library Systems*, 3, Issue 4 (October – December 2012): 1 – 25.

Gasaway, Laura N. “Values Conflict in the Digital Environment: Librarians Versus Copyright Holders” based upon a speech given by Professor Gasaway at the 2000 Horace S. Manges Lecture, delivered on March 7, 2000 at the Columbia University School of Law. (2000). <http://www.unc.edu/~uncnlg/Columbia-article3.htm>

McCord, Gretchen. “Fair Use Alive and Well...For the Time Being.” *Texas Library Journal*, 89, no.4: Winter, 2013.

Roberts, Jeff John. “Fair use” takes center stage at Google Books appeal” *paidContent*, May 8, 2013 <http://paidcontent.org/2013/05/08/fair-use-takes-center-stage-at-google-books-appeal/>

Rutgers School of Communication and Information and ACRL-NJ. *Copyright: Beyond Print*. February 12, 2013. http://youtu.be/jz2_q12DRW0.

U.S. Department of Commerce. Internet Policy Task Force. “ Copyright Policy, Creativity, and Innovation in the Digital Economy.” July 2013

<http://www.uspto.gov/news/publications/copyrightgreenpaper.pdf>

Statement of the Library Copyright Alliance, January 8, 2014.

<http://www.librarycopyrightalliance.org/bm~doc/lcagreenpaperreply.pdf>

U.S. Congress. House. Subcommittee on Courts, Intellectual Property, and the Internet
“Scope of Fair Use.” January 28, 2014

<http://judiciary.house.gov/index.cfm/hearings?ID=8E18A9AA-1AA4-4D7C-8EBF-0284862EC44B>

U.S. Congress. House. Subcommittee on Courts, Intellectual Property, and the Internet
Hearing on Section 512 of the Digital Millennium Copyright Act. March 13, 2014

<http://judiciary.house.gov/index.cfm/2014/3/section-512-of-title-17>

Statement of the Library Copyright Alliance

<http://www.librarycopyrightalliance.org/bm~doc/512-hearing-12mar2014-2.pdf>

Upcoming hearing

U.S. Congress. House. Subcommittee on Courts, Intellectual Property, and the Internet
Hearing: Preservation and Reuse of Copyrighted Works, April 2, 2014

<http://judiciary.house.gov/index.cfm/2014/4/hearing-preservation-and-reuse-of-copyrighted-wor>

Ethics

Aulisio, George J. “Copyright in Light of Ethics.” *Reference Services Review.*” 41, no. 3 (2013):
556 – 575.

Fair Use

Black, Bernard, Erik Sean Estep and Jennifer Hochschild. “Preparing, Sharing, and Archiving:
What Scholars in Political Science and Law Need to Know and How Librarians Can Help Them
(ACRL LPSS). ALA Annual 2013. <http://www.eventscribe.com/2013/ALA-Annual/presentationinfo.asp?presenter=47827&sess=&pres=40829&sessID=18703&searchterm=copyright>

Brewer, Michael. “Fair Use Evaluator”, American Library Association Office for Information
Technology Policy. 2008. <http://www.librarycopyright.net/fairuse/>

Butler, Brandon C. Success Stories and Challenges: How Librarians are Employing Fair Use
with Their Code (ACRL). ALA Annual, 2013. <http://www.eventscribe.com/2013/ALA-Annual/presentationinfo.asp?presenter=40372&sess=&pres=40852&sessID=18703&searchterm=copyright>

Library Copyright Alliance. “How Flexibility Supports the Goals of Copyright: Fair Use and the
U.S. Library Experience” February 15, 2013

<http://www.librarycopyrightalliance.org/bm~doc/stfairusepsarev.pdf>

U.S. Congress. House. Subcommittee on Courts, Intellectual Property, and the Internet
Hearings. “Scope of Fair Use”, Jan 28 2014

<http://judiciary.house.gov/index.cfm/hearings?ID=8E18A9AA-1AA4-4D7C-8EBF-0284862EC44B>

Statement of Higher Education, January 27, 2014

http://www.nacua.org/documents/StatementSenateJudiciary_FairUse2014.pdf

Statement of the Library Copyright Alliance, January 28, 2014

<http://www.librarycopyrightalliance.org/bm~doc/stfairusepsarev.pdf>

Wood, Greta. "Fair Use - Do Students Know Their Coursework Is an Exception to the Rule?" ALA Annual Conference, 2013. <http://www.eventscribe.com/2013/ALA-Annual/presentationinfo.asp?presenter=48601&sess=&pres=41240&sessID=18224&searchterm=copyright>

International

European Commission. The EU Single Market. Consultation. "Public Consultation in the Review of the EU Copyright Rules." May 2013

http://ec.europa.eu/internal_market/consultations/2013/copyright-rules/index_en.htm

Statement of the Library Copyright Alliance, March 3, 2014

<http://www.librarycopyrightalliance.org/bm~doc/response-eucopyright-final-3mar2014-2.pdf>

Licensing

BitLaw Copyright Licenses and Assignments <http://www.bitlaw.com/copyright/license.html>

Museums

Crews, Kenneth. "Museum Policies and Art Images: Conflicting Objectives and Copyright Overreaching." *Fordham Intellectual Property, Media and Entertainment Law Journal* 22 (2012): 795-834

Orphan Works

International Federation of Library Associations and Institutions (IFLA) and the International Publishers' Association (IPA). Joint Statement on Orphan Works

<http://www.ifla.org/publications/iflaipa-joint-statement-on-orphan-works>

Russell, Carrie. "Court rulings and "bad actors" plague orphan works roundtables" *District Dispatch*, March 19, 2014 <http://www.districtdispatch.org/2014/03/court-rulings-bad-actors-plague-orphan-works-roundtables/>

Society of American Archivists Orphan Works: Statement of Best Practices

January 12, 2009 ; Rev. June 17, 2009 <http://www.archivists.org/standards/OWBP-V4.pdf>

U.S. Library of Congress. Copyright Office. “The Copyright Office seeks further comments on potential legislative solutions for orphan works and mass digitization under U.S. copyright law”.
<http://www.copyright.gov/orphan/>

University of Massachusetts Amherst Libraries Orphan Works Guidelines
<http://www.library.umass.edu/about-the-libraries/library-policies-procedures-and-guidelines/orphan-works-guidelines/> Last updated 27 January 2010

Urban, Jennifer, David Hansen, Pat Aufderheide, Peter Jaszi and Meredith Jacob. ”_Report on Orphan Works Challenges: for libraries, archives, and other memory institutions”

School Librarians and Teachers

Doug Johnson, “Beating the No-u-Turn Syndrome: modifying our approach to copyright instruction and enforcement” April 8, 2008
<https://dougjohnson.wikispaces.com/file/view/nouturn.pdf>

Sound Recordings

Harbeson, Eric. “Music, Recordings, and Copyright” ALA Annual Conference, 2013
<http://www.eventscribe.com/2013/ALA-Annual/presentationinfo.asp?presenter=48274&sess=&pres=41009&sessID=18703&searchterm=copyright>

U.S. Library of Congress. Copyright Office. “Pre-1972 Sound Recordings; a report of the register of copyrights” December 2011 <http://www.copyright.gov/docs/sound/pre-72-report.pdf>

