

MEMORY CART



COPYRIGHT CONSENT AND DECLARATION OF USE

The following information is provided to assist in understanding and complying with Copyright Laws that may affect patrons' ability to use the services of the Handley Regional Library's Memory Cart

What is copyright?

Copyright is a form of protection provided by the U.S. Constitution and the 1976 Copyright Act to the author for their "original work" such as photographs and digital images. Among the protections that copyright owners have are the exclusive rights to:

- Make copies of the work.
- Prepare other works based on the original.
- Distribute copies of the work to the public by sale, rental, lease or lending.
- To publicly perform and display the work.

These rights are protected by law, and those laws provide for damages and criminal penalties for violations. Both the patron and the Handley Regional Library are subject to the law.

How does copyright affect a patron's use of our equipment?

All images are copyrighted by someone, even an individual's family photos. It is the intention of the Handley Regional Library to comply with copyright laws and to protect the ownership rights of copyright holders. At times, the existence of a copyright claim or the identity of the copyright owner is not always apparent as the person who possesses the photo is not always the copyright owner. The key thing is to obtain permission of the copyright owner if using images, documents, trademarks, etc. beyond personal use.

Who owns what?

The law says the author is the owner of the copyright. The author of a photo or image is usually the person who clicked the shutter to create the image. If an individual took the photo, that individual owns the copyright. If a professional photographer took the photo for someone, then that photographer owns the copyright - even if someone else paid them to do the work. If that photographer is an employee of a studio or other person in the business of making photos, then their employer is considered the author.

Articles written or images created by military or government personnel as part of their official duties are not protected by copyright.

For more information on U.S. copyright laws, visit <http://www.copyright.gov/>.

Fair Use

Fair use is a legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances. Section 107 of the Copyright Act provides the statutory framework for determining whether something is a fair use and identifies certain types of uses—such as criticism, comment, news reporting, teaching, scholarship, and research—as examples of activities that may qualify as fair use. Section 107 calls for consideration of the following four factors in evaluating a question of fair use:

- Purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit.
- Educational purposes.
- Nature of the copyrighted work.
- Amount and substantiality of the portion used in relation to the copyrighted work as a whole.
- Effect of the use upon the potential market for or value of the copyrighted work.

Memory Cart Policy

Handley Regional Library will provide digitization conversion equipment and software for the purpose of personal use and creating digital surrogates of a patron's media (photos, documents, video, audio, etc.). The Handley Regional Library will not be held liable for any copyright infringement. Each patron assumes all responsibility for observing copyright restrictions and other laws when using Memory Cart equipment. The Handley Regional Library reserves the right to refuse any request for makerspace or conversion services where the Library or any staff member feels a violation of the law may occur as a result of these activities.