

### **Copyright and Fair Use Policy for Electronic and Print Reserves**

The Health Sciences and Human Services Library's policy for electronic reserves has been developed in compliance with the United States [Copyright Act of 1976](#). [Section 107](#) permits making copies for classroom use without payment of royalty or permission from the copyright holders.

The fair use provision of the Copyright Act allows reproduction and other uses of copyrighted works under certain conditions for purposes such as criticism, teaching, scholarship or research. Section 107 of the Copyright Act gives four factors used to determine whether use of a copyrighted work is "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 work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

### **General Procedures (following the principles of Fair Use)**

1. All use of materials placed on electronic reserves will be at the initiative of faculty solely for the non-commercial, educational use of students.
2. Materials to be copied or scanned for electronic reserves will be in legal possession by the Library, instructor or other unit of the University (by purchase, license, fair use, etc.).
3. Library reserves staff will check to see whether materials submitted for electronic reserves are available through an electronic database or are otherwise legally available. If so, staff will provide a link rather than scanning and posting the material.
4. Copying of books is limited to no more than 10% of a book if it has fewer than 10 chapters; if a book has 10 or more chapters only 1 chapter will be copied. If using pages from different chapters, we will average the number of pages per chapter and limit our excerpts to no more pages than that average.
5. Copyright permission will be sought when more than 3 articles from one journal issue are needed for a course.
6. There will be no charge for access. The charge for copies made by students will be limited to the nominal cost of photocopies or laser prints.
7. A copyright notice will appear on screen in the online reserve system and on scanned copies made of reserve readings to indicate that materials may be covered by copyright law.
8. Access will be limited to the instructors and students registered for the course and will only be available via the password protected course reserve system for the length of the semester.
9. Electronic files may be retained while permission is being sought or until the next term in which the material may be used.

Electronic copying and scanning of copyright-protected works for library reserve systems and distance learning are unsettled areas of the law that may be addressed in future revisions of the copyright law or through adjudication. The HS/HSL will monitor legal developments concerning fair use to ensure that the Library's services are in compliance with U.S. Copyright Law.