

# Danville Area Community College Library Copyright Policies

## Policy on Reserve Materials & Copyright

The purpose of Reserve Services in Danville Area Community College Library is to provide access to course-related materials for intensive student use. Both library-owned materials and those supplied by faculty members will be accepted for reserve. In order to assure that the Library complies with the requirements of the Copyright Law of the United States, the following procedures are applied in accepting copies (photocopies or electronic versions) that fall under the guidelines of the fair use provisions of the Copyright Act. In general, United States government publications and materials published in the U.S. before 1923 are not covered by Copyright Law (check the inside cover page for a copyright notice).

- Library Circulation will accept only one copy of an item which is to be placed on Course Reserve. The copyright statement must either accompany or be placed on the photocopy before being made available through reserves. A photocopy or electronic copy of an item will stay on active reserve for only one term. Items supplied by faculty will be returned to the faculty member. For multiple copies provided by faculty members, see below.
- If a faculty member wishes to place multiple copies on Course Reserve or reuse materials, a copy of the letter that grants permission to use the copies must be supplied.

## Copy Machines and Computer Lab Printers

Copyright-protected materials are often reproduced in areas where there are user-operated copy machines or on monitors in computer labs. In order to assure that users are cautioned about their responsibilities under the copyright law, the library posts the warning notice below on the equipment. The notice is clearly visible, legible, and comprehensible to a user in the immediate vicinity of any copy machine or on the monitors and printers for lab computers.

**"Notice: The copyright law of the United States (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material; the person using this equipment is liable for any infringement."**

## Interlibrary Loan

The copyright activities of DD/ILL are governed primarily by [Section 108](#) of the U.S. copyright law (Limitations on exclusive rights: reproduction by libraries and archives). In particular, the National Commission on New Technological Uses of Copyrighted Works, [CONTU](#), developed guidelines "to assist librarians and copyright proprietors in understanding the amount of photocopying for use in interlibrary loan arrangements permitted under the copyright law" especially regarding issues of "systematic

reproduction". The CONTU guidelines are the basis for the limits on reproduction. These guidelines state that if an interlibrary loan operation requests more than five articles from the most recent five year period of a specific periodical title or other serial publication in a single calendar year, the library should consider whether those requests are substituting for a subscription to that periodical or serial publication. The library should consider whether a subscription would be appropriate for its collection.

In some cases, the provisions of [Section 107](#) (fair use) may also be applied to DD/ILL activities.

### What May Be Copied

The following may be copied and distributed through interlibrary loan:

- Entire works or sections of works that are in the public domain
- Entire works or sections of works by the U.S. government
- Entire works or sections of works used with permission from the copyright holder
- Entire works or sections of works used under the provisions of [Section 108](#)
- Portions of books, journal issues, and other print resources that meet a reasonable determination of fair use
- Works used under the provisions of a contract or license agreement; such agreements may differ from, and often take precedence over, what is allowed under copyright law
- Copyrighted works owned by the DACC Library or another library, where the library has first determined, on the basis of a reasonable investigation, that the copyrighted work cannot be obtained at a fair price.

Library staff reserves the right to refuse or otherwise limit requests if, in their judgment, the requested materials and/or intended use would exceed fair use or otherwise constitute copyright infringement.

The following standards will be applied when copying copyrighted materials for interlibrary loan services.

### User's Responsibilities

*The user is the library patron: student, instructor, researcher, etc.*

- Users should request copies of copyrighted works only to serve personal study, scholarship, or research needs.
- Users should request only the amount of material needed.
- Copies of copyrighted materials made available through interlibrary loan services become the property of the user and should not be reproduced for further distribution, except where there is a reasonable determination of fair use.

### Borrowing Library's Responsibilities

*DACC is the "borrowing library" when it obtains materials for its patrons.*

- The library will not request and distribute copies of copyrighted works if it has notice that the copy will be used for anything other than private study, scholarship, or research purposes.
- Library staff will not knowingly engage in related replication or distribution of multiple copies of the same material, except where there is a reasonable determination of fair use.
- Library staff will determine appropriate limits on materials to be reproduced and distributed based on [CONTU](#) guidelines and internal procedures.
- The library will not request and receive interlibrary loan copies for distribution in such quantities so as to result, in purpose or effect, in substitution for a subscription to or purchase of such work.
- The library will not accept requests to copy musical works, pictorial, graphic, or sculptural works, motion pictures or other audiovisual works, except where there is a reasonable determination of fair use.
- In response to a request to copy an entire textual work or substantial part thereof, the library will conduct a reasonable investigation to conclude that a copy cannot be obtained at a fair market price.
- Library staff will determine and indicate copyright compliance on all requests transmitted for interlibrary borrowing.
- A "Warning Concerning Copyright Restrictions" will be prominently displayed on all request forms and where requests are received.

Library staff reserves the right to refuse or otherwise limit requests if, in their judgment, the requested materials and/or intended use would exceed fair use or otherwise constitute copyright infringement.

### Lending Library's Responsibilities

*DACC is the "lending library" when it provides materials for other libraries.*

- The DACC Library DD/ILL service will not make and distribute copies of copyrighted works if it has notice that the copy will be used for anything other than private study, scholarship, or research purposes.
- Determination of overall copyright compliance for requests from other libraries is the responsibility of the requesting library. The DACC Library will only fulfill requests that indicate copyright compliance.
- Copies made as part of DACC's DD/ILL service will display the appropriate copyright notice.