



IN ANSWER TO YOUR QUERY

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LIBRARY
OF
CONGRESS

FAIR USE

COPYRIGHT
OFFICE

101 Independence
Avenue, S.E.

Washington, D.C.
20559-6000

One of the rights accorded to the owner of copyright is the right to reproduce or to authorize others to reproduce the work in copies or phonorecords. This right is subject to certain limitations found in sections 107 through 118 of the copyright act (title 17, U.S. Code). One of the more important limitations is the doctrine of "fair use." Although fair use was not mentioned in the previous copyright law, the doctrine has developed through a substantial number of court decisions over the years. This doctrine has been codified in section 107 of the copyright law.

Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered "fair," such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:

- (1) the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The distinction between "fair use" and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

The 1961 *Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law* cites examples of activities that courts have regarded as fair use: "quotation of excerpts in a review or criticism for purposes of illustration or comment; quotation of short passages in a scholarly or technical work, for illustration or clarification of the author's observations; use in a parody of some of the content of the work parodied; summary of an address or article, with brief quotations, in a news report; reproduction by a library of a portion of a work to replace part of a damaged copy; reproduction by a teacher or student of a small part of a work to illustrate a lesson; reproduction of a work in legislative or judicial proceedings or reports; incidental and fortuitous reproduction, in a newsreel or broadcast, of a work located in the scene of an event being reported."

Copyright protects the particular way an author has expressed himself; it does not extend to any ideas, systems, or factual information conveyed in the work.

The safest course is always to get permission from the copyright owner before using copyrighted material. The Copyright Office cannot give this permission.

When it is impracticable to obtain permission, use of copyrighted material should be avoided unless the doctrine of "fair use" would clearly apply to the situation. The Copyright Office can neither determine if a certain use may be considered "fair" nor advise on possible copyright violations. If there is any doubt, it is advisable to consult an attorney.

Sincerely yours,

Register of Copyrights

Enclosures

How Long Does Copyright Registration Take?

A copyright registration is effective on the date of receipt in the Copyright Office of all required elements in acceptable form, regardless of the length of time it takes to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application varies from time to time, depending on the amount of material received. Remember that it takes a number of days for mail to reach the Copyright Office and for the certificate of registration to reach the recipient after being mailed from the Copyright Office.

You will receive no acknowledgement that your application for copyright registration has been received (the Office receives more than 500,000 applications annually), but you may expect:

- A letter or telephone call from a Copyright Office staff member if further information is needed; and
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected.

You might not receive either of these until approximately 8 months after submission.

If you want to know when the Copyright Office received your material, send it via registered or certified mail and request a return receipt.

For further information, write:

Library of Congress
Copyright Office
Information Section, LM-401
101 Independence Ave., S.E.
Washington, D.C. 20559-6000

If you need additional application forms for copyright registration, call (202) 707-9100 at any time. Leave your request as a recorded message on the Copyright Office Forms and Publications Hotline in Washington, D.C. Please specify the kind and number of forms you need. If you have general information questions and wish to talk to an information specialist, call (202) 707-3000, TTY (202) 707-6737.

You may also photocopy blank application forms; **however**, photocopied forms submitted to the Copyright Office must be clear, legible, on a good grade of 8½-inch by 11-inch white paper suitable for automatic feeding through a scanner/photocopier. The forms should be printed, preferably in black ink, head-to-head (so that when you turn the sheet over, the top of page 2 is directly behind the top of page 1). **Forms not meeting these requirements will be returned to the originator.**

All U.S. Copyright Office application forms are available from the Copyright Office Website at www.loc.gov/copyright. They may be downloaded and printed for use in registering a claim to copyright or for use in renewing a claim to copyright.

You must have Adobe Acrobat Reader installed on your computer to view and print the forms. The free Adobe® Acrobat® Reader may be downloaded from Adobe Systems Incorporated through links from the same Internet site at which the forms are available.

Print forms head to head (top of page 2 is directly behind the top of page 1) on a single piece of good quality, 8½-inch by 11-inch white paper. To achieve the best quality copies of the application forms, use a laser printer.

Frequently requested Copyright Office circulars, announcements, and recently proposed as well as final regulations are also available from the Copyright Office Website.

Copyright Office circulars and announcements are available via fax. Call (202) 707-2600 from any touchtone telephone. Key in your fax number at the prompt and the document number of the item(s) you want to receive by fax. The item(s) will be transmitted to your fax machine. If you do not know the document number of the item(s) you want, you may request that a menu be faxed to you. You may order up to three items at a time. Note that copyright application forms are *not* available by fax.