Copyright Guidelines
Applicable Before Placing Items on Reserve or Posting Articles in Moodle

VERY USEFUL FAIR USE CHECKLIST:
http://www.usg.edu/copyright/fair_use_checklist

Photocopied materials placed on reserve must conform to copyright laws. The “fair use” doctrine included in the Copyright Act provides for the reproduction of copyrighted materials without permission for certain purposes. Photocopied material falls within the “fair use” provisions when it is limited to the quantity provided in the rules for spontaneity, brevity, and cumulative effect (see below).

Brevity refers to: Portion used is not central to entire work as a whole

- One chapter/approximately 10% of a book.
- One article from an issue of a periodical. For Moodle, it's best to post the "Permalink" or "Stable URL" with embedded proxy information, e.g., http://0-search.ebscohost.com.sophia.agnesscott.edu/login.aspx?direct=true&db=ir00169a&AN=galileo.geh.jilson.783&site=eds-live. Ask a librarian if you need assistance.
- One short story, essay or poem from a single copyrighted work.
- A chart, diagram, graph, drawing, cartoon, or picture from a book, periodical or newspaper.

Spontaneity means that:

- The copying is at the inspiration of the individual professor.
- The decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a permission request.

Cumulative effect means that:

- The photocopy/posted electronic journal article from a library resources is for only one course.
- A photocopied item may NOT be used repeatedly by the same instructor for the same class without obtaining advance permission from the copyright owner.
- For each author, only ONE short poem, article, story, or essay is duplicated for each term.

Exceptions that allow you to copy more than the amount stated above:

- Items in the public domain such as government documents or works for which the original copyright has expired (e.g. an 1870 edition of a Shakespeare play).
- Items for which the copyright holder has granted you permission to photocopy more than the amounts given.
Multiple Copies:
Under section 107 it is possible to make multiple copies that constitute fair use; however, the following factors must be considered:

- The amount of material to be photocopied should be reasonable in relation to the total material assigned for one term of a course with regards to the nature of the course, its subject matter and level.
- The number of copies made should be reasonable in relation to the number of students, the difficulty and timing of assignments and number of other courses that may assign the same material. Moodle sites must be restricted only to students enrolled in that course and should be set to expire at the end of the semester.
- The material must contain a notice of copyright.
- The effect of making the copy should not be detrimental to the market of the work.

You need to request permission when:

- The classroom or reserve use of photocopied materials occurs in multiple courses or successive years (i.e. cumulative effect).
- Duplicated works are CONSUMED in the classroom, such as standardized tests, exercises and workbooks.
- Creation of a collective work or anthology by photocopying a number of copyrighted articles and excerpts to be used together as a basic text for a course (e.g., a course pack).
- Several articles are reproduced from one issue of a journal.
- Duplicating a substantial portion of a copyrighted work that is available for purchase at a reasonable price.

Sources for obtaining permission:

- The Copyright Clearance Center (www.copyright.com) is a centralized resource that allows users to seek permission from most copyright holders online; in some cases, permission can be obtained immediately.
- If you prefer to seek copyright permission directly, the copyright holder is usually listed on the back of the book’s title page or on the subscription/editor list page of a journal, e.g. Oxford University Press.
- Course pack assistance is available from these vendors.
- For more information, contact:
  - Chris Bishop, User Services Librarian, x6337, cbishop@agnesscott.edu
  - Liz Bagley, x5277, ebagley@agnesscott.edu, or
  - Faculty Services staff.