

Bridgewater College

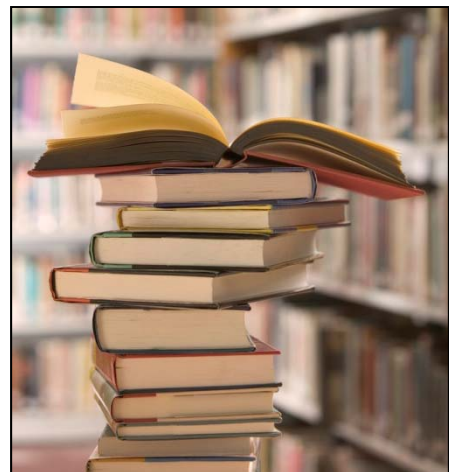


Alexander Mack

Memorial Library

Policy Manual

Section X: Copyright Policy



VI. Copyright Policy

The Copyright Policy for the Alexander Mack Library of Bridgewater College is a derivative work from the Copyright Policy developed by the Grinnell College Copyright Taskforce, 2005-07 and approved by Grinnell College legal counsel and the President of the College as the College's official policy beginning in May 2007. The terms of the copyright for the Grinnell College Copyright Policy appears below and may be viewed at <http://www.lib.grinnell.edu/research/copyright.pdf>.

Copyright: This policy is copyright 2007 by Grinnell College. Some rights are reserved. You are free to copy, distribute, and display the work and to make derivative works under the following conditions: Attribution—You must give Grinnell College credit as the original author; Noncommercial Use—You may not use this work for commercial purposes; Share Alike—If you alter, transform, or build upon this work, you may distribute the resulting work only under a license identical to this one. For any reuse or distribution, you must make clear to others the license terms of this work. Any of these conditions can be waived if you get permission from the copyright holder. Your fair use rights are not limited by the above.

Section 1: Principles

Bridgewater College is a private not-for-profit educational institution founded in 1880; it is accredited by the Southern Association of Colleges and Schools (SACS). As its mission, the College equips graduates “to become leaders, living ethical, healthy, useful and fulfilling lives with a strong sense of personal accountability and civic responsibility.” This mission is carried out in a learning community, with Christian values, high standards of integrity and excellence, affirming and challenging each member.”¹

This policy affirms the Library’s commitment to comply with United States law pertaining to copyright as expressed in Article I, Section 8 of the U.S. Constitution and codified in various laws; to respect faithfully the property rights of authors and their assignees; to educate members of the campus community about copyright law and rights available under that law; and to exercise vigorously our rights and responsibilities as teachers, scholars, authors, and creators in educating students, creating new works of pedagogy, scholarship, and art, and sharing those works with a wider community. This policy outlines the relevant statutes, codifies Library practices relevant to copyright, and recommends a variety of tools by which faculty, staff, and students can learn more about copyright law and ensure their own compliance with its provisions.

Faculty, staff, and students are responsible for understanding this policy and shall be accountable for actions that willfully disregard it. The Library will provide resources for helping the community understand copyright law.

Copyright is an unsettled area of the law which may be revised by amendment or adjudication. Bridgewater College will monitor legal developments to ensure that College practices remain compliant with the letter and spirit of the United States copyright law.

Section 2: Key Elements of U.S. Copyright Law

Disclaimer: The following provides a short overview of key issues. It is not intended to provide legal advice. U.S. copyright law is complex. For application to specific cases, a lawyer’s advice may be needed.

The power of the U.S. Congress to legislate copyright protection is assigned in Article I, Section 8 of the U.S. Constitution to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” The United States copyright law is contained in Title 17 of the United States Code. The Copyright Act of 1976 provides the basic framework for the current copyright law and has been amended frequently since 1976.

¹ Bridgewater College Mission Statement, 2002. <http://www.bridgewater.edu/index.php?id=1019> accessed January 28, 2008.

A. Summary

All members of the Bridgewater College community who create or use original works have a responsibility to know and understand the following features of copyright law.

- Copyright protects original works.
- Copyright gives authors the right to control the creation of not only copies but also derivative works, among other things.
- The term “public domain” refers to works no longer protected by copyright or not eligible for copyright protection. Public domain works can be used freely.
- U.S. copyright law provides faculty with rights to use portions of copyrighted works in the classroom, but those rights do not necessarily extend beyond the real or virtual classroom.
- U.S. copyright law gives libraries extra rights to make copies.
 - The principle of *fair use* permits certain uses of copyrighted works without the permission of the copyright holder.
 - Some, but not all, educational uses qualify as fair use.
 - Four principles govern whether or not a use is fair use: The purpose and character of the use, the nature of the work, the amount used, and the effect on the market for the work.
 - It is the responsibility of anyone making or requesting copies (or derivatives) to verify that use is fair use.

There are several other principles and laws bearing upon particular uses of original works.

- The *first sale* doctrine indicates that the owner of a physical copy of a work has particular rights, including the right to loan that physical copy to others.
- The 1998 *Digital Millennium Copyright Act* (DMCA) places additional restrictions on the copying of resources in electronic format.
- The 2002 *Technology, Education, and Copyright Harmonization (TEACH) Act* restores some rights for the distribution of materials in electronic format for online education.
- The principle of *work for hire* indicates that some copyrightable work belongs to the organization that contracted the work, rather than to the author of the work.

The remainder of this section considers these topics in greater depth.

B. Copyright Basics

Copyright is one of the three main types of *intellectual property rights* granted by law to creators of works. In the U.S., copyright, patent, and trademark law stem from a few key words in the Constitution:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

Copyright law protects original expressions (texts, images, musical notations and performances, etc.) while patent law protects ideas (inventions). U.S. Copyright law is described in Title 17 of the U.S. Code. (See appendices for links to the full code.)

Copyright law grants those who create original works the rights to choose how those works are and are not used and, if they so desire, to receive compensation for their work or to transfer ownership to others. What works are protected? Section 102 of Title 17, defining the subject matter of copyright, notes

Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

In contrast, ideas, procedures, processes, principles, and such are not protected by copyright but may be eligible for protection by patent.

In the U.S., as in many other countries, copyright no longer requires registration or notice. That is, as soon as a work is placed in a “tangible medium of expression,” copyright exists in the work. Copyright is in place even if the author neglects to put a formal statement of copyright (such as “Copyright 2007, Bridgewater College”) on the work.

Copyright protects not only the work itself and the right to make direct copies, but also the right to make derivative works. For example, an author has the right to decide whether or not translations of her work are made, whether excerpts are used in compilations, and whether successor works that rely heavily on the substance of the original can be made.

While there is general consensus about the framing rationale for copyright and rights granted by copyright, different constituencies have differing views about the extent and limits of copyright. For example, should an author have the right to restrict whether her work is used in ways contrary to the spirit of the original? How long should copyright last in order to ensure that authors receive appropriate compensation and maintain appropriate control?

In response to these questions, U.S. Copyright law has evolved into a long and complex document. Circular 92, which presents Title 17, is nearly 300 pages long. Even with all those details, many issues are left unresolved, so particular cases must be resolved in the courts.

At an academic institution like Bridgewater, copyright issues of particular interest include *public domain* (works not protected by copyright), *fair use* (certain applications, particularly educational, in which the public good outweighs the rights of the copyright holder), *library use* (another instance in which the public good may moderate the rights of copyright holders), *first sale* (the rights associated with a particular copy, rather than the work as a whole), *online education*, and *digital rights*.

C. Rights Granted to Copyright Holders

U.S. Copyright law grants a wide variety of exclusive rights to copyright holders. Section 106 (that is, 17 USC 106) indicates that

[T]he owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

- *to reproduce the copyrighted work in copies or phonorecords;*
- *to prepare derivative works (adaptations) based upon the copyrighted work;*
- *to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending (except as limited by the “First Sale” rights outlined in section 109);*
- *in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;*

- *in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and*
- *in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.*

D. Limitations on Copyright Owners' Exclusive Rights

The rights of copyright owners are limited in several respects by the copyright law. While fair use is one well-known limitation, there are a variety of others of equal import, particularly in the context of educational use. Prospective users of material that may fall under copyright protection are advised to consider the following exemptions. If a proposed use of copyright-protected material does not fall into any of these exemptions, the user must seek explicit permission from the copyright owner.

D.1 Public Domain

As the phrase “for a limited time” suggests, copyright does not last forever. In the U.S. most copyrights now last for 75 years beyond the death of the original author. When the copyright for a work expires, it becomes part of the *public domain*. In addition, all works prepared by an officer or employee of the United States government as part of that person's official duties are public domain; however, works published by U.S. state and municipal governments or other nations may be protected by copyright. Other authors may choose explicitly to release their work to the public domain. Public domain works can be used in any way one desires: One can create derivative works, publish them verbatim (and charge others for the publication), make photocopies for class, and otherwise take advantage of rights not available for copyrighted works.

All works published before 1923 are in the public domain. Others will be added as their copyrights expire. For further information on how to determine whether or not a work's copyright protection has expired, please consult Cornell University's “Copyright Term and the Public Domain in the United States”² which is reproduced in Appendix A2.

D.2 Special Classroom Rights (Section 110 and the TEACH Act)

Section 110 speaks to a variety of special rights accorded to classroom teachers to use copyrighted materials in the classroom, including not just traditional face-to-face classroom situations, but also distance-learning environments. In particular, Section 110 grants the following:

Notwithstanding the provisions of section 106, the following are not infringements of copyright:

- *(1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction [...];*
- *(2) [...] the performance of a nondramatic literary or musical work or reasonable and limited portions of any other work, or display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session, by or in the course of a transmission.*

There are a number of requirements for such uses. All the uses covered in Section 110 must be of legally acquired copies of the materials. In addition, the materials must be displayed for educational

² Peter Hirtle, Copyright Term and the Public Domain in the United States:
http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm

reasons, a member of the class (either instructor or student) must be in charge of the display of the materials, and the materials should only be displayed to members of the class. The latter requirement suggests that it is inappropriate to invite guests to a classroom showing of a movie.

In November 2002, the performance and display exemptions of Section 110(2) were revised and updated to address the digital environment. The revised provisions facilitate digital educational use of materials without requiring copyright permission, subject to certain conditions. The TEACH Act says that it is **not** copyright infringement for teachers and students at an accredited, not-for-profit educational institution to transmit performances and displays of copyrighted works as part of a course if certain conditions are met. If these conditions are not or cannot be met, use of the material will have to qualify as a fair use or permission from the copyright holder(s) must be obtained.

The exemptions offered by the TEACH Act apply specifically to accredited nonprofit educational institutions and governmental bodies. Appendix A4a provides a checklist to assist educators in complying with the terms of the TEACH Act.

The exemptions cover:

- Performances of nondramatic literary works
- Performances of nondramatic musical works
- Performances of reasonable and limited portions of any other work
- Display of any other work in an amount comparable to that typically displayed in a live classroom setting

The exemptions do not cover:

- Digital educational works (i.e., works produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks)
- Unlawful copies (copies you know or reasonably should know were not lawfully made or acquired)

The exemptions apply only if:

- The display or performance is done by, at the direction of, or under the actual supervision of an instructor, as an integral part of a class session as part of systematic mediated instructional activities, and is directly related and of material assistance to the teaching content. That is, the uses of materials in the program must be "an integral part of the class experience, controlled by or under the actual supervision of the instructor and analogous to the type of performance or display that would take place in a live classroom setting." The Act also specifies that "mediated instructional activities" do not encompass uses of textbooks and other materials "which are typically purchased or acquired by the students."
- The transmission is made solely for and reception is limited to (as technologically feasible) students enrolled in the course, and "downstream" technological controls are instituted that reasonably prevent retention in accessible form for longer than a class session and unauthorized further dissemination in accessible form.
- There is no interference with the copyright holder's technological measures that prevent such retention and dissemination

Conversion of analog material to digital is permitted only if no digital version is available to the institution or the available digital version is technologically protected to prevent TEACH uses.

Use of the TEACH Act also requires that the institution promulgate copyright policies; provide accurate information about copyright; promote copyright compliance; and provide notice to students that the course materials may be copyrighted.³

D.3 Reproduction by Libraries and Archives (Section 108)

While first sale doctrine provides libraries with their essential right to loan materials, copyright law also acknowledges a number of special rights and responsibilities that are traditionally assigned to public libraries and research archives. Section 108 speaks to a number of these rights, particularly with regards to making copies for use by patrons.

[I]t is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy or phonorecord of a work [...] or to distribute such copy or phonorecord[.]

For a library to make copies under this exemption, the use must be noncommercial, the library must be open to the public (or to a scholarly community), and the copy must include a copyright notice. The section also permits somewhat broader library copying for providing access to unpublished works and for preservation.

Section 108 also provides libraries and archives with the rights to make copies that become the property of one of their users, provided that the copy is of a small portion of a work (such as an article in a collection) or of the whole of a work “which can not be obtained at a fair price”, provided it is evident that the use will be for scholarship or study and the library or archive displays a prominent warning of copyright. This is the statutory basis for interlibrary loan.

However, Section 108 also places some restrictions on libraries and archives.

- *(g) The rights of reproduction and distribution under this section extend to the isolated and unrelated reproduction or distribution of a single copy or phonorecord of the same material on separate occasions, but do not extend to cases where the library or archives, or its employee—*
- *(1) is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one or more individuals or for separate use by the individual members of a group; or*
- *(2) engages in the systematic reproduction or distribution of single or multiple copies or phonorecords of material described in subsection (d): Provided, That nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work*

³ Adapted in part from: The TEACH Act Toolkit (North Carolina State University): <http://www.lib.ncsu.edu/scs/legislative/teachkit/overview.html>; and Distance Education and the Teach Act (American Library Association): <http://www.ala.org/ala/washoff/woissues/copyrightb/distanceed/distanceeducation.cfm>

These restrictions make it clear that the library and library reserve system may not be used to substitute for course packs.

D.4 Fair Use (Section 107)

The tension between the rights of the author and the benefits of the public is a consistent issue in copyright law. In a few areas, there was a longstanding tradition that public needs were more important than the rights of most copyright holders. These areas included education, news reporting, and scholarly research. However, few of these special cases were formalized in the law. When Congress undertook a major rewrite of Title 17 in the early 1970's, one of the emphases was to clarify these rights, typically referred to as *fair use* rights.

A number of committees have promulgated precise guidelines as to the amount and type of use eligible for fair use. Some of these guidelines are conservative. For example, guidelines now expressed in Circular 21 of the U.S. Copyright Office, including restrictions that no more than nine instances of copying happen in any semester, were nearly adopted by Congress. In the end, Congress decided that they could not devise precise guidelines that successfully balanced the needs of all stakeholders or that anticipated all possible reproducing technologies. Instead, they wrote a short set of guiding principles, codified in Section 107 of Title 17.

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by 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 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; and*
- *(4) the effect of the use upon the potential market for or value of the copyrighted work.*

Because these factors are not stated precisely, different people may make different decisions about what does and does not constitute fair use. Ultimately, only the courts can determine whether a given use of copyright-protected material falls within fair use or violates the law. Appendix B provides several tools to aid in making judgments of fair use.

D.5 First Sale (Section 109)

While copyright law protects “intellectual property”, most copyrighted intellectual property has a physical manifestation (e.g., as a book, videotape, or compact disc). Common law tradition suggests that the owner of a physical object has particular rights associated with that object. Section 109, Limitations on exclusive rights: Effect of transfer of particular copy or phonorecord, speaks to those rights, typically called *First Sale* rights. In particular, Section 109 states that

Notwithstanding the provisions of section 106(3), the owner of a particular copy or phonorecord lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord.

First sale doctrine has also been interpreted to permit the leasing of some works (particularly videotapes). However, it explicitly disallows the commercial loan or leasing of software and musical works.

First sale doctrine provides the legal grounds for libraries in the U.S. to loan books to the general public. Section 109 also grants libraries additional rights not necessarily available to all members of the public, such as the rights to loan software.

First sale doctrine has also been interpreted to permit the library to place materials legally owned by faculty members on reserve.

Section 3: Applications

This section covers some common situations in which the reproduction and distribution of copyright-protected resources may occur in teaching and research; it does not cover every situation. In all cases Bridgewater College expects the individual to exercise informed judgment to comply with copyright laws and College guidelines.

In applying the fair use principle to reproduction of copyright-protected material, we recommend that faculty members use one of two techniques: They may follow the fairly restrictive guidelines expressed in Circular 21 of the U.S. Copyright Office, *Reproduction of Copyrighted Works by Educators and Librarians*, referenced in Appendix B1, or they may conduct a fair use analysis. A form is provided in Appendix A4c to facilitate this analysis. Whichever mechanism faculty members choose, we recommend that they maintain records of any analyses done.

Application of the TEACH Act to digital reproduction of copyright-protected materials requires that specific conditions be met by the instructor and by the College. The checklist at Appendix A4a outlines these conditions. As above, we recommend that faculty members keep a copy of the checklist for works reproduced under this Act. Faculty should consult with librarians or information technology professionals regarding the availability of the technological controls specified by the Act.

A. Course Reserves

The purpose of a reserve collection is to:

- 1) support the needs of a defined group of patrons within the Bridgewater College community (usually a class)
- 2) provide timely, convenient, and efficient access to high-demand materials; and
- 3) protect materials that are at a high risk of theft or vandalism.

Course Reserve, whether physical or electronic, is a vital mechanism for providing supplemental material to courses of instruction at the College. As such, materials placed on reserve (including books, disks, AV materials, journal articles and/or photocopies, electronic resources, and nonbook items) are not intended to comprise the core of a course's instructional material, but rather to augment it. Reserve materials are maintained in a separate location within the Library and the Library's Web site, and access to the material is more restricted than is the access to items in general circulation.

The Library's course reserve systems are operated in a manner that respects the rights of copyright holders and the limitations to those rights as specified in current copyright law. The Library

reserves the right to refuse to place on course reserve any material that appears to violate copyright law.

When published materials not otherwise available for purchase comprise the bulk of a course's instructional materials, use of course reserve is inappropriate. In these instances, faculty members should find other ways to provide course materials. Options include course packs (coordinated through the Bridgewater College Bookstore) or selection of alternative readings that are available for purchase. At all times the College expects faculty, staff, and students to make judicious use of Course Reserve, adhering to the College's respect for relevant copyright law.

B. Faculty Use of Student Works for Teaching or Publication

Intellectual works eligible for copyright protection created by students of the College in the course of their academic pursuits (including works of art, original musical compositions, scientific posters, creative and scholarly writing, and like works) are owned by their creator(s) and any revenue derived from these works likewise belongs to the creator(s).

However, unless otherwise agreed in writing, such work may be reproduced by the College and its officers for distribution within the College community without fee for instructional or administrative purposes. In spite of this, faculty or staff members who anticipate using student work outside the immediate context of the class for which it was created may wish to secure the student's permission in writing; a form for that purpose is provided in Appendix A.4e of this policy. Other considerations for securing the student's permission in writing include the Family Educational Rights and Privacy Act (FERPA). Consult *Academic Affairs* for more information.

C. Terms of appropriate use for licensed content and software

Access, use, and reproduction of electronic journals, databases, and other resources made available through the Bridgewater College Library are governed by contracts or license agreements between the College and publishers or third parties. In many cases, license agreements impose greater restrictions on use than does copyright law, and these terms may limit uses of non-copyrighted material. Members of the Bridgewater College community are expected to make reasonable and good faith efforts to comply with the terms of these agreements.

In most cases, use of these resources outside the Alexander Mack Library is limited to current students, faculty, and staff of the College. Others are welcome to use these resources within the Alexander Mack Library.

In using licensed electronic resources, all users should:

- limit uses to non-commercial, educational, or personal research purposes;
- safeguard institutional access to resources by not sharing your network user name and password.

In general, users may:

- print, download or quote limited amounts of information, with proper attribution;
- copy an article for your personal use in teaching or research;
- create a link to a journal article on a publisher or aggregator Web site.

Users may not:

- systematically download large amounts of information (e.g. download all articles in a journal issue; engage in large-scale downloading from licensed resources to create large databases);
- post a copy of a published article to another computer (e.g., a Moodle site, a departmental Web site, or an association or commercial Web site. A link to the resource may be an acceptable alternative.);
- distribute copies of material to individuals or groups outside Bridgewater College, unless the license for the resource specifically allows it;
- sell or distribute articles to individuals, institutions, or organizations for commercial purposes.

Users should be aware that publishers monitor use levels of electronic resources to verify compliance with licensing agreements. Breach of license by a single user may enable the publisher to suspend the College's access without warning.

D. Music (Incorporates information from <http://www.bmi.com/licensing/broadcaster/public.asp>) Public Performance

Instruction

Most uses of lawfully owned copies of music in face-to-face teaching activities in the classroom or via dissemination through a digital network as an integral part of a class session are permitted provided certain conditions are met. See the discussions of section 110 of the Copyright Act and the TEACH Act found in part 2 of this policy.

E. Drama⁴

Instruction

Most uses of lawfully owned copies of dramatic works in face-to-face teaching activities in the classroom or via dissemination through a digital network as an integral part of a class session are permitted provided certain conditions are met. See the discussions of section 110 of the Copyright Act and the TEACH Act found in part 2 of this policy.

F. Video (Including video materials stored in any type of media format)⁵

Possession of a video does not confer the right to show it in public. The copyright owner specifies, at the time of purchase or rental, the circumstances in which a video may be "performed." For example, rented videos usually bear a label that specifies "Home Use Only". Showings of such videos may not be advertised nor may they take place in large venues such as Cole Hall. Advertised or public showings require explicit license, either associated with the video or arranged through a video rental service.

Most uses of lawfully owned or rented copies of video recordings in face-to-face teaching activities in the classroom or via dissemination through a digital network as an integral part of a class session are permitted provided certain conditions are met. See the discussions of section 110 of the Copyright Act and the TEACH Act found in part 2 of this policy. The relationship between the video and the course

⁴ Adapted from <http://www.copyright.iupui.edu/permorg.htm>

⁵ Adapted from: Wellesley College Copyright Policy, <http://www.wellesley.edu/Library/copyright.html>

must be explicit. Videos, even in a face-to-face classroom setting, may not be used for entertainment or recreation, whatever their intellectual content.

F.1 Video use in residence hall rooms and lounges

Residence hall rooms and lounges are similar to homes. It is therefore acceptable to show videos labeled “Home Use Only” in those areas, provided no advertisements have been posted.

G. Recording and duplicating commercially produced or broadcast audio materials

G.1 Duplicating copyrighted non-music recordings

Cassettes or compact discs may only be copied if similar recordings are not available from a commercial source at a reasonable cost or if you have obtained special permission. Under defined circumstances, section 110 and the TEACH Act will cover digitizing and streaming recordings for instructional purposes. Fair use may also cover recording brief segments for instructional purposes. Format conversions of foreign language tapes without subtitles can be made for instructional purposes when the only available NTSC versions are subtitled.

G.2 Duplicating music recordings

Duplication of music recordings must generally follow the same rules and restrictions as duplication of non-music recordings above, except that a single copy may be made for use in the classroom to aid in aural instruction and examinations

G.3 Recording and duplicating commercially produced or broadcast video materials⁶

Use of off-air recordings of commercial material for general educational classroom purposes must follow the four guidelines of fair use. There is a period, of fairly short duration, generally considered to be within 10 school days or 45 calendar days, in which the off-air recording can be used because it is more convenient or appropriate to the educational program. Beyond this period, the retention of the recording may become a substitute for purchasing the material or conflict with one of the other three criteria for measuring appropriateness under fair use. When such retention is in conflict with the fair use guidelines, retention is in violation of copyright. You must erase or dispose of the recording within 45 days of the recording.

In order to copy any videotaped program which you are not the producer or author of, you must have received written consent from the copyright holder for that program. This means the College cannot make a copy of a rental video or a program taped from television without written permission from the copyright holder. In most cases most video copyright holders will not provide this permission and will instead encourage you to purchase your own copy directly from them or from a store. Occasionally a copyright holder may give such permission if that program or tape is otherwise unavailable.

Faculty and staff may not make further copies of commercially produced or televised video materials without express written permission from the copyright holder. They can make copies of the following materials:

- Personal tapes which were videotaped by you. This includes personal camcorder tapes or any programs for which you are effectively the copyright holder.
- Classroom tapes recorded with Bridgewater College AV equipment.
- Programs recorded or produced by Bridgewater College.

⁶ Adapted from Earlham College copyright policy, <http://www.earlham.edu/policies/copyright/itam.htm>

- Programs for which you have express written permission from the copyright holder to duplicate. A copy of this permission must be provided to the Bridgewater College AV Center or Listening Room when a duplication request is made.
- Tapes that fall under the guidelines of Section 108 of the copyright code: Section 108 (17 U.S.C. Section 108) allows libraries to make a copy of materials in their collections "solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost or stolen, if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price." This right of reproduction does not permit the making of backups.

In general, the Bridgewater College community may not duplicate any of the following materials:

- Commercially produced videocassettes. These include movies, television programs, or other programs
- Tapes of programs which have been recorded from other tapes, DVDs, or laserdiscs, or from cable TV, broadcast television, or any other broadcast source.
- Non-commercial tapes for which the customer is not the producer or copyright holder. These may be demonstration tapes, corporate videos, music videos, etc.

Bridgewater College Copyright Policy Appendices

Appendix A

Appendix A1: Summary of Rights and Educational Exemptions

The owner of copyright has the *exclusive rights* to do and to authorize any of the following:

- reproduce the work in copies;
- prepare derivative works (adaptations) based upon the copyrighted work;
- distribute copies;
- in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the work publicly;
- in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the work publicly; and
- in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

Limitations on Copyright Owners' Exclusive Rights

1. Only *original expressions* may be protected by copyright. Ideas, short phrases, and facts may not be copyrighted (though certain ideas may be patented and compilations of facts may be copyrighted).
2. Public Domain: Works whose copyright protection has *expired* are part of the public domain and may be used without permission. Works prepared by an employee of the *United States government* as part of official duties are not protected by copyright. See "Copyright Term and the Public Domain in the United States" at http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm
3. First Sale (Section 109): The owner of a particular copy that is lawfully made or any person authorized by such owner is entitled to sell, loan, or otherwise dispose of the possession of that copy. First sale doctrine has also been interpreted to permit the leasing of some works (particularly videotapes). However, it explicitly disallows the commercial loan or leasing of software and musical works.
4. Special Classroom Rights (Section 110 and the TEACH Act)

The following are not infringements of copyright as provided by Section 110:

- (a) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction;
- (b) performance of a nondramatic literary or musical work or reasonable and limited portions of any other work, or display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session, by or in the course of a transmission.

Provided: All the uses covered in Section 110 must be of legally acquired copies of the materials. In addition, the materials must be displayed for educational reasons, a member of the class (either instructor or student) must be in charge of the display or the materials, and the materials should only be displayed to members of the class.

Digital transmission of performances and displays of copyright-protected works are permitted by the TEACH Act under certain conditions. The TEACH Act only applies to teachers and students at accredited, not-for-profit educational institutions and government agencies.

The exemptions cover:

- Performances of nondramatic literary works
- Performances of nondramatic musical works
- Performances of reasonable and *limited* portions of any other work
- Display of any other work in an *amount comparable to that typically displayed in a live classroom setting*.

The exemptions do not cover:

- Digital *educational works* including textbooks (i.e., works produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks)
- *Unlawful copies* (copies you know or reasonably should know were not lawfully made or acquired)

The exemptions only apply if:

- The display or performance is done *by, at the direction of, or under the actual supervision of an instructor, as an integral part of a class session* as part of systematic mediated instructional activities, and is directly related and of material assistance to the teaching content. That is, the uses of materials in the program must be "an integral part of the class experience, controlled by or under the actual supervision of the instructor and analogous to the type of performance or display that would take place in a live classroom setting."
- *Reception is limited to students enrolled in the course*, and "downstream" technological controls are instituted that reasonably *prevent retention* in accessible form for longer than a class session and unauthorized further dissemination in accessible form
- There is *no interference* with copyright holder's technological measures that prevent such retention and dissemination

Conversion of analog material to digital is permitted only if no digital version is available to the institution or the available digital version is technologically protected to prevent TEACH uses.

Use of the TEACH Act also requires that the institution promulgate copyright policies; provide accurate information about copyright; promote copyright compliance; and provide notice to students that the course materials may be copyrighted.

5. Reproduction by Libraries and Archives (Section 108)

Under certain circumstances libraries and archives may reproduce copyright-protected works. For a library to make copies under this exemption, the use must be noncommercial, the library must be open to the public, and the copy must include a copyright notice.

Up to three copies of an *unpublished* work may be created solely for purposes of preservation and security or for deposit for research use in another library or archives if (1) the copy reproduced is currently in the collections of the library or archives and (2) any such copy that is reproduced in digital format is not otherwise distributed in that format and is not made available to the public in that format outside the premises of the library or archives.

Up to three copies of a *published* work may be created solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen, or if the existing format in which the work is stored has become obsolete, if (1) the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price; and (2) any such that is reproduced in digital format is not made available to the public in

that format outside the premises of the library or archives in lawful possession of such copy.

A copy made be made from the collection of a library or archives where the *user* makes his or her request or from that of another library or archives, of no more than one article or other contribution to a copyrighted collection or periodical issue, or a copy of a small part of any other copyrighted work, if (1) the copy becomes the property of the user, and the library or archives has had no notice that the copy would be used for any purpose other than private study, scholarship, or research; and (2) the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright.

An entire work, or a substantial part of it, may be copied from the collection of a library or archives where the *user* makes his or her request or from that of another library or archives, if the library or archives has first determined, on the basis of a reasonable investigation, that a copy of the copyrighted work cannot be obtained at a fair price, if the copy becomes the property of the user, and the library or archives has had no notice that the copy would be used for any purpose other than private study, scholarship, or research; and the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright.

The rights of reproduction and distribution under Section 108 extend to the isolated and unrelated reproduction or distribution of a single copy of the same material on separate occasions, but do not extend to cases where the library or archives, or its employee (1) is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one or more individuals or for separate use by the individual members of a group; or (2) engages in the systematic reproduction or distribution of single or multiple copies.

Nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

6. Fair Use (Section 107)

“Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by 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 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; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.”

Appendix A2: Peter Hirtle, Copyright Term and the Public Domain in the United State

Source: Cornell University, http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm

Copyright Term and the Public Domain in the United States 1 January 2007		
UNPUBLISHED WORKS		
Type of Work	Copyright Term	What was in the public domain in the U.S. as of 1 January 2007 ¹
Unpublished works	Life of the author + 70 years	Works from authors who died before 1937.
Unpublished anonymous and pseudonymous works, and works made for hire (corporate authorship)	120 years from date of creation	Works created before 1887.
Unpublished works created before 1978 that were published after 1977 but before 2003	Life of the author + 70 years or 31 December 2047, whichever is greater	Nothing. The soonest the works can enter the public domain is 1 January 2048
Unpublished works created before 1978 that were published after 31 December 2002	Life of the author + 70 years	Works of authors who died before 1937.
Unpublished works when the death date of the author is not known ³	120 years from date of creation ⁴	Works created before 1887. ⁴
WORKS PUBLISHED IN THE US		
Date of Publication ⁵	Conditions ⁴	Copyright Term ²
Before 1923	None	In the public domain
1923 through 1977	Published without a copyright notice	In the public domain
1978 to 1 March 1989	Published without notice, and without subsequent registration	In the public domain
1978 to 1 March 1989	Published without notice, but with subsequent registration	70 years after the death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation ²
1923 through 1983	Published with notice but copyright was not renewed ²	In the public domain
1923 through 1983	Published with notice and the copyright was renewed ²	95 years after publication date ²
1964 through 1977	Published with notice	95 years after publication date ²
1978 to 1 March 1989	Published with notice	70 years after death of author, or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation ²

Appendix A3: Required Text for Library Photocopy Machines and Interlibrary Services

§ 201.14 Warnings of copyright for use by certain libraries and archives.

- (a) *Definitions.* (1) A “Display Warning of Copyright” is a notice under paragraphs (d) (2) and (e) (2) of section 108 of Title 17 of the United States Code as amended by Pub. L. 94—553. As required by those sections the “Display Warning of Copyright” is to be displayed at the place where orders for copies or phonorecords are accepted by certain libraries and archives.
- (2) An “Order Warning of Copyright” is a notice under paragraphs (d) (2) and (e) (2) of section 108 of Title 17 of the United States Code as amended by Pub. L. 94—553. As required by those sections the “Order Warning of Copyright” is to be included on printed forms supplied by certain libraries and archives and used by their patrons for ordering copies or phonorecords.
- (b) *Contents.* A Display Warning of Copyright and an Order Warning of Copyright shall consist of a verbatim reproduction of the following notice, printed in such size and form and displayed in such manner as to comply with paragraph (c) of this section:

NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. 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 user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

(c) *Form and Manner of Use.* (1) A Display Warning of Copyright shall be printed on heavy paper or other durable material in type at least 18 points in size, and shall be displayed prominently, in such manner and location as to be clearly visible, legible, and comprehensible to a casual observer within the immediate vicinity of the place where orders are accepted.

(2) An Order Warning of Copyright shall be printed within a box located prominently on the order form itself, either on the front side of the form or immediately adjacent to the space calling for the name or signature of the person using the form. The notice shall be printed in type size no smaller than that used predominantly throughout the form, and in no case shall the type size be smaller than 8 points. The notice shall be printed in such manner as to be clearly legible, comprehensible, and readily apparent to a casual reader of the form.

Source: *Circular 21: Reproduction of Copyrighted Works by Educators and Librarians* (Washington: US Copyright Office, 1998), p. 19-20.

Appendix A4a: Checklist for the TEACH Act

Source: Crews, Kenneth D. *Copyright Law for Librarians and Educators*. 2nd edition. Chicago: American Library Association, 2006.

Checklist for the TEACH Act

Name: _____ Date: _____ Project: _____

Institution: _____ Prepared by: _____

TEACH Act requirements that will likely fall within the duty of the instructor:

1. The work to be transmitted may be any of the following:
 - ☐ A performance of a nondramatic literary work; or
 - ☐ A performance of a nondramatic musical work; or
 - ☐ A performance of any other work, including dramatic works and audiovisual works, but only in "reasonable and limited portions"; or
 - ☐ A display in an amount comparable to that which is typically displayed in the course of a live classroom session.
2. The work to be transmitted may not be any of the following:
 - ☐ Marketed primarily for performance or display as part of a digitally transmitted mediated instructional activity; or
 - ☐ A textbook, coursepack, or other material in any media which is typically purchased or acquired by students for their independent use and retention.
3. Any permitted performance or display must be both:
 - ☐ Made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic, mediated instructional activities of the educational institution; and
 - ☐ Directly related and of material assistance to the teaching content of the transmission.
4. The institution does not know or have reason to believe that the copy of the work to be transmitted was not lawfully made or acquired.
5. If the work to be used has to be converted from print or another analog version to digital format, then both:
 - ☐ The amount of the work converted is no greater than the amount that can lawfully be used for the course; and
 - ☐ There is no digital version of the work available to the institution or the digital version available to the institution has technological protection that prevents its lawful use for the course.

TEACH ACT requirements that will likely fall within the duty of the institution:

6. The institution for which the work is transmitted is an accredited nonprofit educational institution.
7. The institution has instituted policies regarding copyright.
8. The institution has provided information materials to faculty, students, and relevant staff members that describe and promote U.S. copyright laws.
9. The institution has provided notice to students that materials used in connection with the course may be subject to copyright protection.
10. The transmission of the content is made solely for students officially enrolled in the course for which the transmission is made.

TEACH Act requirements that will likely fall within the duty of the information technology officials:

11. Technological measures have been taken to reasonably prevent both:
 - ☐ Retention of the work in accessible form by students for longer than the class session; and
 - ☐ Unauthorized further dissemination of the work in accessible form by such recipients to others.
12. The institution has not engaged in conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent retention or dissemination of their works.
13. The work is stored on a system or network in a manner that is ordinarily not accessible to anyone other than anticipated recipients.
14. The copy of the work will only be maintained on the system or network in a manner ordinarily accessible for a period that is reasonably necessary to facilitate the transmissions for which it was made.
15. Any copies made for the purpose of transmitting the work are retained and used solely by the institution.

Appendix A4b: Checklist for Fair Use

Source: The Copyright Management Center, Indiana University-Purdue University Indianapolis (IUPUI)
<http://www.copyright.iupui.edu/checklist.pdf>

CHECKLIST FOR FAIR USE

Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project

Name: _____ Date: _____ Project: _____

Institution: _____ Prepared by: _____

PURPOSE

Favoring Fair Use

- ☐ Teaching (including multiple copies for classroom use)
- ☐ Research
- ☐ Scholarship
- ☐ Nonprofit Educational Institution
- ☐ Criticism
- ☐ Comment
- ☐ News reporting
- ☐ Transformative or Productive use (changes the work for new utility)
- ☐ Restricted access (to students or other appropriate group)
- ☐ Parody

Opposing Fair Use

- ☐ Commercial activity
- ☐ Profiting from the use
- ☐ Entertainment
- ☐ Bad-faith behavior
- ☐ Denying credit to original author

NATURE

Favoring Fair Use

- ☐ Published work
- ☐ Factual or nonfiction based
- ☐ Important to favored educational objectives

Opposing Fair Use

- ☐ Unpublished work
- ☐ Highly creative work (art, music, novels, films, plays)
- ☐ Fiction

AMOUNT

Favoring Fair Use

- ☐ Small quantity
- ☐ Portion used is not central or significant to entire work
- ☐ Amount is appropriate for favored educational purpose

Opposing Fair Use

- ☐ Large portion or whole work used
- ☐ Portion used is central to work or "heart of the work"

EFFECT

Favoring Fair Use

- ☐ User owns lawfully acquired or purchased copy of original work
- ☐ One or few copies made
- ☐ No significant effect on the market or potential market for copyrighted work
- ☐ No similar product marketed by the copyright holder
- ☐ Lack of licensing mechanism

Opposing Fair Use

- ☐ Could replace sale of copyrighted work
- ☐ Significantly impairs market or potential market for copyrighted work or derivative
- ☐ Reasonably available licensing mechanism for use of the copyrighted work
- ☐ Affordable permission available for using work
- ☐ Numerous copies made
- ☐ You made it accessible on Web or in other public forum
- ☐ Repeated or long-term use

This document is provided as a courtesy of the Copyright Management Center, IUPUI, 530 W. New York St., Indianapolis, IN 46202. For further information and updates please visit <http://www.copyright.iupui.edu/>. This document last updated March 10, 2003.

Appendix A4c: Reserve Request With Fair Use Assessment Certification

Name: _____

Date Submitted:

Date Needed By:

Desired Name for Electronic File:

Special Instructions:

- ☐ Place on e-Reserve
- ☐ Place on Course Reserves

For requests exceeding commonly accepted “amount and substantiality” guidelines* or if the source to be copied is itself a copy:

- ☐ I have made a reasonable and good-faith fair-use analysis using the *Checklist for Fair Use Analysis*, based on the four factors set forth in the fair-use provision of copyright law, and determined that the cumulative weight of the factors favors a finding of fair use in this case. (Please retain a written record, such as a checklist, documenting your decision-making process.)
- ☐ I affirm that permission has been granted by the copyright owner for further reproduction. (Please retain a written record of this permission.)
- ☐ I own the copyright.
- ☐ This work is in the public domain.

Requester’s signature: _____

Date: _____

*Source: United States Copyright Office. *Circular 21: Reproduction of Copyrighted Works by Educators and Librarians*. Washington, D.C.: U.S. Government Printing Office, 1995. <http://www.copyright.gov/circs/circ21.pdf>

Appendix A4d: SPARC Author Addendum to Publication Agreement

Source: http://www.arl.org/sparc/bm%7Edoc/Access-Reuse_Addendum.pdf

ADDENDUM TO PUBLICATION AGREEMENT

1. THIS ADDENDUM hereby modifies and supplements the attached Publication Agreement concerning the following Article:

(manuscript title)

(journal name)

2. The parties to the Publication Agreement as modified and supplemented by this Addendum are:

(corresponding author)

(Individually or, if one than more author, collectively, Author)

(Publisher)

3. This Addendum and the Publication Agreement, taken together, allocate all rights under copyright with respect to all versions of the Article. The parties agree that wherever there is any conflict between this Addendum and the Publication Agreement, the provisions of this Addendum are paramount and the Publication Agreement shall be construed accordingly.

4. **Author's Retention of Rights.** Notwithstanding any terms in the Publication Agreement to the contrary, AUTHOR and PUBLISHER agree that in addition to any rights under copyright retained by Author in the Publication Agreement, Author retains: (i) the rights to reproduce, to distribute, to publicly perform, and to publicly display the Article in any medium for non-commercial purposes; (ii) the right to prepare derivative works from the Article; and (iii) the right to authorize others to make any non-commercial use of the Article so long as Author receives credit as author and the journal in which the Article has been published is cited as the source of first publication of the Article. For example, Author may make and distribute copies in the course of teaching and research and may post the Article on personal or institutional Web sites and in other open-access digital repositories.

5. **Publisher's Additional Commitments.** Publisher agrees to provide to Author within 14 days of first publication and at no charge an electronic copy of the published Article in a format, such as the Portable Document Format (.pdf), that preserves final page layout, formatting, and content. No technical restriction, such as security settings, will be imposed to prevent copying or printing of the document.

6. **Acknowledgment of Prior License Grants.** In addition, where applicable and without limiting the retention of rights above, Publisher acknowledges that Author's assignment of copyright or Author's grant of exclusive rights in the Publication Agreement is subject to Author's prior grant of a non-exclusive copyright license to Author's employing institution and/or to a funding entity that financially supported the research reflected in the Article as part of an agreement between Author or Author's employing institution and such funding entity, such as an agency of the United States government.

7. For record keeping purposes, Author requests that Publisher sign a copy of this Addendum and return it to Author. However, if Publisher publishes the Article in the journal or in any other form without signing a copy of this Addendum, such publication manifests Publisher's assent to the terms of this Addendum.

AUTHOR

PUBLISHER

(corresponding author on behalf of all authors)

(Date)

(Date)

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Appendix A4e: Permission Form for Use of Student Work

Adapted from: North Hennipin Community College, <http://www.nhcc.edu/myDocs/1000056/StudentCopying.pdf>

Instructions to Student: Carefully read the information below. If you have questions about the intended use of the student information or student creative work, please ask the faculty or staff member before signing. Your decision to grant permission or to deny permission will not have any impact on your grade in the related course/service program.

I, _____ [enter student's name], pursuant to FERPA¹, hereby give my written consent and permission to Bridgewater College faculty/staff member _____ [enter name of faculty/staff] to release and/or use my written assignments, essays, papers and other written materials created and/or prepared by me and submitted in connection with _____ [enter course identifier and name] or entitled _____ [enter the specific name of paper or project or other creative work as necessary] as part of the College's internal self-evaluation and/or assessment procedures, or internal to the College's efforts to improve teaching and learning effectiveness or experiences or to recognize student achievement. This includes permission to duplicate and/or disseminate a reasonable number of copies of my paper/work to other parties on campus.

____ Please remove my name and identification number from any duplicated copies.

____ My name may be displayed on any duplicated copies.

I understand that my written consent will remain in effect until I notify the Bridgewater College employee/office named in this form, in writing, to cancel it.

I understand that the specific information referenced on this form may be released to third parties on campus with my consent/permission with the understanding that s/he will not release it to any parties external to Bridgewater College.

_____ [Student Signature]

_____ [Date]

¹ Family Educational Rights and Privacy Act (FERPA) of 1974 20 USC § 1232g and 34 CFR § 99 requires Bridgewater College to obtain written consent from a student before releasing the educational records of that student to a third party and includes the student's "creative work"

developed in response to course requirements.

Appendix B. Commonly Cited Guidelines

B.1 *Circular 21: Reproduction of Copyrighted Works by Educators and Librarians* (Washington: US Copyright Office, 1998). Includes "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions With Respect to Books and Periodicals." <http://www.copyright.gov/circs/circ21.pdf>.

B.2 *The Conference on Fair Use: An Interim Report to the Commissioner* (Washington: Working Group on Intellectual Property Rights of the Information Infrastructure Task Force, December 1996).
<http://www.uspto.gov/web/offices/dcom/olia/confu/report.htm> and appendices:
<http://www.uspto.gov/web/offices/dcom/olia/confu/appendix.htm>.

B.3. Harper, Georgia (University of Texas System) and Hoon, Peggy (North Carolina State University). *Applying Fair Use in the Development of Electronic Reserves Systems*. Endorsed by members of the Shared Legal Capability (American Association of Law Libraries, American Library Association, Association of Research Libraries, Medical Library Association, and Special Libraries Association). Washington, DC: Association of Research Libraries, November 2003. <http://www.arl.org/pp/ppcopyright/copyresources/applying.shtml>.

Appendix C: Sources of Additional Information on Copyright

Publications of the U.S. Copyright Office

Circular 21. Reproduction of Copyrighted Works by Librarians and Educators. Washington: U.S. Copyright Office, 1995. <http://www.copyright.gov/circs/circ21.pdf>

Circular 92. Copyright Law of the United States of America and Related Laws Contained in Title 17 of the United States Code. Washington: U.S. Copyright Office, June 2003. <http://www.copyright.gov/title17/circ92.pdf>

Books, Articles, and Official Reports

Bielefield, Arlene, and Lawrence Cheeseman. *Technology and Copyright Law: A Guidebook for the Library, Research, and Teaching Professions*. New York: Neal-Schuman, 1999.

Crews, Kenneth D. *Copyright Essentials for Librarians and Educators*. Chicago: American Library Association, 2000.

Crews, Kenneth D. "Fair Use and Higher Education: Are Guidelines the Answer?" *Academe* 83 (November/December 1997): p. 38-40. Also available at <http://www.copyright.iupui.edu/academ97.htm>

Working Group on Intellectual Property Rights of the Information Infrastructure Task Force. *The Conference on Fair Use: An Interim Report to the Commissioner*. Washington, December 1996:
<http://www.uspto.gov/Web/offices/dcom/olia/confu/report.htm>; and Appendix:
<http://www.uspto.gov/Web/offices/dcom/olia/confu/appendix.htm>.

Websites

Artists Rights Society: <http://www.arsny.com/index.html>

Copyright Clearance Center: <http://www.copyright.com/>

Copyright Management Center (Indiana University/Purdue University, Indianapolis):
<http://www.copyright.iupui.edu/index.htm>

Harper, G. Copyright and Image Management: <http://www.utsystem.edu/OGC/IntellectualProperty/image.htm>

Harry Fox Agency (HFA). [*For mechanical licensing, collections, and distribution agency for U.S. music publishers.*]
<http://www.harryfox.com/index.jsp>

Scholarly Communication Center of the North Carolina State University Libraries, *Tutorial Series*:
<http://www.lib.ncsu.edu/scc/tutorial/index.html>

Hoon, P. E. *The TEACH toolkit: An online resource for understanding copyright and distance education*:
<http://www.lib.ncsu.edu/scc/legislative/teachkit/>

Legal Information Institute (Cornell University). <http://www.law.cornell.edu/topics/copyright.html>

Stanford University Libraries, *Copyright and Fair Use*: <http://fairuse.stanford.edu/>

University of Texas System Digital Library, Copyright Crash Course: <http://www.lib.utsystem.edu/copyright/>

The WATCH file: Writers, Artists, and Their Copyright Holders: <http://tyler.hrc.utexas.edu>