

## COPYRIGHT LAW

The copyright law has been in effect since January 1, 1978. Copyright protection covers literary works, musical works, dramatic works, pictorial, graphic, and sculptural works, motion pictures and other audiovisual works, all digital material available through the Internet, and sound recordings. The rights of copyright include the rights of reproduction, adaptation, distribution, public performance and display. Both unpublished and published works are covered by the copyright law. Under the new law, the duration of copyright is the life of the author plus 50 years. The old copyright law protected a work for 28 years with a renewal of 47 years. An out of -print-book may still be protected by copyright.

This handout describes the law, and the concept of fair use, as it pertains to an educational institution's

- copying of printed material for use in the classroom and on library reserve
- providing digital reserves of printed material

### **Fair Use**

Exceptions to the copyright law centered around the concept of "fair use," that is, copyrighted material may be duplicated, displayed, etc., depending on the purpose of the use, the nature of the work, the amount used in relation to the whole, and the effect the use has on the market for the copyrighted work.

### **How to obtain copyright permission**

To obtain permission to use a copyrighted work, you must contact the holder of the copyright. To determine this for a book, check the page opposite the title page. For a periodical, check the masthead. Many educational periodicals give blanket copyright permission. Computer disks and recordings have information on the label or enclosed printed matter. The holder of the copyright of a commercial film is usually listed at the beginning of the program. The Director of Media Services will help you determine the copyright holder of a television program.

### **Further questions and assistance**

Consult the Assistant Director for Library Instruction and Public Services or the Library Director if you have further questions about copyright law regarding books, periodicals, or any printed material. The Director of Media Services will answer questions about the copyright law music, etc. Office of Technology can answer questions about computer software.

## Books and Print Material

### Fair Use Guidelines

Below is an excerpt from the Report of the House Committee on the Judiciary on the copyright bill that covers what constitutes fair use in copying books and articles.

#### *Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions*

##### I. Single copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her request for his or her scholarly research, or to use in teaching, or to use in preparation to teach a class:

- A. A chapter from a book,
- B. An article from a periodical or newspaper,
- C. A short story, short essay, or short poem, whether or not from a collective work,
- D. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

##### II. Multiple copies for classroom use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below  
*and*
- B. Meets the cumulative effect test as defined below  
*and*
- C. Each copy includes a notice of copyright

#### *Definitions*

##### *Brevity*

###### (i.) Poetry

- a. A complete poem if less than 250 words and if printed on not more than two pages
- b. An excerpt of not more than 250 words from a longer poem

###### (ii.) Prose

- a. A complete article, story, or essay of less than 2,500 words.
- b. An excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words. (Each of the numerical limits stated in i or ii above may be expanded to permit the completion of an unfinished line of a poem or an unfinished prose paragraph.)

(iii.) Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

##### *Spontaneity*

(i.) The copying is at the inspiration of the individual teacher *and*

(ii.) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

##### *Cumulative Effect*

(i.) The copying of the material is for only one course in the school in which the copies are made.

(ii.) Not more than one short poem, article, story, essay or two excerpts may be

copied from the same author, nor more than three from the same collected work or periodical volume during the class term.

(iii.) There shall not be more than nine instances of such multiple copying for one course during one class term. (The limitations stated in i and ii above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

### *III. Prohibitions to all classroom copying*

Notwithstanding any of the above, the following shall be prohibited:

- A. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately.
- B. There shall be no copying from works intended to be "consumable" in the course of study or teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- C. Copying shall not
  - 1. Substitute for the purchase of books, publishers' reprints or periodicals,
  - 2. Be directed by higher authority,
  - 3. Be repeated with respect to the same item by the same teacher from term to term.
- D. No charge shall be made to the student beyond the actual cost of the photocopy.

### **Library Reserve Policy for Digital Reserves**

- 1. All items placed on reserve must conform to the above guidelines.
- 5. If permission is obtained from the holder of the copyright, items of greater length and multiple copies may be placed on reserve.
- 6. Copyright permission must be in writing and must be shown to the librarian in charge of reserve, who will retain a copy.

### **Public Domain**

Material in the public domain, that is, work whose copyright has expired, is not covered by copyright law. However, collections and edited versions of work in the public domain may be copyrighted.

### **Government Documents**

U.S. government documents, usually published by the Government Printing Office or a government agency, are not subject to the copyright laws. However, this does not cover works that receive government funding and are published by others, nor does it cover material originally published by the government that is commercially reprinted.

### **Out-of-Print Materials**

Out of print materials are covered by copyright laws. However, "a library (or individual) may make a copy ... of a published work... solely for the purpose of replacement of a copy...that is damaged, deteriorating, lost or stolen, if the library (or individual)... has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price.