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April 27, 2007 11:43 am Mac 911 Weblog

Audiobooks and the ethical path

[Print](#)

By [Christopher Breen](#)

Reader Kyle Curtis seeks the ethical path. He writes:

I recently purchased an audio book on CD and loaded it on to my iPod and made a backup CD. Now a friend of mine wants me to sell him my original copy. Now it was my understanding that if I sold him my original CD I would need to delete all the files off my iPod and get rid of the backup copy. However, he claims that I am allowed to keep my non-original files, but this seems the same as me making a copy and selling that to him, which I know is not right. So what is the right thing to do?

First off, good of you to be concerned about this issue. Far too few people are.

Second off, your friend is talking through his hat. What you suggest is correct. When you purchase an audiobook it's licensed for your personal use. While the remaining shreds of Fair Use allow you to make an archive copy of that audiobook, you're not allowed to share that audiobook with someone else unless you give up all copies of it as well. The same goes for music CDs, movies, and commercial software applications. (This all flies out the window if the owner of the work specifically grants permission for it to be shared or if the work's copyright has expired and it's moved into the public domain.)

For example, while you can rip that audiobook and put it on your iPod for more convenient listening, if you pass the audiobook to someone else, you're obligated to delete it from your computer and iPod.

While we're on the subject of audiobooks, I might as well pass this along: In the course of researching an article for an upcoming Playlist column, I've had occasion to speak with an intellectual property attorney and the [American Library Association](#) about our rights in regard to CD-based audiobooks checked out from the library. The question being, can you check out one of these audiobooks, rip it in iTunes, place it on your iPod, and stay within the letter of the law?

And the answer is: While people do it all the time, no. Libraries are forbidden from making copies of this media and so are you, even if you're doing it for the best of reasons. For example, you'd like to listen to the audiobook during a cross-country flight and you don't have a portable player compatible with its media. Or you'd like to listen to it in your car and that car is only equipped with an iPod. The law says, "Too bad. Your convenience doesn't trump licensing rights and restrictions."

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