

# Book Review

Michael Fernandez, editor

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**Copyright: Best Practices for Academic Libraries.** Eds. Donna L. Ferullo and Dwayne K. Buttler. Lanham, MD: Rowman & Littlefield. 2023. 264 p. \$65.00 hardcover (978-1-5381-6821-9); \$61.50 e-book (1978-1-5381-6822-6).

The heart of US copyright law is composed of two principles: the right to decide if a copy, and what kind of copy, may be made of a work and the right of first sale, which limits how much control a creator has over their work once it changes ownership. The Constitution gave Congress the power to pass laws regarding copyright and other types of intellectual property (Article 1, Section 8, Clause 8). Together these rules, along with an exception built into the law in 1976, form the foundation of the modern American library.

The preface to the book *Copyright: Best Practices for Academic Libraries* notes that academic libraries could not do a lot of their work without the support of copyright law (xv). As the special exception states, “libraries and archives [are allowed] to reproduce and distribute certain copyrighted works without permission on a limited basis for the purposes of preservation, replacement, and research.”<sup>1</sup> The problem is that most librarians have little or no understanding of copyright law and how it applies to the work that the library does. Classes that discuss copyright law are the exception in most library science programs. A large part of the problem is that the law, as it currently exists, is deliberately vague in many places, outdated in others (especially with respect to the online world), and most applications are defined by judicial rulings. Unfortunately, that means that many academic libraries, the universities that house those libraries, as well as many public libraries, ignore copyright until they have no choice.

*Copyright: Best Practices for Academic Libraries* addresses this problem. The information in the book is presented in a logical and interesting way, so that the reader will have no excuse to not know the basics of copyright law. The book has twenty chapters, which are organized into several sections based on chapter topic. The structure and ordering of the chapters mean that the reader may choose only the chapters they need for a particular issue. Although several of the chapters discuss topics that are specific to academic libraries, such as e-reserves and course management systems, most of the information presented addresses general library topics. Thus, public libraries will find that a large portion of the book will be valuable for their work with copyright as well.

As explained in the preface, “each contributor [provided] a basic background on their topic, [identified] relevant case law, and . . . [described] what librarians and staff [needed] to know” (xv). The first six chapters describe copyright, give context for the sections of the law that apply to library services and operations, and discuss the main topics in copyright that apply to library work: fair use, public domain, and instruction. The next three chapters address specific library services, namely interlibrary loan, e-reserves, and archives. The chapters discuss guidelines that were developed for these services and what copyright law actually says the services may

and may not do. Four chapters are then dedicated to materials that create a lot of confusion and worry when copyright issues arise: audiovisual works, images, music, and software. The next five chapters look at current copyright concerns, such as controlled digital lending, text and data mining, and open access. The essays explain the issues surrounding the topics and discuss best practices for libraries that are involved with or want to be involved with these issues. Finally, three librarians share the career paths that they followed to become copyright librarians and to establish copyright services at their libraries, and some possible futures of copyright law are discussed.

Each essay is fun to read and easy to understand. Case information is given to illustrate the concepts and applications of copyright law that were discussed in the chapter, along with references for further information on the cases presented. Extensive bibliographies at the end of each chapter allow the reader to dive more deeply into the subject of the essay if they so desire. Many of the chapters also include best practices and practical applications of the information on the copyright subject discussed in the chapter. COVID-19 implications are discussed when the subject addresses online copyright concerns, so the reader comes away informed about one of the largest influences on opinion about copyright applications.

Although all the information in the book is valuable, the most important information is given up front in the first six chapters. In these essays the reader is educated about the history of copyright law, to give context to the discussions that follow. An explanation of general copyright law for the layperson is given, with special attention to public domain works and the fair use exception. These two concepts, working together, underlie most of a library's work with copyright. They are also the most misunderstood parts of copyright law. Often, confusion arises over which works are in the public domain and thus are not covered by copyright. Mistaken ideas are spread about how fair use works and how the exception applies to the library and to its patrons. As a result, many library services either take fair use too far, putting the library in danger of lawsuits, or do not take the concept far enough, so that patrons are deprived of materials and services that would qualify for fair use. These chapters give an excellent grounding in copyright law and address the fears that many librarians have when confronted with this important topic.

The most important point that the book makes is that individuals influence changes in copyright law, and that the law is not static. It will evolve, and we, as librarians and citizens, can be part of that evolution (245). As editors Donna Ferullo and Dwayne Buttler ask in the conclusion, "Will you help improve [copyright] with your knowledge, understanding of library and education issues, and yes, your views on copyright and how it influences the past and promises an even more complex future?" (245). Copyright law is not perfect, but that does not mean that it cannot be made better and more relevant. These kinds of changes will happen, but not unless those who work with copyright make the effort to understand how it works at the present and how it can be changed for the better in the future.—*Jerrel Horn (jhorn5@fau.edu), Florida Atlantic University Library*

## Reference

1. US Copyright Office, “Revising Section 108: Copyright Exceptions for Libraries and Archives,” Copyright.gov, accessed March 31, 2024, <https://www.copyright.gov/policy/section108/#:~:text=Congress%20enacted%20section%20108%20of%20title%2017%20in,was%20drafted%20and%20enacted%20in%20the%20analog%20age.>