



University System of Georgia
Creating A More Educated Georgia

Other Exceptions

Copyrights are subject to many limitations and exceptions that ultimately permit the public to make certain uses of copyrighted works. "Fair use" is the best known of these exceptions. The U.S. Copyright Act, however, includes more than a dozen statutory exceptions. Keep in mind that most of these exceptions are narrow in their application and depend upon meeting a variety of specific conditions. By contrast, fair use is flexible and general in application and scope. The important point is that the law gives several means for making lawful uses of copyrighted works in connection with research, teaching, and service at the University System of Georgia. Of course, one can also make lawful uses of copyrighted works with permission from the copyright owner. Other parts of this website offer guidance about fair use and permissions.

The following is a brief summary of some of the statutory exceptions, with references to the provision of the U.S. Copyright Act:

LIBRARY COPYING (Section 108). This provision permits libraries to make copies of materials for preservation and security, to give copies to users for their private study or research, and to send copies through interlibrary loan. Like most of the exceptions, this provision applies only to certain types of works, and only under certain circumstances.

FIRST SALE (Section 109(a)). This important exception limits the "distribution rights" of the copyright holder by providing that once the owner authorizes the release of lawful copies of a work, those copies may in turn be passed along to others by sale, rental, loan, gift, or other transfer. This exception allows libraries to lend materials and bookstores to sell books.

PUBLIC DISPLAYS (Section 109(c)). One of the rights of copyright owners is the right to make "public displays," but this statute allows the owner of a lawful copy of a work to display it to the public at the place where the work is located. An art museum that owns a painting may hang it on the wall; a bookstore can place books on display in front windows; and a library may put materials in the display cases for all to see.

DISPLAYS AND PERFORMANCES IN FACE-TO-FACE TEACHING (Section 110(1)). Under this exception, educators may perform and display all types of works in a classroom or similar place at most educational institutions. It allows instructors and students to recite poetry, read plays, show videos, play music, project slides, and engage in many other performances and displays of protected works in the classroom setting. This exception is actually comparatively simple and broad, but keep in mind that it permits only displays and performances in the classroom—not the making of copies or the posting of digital works on servers.

DISPLAYS AND PERFORMANCES IN DISTANCE EDUCATION (Section 110(2)). When materials are displayed or performed to students at remote locations, or "transmitted" to students at any location, the rules change. This exception is known as "the TEACH Act" and was revised in 2002 to address issues of online education. The new law allows posting of materials to servers, but only subject to a long list of conditions. Many colleges and universities are struggling with this statute, and many rely instead on fair use or permissions.

COMPUTER SOFTWARE (Section 117). This exception allows the owner of a copy of a computer program to modify the program to work on his or her computer or computer platform, and to make a back-up copy of the software to use in the event of damage to or destruction of the original copy. Realistically, most commercial programs are sold for use on multiple platforms, or the rights of use may be governed by license agreements.

ARCHITECTURAL WORKS (Section 120). Architectural designs are protected by copyright, but this exception makes clear that once a building is constructed at a place visible to the public, anyone may make and use a picture of that building without infringing the copyright in the architectural design. We might infringe copyright when we reproduce blueprints or duplicate the Trump Tower, but we are not infringing when we snap a photograph and use it in a book or on postcards.

SPECIAL FORMATS FOR PERSONS WHO ARE BLIND OR HAVE OTHER DISABILITIES (Section 121). This exception permits certain organizations to make specific formats of published, non-dramatic literary works in order that they may be useful to persons who are blind or have other disabilities. For example, some educational institutions and libraries may be able to make large-print or Braille versions of some works in the collection.

For Further Information:

[Full text of the U.S. Copyright Act](#)

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