Chapter 3
Copyright

ABSTRACT
Copyright plays an important role in not only print materials one finds in a library but also the resources accessed from off-campus through online course management systems and electronic, or e-reserves. This chapter provides an overview of copyright as it pertains to remote access of library resources.

INTRODUCTION
The United States Constitution under Article 1 Section 8 makes provision for the creation of copyright protection for authors. With or without the copyright symbol any work that is produced has copyright protection. Copyright grants the author the right to disseminate or make changes to their original work Copyright laws and protections have changed through the years and are often confusing for educators, students and the general public. The concept of fair use is the cause of most problems with copyrighted materials. The underlying premise of fair use allows students or researchers to use copyright protected materials without requesting permission from the author or creator of the work for research or educational purposes. In the case of electronic reserves and course management systems even with password protection there can still be questions as to whether or not the posting of copyrighted materials violates fair use. This chapter will explore some of the issues surrounding copyright materials as they relate to remote access of library collections.

BACKGROUND
The first copyright law in the United States passed in 1790. The law established author rights to publications, fines for publishing the document without the author’s consent (fifty-cents per page) and the length of copyright protection at 14 years. An author, their heirs, or executors could extend
Copyright was established with the Constitution of the United States (Article 1, Section 8). The provision provides copyright protection for authors and grants them the right to deny or grant permission for any reproduction, public distribution, display, performance or works derived from the original. The protections afforded to an author or creator of a work is limited and copyright law does allow exceptions for fair use and compulsory license where a set royalty is paid allowing limited use of copyrighted material providing it complies with current copyright law (United States Copyright Office, 2011a). At the time the first copyright law was passed in 1790, there were limited types of publication and mediums of publication. In the intervening 222 years, how and where materials are published has changed substantially. The way we access those publications has undergone radical change. No longer are people restricted to going to a library, bookstore or mapmaker to obtain the material or information they need.

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