At the 2014 ALA Annual Conference, based on recommendation by the Committee on Professional Ethics, 2013-2014 ALA CD#40.1, Item#1, Copyright: Interpretation of the *Code of Ethics*, the ALA Council adopted the new interpretation.

At the 2015 ALA Midwinter Meeting, upon recommendation by PMC, the Council voted that the following text of Policy B.1.4, “The Copyright” be incorporated into the ALA *Policy Manual* as follows:

“Librarians are sources of copyright information for their user communities. Librarians should acquire a solid understanding of the purpose of copyright law and knowledge of its details relevant to library activities. They should do so in order to develop the ability to critically analyze issues of fair use or other limits to the rights of copyright holders, as well as to gain the confidence to implement the law using good judgment. Librarians and library staff should be educated to recognize and observe copyright and its limits, to understand and act on their rights and those of their users, and to be ready to inform or properly refer users with questions pertaining to copyright. When the balance between rights holders and information users' needs to be restored, librarians should engage with rights holders and legislators and advocate on behalf of their users and user rights.” Adopted, 2014. (See “Policy Reference File”: Committee on Professional Ethics Report: 2013-2014 ALA CD#40.1_63014_act)
Copyright: An Interpretation of the Code of Ethics
(30 June 2014)

Article IV of the Code of Ethics of the American Library Association states that librarians “respect intellectual property rights and advocate balance between the interests of information users and rights holders.” Copyright\(^1\) is the aspect of intellectual property most pertinent for libraries. Copyright, as established by the U.S. Constitution and the Copyright Act, is a system of rights granted by the law combined with limitations on those rights.

A shared purpose of copyright and libraries is to benefit the public through the creation and dissemination of information and creative works. In pursuit of this goal, copyright law should balance the public’s need to access and use informative and creative works and the interests of rights holders. Libraries have both the opportunity and the obligation to work towards that balance when they engage in activities such as acquiring information resources for their communities, curating and preserving cultural heritage, establishing services and programs to enhance access to information, and lending books or other resources.

Article 1, Section 8 of the U.S. Constitution empowers Congress to pass law “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” Copyright law incentivizes creation of writings, art, music, and other works by granting creators the right to control and profit from some uses of their work, while limiting those rights to ensure balance with others’ rights and interests.

Copyright law provides a copyright holder the rights to make copies of the work, create derivatives, distribute the work to the public, and perform or display the work in public. Copyright law provides the public the right to make fair use of the copyrighted work, to use noncopyrightable aspects of the work, to sell or transfer a copy of the work (the "first sale doctrine"), and ultimately to have full use of the work when the copyright term expires. Copyright law also provides numerous specific exceptions for libraries, archives, and nonprofit educational institutions. Depending on the nature of the institution, these exceptions may include the ability to make copies for users, preserve and replace copies of works, and perform or display works in the course of teaching.

Libraries and their parent institutions have a responsibility to promote and maintain policies and procedures that are consistent with their ethical obligations, their institutional missions, and the law, including copyright law. Such policies and procedures should respect both the rights of copyright holders and the rights of users of copyrighted works.

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\(^1\) According to the US Copyright Office, copyright is “a form of protection provided by the laws of the United States for ‘original works of authorship,’ including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations.” Source: http://www.copyright.gov/help/faq/definitions.html
Librarians are sources of copyright information for their user communities. Consequently, librarians should remain informed about copyright developments, particularly those that can limit or restrict the rights of users or libraries. Librarians should develop a solid understanding of the purpose of the law and knowledge of the details of the law relevant to the activities of the library, the ability to critically analyze circumstances relying on fair use or other limits to the rights of copyright holders, and the confidence to implement the law using good judgment. Librarians and library staff should be educated to recognize and observe copyright and its limits, to understand and act on their rights and those of their users, and to be ready to inform or properly refer users with questions pertaining to copyright.

Librarians have a proud history of advocating for the public interest. Copyright law should not expand the rights of copyright holders without sufficiently considering or benefitting the public interest. When the balance between rights holders and information users needs to be restored, librarians should engage with rights holders and legislators and advocate on behalf of their users and user rights.

Approved by the Committee on Professional Ethics, 30 June 2014

Endorsed in principle by the OITP Advisory Committee Copyright Education Subcommittee
Endorsed by the Committee on Legislation
Endorsed by the Intellectual Freedom Committee

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2 For more information about copyright law and related issues, see the publications of the OITP Advisory Copyright Education Subcommittee.
Item #3: Copyright: Interpretation of the Code of Ethics

At the 2014 ALA Annual Conference, the ALA Council adopted a new interpretation to the Code of Ethics regarding “Copyright” as recommended in ALA CD#40.1.

The new interpretation to Code of Ethics will be represented in the ALA Policy Manual by means of an abstract, supplied by the originating committee, followed by a reference to the Policy Reference File, where the full text of the Interpretation will reside.

PMC MOVES INSERTION of the following as B.1.4:

B.1.4 Copyright

Librarians are sources of copyright information for their user communities. Librarians should acquire a solid understanding of the purpose of copyright law and knowledge of its details relevant to library activities. They should do so in order to develop the ability to critically analyze issues of fair use or other limits to the rights of copyright holders, as well as to gain the confidence to implement the law using good judgment. Librarians and library staff should be educated to recognize and observe copyright and its limits, to understand and act on their rights and those of their users, and to be ready to inform or properly refer users with questions pertaining to copyright. When the balance between rights holders and information users' needs to be restored, librarians should engage with rights holders and legislators and advocate on behalf of their users and user rights. Adopted, 2014. (See “Policy Reference File”: Committee on Professional Ethics Report: 2013-2014 ALA CD#40.1_63014_act)