

John's Comments on Logos Libronix, Fair Use, and Copyrights

Just to start off, the thoughts in this paper are just for general, unofficial guidance. The definitions I have giving are solely my own, unless I have cited a source. For legal guidance, please contact a lawyer. Also, I am speaking from a United States point of view. Depending on the country you are in, these guidelines may not apply.

During one of the Libronix classes I taught, one of the users asked if it was legal to use Logos Libronix to create a bible study. This is an excellent question to write about because the answer is not straight forward, and it is commonly ignored. I thought about just typing this up on my blog, (<http://www.stilltruth.com/blog/normanjd>), but realized a paper might be more useful...

The resources in Libronix (and other libraries, whether physical or digital) fall in two categories: Copyrighted and Public Domain.

Public Domain resources are free for anyone to copy and distribute without asking for permission. These consist of works that either the authors have rescinded all rights to, or expired copyrighted works. Most Libronix user created content that has been posted to the Internet would be considered in the Public Domain. Examples (some taken from [Wikipedia](#) in March of 2008) would be:

- Personal Book Builder (PBB) files
- User created Timelines
- Graphical Queries
- Original Text of the Bible
- Works created and first published before January 1, 1923, or at least 95 years before January 1 of the current year, whichever is later*
- Works where the last surviving author died at least 70 years before January 1 of the current year*
- Works where no [Berne Convention](#) signatory has passed a [perpetual copyright](#) on

*Please note that over the years, the copyright law terms have been extended and that this could happen again, making the above information inaccurate.

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Resources that have been copyrighted require you to obtain permission from the owner before can copy or distribute the work. Sometimes this permission is given freely, sometimes it must be purchased, and sometimes the permission is just never given. This is done to protect an owner's intellectual property (IP). Examples include:

- Commercial Software
- DVDs
- CDs
- Books
- Modern Translations of the Bible
- Modern Commentaries
- Periodicals (Journals and Magazines)
- Photographs
- Maps
- Charts
- Posters

In the case of Logos Libronix, there are three places I know of to look to see what permissions are allowed on copyrighted works. You should start on the packaging of the resource itself. (Some of the videos I have bought to use in Libronix state right on the package they are not for public viewings and that they will not output to projected screens.) After installing the resource, look on the title page and the first few pages following. Often there will be a copyright notice with limited permissions all ready granted, along with contact information for the copyright owner. Finally, for all resources, you should be able to open the resource, make sure it has the focus, then click on Help > About This Resource. In this area, you will find additional copyright information. (Sometimes, you may even find out the commercial resource you bought is in the Public Domain.)

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What if a resource you want to quote is copyrighted and it doesn't give permission to copy itself? You can either contact the copyright owner for permission, or see if the Fair Use doctrine applies.

My friend Pastor Thomas Black (Webmaster of www.stilltruth.com) had this to say on Fair Use:

Most books and publications allow you to quote them, even at considerable length if in the context of your argument it is helpful to include that resource as an expert testimony. But when it comes to the point of merely replicating a chapter so that everyone has the information we've probably stepped out of the bounds of fair use and have violated copyright.

The US code on the matter (<http://www4.law.cornell.edu/uscode/17/107.html>) states: Note that I've highlighted some of the items I consider of key importance.

Notwithstanding the provisions of sections [106](#) and [106A](#), the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, **teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.** In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for **nonprofit educational purposes;**
- (2) the nature of the copyrighted work;
- (3) **the amount** and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) **the effect of the use upon the potential market** for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

The rule of thumb I have used is if I am teaching a non-profit class for 10 or less students, and I know the material won't be distributed outside the class, I can invoke Fair Use. Taking an MP3 or WAV file off of a Libronix CD and copying it to a tape to listen to in your car in Fair Use. Creating notes for your self that include copyrighted works is also considered Fair Use. Taking the same documents and distributing them on the Internet would not be considered Fair Use.

So to answer the original question, in creating Bible Studies, there should be no problem with using Logos Libronix to copy from, unless your distribution group gets very large... If you think you will distribute to large groups, you might consider either buying a package like Logos Lesson Builder which clearly gives a pricing model for distributions, or else stick to the Public Domain works for references.