Norman B. Mears Library Copyright Policy

Copyright Basics: Copyright is a form of protection provided by the laws of the United States (title 17, U. S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works.

Fair Use: One of the rights accorded to the owner of copyright is the right to reproduce or to authorize others to reproduce the work in copies or phonorecords. This right is subject to certain limitations found in sections 107 through 118 of the copyright law (title 17, U. S. Code). One of the more important limitations is the doctrine of “fair use.” The doctrine of fair use has developed through a substantial number of court decisions over the years and has been codified in section 107 of the copyright law.

Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair.

1. The purpose and character of the use, including whether such use is of 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
4. The effect of the use upon the potential market for, or value of, the copyrighted work

The distinction between what is fair use and what is infringement in a particular case will not always be clear or easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

The previous section has been taken directly from the US Copyright Office webpage - [http://www.copyright.gov/](http://www.copyright.gov/).

Library Policies and Guidelines

Library Reserves

The Reserve shelf allows instructors to share content with students. The instructor must complete the reserve form. It is available online and at the circulation desk. Please allow two working days to process the request. Books from the library will be placed on reserve at the request of an instructor. If the library does not own the book, the instructor should request that the book be ordered, or they may place their own personal copy on reserve. The library will allow one copy per 25 students and no more than five copies of a book or DVD. No interlibrary loan materials or rented DVD’s will be allowed on reserve. Photocopies can be placed on reserve but the following rules will be followed:

- All reproduced materials must be the property of the instructor.
- Copyright guidelines must be followed and if necessary it is the faculty member’s responsibility to obtain copyright permission. An article can only be placed on reserve (if it is spontaneous use) once before copyright permission must be obtained.
- The citation must be clearly shown on the reproduced material.
• The effect of photocopying the material should not be detrimental to the market for the work. Copies of consumable work are not allowed (workbooks, standardized test booklets, exercises) unless copyright permission has been granted.
• Course packs or the compilations of collected works are not allowed unless copyright permission has been granted.
• Instructors must obtain written permission from students before putting their work on reserve.
• The material will contain a notice of copyright.
• The number of copies should be reasonable in light of the number of students enrolled, the difficulty and time of assignments, and the number of other courses which may assign the same material. Permission from the library must be granted before allowing more than one copy to be put on reserve. Generally, the library will permit one copy per 25 students, with no more than 5 copies at a time.
• When evaluating copyright requirements the library will weigh the fair use factor as they apply to your particular situation. The library reserves the right to disallow material that they feel does not meet the fair use.

Copy Machine Use
The copyright notice will be placed on all copy machines.

Photocopies for Students and Faculty
“The library is permitted to make reproductions for library users (e.g., students and faculty), provided the following criteria are met:

• The library or archive may make one reproduction of an article from a periodical or a small part of any other work.
• The reproduction must become the property of the library user.
• The library must have no reason to believe that the reproduction will be used for purposes other than private study, scholarship and research.
• The library must display the register’s notice at the place where library users make their production requests to the library” (Copyright Clearance Center)

Audiovisual Collection
The library will follow the classroom exemption copyright guidelines for multimedia and purchase film and videotapes that can be used in face-to-face teaching by the instructor or guest lecturer. However, some videotapes and films must be purchased with performance rights if the license agreement so dictates. Films and videos from the library may not be publically shown unless performance rights have been given. If permission has been paid for or given, a notice will be placed in the library record. The films can never be shown for profit.

Database Access
Access to database content by faculty, students and others is governed by the license for the content and will be carefully followed.

Interlibrary Loan
Section 108 of the Copyright Act of 1976 addresses reproduction of copyrighted materials by libraries and
archives for several purposes, including ILL. The Norman B. Mears Library may send portions of copyrighted works to other qualifying libraries, as long as the ‘aggregate quantity’ doesn’t replace a purchase of or subscription to the work.” Because these guidelines do not define aggregate quantity, the library will abide by the guidelines developed by the National Commission on New Technological Uses of Copyrighted Works (CONFU). The library guidelines are as follows:

- The library will not charge borrowing libraries for ILLs.
- ILL borrowing transactions will be kept for three calendar years after the request has been made.

**Lending:**
- Requests for any purpose other than private study, scholarship or research, will not be fulfilled through interlibrary loan.
- The library will ensure that a copyright statement accompanies each request.

**Borrowing:**
- The library may receive copies of up to five articles from a single periodical title, per calendar year from the most recent five years. For requests after the first five, the library will pay copyright costs to the Copyright Clearance Center.
- A copyright notice is required on all ILL request forms.
- No more than five copies of articles/chapters/small portions may be made from a non-periodical per calendar year.
- Requests for any purpose other than private study, scholarship or research, will not be fulfilled through interlibrary loan.
- The library may provide one article, per issue, per patron without requesting copyright permission. The Mears Library will pay copyright fees for additional articles requested from the same periodical by the same person.

All Interlibrary Forms must have a copyright notice on them.

**Student Coursepacks**
The Library Director will provide information on how to obtain permission and give cost estimates for course packets through the Copyright Clearinghouse, but it is the responsibility of the faculty member to pay for and obtain permission.

**Help is Available**
As copyright laws are continually being debated and guidelines are unclear, nevertheless the Library Director will make every effort to provide accurate information to faculty and staff. However, it is important to note that the Library Director is not a lawyer and cannot interpret the law. Referrals to the Copyright Compliance Officer (Provost) will be given as needed.

Some of the information provided has been taken from “The Campus Guide To Copyright Compliance for Academic Institutions” by the Copyright Clearance Center. [http://www.copyright.com/Services/copyrightoncampus/intro/](http://www.copyright.com/Services/copyrightoncampus/intro/) Permission has been granted. 2013