



# Reserves Copyright Regulations and Guidelines

Administration

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## **Purpose**

As an agency of an educational and creative enterprise, the Virginia Commonwealth University Libraries recognizes the importance of maintaining a balance between the protection and preservation of intellectual property and its scholarly review and employment. The VCU Libraries' course reserves provides valuable readings and other materials for the instructional requirements of specific courses in a way consistent with scholarly use. Essential to its success is confident and lawful exercise of fair use rights defined by Section 107 of the United States Copyright Act of 1976. The following Reserves Copyright Regulations and Guidelines reflect this premise.

## **Regulation**

The VCU Libraries provides reserve services, regardless of format, in accordance with the Copyright Act of 1976, Title 17 U.S. Code, Section 107 (Limitations on Exclusive Rights: Fair Use). Section 107 is as follows:

“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 in 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.”<sup>i</sup>

The collections of the VCU Libraries are purchased by the University for the nonprofit, educational and scholarly use of students and faculty. Library materials are purchased with provision for multiple uses of a single copy, often by paying a premium institutional subscription or purchase price for the privilege. In course reserves and all other operations, the VCU Libraries will ensure that use of materials and services are in compliance with both the letter and the spirit of U.S. copyright law. There are no copyright restrictions for works in the public domain, such as U.S. government works or works with expired copyright. Works created by an instructor for which the instructor still holds copyright (course exams, lecture notes, etc.) may have copyright restrictions on their use by others.

### **Our Reserve Guidelines**

- 1) Only VCU faculty or their proxies may request that materials be placed on reserve.
- 2) All materials placed on reserve are solely for the non-commercial, education use of students.
- 3) Access to reserve materials will be limited to current VCU faculty, staff and students. Network access will be limited to authenticated VCU users.
- 4) There will be no charge for access or use of reserves. Students may pay nominal charges for printing or photocopying reserve materials.
- 5) Whenever possible, materials copied or scanned for reserves will be owned by the faculty submitting them or by the VCU Libraries. If necessary and possible, these materials will be purchased by the VCU Libraries.
- 6) Longer works, such as complete books, will not be copied for reserves. The VCU Libraries will not place materials on reserve without permission if the scope, nature, or extent of copying is judged by the VCU Libraries to exceed the reasonable limits of fair use.
- 7) As per the ARL Counsel interpretation<sup>ii</sup>, the following copyright notice will appear on the first page of each digital or print document copied for reserves to indicate that the materials may be covered by copyright law:

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 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. When submitting this order form to request article information, you are agreeing to the conditions set forth herein.

- 8) Material access will be via course name, course number or faculty name.
- 9) Materials on reserve normally will be returned to faculty members at the end of each class term unless retention is permitted by permission or by copyright law and fair use guidelines.
- 10) Faculty will be responsible for acquiring needed use permissions beyond those provided by the Copyright Act. The VCU Libraries will assist faculty in acquiring permissions by making available printed resources and educational assistance.
- 11) The American Library Association model reserve guidelines will be followed.<sup>iii</sup>
- 12) The VCU Libraries reserves the right to refuse to provide service if in its judgement fulfillment of such service violates copyright law.

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<sup>i</sup> <http://lcweb.loc.gov/copyright/>

<sup>ii</sup> Interpretation of Arnold P. Lutzker, Esq. (Lutzker & Lutzker LLP, Washington DC) of Section 108(a)(3) of the Copyright Act, as amended in the Digital Millennium Copyright Act of 1998. <http://www.arl.org/info/frn/copy/notice.html>

<sup>iii</sup> ALA Model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use, March 1982.