

[Special Collections and Archives](#)

[Copyright Policy](#)

The copyright law currently in force is the Sonny Bono Copyright Term Extension Act (Title 17, United States Code), which took effect on October 27, 1998.

Copyright Coverage

Current copyright law extends copyright protection to unpublished works formerly protected only under common law. Copyright coverage is not extended to unpublished works already in the public domain or to materials written by employees of the United States Government in the course of their official duties. The coverage of unpublished works by statutory copyright is a major change in the law. These unpublished works include letters, diaries, sermons, lectures, photographs, and other "works" of a non-literary nature, as well as unpublished literary manuscripts, which are commonly found in manuscript repositories.

Copyright protects the text or exact expression of a work, regardless of its literary merit or historical significance. Ideas and information are not subject to copyright protection. Permission of the copyright owner is not required to cite an unpublished work as a source or to use information from it.

Duration of Copyright in Unpublished Works

Copyright in unpublished works starts at the moment of creation and lasts for the lifetime of the author plus an additional seventy years.

Copyright in unpublished works by anonymous and pseudonymous works, and works made for hire (corporate authorship), starts at the moment of creation and lasts 120 years from the date of creation.

Ownership of Copyright

Copyright in an unpublished work is held by the author or creator, or his heirs or assigns, unless a written transfer of copyright has been made to another party. The "author or creator" may be the writer of a letter or story, a photographer, an interviewer, or an interviewee in tape recorded or transcribed interviews, a lecturer or speaker or other "creator" of a "work."

Ownership of copyright does not automatically accompany ownership of the physical property. Copyright must be specifically transferred in writing. In general, the Archives and Manuscripts Department does not hold copyright in the letters, diaries, photographs, tape recordings, and

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other unpublished materials among its collections. Even though the donor of a collection may have transferred copyright, such transfer can be made only for the works created by the donor or by another person for whom the donor holds copyright. Transfer of copyright cannot be made for incoming letters and diaries written by other persons.

Publication of Unpublished Materials

Persons wishing to publish unpublished materials under copyright must obtain permission of the copyright holder. The department will provide as much assistance as possible in identifying heirs or others who may hold copyright. Clearance of copyright is always the responsibility of the person wishing to publish the materials and is not the responsibility of the Archives and Manuscripts Department.

Permission to publish must also be secured from Pitts Theology Library as the owner of the physical property.

Fair Use

The Copyright Law of 1976 included a specific provision for "fair use" of copyrighted materials with guidelines for interpreting whether a particular use is "fair." "Fair use" is designed to permit the **limited** use of copyrighted materials for such purposes as criticism, comment, news reporting, teaching, scholarship, and research. Generally, **brief quotations** for such purposes are considered a "fair use" not requiring permission of the copyright owner. It does not appear that the Sonny Bono Copyright Term Extension Act changed this definition of "fair use".

Commercial use of copyrighted materials is not a "fair use" and always requires the consent of the holder of copyright.

Photocopying (or other reproduction) and Copyright

The provisions of the law regarding photocopying (or other facsimile reproduction) are not altogether clear. **Limited** photocopying or other reproduction for a specific research or reference use by or at the request of a researcher is generally permitted. **Copying of an entire copyrighted work is not permitted.**

One of the conditions specified in the law for photocopying or other reproduction by a library is that the photocopy or reproduction is not to be "used for any purpose other than the private study, scholarship, or research" of the applicant.

The person requesting the reproduction assumes the liability for any later use exceeding "fair use."

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