



## **COPYRIGHT POLICY**

### **GENERAL PRINCIPLES**

The Learning Resource Center (LRC) will be guided by the Model Copyright Policy of the American Library Association (ALA) 1982 and interpretation of copyright posted on the ALA web page.

### **INTERLIBRARY BORROWING**

Policies:

LRC supports fair use.

The LRC follows practices which promote understanding of and adherence to copyright law.

Practices

The LRC supports fair use by seeking to obtain copies from other libraries rather than document suppliers whenever this is consonant with meeting the needs of the users in a timely and efficient manner.

### **Warnings of Copyright**

#### **Display Warnings of Copyright [37 C.F.R., 201.14 (1996)].**

.... Display Warnings of Copyright which conform to the specifications in the regulation will be posted at each point where orders for copies can be made.

Order Warning of Copyright [37 C.F.R., 201.14 (1996)].

.... Printed InterLibraryBorrowing (ILB) forms contain Order Warnings of Copyright which conform to requirements concerning placement and type size.

.... FAX Order Warnings of Copyright: Use of faxable forms which already have an Order Warning of Copyright on them will be encouraged. Replies to requests faxed without the appropriate form will include an Order Warning of Copyright and a blank form for subsequent requests.

Copyright Compliance and Record Keeping Specific, formal training and written documentation is provided for staff involved in processing interlibrary borrowing requests for copies.

Records of filled photocopy requests will be maintained according to CONTU guidelines; keeping those for the current calendar year and the past three calendar years, and discarding earlier records.

Older interlibrary borrowing records will be purged regularly, including paper or electronic records held elsewhere in the Libraries for collection development or statistical purposes.

### **DOCUMENT DELIVERY/INTERLIBRARY LENDING**

Policies

Document Delivery from St. Philip's College/SouthWest Campus (SPC/SWC) Collections

.... The LRC encourages compliance with copyright law by requiring outside users to include a statement of compliance with all requests.

#### Photocopier Signage

.... The LRC maintains required copyright signage on all public photocopy machines.

Practices Document Delivery from SPC/SWC Collections SPC faculty, students, and staff:

.... No limitations are placed on the number of requests made.

The following notice is stamped on all article copies: "This material may be protected by copyright law (Title 17 U.S. Code)."

The following notice is included with each order: "Copyright fees have not been paid on these materials. It is the acknowledged responsibility of the requestor to pay all appropriate copyright fees."

#### Photocopier Signage

The following notice is prominently displayed on all public photocopiers and microform reader printers in the SPC/SWC LRCs:

The U.S. Copyright Law, Title 17, U.S. Code, governs the making of photocopies and other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

## **COURSE RESERVE COLLECTION**

#### Policies

The SPC/SWC LRCs, in accordance with the principles of fair use, will use materials in support of classroom teaching in the best format for the community.

#### Practices

The following copyright warning will be attached to each document in the Course Reserve System:

### **WARNING CONCERNING COPYRIGHT RESTRICTIONS**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproduction 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.

At the end of each semester, all photocopied material will be removed from access lists.

Material which will be placed in the SPC/SWC LRC Course Reserve System Without Obtaining Copyright Permission:

Exams

Lecture Notes

Student papers

Government publications

One article from a journal issue

One chapter from a book

When to Write for Copyright Permission for Course Reserve Material:

When an article from a journal is needed by a professor for more than one term

When multiple articles from one journal issue are needed for reserve

When one chapter of a book is needed by a professor for more than one term.

When multiple chapters of a book are needed for reserve.

## **NON-PRINT MATERIALS**

Definitions of all non-print materials (films, videocassettes, slides, photographs, and sound recordings) are in the Copyright Revision Act of 1976, Section 101, for non-print materials.

### Policies

The LRC acquires non-print materials directly from academic and commercial producers and distributors and from individual creators/copyright holders. The LRC will not knowingly acquire non-print materials which have been duplicated without the authorization of the copyright holder. Copyrighted non-print materials may not be reproduced except for preservation purposes.

### Practices Local Processing

Copyright notices as they appear on the labels of non-print materials shall not be obscured.

### Copyright Notice

A copyright notice will be posted, preferably near circulation desks, to apprise users of the Copyright Law of the United States (Title 17, US Code) and the implied terms of borrowing non-print materials. For example:

The Copyright Law of the United States (Title 17, US Code) governs the making of copies of copyrighted material. It is implicit in the lending of these non-print materials that the borrower agrees not to authorize duplication or reproduction of these materials and assumes all responsibilities for copyright compliance.

## **DIGITAL PRODUCTS**

## **LICENSED DIGITAL RESOURCES**

### Policies

We will negotiate terms as close to fair use as possible in all licenses and make reasonable efforts to apprise users of these terms. We will recognize only signed licenses as valid contracts; clickable or "shrinkwrap" licenses will not be recognized.

### Practices

Signed licenses will be readily available to staff who use, publicize, and give instruction related to the licensed products. Copies of each signed license will be on file in the Coordinator's Office and in the local unit that initiated purchase of the product.

## **CIRCULATING SOFTWARE**

### Policies

We will abide by US Copyright law when circulating computer software by labeling the software in accordance with the US Code of Federal Regulations.

### Practices

The LRC will use the following system-wide guidelines for local processing, established by the LRC (most recently revised in Spring, 1998):

.... The "notice of copyright" will not be obscured in processing.

.... Each circulating piece of software will carry the warning of copyright notice required by the U.S. Code of Federal Regulations (37 CFR 201.24) reprinted below:

Notice: Warning of Copyright Restrictions: The copyright law of the United States (Title 17, United States Code) governs the

reproduction, distribution, adaptation, public performance, and public display of copyrighted material. Under certain conditions specified in law, nonprofit libraries are authorized to lend, lease, or rent copies of computer programs to patrons on a nonprofit basis and for nonprofit purposes. Any person who makes an unauthorized copy or adaptation of the computer program or redistributes the loan copy, or publicly performs or displays the computer program except as permitted by title 17 of the United States Code, may be liable for copyright infringement. This institution reserves the right to refuse to fulfill a loan request if, in its judgment, fulfillment of the request would lead to violation of the copyright law.

.... A photocopy of any signed license agreement will be kept on file in Acquisitions, Serials, the LRC Coordinator's office, and the ordering department; in special circumstances, the signed license agreement may need to accompany material when it circulates.

## **STAFF-USE SOFTWARE**

LRC staff and faculty will follow District policy as described on the "Using Software" brochure available from ACCD.

**"Every person who uses computers should know:**

**UNAUTHORIZED** copying of software is illegal. Copyright law protects software authors and publishers, just as patent law protects inventors.

**UNAUTHORIZED** copying of software by individuals can harm the entire college community. If unauthorized copying proliferates on a campus, the institution may incur legal liability. Also, the institution may find it more difficult to negotiate agreements that would make software more widely and less expensively available to members of the college community.

**UNAUTHORIZED** copying and use of software deprives publishers and developers of a fair return for their work, increases prices, reduces the level of future support and enhancements, and can inhibit the development of new software products.

**RESPECT** for the intellectual work of others traditionally has been essential to the mission of colleges and universities. As members of the academic community, we value the free exchange of ideas. Just as we do not tolerate plagiarism, we do not condone the unauthorized copying of software, including programs, applications, data bases and code".

### **SOFTWARE FOR STAFF USE --**

#### **YOU CAN:**

Make a copy of an original software program for archival purposes. Only one copy of the program, either the original or the copy, may be used at any one time.

Make a new copy of the archival program in the event that the original is damaged or destroyed.

### **SOFTWARE FOR STAFF USE --**

#### **YOU CAN'T:**

Load a program onto multiple hard drives for simultaneous use without a license agreement that allows such usage.

Load a program onto a local area network or disk-sharing system without a license agreement that allows such usage.

Make or use unauthorized copies of copyrighted software programs or allow students to make or use unauthorized copies of software programs on school computer equipment.

Install software purchased for home use on an SPC/SWC machine.

## **PRESERVATION**

### Policies

Under the umbrella term "preservation purposes" the Copyright Law allows libraries to make replacement copies of print and non-print items. There is provision for making archival copies of software. The LRC will carry out the steps listed below in demonstrating a good faith effort to comply with the Copyright Law and guidelines.

### Practices

Printed and non-print materials (not software)

Any copy produced by the library itself must be in "facsimile form". That is, a form which reproduces the work so that the appearance remains the same or quite similar to the original. Photocopy and microform are allowed for printed materials;

non-print materials can be copied to the same format as the original. The copyright notice must be evident in the facsimile.

#### Unpublished works

An unpublished work may be copied in facsimile form for preservation purposes within the owning library, and at the request of another library which has need of a copy of the work. In addition to the preservation purposes above, an allowable reason for copying is to protect an original copy from theft or damage.

#### Published works

The library may not copy published works in anticipation of damage, theft, etc., only to replace a work that already is stolen, damaged, deteriorated, etc. Before copying can take place, the library must first make a reasonable effort to acquire an unused copy at a fair price from three sources:

in the market from the usual publication sources;

from the copyright holder if that holder is not the publisher and "if the owner can be located at the address listed in any copyright register that has been made of the work";

from a photo-reproduction service authorized to make a copy.

#### Software

The Computer Amendment of 1980 provides the right to copy software for archival purposes. That is, in advance of need, the library may make one copy of a software product. The copy is held in reserve in case the original is damaged. At any time, the library may hold only one archival copy. The copyright notice must be evident on the software copy.

In the event the LRC is changing formats to preserve use, i.e., migrating from one format to another, we will ask permission of the copyright holder following the model above for printed and non-printed materials.