

## **Copyright Guidelines for Course Reserve**

Vogel Library

### **What is copyrighted?**

\*All works published between 1923 and 1978 that bear a copyright notice.

\*Most works published after 1978, whether or not they bear such a notice.

### **What is not protected by copyright?**

\*Works published before 1923.

\*Certain other unregistered works, but if you aren't sure, assume it's protected.

### **What is fair use?**

“Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in 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 not profit purposes;
- (2) the nature of the copyrighted work;
- (3) the amount of 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.” 17 U.S.C. sec. 107

### **How is fair use interpreted for classroom and library reserve purposes?**

According to ACRL's model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use, “the Copyright Act allows anyone to photocopy copyrighted works without securing permission from the copyright owner when the photocopying amounts to a ‘fair use’ of the material. Fair use cannot always be expressed in numbers—either the number of pages copied or the number of copies distributed. Therefore, you should weigh the various factors listed in the Act and judge whether the intended use of photocopied, copyrighted material is within the spirit of the fair use doctrine.

At the very least, instructors may make a single copy of any of the following for scholarly research or use in teaching or preparing to teach a class:

- (1) A chapter from a book;
- (2) An article from a periodical or newspaper;
- (3) A short story, a short essay, or short poem, whether or not from a collective work;
- (4) A chart, diagram, graph, drawing, cartoon or picture from a book, periodical, or newspaper.”

**The problem occurs when you want to use multiple copies or use them more than one semester.**

In that case, you need to meet the “reasonable” guidelines for amount of material and number of copies. Because Wartburg is a small college, we believe two copies of each item are “reasonable” for most classes. If you have more than 25 students in your class and think more copies are needed, please talk to us.

If you want to use the material in more than one course or for more than one semester, you need permission from the copyright holder. **If the material is for reserve, we will help you with permission, using our membership in the Copyright Clearance Center to obtain permission and pay royalties.** This requires more time (anywhere from several days to a week or even longer); therefore, the sooner you get photocopies to us, the sooner we can legally put them on reserve for you. When you bring reserve material to the library, please alert us if we need to do this.

**In general: When in doubt, obtain permission.**