

BLOUGH-WEIS LIBRARY

COPYRIGHT POLICY FOR RESERVES

Introduction:

The copyright law of the United States (Title 17, United States Code) governs the making of reproductions of copyrighted material. It is the policy of the Blough-Weis Library to comply with all applicable copyright laws and guidelines. This policy is intended to provide the Susquehanna University community with basic guidelines regarding the reproduction of copyrighted materials for educational purposes.

One of the exclusive rights accorded to the copyright owner is to reproduce, or to authorize reproduction by others, the work in copies or phonorecords. Section 107 of the Copyright Law of 1976 provides certain “fair use” limitations on this exclusive right. Under Section 107, the fair use reproduction of copyrighted materials for purposes such as criticism, comment, news report, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. Section 107 lists the following four criteria, which must be considered in determining whether a particular use of a work is a fair use:

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 works as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

The Copyright Law does not give one criteria more weight than another, therefore all four criteria must be met before copying any material can be considered “fair use”. Since the distinction between “fair use” and copyright infringement is unclear and not easily defined, the Blough-Weis Library when determining “fair use” will use the following guidelines.

Print Media Reserve Materials:

General Guidelines:

- ✓ Materials that are being used by an instructor for the first time for a course will not require copyright permission from the publisher.
- ✓ Any photocopied materials that have been placed on reserve in the previous two years will require copyright permission from the publisher.
- ✓ In an effort to set minimum and not maximum standards, the following amounts of reproduced copyrighted material is permissible according to “fair use” and may be placed on reserve:
 - 1 chapter from any one book or up to one third of the book.
 - 1 article from any one journal issue or newspaper
 - 1 poem, short story, or essay from a collected work
 - a chart, graph, diagram, cartoon, or picture from a book or serial publication
 - a short excerpt of a work without chapters or articles, that does not exceed 15% of the entire work

- ✓ Materials that are being used by multiple instructors in multiple sections for an individual course will require copyright permission from the publisher.
- ✓ Any photocopied materials for the same professor two or more consecutive semesters will require copyright permission from the publisher.
- ✓ No photocopies of consumable works such as standardized tests, workbooks, answer sheets, or solution manuals will be placed on reserve.
- ✓ Photocopying for creation, replacement, or substitution of anthologies, compilations, or collective works will be judged an infringement on copyright laws, and will not be permitted.
- ✓ Multiple copies will be placed on reserve in direct proportion to the number of students enrolled in the course, the difficulty of the material and the time frame allowed for completion of the reading (generally, 1 copy for every 10 enrolled students).
- ✓ No materials or photocopies of materials obtained through Interlibrary Loan will be placed on reserve.

Non-Print Media:

General Guidelines:

- ✓ A video program may be taped off-air for class showing if the showing takes place within ten (10) class days after the recorded copy was made. The copy may be retained for a total of forty-five (45) days for evaluation. If, at the end of that time, there is interest in retaining the off-air copy, the University must obtain a license from the distributor. These rules apply whether the tape was made at the University or by an individual faculty member at home. If the program was commercially available for purchase or license before broadcast, only a leased or purchased copy may be used for a class showing.
- ✓ Faculty may use videos taken off-air twice per class; once during normal teaching activities and once for instructional reinforcement.
- ✓ Faculty may place Library owned or personal copies of legally acquired tapes, CDs and/or DVDs on short-term course reserve in the Media Resources Center.
- ✓ The Library will not accept for reserve use materials recorded off-air without the written permission of the copyright holder.
- ✓ Illegally copied or compiled tapes will not be accepted for inclusion in the reserve collection (i.e. any copyrighted prerecorded tape copied without permission).

Library's Responsibilities:

- ✓ It will be the responsibility of the Library staff to determine whether material requires copyright permission and will seek to obtain necessary permissions.
- ✓ The Library will absorb all costs related to the obtainment of copyright permission, up to \$25 per item. If a copyright holder requires fees in excess of \$25, the Library will work with the requesting faculty member to determine best alternatives.
- ✓ The Library will remove all materials from reserve at the close of the academic semester. This will include the removal of reserves in electronic form (E-Res) from user access.
- ✓ The Library reserves the right to refuse any reserve request, if in its judgment fulfillment of the request would involve infringement of copyright.