



University

Copy

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University

OMS

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in ARL Libraries  
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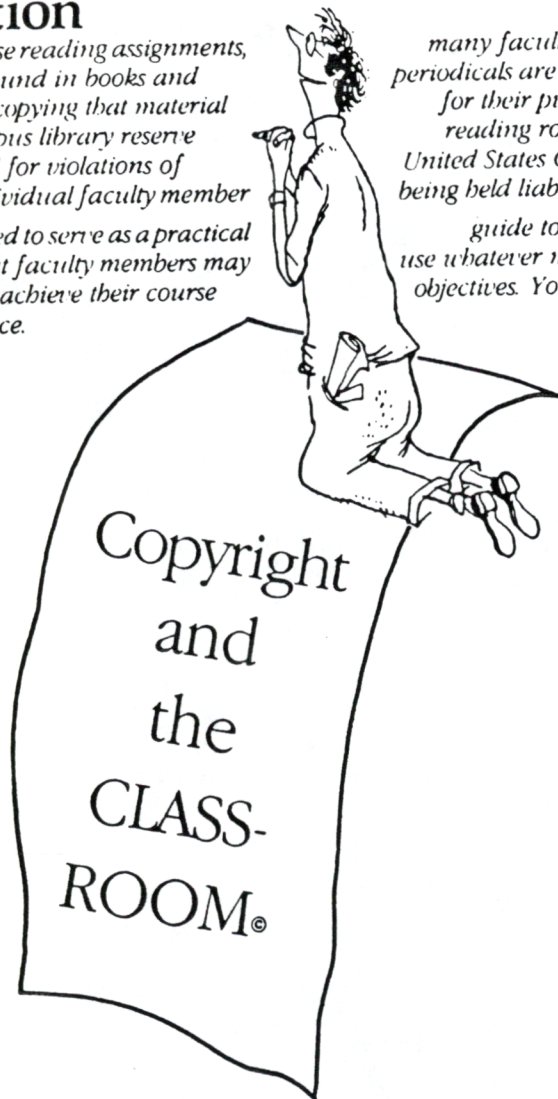
## ntroduction

*In preparing course reading assignments, scholarly works found in books and students by photocopying that material copies in the campus library reserve raise the potential for violations of in the University and the individual faculty member*

*This brief pamphlet is designed to serve as a practical instructional purposes so that faculty members may appropriate to helping them achieve their course pamphlet for future reference.*

*many faculty members find that primary periodicals are most efficiently distributed to for their purchase or by placing multiple reading rooms. However, these practices United States Copyright Law and may result being held liable for copyright infringement.*

*guide to using copyright materials for use whatever materials they believe are most objectives. You are encouraged to keep this*



*A practical guide to*

**COPYRIGHTS**

*and*

**COPYWRONGS**

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### 1. What is copyright?

Copyright is the exclusive legal right to publish, sell, and reproduce literary, musical, and artistic works. In the United States, the rights of copyright holders are provided for in the 1976 Copyright Act (Title 17, United States Code). Infringement of copyright is both illegal and unethical.

## 2. Does copyright mean that I can never reproduce printed materials for instructional purposes?

No! The Copyright Law authorizes faculty members to reproduce some copyrighted materials without having to seek individual permission. These include:

- published works that are not copyrighted;
- published works whose copyrights have expired (in general, materials published in the U.S. more than 75 years ago; check with the Business Contracts Office (2 2426) to be sure);
- most publications of the U.S. Government (check the inside cover page for a copyright notice);
- journals that permit reproduction of their articles for instructional purposes; a notice to this effect is usually found on the inside front cover of the journal;
- journals for which the library has received a blanket permission to use copyrighted materials for instructional purposes. The library will distribute a list of these journals annually;
- journals that offer copyright permission through the Copyright Clearance Center (CCC), a service which charges a fee that the library will pay. Notice of a copyrighted item's registration with the CCC appears either on the inside front cover of the journal or on the title page of an article. If you will send a copy of an article registered with the CCC along with a copy of the CCC statement in the journal to the reserve book room staff, the library will assume responsibility for the paperwork and the payment of fees.

Copyright restrictions also do not apply to multiple "original reprints" obtained from the publisher. Finally, the Copyright Law also allows limited reproduction of copyrighted materials if the law's criteria for educational "fair use" are satisfied.

## 3. What are the criteria for "fair use"?

In determining whether the use of copyrighted materials is a "fair use," the law requires consideration of four factors:

- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- the nature of the copyrighted work;
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and,
- the effect of the use on the potential market for or value of the copyrighted work.

## 4. These criteria seem awfully vague. Can't you provide more specific guidance?

There is no automatic formula for determining whether a use of copyrighted materials will be viewed by a court to constitute "fair use." However, you should be in compliance with the law's provisions if:

- the materials are not used repeatedly (i.e., you have not used them before and you do not intend to use them in the future);
- you make no more than one copy per student to distribute in class;
- you place the copyright notice on each copy distributed;
- students are not assessed a fee beyond the actual cost of reproduction;
- in the case of books and other lengthy materials, the portion copied is selective and sparing in comparison to the work as a whole; if you plan to use books from which extensive portions will be needed, the library is prepared to purchase multiple copies for reserve use;
- no attempt is made to create or replace an existing anthology or other collective work.

## 5. I had heard that articles or monographs published as a result of research conducted under a federal contract or with federal funds were also not subject to copyright restrictions. Is that true?

No! Contrary to a widely-circulating myth, the source of funding for scholarly research is not related to any protections it may enjoy under copyright law.

## 6. What about out-of-print books which are still covered by copyright?

If you need a book for reserve use, even if that book is out of print, the library will make every attempt to obtain it. You should list the item on your reserve list as usual, noting that it is out of print and providing standard bibliographic information so that the library can begin to search for the book through out of print or reprint sources. If you have submitted an order request, it is legitimate to place a photocopy on reserve; please send it with your list if you have one.

## 7. What should I do if I want to use an item repeatedly several times a year or in successive years?

For copyrighted items that you plan to use on a regular basis, you will need to seek permission of the copyright holder unless the library has already obtained a blanket permission. Permission for continued use for educational purposes is normally granted without charge.

**8. If the article or book I wish to use is one for which I must seek permission (i.e., not covered by questions 2-4 above), how do I go about obtaining that permission?**

Your departmental staff can assist you using the campus procedures specified in the UC Davis Policy and Procedure Manual, Section 210-72 which provides, among other things, a sample letter to be used to request permission. You will need to provide them with the author and title of the article or book, the name of the journal or publisher, and the date of publication. Your staff will also need to obtain the address of the publisher, which may be found on the inside cover of the journal, or in *Books in Print* or *Ulrich's International Periodicals Directory*, both available at any library reference desk. The Business Contracts Office (2 2426) can provide assistance to your departmental staff and can provide advice when you are in doubt about whether you need to seek permission.

**9. Do I have to wait until I receive an answer from the copyright holder before I use this material?**

No. As with material you seek to use only once, material that you intend to be used repeatedly may be placed on reserve for one quarter until you receive permission.

**10. Assuming that I have obtained permission or that the material I seek to use falls within the range of permitted uses (i.e. questions 2-4, above), how do I go about getting multiple copies made for distribution to my students or for placement in the library reserve reading rooms.?**

If you will supply a copy of each item for which multiple copies are required to the reserve book room along with your reserve reading list, the library will make the required copies and recharge your department for the cost of those copies. Alternatively, your department can arrange for multiple copies to be made through Repro Graphics or an off campus copy service and delivered to the reserve room. The library will accept a maximum of 3 copies of each item for classes of 50 or fewer students, with an additional copy allowed for each group of 20 additional students to a maximum of 10 copies per item.

If you utilize the copying services of the library or of Repro Graphics, you will be asked to sign a form indicating that you have already obtained permission to use the copyrighted material or that your planned use of the material is consistent with the "fair use" concept. And regardless of where the copies are made, the reserve room will require you to supply a signed form certifying your compliance with the copyright law before accepting items for reserve.

**11. Once I have my copies, how do I get them placed in the reserve reading rooms?**

You may arrange for your materials to be placed on reserve simply by sending them to the appropriate reserve book room, along with your reserve reading list, the appropriate permission statements, and a signed form certifying your compliance with the copyright law. Copies of this form should be available in your department or can be obtained upon request from the reserve room staff. Please note that you, the faculty member, must sign this form; departmental staff signatures are not acceptable.

**12. It seems like there is a lot of "red tape" connected with obtaining a copyright permission. I'm too busy to bother with all of this bureaucracy. What happens if I just go ahead and use the materials without the appropriate permissions?**

Without the appropriate permissions, University reproduction facilities will not be able to accept the materials you want copied. Without the appropriate permissions, the library reserve rooms will not be able to accept your multiple copies for students to read. Assuming that you can find some other way to have copyrighted materials copied and distributed to students, you need to know that the University may not be able to serve as your legal representative should a law suit be initiated alleging copyright infringement. It is in your own best interest, therefore, to follow University procedures and to use University facilities to help you make a "good faith" attempt to comply with the copyright law.

**13. Where can I go for help if I have questions about copyright law?**

The best place to call is the Office of Business Contracts and Analysis (2-2426).

**14. Who is available in the library to assist me with reserve room readings and these matters connected with copyright?**

Questions should be directed to the Reserve Supervisor at the library which houses the materials for your discipline:

Carlson Health Sciences Library	2-6703
Physical Sciences Library	2-2283
Shields Library	2-2760

## COPYRIGHT POLICIES IN ARL LIBRARIES\*

KIT #102 MARCH, 1984

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\*Documents are reproduced here as examples only, and do not represent Association of Research Libraries policy or opinion.

InterLibrary Loan Information

Office Hours: 8 a.m.--5 p.m. Mon. thru Fri.  
(Additional hours of pick-up & return available through Reference)

InterLibrary Loan services at Florida State University are open for serious research by its faculty members and students only. (Undergraduates may borrow from Florida Libraries, but not from out-of-state Libraries.) InterLibrary Loan service supplements FSU Library's collection. Please ask a Librarian for assistance in making sure that materials are not available in the FSU Library before submitting a request to InterLibrary Loan.

THE REQUEST :

- \* Complete information for each request should be given on a request card supplied by InterLibrary Loan.
- \* Use one request card per item. (Multiple articles from the same periodical must be treated as separate requests.)
- \* Please type or hand print the information on the request card and please do not abbreviate. Telephone requests are not accepted.
- \* Consult the policy file of Universities in the Reference Area FIRST before making any doctoral dissertation or master's thesis request.
- \* Only 5-6 requests per patron can be processed each week. Patrons are encouraged to arrange the requests in order of importance to their research, and submit them in batches of 5-6 at a time over a number of days -- not consecutively.
- \* Allow an average of 20 days or more for the arrival of material requested. Most materials are shipped by the lending libraries by U.S. mail library rate.
- \* Every borrower must strictly observe all regulations imposed by the lending library, such as due dates, care in using fragile, or old materials, the restriction for "in library use only", or instructions regarding no photocopying.

UNAVAILABLE ITEMS :

- \* Patrons should not ordinarily ask to borrow the following types of materials:
  - a. fiction
  - b. inexpensive items currently available in the U.S. such as materials in Books in Print
  - c. standard reference works
  - d. genealogical titles
  - e. whole issues of periodicals in lieu of photocopies
  - f. pamphlets, and
  - g. rare books.

PLEASE NOTE: Most libraries will not loan these materials. Requests for such items will be processed as time allows after all legitimate requests are completed.

BOOK CHARGES :

- \* Each borrower pays a portion of the return postage of a borrowed item which varies depending on the weight of the material borrowed.

PERIODICAL CHARGES :

- \* Since most libraries do not lend periodicals, but prefer to send photocopy of an article, the requestor must pay for the photocopy furnished. Please indicate the maximum cost you will pay when filling out a periodical request, as one library may charge a higher rate than another. The request cannot be processed without a specified maximum cost.

COPYRIGHT :

- \* The patron may be asked to supply copyright clearance for certain categories of photocopy requests. Particularly affected are those journal articles published in the last five years for which there are several requests. Clearance involves evidence of permission to the individual from the copyright holder which includes the following information: periodical title, volume, number, date, pages, article title and author, place, publisher, edition, intended use through InterLibrary Loan. As an alternative, the patron may wish to ask the copyright owner for available reprints.

RENEWALS :

- \* The time allowed by the lending library is indicated on a slip inserted in the book. An extension of time should be requested only in unusual circumstances. Application for such renewal must be made before the date indicated on the date due slip. If a borrower continually disregards due dates, further service may be refused.

Please return all borrowed materials to THIS OFFICE ONLY on or before the due date.

1. The library assumes that the request is made in compliance with the Fair Use provisions of Title 17, United States Code, Section 107.
2. The following notice of copyright will be included on the reproduction of the copyrighted work:

NOTICE: This material may be protected by  
copyright law (Title 17 U.S. Code)

- C. Will not make multiple copies for reserve.

### III. INTERLIBRARY BORROWING

- A. Each library will maintain copies of all filled photocopy requests in title order.
- B. At the end of each calendar year, each library of the University will review the title files to see if it has received more than five copies in that year from any copyrighted periodical published in the last five years. Those titles for which the number of copies is deemed to exceed the spirit of the law and the guidelines for photocopy in lieu of subscription (i.e., the library does not have a subscription) will be considered for purchase by the appropriate collection development specialist.
- C. On the ALA request form (see Revised Interlibrary Loan Form on page 3) each library will check the "Conforms to Copyright Guidelines" (CCG) box, indicating that the request is being made in conformity with the CONTU Interlibrary Loan Guidelines (hereinafter "CONTU Guidelines") in the following circumstances:
  1. The library has the title on order [CONTU Guidelines 2 (a) and (b)]; or
  2. The library owns the item but for some reason cannot make the particular portion requested available (CONTU Guideline 2).
- D. The "Conforms to Copyright Law" (CCL) box on the request form will be checked, indicating that the request is being made in conformity with the Copyright Act of 1976 in the following circumstances:
  1. When the copy requested becomes the property of the user:
    - (a) If the library believes that it has not received an undue number of articles from the current five years of a periodical title;
    - (b) If the request is for an entire work or substantial part of a work where the requesting library has determined that a copy cannot be obtained at a fair price [See Subsection 108 (e)]:

- (c) If the request is for a copy of book or periodical material made for a teacher in conformity with the "Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions" or for copying of music under the "Guidelines for Educational Uses of Music;"
  - (d) When the requesting library believes, because of the circumstances of the request, that the reproduction and distribution of the copy is a "fair use" (see Section 107 for statutory tests to determine whether a given reproduction is or is not a "fair use");
  - (e) When the requested photocopy is a copy of the kind of material described in 108 (d) but published earlier than five years prior to the date of the request;
  - (f) When the requested material is not subject to the reproduction rights granted by Section 108 (i.e., it is a musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with news) but the requesting library believes that, because of the circumstances of the request, the reproduction and distribution of the copy would be a "fair use." [See Subsection 108 (d) for limitation of Section 108. See Section 107 for four statutory tests to determine whether a given reproduction is or is not a "fair use."]
2. When the requested copy becomes a part of the collection of the requesting library:
- (a) If the request is for a facsimile copy of a published work requested solely for replacement of a damaged, deteriorating, lost or stolen copy of a work and the requesting library has determined, after reasonable investigation, that an unused replacement is unavailable at a fair price [See Section 108 (c)];
  - (b) Where, because of the circumstances of the request, the requesting library believes that the reproduction and distribution of the copy would be a "fair use" [see Section 107 for four statutory tests to determine whether a given reproduction is or is not a "fair use"].

Requests transmitted by teletypewriter exchange (TWX) will have either the CCG or the CCL code supplied.

To obtain the patron's affirmation of his or her awareness of the copyright law and intention to

comply with it, the following "Order Warning of Copyright" will be added to the form for patrons to request photocopies, above the signature line. The format of the warning will comply with the instructions in Part 201.14 of 37 CFR Chapter II, Paragraph (c)(2).

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 of the 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.

The above notice will be prominently displayed in the area of the library where orders are accepted.

IV. INTERLIBRARY LENDING

- A. Each library will fill requests from other libraries that have checked either the CCG box or the CCL box (or have supplied these codes in TWX requests). Requests that do not include this information will be returned with a form note:

We are returning your request unfilled because confirmation of your compliance with the Copyright Law (Title 17, United States Code) has been omitted.

- B. For requests for photocopy received from individuals, each library will fill the request and include the following notice with the material supplied:

NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW  
(TITLE 17 U.S. CODE).

The library will affix this notice in one of two ways: either by stamping it on the first page of each item photocopied or by using a clear plastic overlay containing the notice so that it appears on the first page of each item photocopied.

V. LIBRARY PHOTOGRAPHIC SERVICES

- A. Copying requests forwarded to library photographic services from another library unit. The library photographic service will stamp the following notice on the first page of each photocopied item:

NOTICE: This material may be protected by  
copyright law (Title 17 U.S. Code)

- B. All other copying or reproduction requests presented at or to agents of library photographic services, or received by same.

Library photographic services will incorporate into their work order request forms the following Order Warning, in accordance with format instructions in Part 201.14 of 37 CFR Chapter II, Paragraph (c)(2).

NOTICE

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies of other reproductions of copyrighted materials.

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 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 copy order if, in its judgement, fulfillment of the order would involve violation of copyright law.

The same notice will be displayed at the place where orders for copies are accepted, formatted in accordance with the instructions in Part 201.14 of 37 CFR Chapter II, Paragraph (c)(1).

SECTION 2. INTERLIBRARY BORROWING PROCEDURES.

- 2.1. Each UCLA Library Interlibrary Borrowing Unit (University Research Library Interlibrary Services, Biomedical Library, Physical Science & Technology Libraries, and Law Library) will maintain records of all filled photocopy requests in title order. The records will be retained for three years beyond the calendar year in which the request was filled. If the records are not kept beyond the period, a summary of each transaction should be prepared for the five-year review mandated by Section 108(i).
- 2.2. At the end of each calendar year, these units will combine these files and review each title to determine whether there had been filled requests for more than five photocopies of an article or articles published in the previous five years in any one copyrighted periodical. Those titles for which the number of photocopies is deemed to exceed the spirit of the law and the CONTU Interlibrary Loan Guidelines (hereinafter CONTU Guidelines) will be considered for purchase by the appropriate collection development specialist.
- 2.3. On the ALA request form (see Revised Interlibrary Loan Form following this page) each ILL borrowing unit will check the "Conforms to Copyright Guidelines" (CCG) box, indicating that the request is being made in conformity with the CONTU Guidelines, in the following circumstances:
  - 2.3.1. The Library has title on order [CONTU Guidelines 2(a) and (b)];  
or
  - 2.3.2. The Library owns the item but for some reason cannot make the particular portion requested available [CONTU Guidelines 2].
- 2.4. The "Conforms to Copyright Law" (CCL) box on the request form will be checked, indicating that the request is being made in conformity with the Copyright Act of 1976, in the following circumstances:
  - 2.4.1. When the copy requested becomes the property of the user:
    - 2.4.1.1. If the library believes that it has not received an undue number of articles from the current five years of a periodical title;
    - 2.4.1.2. If the request is for an entire work or substantial part of a work where the requesting library has determined that a copy cannot be obtained at a fair price; [See Section 108(e)]
    - 2.4.1.3. If the request is for a copy of book or periodical material made for a teacher in conformity with the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" or for

copying of music under the "Guidelines for Educational Uses of Music;" [See Appendix A5/A7 and Appendix C]

- 2.4.1.4. When the requesting library believes, because of the circumstances of the request, that the reproduction and distribution of the copy is a "fair use" (see Section 107 of Copyright Law for statutory tests to determine whether a given reproduction is or is not "fair use");
  - 2.4.1.5. When the requested photocopy is a copy of the kind of material described in Section 108(d) of the Copyright Law but published earlier than five years prior to the date of the request;
  - 2.4.1.6. When the requested material is not subject to the reproduction rights granted by Section 108 of the Copyright Law (i.e., as described in Section 108(h), it is a musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with news) but the requesting library believes that, because of the circumstances of the request, the reproduction and distribution of the copy would be a "fair use." [See Subsection 108(d) for limitation of Section 108. See Section 107 for four statutory tests to determine whether a given reproduction is or is not a "fair use."]
- 2.4.2. When the requested copy becomes a part of the collection of the requesting library:
- 2.4.2.1. If the request is for a facsimile copy of a published work requested solely for replacement of a damaged, deteriorating, lost or stolen copy of a work and the requesting library has determined, after reasonable investigation, that an unused replacement is unavailable at a fair price. [Section 108(c)]
  - 2.4.2.2. Where, because of the circumstances of the request, the requesting library believes that the reproduction and distribution of the copy would be a "fair use" [see Section 107 for four statutory tests to determine whether a given reproduction is or is not a "fair use"].
- 2.5. Requests transmitted by teletype writer exchange (TWX) or other electronic means will have either the CCG or the CCL code supplied.
- 2.6. To obtain the patron's affirmation of his or her awareness of the copyright data and intention to comply with it, the following Order Warning of Copyright shall be printed within a box located

journal articles, photocopies, and monographs. The format of the warning will comply with the instructions in Part 201.14, of 37 CFR Chapter II, Paragraph (c) (2).

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 materials.

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 the 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.

- 2.7. The "Warning Concerning Copyright Restrictions" will be prominently displayed where ILL borrower requests are accepted.

SECTION 3. INTERLIBRARY LENDING PROCEDURES.

- 3.1. Each library will fill requests from other libraries that have indicated either CCG or CCL on the request forms. Requests that do not include this information will be returned with a form note:

We are returning your request unfilled because a statement of your compliance with the Copyright Law has been omitted (Title 17, United States Code).

- 3.2. For requests for photocopy received from institutions and individuals, each library will fill the request and include the following notice with the material supplied.

NOTICE: This material may be protected by  
Copyright Law (Title 17, U.S. Code).

The library will affix this notice in one of two ways: either by stamping it on the first page of each item photocopied or by using a clear plastic overlay containing the notice so that it appears on the first page of each item photocopied.