

Fair Use Copyright Guidelines Summary

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be “used for any purpose other than private study, scholarship, or research.” If a user makes a request for, or later uses a photocopy or reproduction for purposes in excess of “fair use,” that use may be liable for copyright infringement.

BOOKS

Entire books may be placed on reserve unless they are complimentary copies. Only one (1) photocopied chapter from a book may be placed on reserve unless the instructor received the copyright holder’s written permission to include more. This applies to edited collections of readings and essays because each reading is considered a chapter.

JOURNALS and NEWSPAPERS

Only one (1) article from an issue of one journal may be placed on reserve unless the instructor received the copyright holder’s written permission to include more than one article. Newspapers are treated the same as journals.

MULTIPLE COPIES

Only one copy of photocopied material is allowed for every 20 students enrolled in a class, or any fraction thereof, but no more than 9 copies per class.

US GOVERNMENT PUBLICATION

Most government publications are in the public domain, i.e., they are not copyrighted, allowing unlimited use and reproduction.

CONSUMABLES

These materials are not appropriate for reserve because one of the tenets of fair use is that such use not affect the market value. Consumables include workbooks, exercises, standardized tests and test booklets, answer sheets, etc.

COURSEPACKS

Custom published anthologies are prepared for sale through local copy centers and bookstores and are, therefore, not appropriate for reserve because one of the tenets of fair use is that such use not affect the market value.

ELECTRONIC MATERIAL

Materials may be available electronically to students through the library’s paid online subscriptions. Licensing arrangements are replacing traditional library purchases so there is no one “standard” license. Licensing agreements vary among publishers, but generally the HSC library allows access via the Internet. Under the agreements, each student may be authorized to make a single copy of the material for his/her personal use and is expressly forbidden from making further electronic distribution of the digital work.

COPYRIGHT GUIDELINES

Text of copyright guidelines may be found on the web at www4.law.cornell.edu/uscode/17/107.html. A detailed explanation of copyright may be found on the web at the University of Texas System Crash Course on Copyright by Georgia Harper. www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm

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