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Fair Use and Academic Libraries

Enrique Caboverde III

Florida International University, ecabo002@fiu.edu

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Fair Use & Academic Libraries

Ricky Caboverde

LIS 60600

April 3, 2016

A case for fair use: Folsom v. Marsh

- In 1841, Folsom sued Marsh for piracy of copyright
- Justice Story ruled in favor of the plaintiff
- First major case for the doctrine of fair use

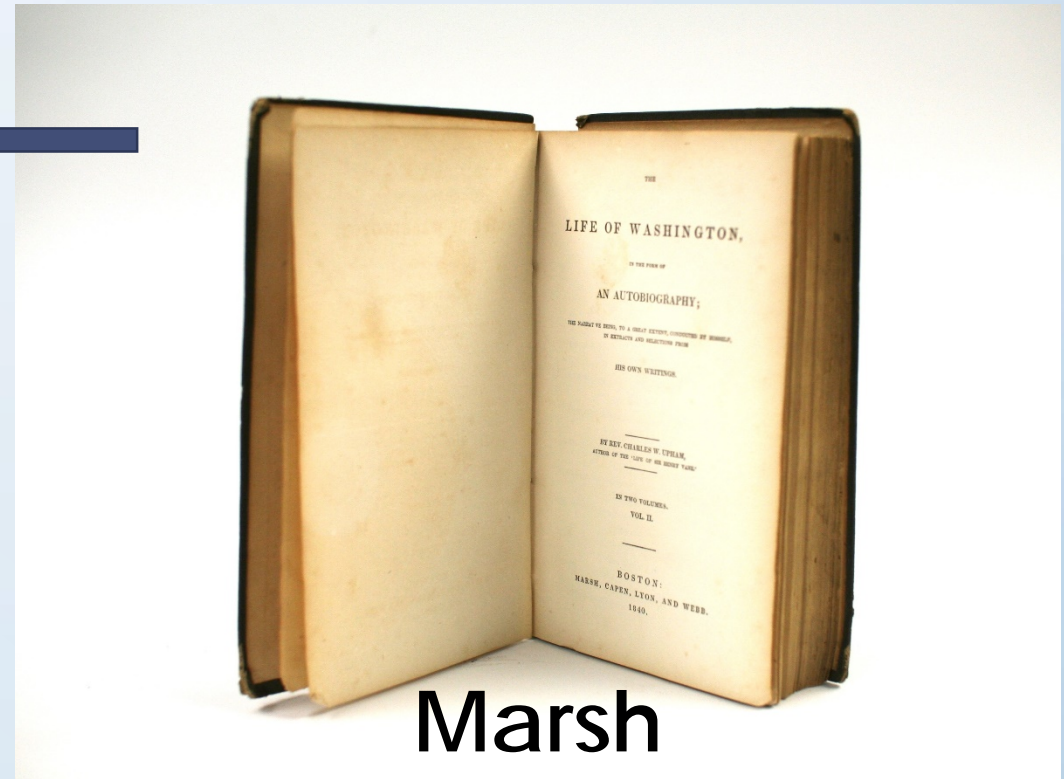


attention also to such things as you shall receive a fit subjects for communication on that occasion, and noting them as they occur that you would be so good as to furnish me with them in time to be prepared, and engaged with others for the opening of the Session.

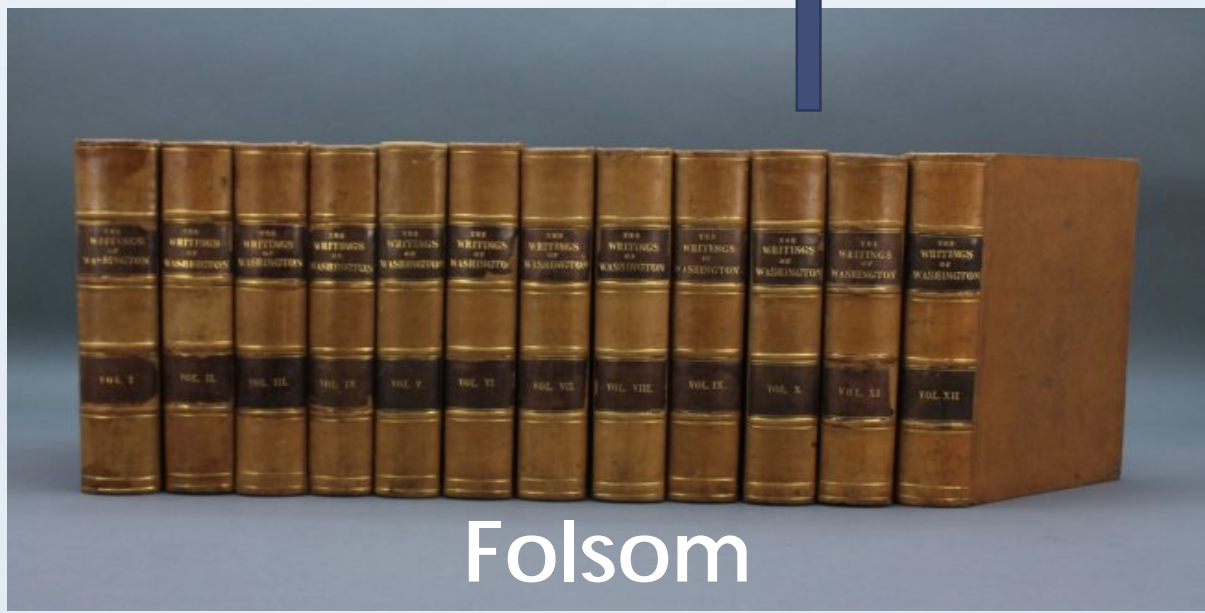
With very sincere and affectionate regards

I am ever Yours
G. Washington

James Madison jun^r Esq



Marsh



Folsom

A case for fair use: Folsom v. Marsh

- In 1841, Folsom sued Marsh for piracy of copyright
- Justice Story ruled in favor of the plaintiff
- First major case that helped shape the doctrine of fair use

Four factors of fair use

- Purpose of the use
- Nature of the original work
- Extent of the work used
- Potential market impact



Four factors of fair use



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Four factors of fair use



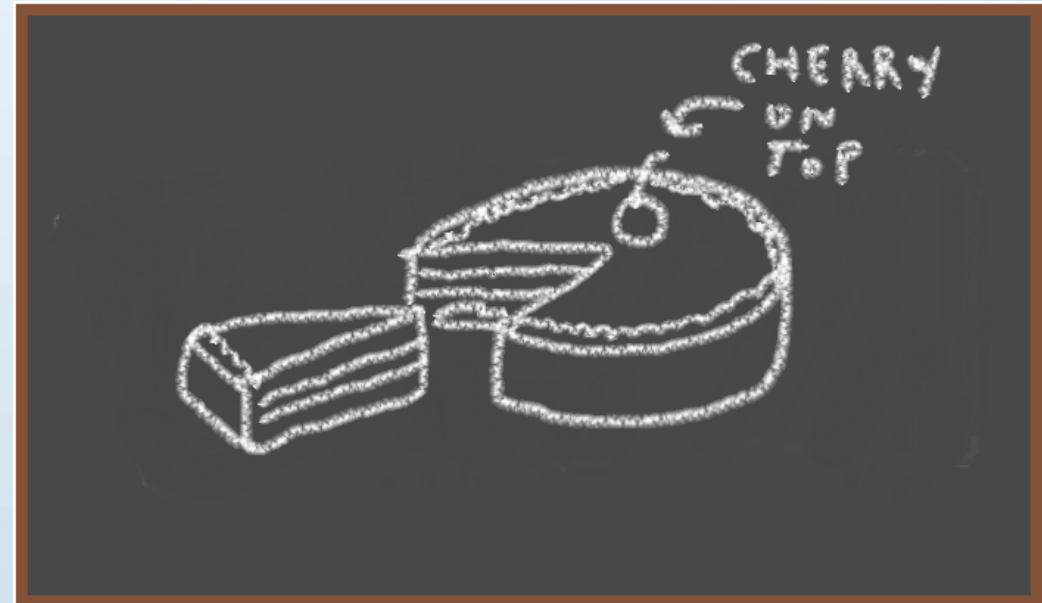
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Fair use in the academic library



Title 17 U.S. Code Section 108



- Reproductions by libraries and archives
- Authors Guild v. HathiTrust





Title 17 U.S. Code Section 110

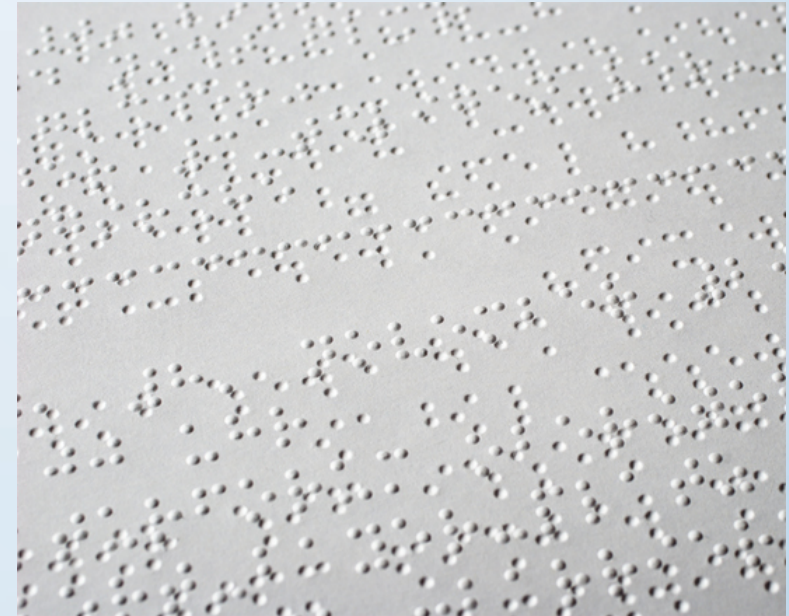
- Exemption of certain performances and displays
- Restricted in regards to distance learning
- Excludes non-dramatic musical and literary works



Title 17 U.S. Code Section 121



- Reproduction for blind or other people with disabilities
- Authors Guild v. HathiTrust



Title 17 U.S. Code Section 504 (c)(2)



- Remedies for infringement: damages and profits
- Proof of acting in good faith may remit damages entirely





Know your rights!

References



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