

Resource Sharing & “ALL THINGS COPYRIGHT!”

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We are here...somewhere around here...



Copyright's Primary Purpose

“The Congress shall have the power...to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors exclusive Right to their respective Writings and Discoveries.”

United States Constitution
Article 1, Section 8

Fair Use – Section 107

Four Factors of Fair Use

1. Purpose & Character of Use
 - e.g., non-profit vs. for-profit
2. Nature of Work
 - e.g., factual vs. creative; published vs. unpublished
3. Amount & Substantiality of Work
 - e.g., small portion vs. large portion or “heart” of work
4. Effect of Use
 - e.g., little effect on market vs. huge impact on market value

Fair Use Checklist

<http://www.copyright.iupui.edu/checklist.htm>

Reproduction by Libraries & Archives - Section 108

- Section 108 (d)
 - The copy becomes the property of the user
 - Library has had no notice that the copy will be used for any purpose other than private study, scholarship, or research
 - Library displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright.

CONTU

- Not to be confused with CONFU...
- “Commission on new technological uses of copyrighted works”

CONTU Guidelines

- Provides clarification for Section 108
- Attempts to quantify...
 - “Systemic reproduction”
 - “Aggregate quantities”
- Attempts to mitigate effects of library subscription patterns on market and sales

CONTU Guidelines

- “5/5 Rule” or “Rule of Five”
 - For BORROWING library
 - Articles published fewer than five years before date of request
 - Requesting and receiving six or more articles from a single journal title in a calendar year
 - Deny request
 - Start a subscription to the journal
 - Pay royalties on requests that exceed this rule

CONTU Guidelines

- All ILL photocopy requests must include a copyright compliance statement by the

CONTU Guidelines

- Keep records of all BORROWING 2s -31.h3l48 u

What about Lending?

- Check for use of CCG or CCL
- Check your licenses for electronic journals
- Include copyright statement on copies provided
 - Copy the copyright statement on the piece
 - If you cannot locate it, use a stamp

What about Electronic Journals?

License ALWAYS trumps law

Public Domain

- What's now in the Public Domain?
 - http://www.copyright.cornell.edu/public_domain/
 - <http://librarycopyright.net/digitalslider/>
- Some things you may think are in the Public Domain are NOT...



Copyright Clearance Center

- Clearance for textual works since 1978(m7e-313)

What about non-CCC titles?

- Commercial Document Delivery Services
 - Copyright fees are included in the price
 - British Library Document Supply Services
 - CISTI (Canada Institute for Scientific and Technical Information)
- Purchase from the publisher

Questions to ask yourself...

- Is your use a Fair Use?
- Does your use fall within agreed-upon “safe harbor” guidelines?
- Is the material you would like to use licensed for your purpose?
- Is the material within public domain?

Questions? Doubts?

- Remember copyright's primary purpose
- Consult your resources
- Ask your colleagues

Resources

- ALA Copyright Advisory Network
 - <http://librarycopyright.net/wordpress/>
- Section 108 Study Group
 - <http://www.loc.gov/section108/>
- University of Texas System Copyright Crash Course
 - <http://www.utsystem.edu/OGC/Intellectualproperty/I-108g.htm>
- Russell, Carrie. *Complete Copyright: An Everyday Guide for Librarians*. 2004.
- Boucher, Virginia. *Interlibrary Loan Practices Handbook* (2
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Questions?

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