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VanderCook College of Music
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The copyright law of the United States (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material.

Under 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 or reproduction for purposes in excess of “fair use,” that user may be liable for copyright infringement.

Ruppel Library reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

Fair Use Guidelines (U.S.C. 17 section 107):

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.
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Copyright Guidelines for Library Course Reserves

Copies of a periodical article or a single chapter from a book may be placed on reserve for one semester. Each photocopy must have a copy of the title page and the copyright statement attached to the front of the article or chapter. [The copyright statement is usually found on the back of the title page in a book, or in the table of contents in a journal.] Duplicate the copyright statement when the material is being photocopied. *MATERIALS WILL NOT BE PROCESSED WITHOUT THIS STATEMENT.*

The same material may not be used in subsequent semesters without written permission from the publisher. It would be helpful if you could pick up your

photocopies at the end of each semester, otherwise, they will be placed in your mailbox.

Non-compliance with the above guidelines will not allow us to process your reserve materials.

The library staff does not photocopy materials requested for reserve. This is the responsibility of the individual faculty member.

Basic Guidelines to Keep in Mind (arranged by type of material):

Print Materials

Permitted:

- single copy: chapter of book
- single copy: article from magazine or newspaper
- single copy: short story, short essay, short poem
- single copy: chart, graph, diagram, picture or non-syndicated, non-copyrighted cartoon

Not permitted:

- copying several chapters per book
- copying several articles per magazine
- copying consumables: workbooks, copyrighted exercise sheets, tests

Multiple Copies for Classroom/Instructional Purposes

Permitted:

- complete poem less than 250 words (not more than 2 pages)
- excerpt from long poem not to exceed 250 words
- article, story, or essay less than 2,500 words
- excerpt (from above) less than 1,000 words or 10% of total, whichever is less
- one chart, graph, diagram, picture, or non-syndicated, non-copyrighted cartoon per book or periodical
- works combining prose, poetry, etc., less than 10% of whole
- IF.....
 - copying is for one course only
 - insufficient time to request permission
 - one work from a single author
 - less than 3 authors from collective work
 - 9 or less instances of multiple copying per term
 - copying not used to create or replace anthologies

- same copying not repeated next term
- students not charged beyond photocopying fees
- classroom quantities of current news articles if individual articles not copyrighted
- All multiple copying must be at the inspiration of the individual teacher and the decision to use the material so close to the date needed for instruction as to preclude securing copyright permission from the copyright holder

Not permitted:

- using/making multiple copies of same material semester after semester
- creating "anthologies"
- copying workbooks and other works meant to be used once by one student
- copying shall not be directed by higher authority
- copying more than one or two excerpts from a single author during one class term
- copying from workbooks, tests, or other consumables. copying a blacklined master.

Audiovisual Materials:

Permitted:

- creating slide sets from books, magazines, etc., as long as only one per source used
- making one overhead transparency of one page of one workbook
- converting a damaged filmstrip to a slide set, keeping same order minus damaged frames
- enlarging a map with an opaque projector for tracing but not duplicating color scheme, symbols, etc.
- copying non-dramatic literary, audiovisual works for use by blind or deaf individuals

Not permitted:

- copying audio tapes or video tapes for archival or backup purposes
- reproducing musical works or converting from one form to another (record to cassette)
- copying any audiovisual work in its entirety (except off-air taping)
- converting from one medium format to another
- recording the text of a book or textbook onto an audiocassette

Music

Permitted:

- emergency copies for performance provided copies are later purchased

- for study or teaching, single or multiple copies of excerpts
- IF.....
 - excerpts do not constitute a performable unit such as a movement or aria
- editing purchased copies for simplification
- IF.....
 - character of work is not changed
 - lyrics are not changed
- single copy of performances by students made for evaluation or rehearsal purposes
- copy of recording for purposes of aural testing
- portion of commercial music played as background in student media production

Not permitted:

- copying for performances
- copying to create anthologies
- copying to avoid purchasing
- copying but excluding copyright notice
- performing a work without a license or paying royalty fees

Software

Permitted:

- copying into RAM if copying is necessary to use the program
- one copy for archival purposes
- probably may make a 3.5" disk from a 5 1/4" disk if the 5 1/4" disk is considered the archival copy
- back up copies of hard drives as long as they are not used to run another drive
- library lending of public domain software

Not permitted:

- circulation of archival copy
- "networking" software without license or permission
- loading a single copy of a software program onto several computers for simultaneous use
- making copies of copyrighted software for student use

Databases

Permitted:

- may download searches

Not permitted:

- downloaded searches should not be retained
- downloaded material may not be used to create a derivative work

CD-ROMs

Permitted:

- printing out pages of reference or other works for study or teaching

Not permitted:

- printing out large section of work

Multimedia

Permitted:

- teacher or student-developed multimedia program of copyrighted programs for use in classroom only
- Note: Students may keep their work indefinitely; teachers may keep their work for only two years.
- IF: the following limitations are observed:
 - Motion media
 - use of up to 10% or 3 min., whichever is less, of an individual program
 - Text
 - up to 10% or 1000 words, whichever is less; short poems less than 250 words may be used in their entirety;
 - Music
 - Up to 10% but no more than 30 sec. From a single work (or combined from separate extracts of a work);
 - Illustrations, cartoons, photographs
 - no more than 5 images from a single artist or photographer, no more than 10% or 15 images from a single collective work;
 - Numerical data sets
 - up to 10% or 2,550 fields or cells whichever is less

Not permitted:

- teacher or student-developed multimedia program of copyrighted works for use in displays, festivals, parent meetings or other public events

Internet

Permitted:

- downloading public domain software

Not permitted:

- uploading copyrighted software to Internet for downloading
- collecting materials off the Internet and compiling into a new work
- forwarding material off the Internet to friends, co-workers

Graphics

Permitted:

- one graphic per book or periodical;
- multiple copies of a single graphic
- IF...
 - copying is at the instance/inspiration of teacher; copy is for only one course in the school;
 - there are not more than nine occurrences of multiple copying for that course; and not more than one graphic is copied per book or periodical.

Not permitted:

- adaptation of a popular cartoon character for the school mascot;
- copying an image from a coloring book for a worksheet;
- making stuffed animals of popular picture book characters;
- scanning a cartoon into school newsletter;

Additional Resources:

Althouse, Jay. *Copyright: the Complete Guide for Music Educators* (Van Nuys, CA: Music in Action, 1984).

American Library Association: Fair Use and Electronic Reserves

- <http://www.ala.org/ala/washoff/WOissues/copyright/fairuseandelectronicreserves/ereservesFU.htm>

Copyright and Fair Use (hosted by Stanford University Libraries)

- <http://fairuse.stanford.edu/>

Copyright Clearance Center: Campus Guide to Copyright Compliance

- <http://www.copyrightoncampus.com/>

Copyright Clearance Center: Using Content: Library Reserves

- <http://www.copyright.com/Services/copyrightoncampus/content/library.asp>

U.S. Copyright Law of the United States

- <http://www.copyright.gov/title17/>

U.S. Copyright Office

- <http://www.loc.gov/copyright/>

Washington State University: University Publishing: Getting Permission: Where and How?

- http://www.publishing.wsu.edu/copyright/getting_permission/index.html