

3. Copyright Limitations and Exceptions

Description:

Cultural heritage institutions enjoy a very special status in the U.S. Copyright Law. Copyright is meant to further the "Progress of Science and the useful Arts," and Congress has built in specific limitations and exceptions that provide additional flexibility to libraries, archives, museums and other cultural heritage institutions. These limitations and exceptions are what allow us to confidently engage in interlibrary loans, digitization, making copies for blind or print disabled users, teaching with copyrighted materials, displaying objects from our collections, such as artworks, and even lending items from our collections to other institutions. While critical for our work, these specific limitations and exceptions are based on complex statutory language that can be difficult to decipher and apply. This program aims to help participants understand the landscape of copyright limitations and exceptions, and gain the necessary skills to apply those limitations and exceptions for the benefit of their users.

Learning Outcomes

- Identify the specific limitations and exceptions found in U.S. Copyright Law that can be utilized by cultural heritage institutions seeking to provide or expand services and access to resources for their users.
- Determine which limitations and exceptions are most applicable to various situations employees of cultural heritage institutions may encounter within the scope of their job responsibilities.
- Articulate the ways decision makers at cultural heritage institutions can make thoughtful applications of these limitations and exceptions.
- Apply the interaction of limitations and exceptions with other provisions of U.S. Copyright Law, such as fair use.

Access

Access to the recording of the class delivered live on 3/24/21 is available to LYRASIS Learning subscribers in the [Learning Library](#) and through partnerships with advisory group members, instructors, and other copyright education programs.

Instructors

- **Lisa A. Macklin** is both a librarian and a lawyer and serves as the Associate Dean, Research, Engagement, and Scholarly Communications for Emory University Libraries. In this role, Lisa has responsibility for collection management, subject librarian teams, instruction and engagement, assessment and user experience, and scholarly communications. Previously, she was the director of the Scholarly Communications Office, which was launched in 2007.

Lisa's interests include the application of copyright law to teaching, research and publishing, transformations in scholarship and publishing, including new models of scholarship in digital form, and the Open Access movement. She served as PI on a grant from the Andrew W. Mellon Foundation to create a Model Publishing Contract for Digital Scholarship and is on the editorial board of the Journal of Copyright in Education and Librarianship.

- **Anne M. Young** is the Director of Legal Affairs and Intellectual Property at Newfields, where she oversees the rights and reproductions department and provides guidance and interpretation on a variety of institutional standards, policies, and procedures, including: intellectual property, contracting, cultural patrimony, repatriation, and overall risk mitigation. Young received the Visual Resources Association's Nancy DeLaurier Award in 2017 for her editorial work on Rights and Reproductions: The Handbook for Cultural Institutions, the second edition of which was published in 2019.

Young was formerly the photographic archivist for the Kinsey Institute, Indiana University and has worked for the Art Gallery of Ontario and George Eastman Museum. In 2018 she received a Master of Jurisprudence focused on intellectual property, art, and museum law from Indiana University's Robert H. McKinney School of Law. Young previously received a Master of Arts in photographic preservation and collections management from Ryerson University and a Bachelor of Arts in art history and studio art (photography) from Indiana University.