

### **The Library and Copyright**

### **Statement on Copyright**

The Leslie Hardinge Library adheres to the provisions cited in the Republic Act Number 8293 or what is known as the Intellectual Property Code of the Philippines. Further, Sections 171 to 241, specifying the Law on Copyright, will guide the library and its patrons on the usage of original works. The library will continue its effort to create awareness for the community through posters and a webpage about copyright. The library will not take responsibility for any copyright infringement of its patrons.

### **Philippine Copyright Law**

#### **Section 172 – Original Works**

All literary and artistic works are protected from the moment of their creation.

“Literary and artistic works hereinafter referred to as “works,” are original intellectual creations in the literary and artistic domain protected from the moment of their creation...” (172.1)

#### **Section 177 - Economic Rights of Authors**

The economic rights include rights of reproduction, rights of translation, rights of distribution, rental rights, public display rights, public performance rights, and rights of communication to the public.

### Section 178 – Ownership of Copyright

1. Single creator of an original work –belongs to the author of the work (Section 178.1)
2. Works on Joint Authorship – belongs to the coauthors; in the absence of agreement, their rights shall be governed by the rules on co-ownership. However, if the work consists of parts that can be used separately and identified, the author of each part owns the copyright of the parts he created (Section 178.2)
3. Works created during the course of employment – belongs to the employee if the creation is not part of his regular duties, even if he used the time, facilities and materials of the employer. However, belongs to the employer if the work is in performance of the employee's regular duties unless there is an agreement to the contrary. (Section 178.3)
4. Work commissioned by a person other than the employer – the person who commissioned the work holds the ownership of the work per se, but copyright remains with the creator unless there was a stipulation to the contrary (Section 178.4)

### Section 184 - Limitations on Copyright

The following shall not constitute an infringement of copyright:

1. The recitations or performance of a work, if done privately and free of charge or if made strictly for a charitable or religious institution or society
2. Fair use of published work
3. The reproduction or communication by mass media of articles on current political, social, economic, scientific, or religious topic and lectures and these have not been expressly reserved: provided that the source is clearly indicated.
4. The reproduction and communication of literary, scientific or artistic works as part of reports or current events by means of photography.
5. The inclusion of a work for teaching purposes and is compatible with fair use: provided, that the source and of the name of author, if appearing in the work, are mentioned.
6. The recording made in schools, universities, or educational institutions of a work included in a broadcast for the use of such schools: provided, that such recording must be deleted after the broadcast;
7. The making of very short recordings by a broadcasting organization by means of its own facilities and for use in its own broadcast;
8. The use made of a work by or under the direction or control of the government and is compatible with fair use.

**Section 185 - Fair Use Principle** “The fair use of a copyrighted work for criticism, comment, news, reporting, teaching including multiple copies for classroom use, scholarship, research, and similar purposes is not an infringement of copyright.” (185.1)

**Four Tests of Fair Use** a. The purpose and character of the use b. The nature of the

copyrighted work  
amount and substantiality

c. The

d. The effect of the use upon the value of the copyrighted work

**Section 187 – Reproduction for Personal Study** “Notwithstanding the provision of Section 177, and subject to the provisions of Subsection 187.2, the private reproduction of a published work in a single copy, where the reproduction is made by a natural person exclusively for research and private study, shall be permitted, without the authorization of the owner of copyright in the work.” (187.1) The permission granted under Subsection 187.1 shall not extend to the reproduction of:

- a. A work of architecture in the form of building or other construction
- b. An entire book, or a substantial part thereof, or of a musical work in graphic form by reprographic means
- c. A compilation of data and other materials
- d. A computer program except as provided in Section 189, and
- e. Any work in cases where reproduction would unreasonably conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author. (187.2)

**Section 188 - Reprographic Reproductions by Libraries** Any library or archive whose activities are not for profit may, without the authorization of the author, make a single copy of the work:

- 1. Fragile character or rarity
- 2. Where the works are isolated articles contained in composite works or brief portions of other published works and the reproduction is necessary for research; and
- 3. Where the making of such limited copies for preservation purposes.

### **Section 193 - Moral Rights of Authors**

- 1. To require that authorship of the work be attributed to him, in particular, the right that his name, as far as practicable, be indicated in a prominent way on the copies, and in connection with the public use of his work
- 2. To make any alterations of his work prior to, or to withhold it from publication
- 3. To object to any distortion, mutilation or other modification of, or other derogatory action in relation to, his work which would be prejudicial to his honor or reputation, and
- 4. To restrain the use of his name with respect to any work not of his own creation or in a distorted version of his name

### **Fair Use Checklist**

The checklist prepared by [Columbia University Libraries](#) will help the library patrons if the use of original works is in favor or not in favor of fair use.

### The TEACH Act

Since the Philippines may not have yet clear guidelines on the use of original works for distance education, library patrons may get ideas on the use of materials for distance learners through the [TEACH Act of the United States](#) .

- [The TEACH Act and FAQ](#)
- [TEACH Act Summary](#)

### AllAS Theses and Dissertations and Copyright

1. Copyright registration of theses and dissertations is not mandatory. Authors may choose to register at their own time and expense.
2. Authors attach a creative commons license to his/her thesis or dissertation, guiding the users of their works in giving proper attribution to the authors. AllAS is using CC License 3.0,

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3. AllAS deposits a copy of each thesis or dissertation produced at AllAS to the National Library of the Philippines and to the Commission on Higher Education.

### **Creative Commons**

- [About](#)
- [Types of CC Licenses](#)

### **Other Universities' Statements on Registration**

- [University of North Carolina](#)
- [University of Nebraska](#)

### **Sources:**

1. Coursera Course: Copyrights for Librarians. June 8 –July 17, 2017
2. PGLL Webinar: A Tripartite Discussion on Copyright and Access to E-Resources for Librarians and Information Professionals. August 20, 2020
3. DACUN Webinar: Applicability of Online and Electronic Provisions of the Copyright Law to Academic and Research Libraries. August 28, 2020
4. [Intellectual Property Code of the Philippines](#)