

MAINE COMMUNITY COLLEGE SYSTEM

GENERAL ADMINISTRATION

Section 207.1

SUBJECT: COPYRIGHT LAW COMPLIANCE

PURPOSE: To provide guidelines for complying with copyright law

To guide the colleges and System Office in complying with copyright law, the MCCS adopts the attached guidance.

REFERENCES: MCCS Policy 207

DATE ADOPTED: February 23, 2010

DATE(S) AMENDED:

**COLLEGE GUIDELINES
FOR COMPLYING
WITH COPYRIGHT LAW**

I. INTRODUCTION AND DISCUSSION

A. SOURCE OF GUIDELINES

_____ Community College has adopted these Guidelines pursuant to Maine Community College System Policy 207(B). There, the Maine Community College System Board of Trustees declared that the policy of the System is to adhere to applicable provisions of copyright law. Although there is uncertainty in both the interpretation of existing law and the application of developing technology, the Board’s policy represents the System’s effort to promote legal compliance.

In many cases, copying facilitates the System’s mission to develop and transmit information. Copying of copyrighted materials, however, is a right granted under the copyright law doctrine of “fair use” which cannot be abused. The Board has encouraged employees, faculty, staff and students to exercise good judgment in conscientiously attempting to comply with copyright law, and does not condone policies or practices that constitute an infringement of copyright law.

The Board has directed that the Colleges provide their faculty, staff and students with guidelines that clearly discourage violation of copyright law. It is the policy of the System that faculty, staff and students exercise sound judgment in determining what constitutes permissible copying under the law; secure applicable permission whenever it is legally necessary; and that each person be individually responsible for these determinations.

The Board’s policy, like copyright law, applies to all forms of copying, whether undertaken at a college copying facility, a commercial copying center or self-service machine.

B. PURPOSE OF GUIDELINES

The requirements of copyright law are often complex and imprecise. Moreover, the rapid development of digital technology has further complicated this difficult area of law. The purpose of these Guidelines is to reflect the general consensus of conditions under which College employees and students may actively pursue their educational needs without violating copyright law. The goal of these Guidelines is to advise the College community that the more they exceed these Guidelines, the greater the risk they will violate copyright law. Because each case is fact-specific, individuals with questions regarding the application of these Guidelines to a particular situation should discuss their concerns with the College Librarian and/or Academic Dean.

C. BASIS OF COPYRIGHT LAW

Copyright is a property right designed to promote the progress of science and the useful arts by securing for an author the benefits of his or her original work for a limited time. Copyright law attempts further to balance the author’s property interest in his/her work against the public interest in accessing information of universal concern, such as art, science, history and business. The end goal of this balance is to encourage the dissemination of intellectual works to the general public.

D. PENALTIES FOR VIOLATING COPYRIGHT LAW

A person who violates the law is liable to the copyright owner for the actual losses and lost profits. Where monetary losses are nominal, the copyright owner may claim statutory damages up to \$10,000, or punitive damages up to \$50,000 if the infringement is willful. In addition to suing for money, a copyright owner can also prevent future infringement through a court injunction.

The Copyright Act, however, specifically exempts from damages employees of non-profit educational institutions or libraries who believed or had reasonable grounds to believe that his/her use of the copyrighted work was a “fair use.” While this “fair use” provision (see F, infra) is often ambiguous, persons who attempt to stay within its parameters should have an adequate good faith defense in the case of an innocently committed infringement.

E. PRELIMINARY MATTERS

1. Assume the Material is Copyrighted

Copyright attaches as soon as a work is created; no additional registration or marking with the symbol © is required. Once attached, the copyright has an extended life: life of the author plus 75 years. After that time, a copyright may be renewed for additional years. There is often little public notice of renewal.

It should, therefore, be assumed all writings, particularly those dated 1906 or later, are covered by a valid copyright, unless information to the contrary is obtained from the owner or the U.S. Copyright Office.

2. Validating That Material is Copyrighted

Copyright Office Circular R22 in Appendix A explains how to investigate the copyright status of a work. One way is to use the Catalog of Copyright Entries published by the U.S. Copyright Office and available in the College Library. Alternatively, you may request the Copyright Office to conduct a search of its registration and/or assignment records. The Office charges an hourly fee for this service. You will need to submit as much information as you have concerning the work in which you are interested, such as the title, author, approximate date of publication, the type of work or any available copyright data. The Copyright Office does, however, caution that its searches are not conclusive.

3. Post Copyright Notices

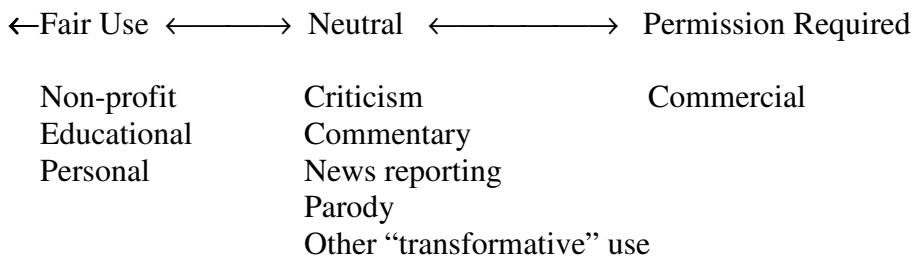
Notice of copyright obligations should be posted at all photocopiers (Appendix B); internet access computer screens (Appendix C); interlibrary loan transmissions (electronic or paper) (Appendix D); library reserves; and other appropriate places.

F. GENERAL RULE THAT FAIR USE IS PERMITTED

The Copyright Act limits the rights of a copyright holder by allowing students, researchers and instructors to use, without express permission, copyrighted materials “fairly.” In determining whether the use made of a work in any particular case is a “fair use,” you must consider the purpose and character of the use; the nature of the copyrighted work; the amount of the copyrighted work used; and the effect of the use upon the potential market for or value of the copyrighted work. The following examples detail the application of these factors:

1. What is the purpose and character of the use?

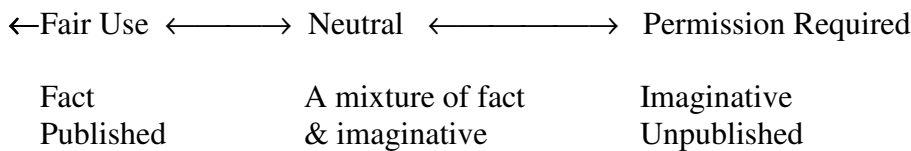
Different uses will have different purposes and/or characters, and the following scale gives examples of those differences:



Uses on the left tend to tip the balance in favor of fair use. The use on the right tends to tip the balance in favor of the copyright owner -- in favor of seeking permission. The uses in the middle, if they apply, add weight to the tipping force of uses on the left; they subtract weight from the tipping force of a use on the right.

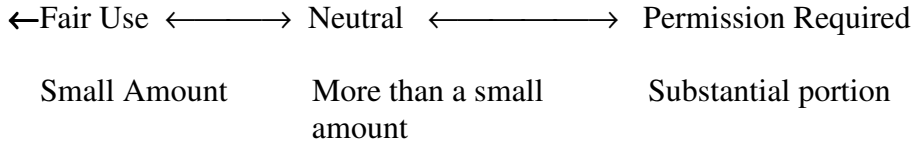
2. What is the nature of the work to be used?

The work to be copied can have different natures, and the following scale gives examples of those differences:



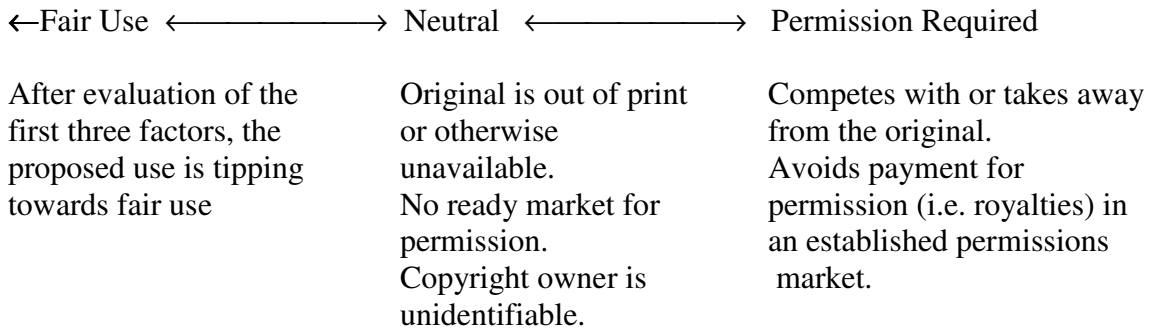
Again, uses on the left tip the balance in favor of fair use. Uses on the right tip the balance in favor of seeking permission. But here, uses in the middle tend to have little effect on the balance.

3. How much of the work will you use?



Uses on the left tip the balance in favor of fair use; uses on the right tip the balance in favor of requesting permission. If the first factor weighed in favor of fair use, you can use more of a work than if it weighed in favor of seeking permission. A non-profit use of a whole work will weigh somewhat against fair use. A commercial use of a whole work would weigh significantly against fair use. For example, a non-profit educational institution may copy an entire article from a journal for students in a class as a fair use; but a commercial copyshop would need permission for the same copying. Similarly, commercial publishers have stringent limitations on the length of quotations, while a student writing a paper for a class assignment could reasonably expect to include lengthier portions.

4. If the proposed use were widespread, what effect would it have on the market for the original or for permissions?



This fourth factor asks, “Is the owner losing money because of this use?” This factor is a chameleon. Under some circumstances, it weighs more than all the others put together. Under other circumstances, it weighs nothing; it depends on what happened with the first three factors.

G. GETTING PERMISSION

If your intended use exceeds “fair use”, you need to get permission from the copyright holder. If you are in doubt as to whether a particular instance of photocopying is fair use, you should seek permission from either the publisher or the Copyright Clearance Center. Many publishers will cooperate and waive fees for such use.

1. Publisher

You may seek a publisher’s permission using the standard letter set forth in Appendix E.

2. Copyright Clearance Center

The Copyright Clearance Center (CCC) also has the right to grant permission and collect fees for photocopying rights for certain publications. Libraries may copy from any journal that is registered with the CCC, report the copying beyond fair use to the CCC and pay the set fee. A list of publications for which the CCC handles fees and permissions is available from the CCC, 310 Madison Avenue, New York, NY 10017.

H. CHARGING FOR COPYING

Persons for whom copies are made, no matter the medium, should not be charged an amount over the actual cost of copying.

I. ATTRIBUTION AND ACKNOWLEDGEMENT

Educators and students should always credit the sources by citing the author, title, publisher, place and date of publication, the copyright notice ©, year of first publication and name of the copyright holder. This requirement applies to all works, including those prepared under fair use.

J. QUESTIONS?

If you are not sure how to handle a copyright matter or question, consult the sources listed in Appendix F, seek permission from the publisher or consult with the College Librarian or Academic Dean.

II. GUIDELINES FOR SPECIFIC MATERIALS

**PRINTED MATERIALS (EXCEPT MUSIC),
INCLUDING “COURSEPACKS”**

A. Copying PERMITTED Without Express Permission

1. Unrestricted Copying

- a. Writings published before January 1, 1978, which have never been copyrighted.
- b. Writings published with expired copyrights. All copyrights prior to 1906 have expired (but they may have been renewed).
- c. Most U.S. Government publications less than five years old may be photocopied without restrictions, except to the extent they contain copyrighted materials from other sources. In the absence of copyright notice on such works, it is reasonable to assume they are government works in the public domain.

2. Restricted Copying

- a. Single Copies by or at the request of an individual instructor of:
 1. a chapter of a book;
 2. an article from a magazine or newspaper;
 3. a short story, short essay or short poem, whether or not from a collective work;
 4. a chart, graph, diagram, drawing, cartoon or picture from a book, magazine or newspaper.
- b. Multiple Copies by or at the request of an instructor for classroom use in only one course:
 1. a complete poem if less than 250 words if printed on not more than two pages;
 2. an excerpt from a long poem, but not to exceed 250 words;
 3. a complete article, story or essay of less than 2,500 words;
 4. excerpt from a larger printed work not to exceed 10% of the whole, or 1,000 words, whichever is less;
 5. chart, graph, diagram, cartoon or picture book or magazine issue.
- c. Library Reserves

At the request of a faculty member, a library may place on reserve excerpts from copyrighted works in its collection in accordance with guidelines similar to those above, and to the following:

 1. If the request calls for only one copy to be placed on reserve, the library may photocopy an entire article, an entire chapter from a book, or an entire poem.
 2. Requests for multiple copies on reserve should meet the following guidelines:
 - (a) the amount of material should be reasonable in relation to the total amount of material assigned for one term of a course, taking into account the nature of the course, its subject matter and level;

- (b) the number of copies should be reasonable in light of the number of students enrolled, the difficulty and timing of assignments, and the number of other courses which may assign the same material. A reasonable number of copies is, in most instances, less than six, but factors such as the length or difficulty of the assignment, the number of enrolled students and the length of the time allowed for completion of the assignment may permit more in unusual circumstances;
- (c) the material should contain a notice of copyright;
- (d) the effect of photocopying the material should not be detrimental to market sales of the work.

B. Copying PROHIBITED Without Express Permission

1. More than one work or two excerpts from a single author during one class term.
2. More than three works from a collective work or periodical volume during one class term.
3. More than nine sets of multiple copies for distribution to students in one class term.
4. Use to create or replace or substitute for anthologies, compilations or collective works.
5. “Consumable works” such as workbooks, standardized tests and answer sheets. (Note: these prohibitions do not apply to current new magazines and newspapers.)
6. Copying that is not clearly a fair use and which is done repeatedly, either by semester or year, by the same instructor for the same purpose.

SLIDES, OVERHEADS AND VIDEO TAPES

A. Copying PERMITTED Without Express Permission

1. Creating a slide or overhead transparency from multiple sources as long as creation does not exceed 10% of photographs in one source (book, magazine, filmstrip, etc.) unless the source forbids photographic reproduction.
2. Creating a single overhead transparency from a single page of a “consumable” workbook.
3. Reproducing selected slides from a series if reproduction does not exceed 10% of total or excerpt “the essence.”
4. Excerpting sections of a film for a local video tape (not to be shown over cable) if excerpting does not exceed 10% of the total or “the essence” of the work.
5. Stories of literary excerpts may be narrated on tape and duplicated provided similar material is not available for sale.
6. Archival copies of video or audio tapes may be produced. However, only a single copy may be used at any time.
7. Copying of phonograph records to cassette, but only if the record is then held as the archive copy.
8. Copying of a video tape to another video tape format so the buildings with the non-compatible formats may have access to the same program. However, only one tape may be used at a time.

B. Copying PROHIBITED Without Express Permission

1. Duplication of a tape, except as permitted above, unless reproduction rights have been secured.
2. Reproducing commercial “ditto masters”, individually or in sets (including multimedia kits) if available for sale separately.
3. Except as permitted above, converting one media format to another (i.e. film to video tape) unless permission is secured.

COMPUTER SOFTWARE

A. Copying PERMITTED Without Express Permission

1. A backup copy or adaptations created as an essential step in the utilization of the computer program.
2. A single backup copy made for archival purposes if a backup copy is not provided by the publisher, to be held in case the working copy is destroyed or no longer functions.
3. New copies of software within the limitations specified by a site licensing agreement with a software publisher.
4. Copies of “shareware” software may be made for demonstration and evaluation. Copies of “shareware” software should be accompanied by a copyright notice and the publisher’s “shareware” license agreement.

B. Copying PROHIBITED Without Express Permission

1. Creation of any new copies of copyrighted programs for any purpose other than the four listed above.
2. Creation of new copies while using a disk-sharing system.
3. Use of any “code breaker” programs to defeat copy protection mechanisms used by software publishers.
4. Any modification of copyrighted software, including but not limited to, decompiling, disassembling or otherwise reverse engineering copyrighted code.
5. Distribution of older versions of software when upgrading to a new version. Unless specifically permitted by the publisher, the earlier version and the upgrade are considered by law to be elements of the same copy of the software.

MUSIC

A. Copying PERMITTED Without Express Permission

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
2. Multiple copies, one per pupil, of excerpts not constituting an entire performance unit or more than 10% of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified, provided the character of the work is not distorted or lyrics are not added or altered.
4. A single copy of a recorded performance by students may be retained by the College or the individual instructor for evaluation or rehearsal purposes.
5. A single copy of recorded copyrighted music owned and retained by the College for constructing exercises of examinations.

B. Copying PROHIBITED Without Express Permission

1. Replacing or substituting anthologies, compilations or collections.
2. From works intended to be “consumable”.
3. For purposes of performance except as permitted as above.
4. Substituting for purchase of music.

TELEVISION PROGRAMS

A. Copying PERMITTED Without Express Permission

1. A broadcast program may be recorded off-air simultaneously with transmission and retained by a non-profit educational institution for 45 calendar days after date of recording. After the 45-day retention period, such recordings should be erased or destroyed.
2. Off-air recordings may be used once by individual instructors for relevant classroom activities and once for necessary reinforcement during the first 10 consecutive school days after recording.
3. After the first 10 school days, recordings may be used up to the end of the 45-day retention period for instructor evaluation (i.e. to determine if the program should be purchased for the curriculum).
4. Such recordings may be made only at the request of and used by individual instructors. No broadcast program should be recorded more than once by the same instructor.
5. Such recordings need not be used in their entirety, but should not be altered or edited and should include the copyright notice on the program as recorded.

B. Copying PROHIBITED Without Express Permission

1. Off-air recording in anticipation of teacher request.
2. Using the recording for instruction after the 10-day period.
3. Holding the recording for weeks or indefinitely because
 - a. units needing the program concepts are not taught within the 10-day period;
 - b. an interruption or technical problem delayed its use;
 - c. another teacher wished to use it or any other supposed “legitimate” educational reason.

ELECTRONIC LIBRARY RESERVES

Rapid development of digital technology has created uncertainty in the application of traditional copyright rules to electronic storage. These Guidelines recommend that, where possible, persons should first attempt to apply the traditional fair use standard and then attempt to follow these Guidelines.

A. Notice of Copyright Obligations

On a preliminary or introductory screen, a notice consistent with the notice described in Appendix B of these Guidelines should be posted, and the notice should include additional language cautioning against further electronic distribution of the digital work.

B. Notice of Specific Copyright

If a notice of copyright appears on the copy of a work that is included in an electronic reserve system, the system should display this statement in a place conspicuous to the users: “The work from which this copy is made includes this notice: [restate the elements of the statutory copyright notice: e.g., Copyright 1999, XXX Corp.]”

C. Attribution

Materials included in electronic reserve systems should include appropriate citations or attributions to their sources.

D. Limiting the People With Access

Access to electronic reserve systems should be limited to students registered in the course for which the items have been placed on reserve, and to instructors and staff responsible for the course and electronic system. Short-term access to materials included on electronic reserve systems in previous academic terms may be provided to students who have not completed the course.

E. Technological Limits on Access

Access to electronic reserve systems should, to the extent technologically practicable, be further limited by:

1. individual password controls or verifications of a student’s registration status; or
2. password system for each class; or
3. retrieval of works by course number or instructor name, but not by author or title of the work.

F. No Charges

Students should not be charged specifically or directly for access to electronic reserve systems.

G. Obtaining Permission

Permission from the copyright holder should be obtained if the item is to be reused in a subsequent academic term for the same course offered by the same instructor, or if the item is a standard assigned or optional reading for an individual course taught in multiple sections by many instructors.

H. Duration of Permission

Material may be retained in electronic form while permission is being sought or until the next academic term in which the material might be used, but should not exceed three calendar years, including the year in which the materials are last used.

MULTIMEDIA PRESENTATIONS AND INSTRUCTION OVER THE INTERNET

A. Definitions

1. **Multimedia presentation**

Use of both original and pre-existing copyrighted works in various media formats including, for example, notes, audio, video, music, text material, graphics, illustrations, photographs, clip art, powerpoint, toolbook and other like media presentations.

2. **Portion**

The amount of a copyrighted work that can reasonably be used in educational multimedia projects under these Guidelines regardless of the original medium from which the copyrighted works are taken.

3. **Aggregate**

The total amount of copyrighted material from a single copyrighted work that is permitted to be used in an educational multimedia project without permission.

B. General Limitations

Instructors may use their educational multimedia projects for teaching courses for up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production. Students may use their educational multimedia projects for their own personal uses.

C. Specific Limitations

These limitations apply cumulatively to each educator's or student's multimedia project(s) for the same academic semester, cycle or term:

1. **Motion Media**

Up to 10% or three minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated.

2. **Text Material**

Up to 10% or 1,000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material may be reproduced or otherwise incorporated. An entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from any anthology should be used. For poems of greater length, 250 words may be used, but no more than three excerpts by a poet, or five excerpts by different poets from a single anthology should be used.

3. **Music, Lyrics and Music Video**

Up to 10%, but not more than 30 seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), whether the musical work is embodied in copies, or audio or audiovisual works, should be reproduced or otherwise incorporated. Any alterations to a musical work should not change the basic melody or the fundamental character of the work.

4. Illustrations and Photographs

The reproduction or incorporation of photographs and illustrations is more difficult to define with regard to fair use because fair use usually precludes the use of an entire work. A photograph or illustration may be used in its entirety, but no more than five images by an artist or photographer should be reproduced or otherwise incorporated. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, should be reproduced or otherwise incorporated.

5. Numerical Data Sets

Up to 10% or 2,500 fields or cell entries, whichever is less, from a copyrighted database or data table should be reproduced or otherwise incorporated. A field entry is defined as a specific item of information, such as a name or Social Security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

D. Additional Specific Limitations for Instruction Over the Internet

For remote instruction to students enrolled in curriculum-based courses and located at remote sites, the College should attempt to comply with general and specific fair use guidelines as well as, to the extent practical, present its material:

1. over a secure electronic network in real-time, or for after class review or directed self-study;
2. with technological limitations on access to the network and educational multimedia project (such as password or PIN); and
3. with technology that prevents the making of copies of copyrighted material.

If the College's network or technology used to access the educational multimedia project cannot prevent duplication of copyrighted material, students or educators may use the multimedia educational projects over an otherwise secure network for a period of only 15 days after its initial real-time remote use in the course of instruction, or 15 days after its assignment for directed self-study. After that period, one of the two use copies of the educational multimedia project may be placed on reserve in a learning resource center, library or similar facility for on-site use by students enrolled in the course. Students should be advised that they are not permitted to make their own copies of the educational multimedia project.

E. Copying Multimedia Presentations

Only a limited number of copies, including the original, may be made of an educator's educational multimedia project. No more than two use copies, only one of which should be placed on reserve. An additional copy may be made for preservation purposes but should only be used or copied to replace a use copy that has been lost, stolen or damaged. In the case of a jointly created educational multimedia project, each principal creator may retain one copy.

III. APPENDIX

APPENDIX A

**COPYRIGHT OFFICE CIRCULAR 22
(ATTACHED)**

For Reference:

**U.S. Copyright Office
Library of Congress
101 Independence Avenue SE
Washington, DC 20559-6000
www.copyright.gov**

How to Investigate the Copyright Status of a Work

In General

Methods of Approaching a Copyright Investigation

There are several ways to investigate whether a work is under copyright protection and, if so, the facts of the copyright. These are the main ones:

1. Examine a copy of the work for such elements as a copyright notice, place and date of publication, author and publisher. If the work is a sound recording, examine the disk, tape cartridge, or cassette in which the recorded sound is fixed, or the album cover, sleeve, or container in which the recording is sold;
2. Make a search of the Copyright Office catalogs and other records; *or*
3. Have the Copyright Office make a search for you.

A Few Words of Caution About Copyright Investigations

Copyright investigations often involve more than one of these methods. Even if you follow all three approaches, the results may not be conclusive. Moreover, as explained in this circular, the changes brought about under the Copyright Act of 1976, the Berne Convention Implementation Act of 1988, the Copyright Renewal Act of 1992, and the Sonny Bono Copyright Term Extension Act of 1998 must be considered when investigating the copyright status of a work. This circular offers some practical guidance on what to look for if you are making a copyright investigation. It is important to realize, however, that this circular contains only general information and that there are a number of exceptions to the principles outlined here. In many cases it is important to consult with a copyright attorney before reaching any conclusions regarding the copyright status of a work.

How to Search Copyright Office Catalogs and Records

Catalog of Copyright Entries

The Copyright Office published the *Catalog of Copyright Entries (CCE)* in printed format from 1891 through 1978. From 1979 through 1982 the CCE was issued in microfiche format. The catalog was divided into parts according to the classes of works registered. Each CCE segment covered all registrations made during a particular period of time. Renewal registrations made from 1979 through 1982 are found in Section 8 of the catalog. Renewals prior to that time were generally listed at the end of the volume containing the class of work to which they pertained.

A number of libraries throughout the U. S. maintain copies of the *Catalog*, and this may provide a good starting point if you wish to make a search yourself. There are some cases, however, in which a search of the *Catalog* alone will not be sufficient to provide the needed information. For example:

- Because the *Catalog* does not include entries for assignments or other recorded documents, it cannot be used for searches involving the ownership of rights.

- The *Catalog* entry contains the essential facts concerning a registration, but it is not a verbatim transcript of the registration record. It does not contain the address of the copyright claimant. Effective with registrations made since 1982 when the CCE was discontinued, the only method of searching outside the Library of Congress is by using the Internet to access the automated catalog. The automated catalog contains entries from 1978 to the present. Information on accessing the catalog via the Internet is provided below.

Individual Searches of Copyright Records

The Copyright Office is located in the Library of Congress, James Madison Memorial Building, 101 Independence Avenue SE, Washington, DC 20559-6000.

Most Copyright Office records are open to public inspection and searching from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. The various records freely available to the public include an extensive card catalog, an automated catalog containing records from 1978 forward, record books, and microfilm records of assignments and related documents. Other records, including correspondence files and deposit copies, are not open to the public for searching. However, they may be inspected upon request and payment of a search fee.*

***Note: Copyright Office fees are subject to change. For current fees, please check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.**

If you wish to do your own searching in the Copyright Office files open to the public, you will be given assistance in locating the records you need and in learning procedures for searching. If the Copyright Office staff actually makes the search for you, a search fee must be charged. The search will not be done while you wait.

In addition, Copyright Office records in machine-readable form cataloged from January 1, 1978, to the present, including registration and renewal information and recorded documents, are available for searching from the Copyright Office website at www.copyright.gov. The Copyright Office does not offer search assistance to users on the Internet.

Searching by the Copyright Office

In General

Upon request, and at the statutory rate for each hour or fraction of an hour consumed, the Copyright Office staff will search its records covering the records of registrations and other recorded documents concerning ownership of copyrights and will provide a written report. If desired, an estimate can be provided. Estimates for searches are based on the information furnished and are provided for a set fee that is applied toward the cost of the search and report. Fees for estimates are nonrefundable and are good for up to one year. Requests must include an address and telephone number where you may be reached during business hours and an email address if available.

Certification of a search report is available for an additional fee. Certified searches are frequently requested to meet the evidentiary requirements of litigation.

Preferred payment is by personal check or credit card. Contact the Copyright Office for information regarding payment with money orders or by overseas banking institutions.

For information, correspondence, or payment, contact:

*Library of Congress
Copyright Office-RRR
101 Independence Avenue SE
Washington, DC 20559-6306
phone: (202) 707-6850 (m-f, 8:30-5:00 eastern time)
fax: (202) 252-3485
email: copysearch@loc.gov*

What the Fee Does Not Cover

The search fee does *not* include the cost of additional certificates, photocopies of deposits, or copies of other Office records. For information concerning these services, request Circular 6, *Obtaining Access to and Copies of Copyright Office Records and Deposits*.

Information Needed

The more detailed information you can furnish with your request, the less expensive the search will be. Please provide as much of the following information as possible:

- the title of the work, with any possible variants
- the names of the authors, including possible pseudonyms
- the name of the probable copyright owner, which may be the publisher or producer
- the approximate year when the work was published or registered
- the type of work involved (book, play, musical composition, sound recording, photograph, etc.)
- for a work originally published as a part of a periodical or collection, the title of that publication and any other information, such as the volume or issue number, to help identify it
- the registration number or any other copyright data

Motion pictures are often based on other works such as books or serialized contributions to periodicals or other composite works. *If you desire a search for an underlying work or for music from a motion picture, you must specifically request such a search. You must also identify the underlying works and music and furnish the specific titles, authors, and approximate dates of these works.*

Searches Involving Assignments and Other Documents Affecting Copyright Ownership

For the standard hourly search fee, the Copyright Office staff will search its indexes covering the records of assignments and other recorded documents concerning ownership of copyrights. The reports of searches in these cases will state the facts shown in the Office's indexes of the recorded documents but will offer no interpretation of the content of the documents or their legal effect.

Limitations on Searches

In determining whether or not to have a search made, you should keep the following points in mind:

No Special Lists · The Copyright Office does not maintain any listings of works by subject or any lists of works that are in the public domain.

Contributions Not Listed Separately in Copyright Office Records · Individual works such as stories, poems, articles, or musical compositions that were published as contributions to a copyrighted periodical or collection are usually not listed separately by title in our records.

No Comparisons · The Copyright Office does not search or compare copies of works to determine questions of possible infringement or to determine how much two or more versions of a work have in common.

Titles and Names Not Copyrightable · Copyright does not protect names and titles, and our records list many different works identified by the same or similar titles. Some brand names, trade names, slogans, and phrases may be entitled to protection under the general rules of law relating to unfair competition. They may also be entitled to registration under the provisions of the trademark laws. Questions about the trademark laws should be addressed to: *Commissioner of*

Patents and Trademarks, U. S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.
Possible protection of names and titles under common law principles of unfair competition is a question of state law.

No Legal Advice - The Copyright Office cannot express any opinion as to the legal significance or effect of the facts included in a search report.

Some Words of Caution

Searches Not Always Conclusive

Searches of the Copyright Office catalogs and records are useful in helping to determine the copyright status of a work, but they cannot be regarded as conclusive in all cases. The complete absence of any information about a work in the Office records does not mean that the work is unprotected. The following are examples of cases in which information about a particular work may be incomplete or lacking entirely in the Copyright Office:

- Before 1978, unpublished works were entitled to protection under common law without the need of registration.
- Works published with notice prior to 1978 may be registered at *any* time within the first 28-year term.
- Works copyrighted between January 1, 1964, and December 31, 1977, are affected by the Copyright Renewal Act of 1992, which automatically extends the copyright term and makes renewal registrations optional.
- For works under copyright protection on or after January 1, 1978, registration may be made at any time during the term of protection. Although registration is not required as a condition of copyright protection, there are certain definite advantages to registration. For further information, request Circular 1, *Copyright Basics*.
- Since searches are ordinarily limited to registrations that have already been cataloged, a search report may not cover recent registrations for which catalog records are not yet available.
- The information in the search request may not have been complete or specific enough to identify the work.
- The work may have been registered under a different title or as part of a larger work.

Protection in Foreign Countries

Even if you conclude that a work is in the public domain in the United States, this does not necessarily mean that you are free to use it in other countries. Every nation has its own laws governing the length and scope of copyright protection, and these are applicable to uses of the work within that nation's borders. Thus, the expiration or loss of copyright protection in the United States may still leave the work fully protected against unauthorized use in other countries.

Other Circulars

For further information, request Circular 6; Circular 15, *Renewal of Copyright*; Circular 15a, *Duration of Copyright*; and Circular 15t, *Extension of Copyright Terms*, from:

*Library of Congress
Copyright Office-COPUBS
101 Independence Avenue SE
Washington, DC 20559-6304*

You may call the Forms and Publications Hotline at (202) 707-9100 at any time, day or night, to leave a recorded request for forms or circulars. Requests are filled and mailed promptly.

Impact of the Copyright Act on Copyright Investigations

On October 19, 1976, the President signed into law a complete revision of the copyright law of the United States (title 17 of the *United States Code*). Most provisions of this statute came into force on January 1, 1978, superseding the Copyright Act of 1909. These provisions made significant changes in the copyright law. Further important changes resulted from the Berne Convention Implementation Act of 1988, which took effect March 1, 1989; the Copyright Renewal Act of 1992 (P.L. 102-307) enacted June 26, 1992, which amended the renewal provisions of the copyright law; and the Sonny Bono Copyright Term Extension Act of 1998 (P.L. 105-298) enacted October 27, 1998, which extended the term of copyrights for an additional 20 years.

If you need more information about the provisions of either the 1909 or the 1976 law, write or call the Copyright Office. For information about renewals, request Circular 15. For information about the Sonny Bono Copyright Term Extension Act, request sl-15, *New Terms for Copyright Protection*. For copies of the law, request Circular 92, *Copyright Law of the United States* (stock number is changed to 030-002-00197-7), from:

Superintendent of Documents
P O Box 371954
Pittsburgh, PA 15250-7954
phone: (202) 512-1800 [toll free: (866) 512-1800]
fax: (202) 512-2104

Or go to the Copyright Office website at www.copyright.gov/title17.

For copyright investigations, the following points about the impact of the Copyright Act of 1976, the Berne Convention Implementation Act of 1988, and the Copyright Renewal Act of 1992 should be considered.

A Changed System of Copyright Formalities

Some of the most sweeping changes under the 1976 Copyright Act involve copyright formalities, that is, the procedural requirements for securing and maintaining full copyright protection. The old system of formalities involved copyright notice, deposit and registration, recordation of transfers and licenses of copyright ownership, and U. S. manufacture, among other things. In general, while retaining formalities, the 1976 law reduced the chances of mistakes, softened the consequences of errors and omissions, and allowed for the correction of errors.

The Berne Convention Implementation Act of 1988 reduced formalities, most notably making the addition of the previously mandatory copyright notice optional. It should be noted that the amended notice requirements are not retroactive.

The Copyright Renewal Act of 1992, enacted June 26, 1992, automatically extends the term of copyrights secured between January 1, 1964, and December 31, 1977, making renewal registration optional. Consult Circular 15 for details. For additional information, you may contact the Copyright Office by phone at (202) 707-8180 or by fax at (202) 707-6048.

Automatic Copyright

Under the present copyright law, copyright exists in original works of authorship created and fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly, or indirectly with the aid of a machine or device. In other words, copyright is an incident of creative authorship not dependent on statutory formalities. Thus, registration with the Copyright Office generally is not required, but there are certain advantages that arise from a timely registration. For further information on the advantages of registration, write or call the Copyright Office and request Circular 1.

Copyright Notice

The 1909 Copyright Act and the 1976 Copyright Act as originally enacted required a notice of copyright on published works. For most works, a copyright notice consisted of the symbol ©, the word "Copyright" or the abbreviation "Copr.," together with the name of the owner of copyright and the year of first publication. For example: "© Joan Crane 2004" or "Copyright 2008 by Abraham Adams."

For sound recordings published on or after February 15, 1972, a copyright notice might read “π 1994 XYZ Records, Inc.” See below for more information about sound recordings.

For mask works, a copyright notice might read “μ SDR Industries.” Request Circular 100, *Federal Statutory Protection for Mask Works*, for more information.

As originally enacted, the 1976 law prescribed that all visually perceptible published copies of a work, or published phonorecords of a sound recording, should bear a proper copyright notice. This applies to such works published before March 1, 1989. After March 1, 1989, notice of copyright on these works is optional. Adding the notice, however, is strongly encouraged and, if litigation involving the copyright occurs, certain advantages exist for publishing a work with notice.

Prior to March 1, 1989, the requirement for the notice applied equally whether the work was published in the United States or elsewhere by authority of the copyright owner. Compliance with the statutory notice requirements was the responsibility of the copyright owner. Unauthorized publication without the copyright notice, or with a defective notice, does not affect the validity of the copyright in the work.

Advance permission from, or registration with, the Copyright Office is not required before placing a copyright notice on copies of the work or on phonorecords of a sound recording. Moreover, for works first published on or after January 1, 1978, through February 28, 1989, omission of the required notice, or use of a defective notice, did not result in forfeiture or outright loss of copyright protection. Certain omissions of, or defects in, the notice of copyright, however, could have led to loss of copyright protection if steps were not taken to correct or cure the omissions or defects. The Copyright Office has issued a final regulation (37 *CFR* 201.20) that suggests various acceptable positions for the notice of copyright. For further information, write to the Copyright Office and request Circular 3, *Copyright Notice*. This regulation is available on the Copyright Office website at www.copyright.gov/title37/201/index.html.

Works Already in the Public Domain

No law will restore protection to works that fell into the public domain before the passage of the law. However, the North American Free Trade Agreement Implementation Act (NAFTA) and the Uruguay Round Agreements Act (URAA) may restore copyright in certain works of foreign origin that were in the public domain in the United States. Under the copyright law in effect prior to January 1, 1978, copyright could be lost in several situations. The most common were publication without the required notice of copyright, expiration of the first 28-year term without renewal, or final expiration of the second copyright term. The Copyright Renewal Act of 1992 automatically renews first term copyrights secured between January 1, 1964, and December 31, 1977.

Scope of Exclusive Rights Under Copyright

The present law has changed and enlarged in some cases the scope of the copyright owner’s rights. The new rights apply to all uses of a work subject to protection by copyright after January 1, 1978, regardless of when the work was created.

Duration of Copyright Protection

Works Originally Copyrighted On or After January 1, 1978

A work that is created and fixed in tangible form for the first time on or after January 1, 1978, is automatically protected from the moment of its creation and is ordinarily given a term enduring for the author’s life plus an additional 70 years after the author’s death. In the case of “a joint work prepared by two or more authors who did not work for hire,” the term lasts for 70 years after the last surviving author’s death. For works made for hire and for anonymous and pseudonymous works (unless the author’s identity is revealed in the Copyright Office records), the duration of copyright will be 95 years from publication or 120 years from creation, whichever is less.

Works created before the 1976 law came into effect but neither published nor registered for copyright before January 1, 1978, have been automatically brought under the statute and are now given federal copyright protection. The duration of copyright in these works will generally be computed in the same way as for new works: the life-plus-70 or 95/120-year terms will apply. However, all works in this category are guaranteed at least 25 years of statutory protection.

Works Copyrighted Before January 1, 1978

Under the law in effect before 1978, copyright was secured either on the date a work was published with notice of copyright or on the date of registration if the work was registered in unpublished form. In either case, copyright endured for a first term of 28 years from the date on which it was secured. During the last (28th) year of the first term, the copyright was eligible for renewal. The copyright law extends the renewal term from 28 to 67 years for copyrights in existence on January 1, 1978.

However, for works copyrighted prior to January 1, 1964, the copyright still must have been renewed in the 28th calendar year to receive the 67-year period of added protection. The amending legislation enacted June 26, 1992, automatically extends this second term for works first copyrighted between January 1, 1964, and December 31, 1977. For more detailed information on the copyright term, write or call the Copyright Office and request Circular 15a.

Works First Published Before 1978: the Copyright Notice

General Information About the Copyright Notice

In investigating the copyright status of works first published before January 1, 1978, the most important thing to look for is the notice of copyright. As a general rule under the previous law, copyright protection was lost permanently if the notice was omitted from the first authorized published edition of a work or if it appeared in the wrong form or position. The form and position of the copyright notice for various types of works were specified in the copyright statute. Some courts were liberal in overlooking relatively minor departures from the statutory requirements, but a basic failure to comply with the notice provisions forfeited copyright protection and put the work into the public domain in this country.

Absence of Copyright Notice

For works first published before 1978, the complete absence of a copyright notice from a published copy generally indicates that the work is not protected by copyright. For works first published before March 1, 1989, the copyright notice is mandatory, but omission could have been cured by registration before or within 5 years of publication and by adding the notice to copies published in the United States after discovery of the omission. Some works may contain a notice, others may not. The absence of a notice in works published on or after March 1, 1989, does not necessarily indicate that the work is in the public domain.

Unpublished Works · No notice of copyright was required on the copies of any unpublished work. The concept of “publication” is very technical, and it was possible for a number of copies lacking a copyright notice to be reproduced and distributed without affecting copyright protection.

Foreign Editions · In the case of works seeking ad interim copyright,* copies of a copyrighted work were exempted from the notice requirements if they were first published outside the United States. Some copies of these foreign editions could find their way into the United States without impairing the copyright.

***Note: “Ad interim copyright” refers to a special short term of copyright available to certain pre-1978 books and periodicals. For further information on ad interim copyright, see page 8.**

Accidental Omission · The 1909 statute preserved copyright protection if the notice was omitted by accident or mistake from a “particular copy or copies.”

Unauthorized Publication · A valid copyright was not secured if someone deleted the notice and/or published the work without authorization from the copyright owner.

Sound Recordings · Reproductions of sound recordings usually contain two different types of creative works: the underlying musical, dramatic, or literary work that is being performed or read and the fixation of the actual sounds embodying the performance or reading. For protection of the underlying musical or literary work embodied in a recording, it is not necessary that a copyright notice covering this material appear on the phonograph records or tapes on which the recording is reproduced. As noted above, a special notice is required for protection of the recording of a series of musical, spoken, or other sounds that were fixed on or after February 15, 1972. Sound recordings fixed before February 15, 1972, are not eligible for federal copyright protection. The Sound Recording Act of 1971, the present

copyright law, and the Berne Convention Implementation Act of 1988 cannot be applied or be construed to provide any retroactive protection for sound recordings fixed before February 15, 1972. Such works, however, may be protected by various state laws or doctrines of common law.

The Date in the Copyright Notice

If you find a copyright notice, the date it contains may be important in determining the copyright status of the work. In general, the notice on works published before 1978 must include the year in which copyright was secured by publication or, if the work was first registered for copyright in unpublished form, the year in which registration was made. There are two main exceptions to this rule.

1. For pictorial, graphic, or sculptural works (Classes F through K under the 1909 law), the law permitted omission of the year date in the notice.
2. For “new versions” of previously published or copyrighted works, the notice was not usually required to include more than the year of first publication of the new version itself. This is explained further under “Derivative Works” below.

The year in the notice usually (though not always) indicated when the copyright began. It is, therefore, significant in determining whether a copyright is still in effect; or, if the copyright has not yet run its course, the year date will help in deciding when the copyright is scheduled to expire. For further information about the duration of copyright, request Circular 15a.

In evaluating the meaning of the date in a notice, you should keep the following points in mind:

Works Published and Copyrighted Before January 1, 1978 · A work published before January 1, 1978, and copyrighted within the past 75 years may still be protected by copyright in the United States if a valid renewal registration was made during the 28th year of the first term of the copyright. If renewed by registration or under the Copyright Renewal Act of 1992 and if still valid under the other provisions of the law, the copyright will expire 95 years from the end of the year in which it was first secured.

Therefore, the U. S. copyright in any work published or copyrighted prior to January 1, 1923, has expired by operation of law, and the work has permanently fallen into the public domain in the United States. For example, on January 1, 1997, copyrights in works first published or copyrighted before January 1, 1922, have expired; on January 1, 1998, copyrights in works first published or copyrighted before January 1, 1923, have expired. Unless the copyright law is changed again, no works under protection on January 1, 1999, will fall into the public domain in the United States until January 1, 2019.

Works First Published or Copyrighted Between January 1, 1923, and December 31, 1949, But Not Renewed · If a work was first published or copyrighted between January 1, 1923, and December 31, 1949, it is important to determine whether the copyright was renewed during the last (28th) year of the first term of the copyright. This can be done by searching the Copyright Office records or catalogs as explained previously. If no renewal registration was made, copyright protection expired permanently at the end of the 28th year of the year date it was first secured.

Works First Published or Copyrighted Between January 1, 1923, and December 31, 1949, and Registered for Renewal · When a valid renewal registration was made and copyright in the work was in its second term on December 31, 1977, the renewal copyright term was extended under the latest act to 67 years. In these cases, copyright will last for a total of 95 years from the end of the year in which copyright was originally secured. Example: Copyright in a work first published in 1925 and renewed in 1953 will expire on December 31, 2020.

Works First Published or Copyrighted Between January 1, 1950, and December 31, 1963 · If a work was in its first 28-year term of copyright protection on January 1, 1978, it must have been renewed in a timely fashion to have secured the maximum term of copyright protection. If renewal registration was made during the 28th calendar year of its first term, copyright would endure for 95 years from the end of the year copyright was originally secured. If not renewed, the copyright expired at the end of its 28th calendar year.

Works First Published or Copyrighted Between January 1, 1964, and December 31, 1977 · If a work was in its first 28-year term of copyright protection on June 26, 1992, renewal registration is now optional. The term of copyright for works published or copyrighted during this time period has been extended to 95 years by the Copyright Renewal Act of

1992 and the Sonny Bono Term Extension Act of 1998. There is no need to make the renewal filing to extend the original 28-year copyright term to the full 95 years.

However, there are several advantages to making a renewal registration during the 28th year of the original term of copyright. If renewal registration is made during the 28th year of the original term of copyright, the renewal copyright vests in the name of the renewal claimant on the effective date of the renewal registration; the renewal certificate constitutes prima facie evidence as to the validity of the copyright during the renewed and extended term and of the facts stated in the certificate; and, the right to use the derivative work in the extended term may be affected. Request Circular 15 for further information.

Unpublished, Unregistered Works - Before 1978, if a work had been neither “published” in the legal sense nor registered in the Copyright Office, it was subject to perpetual protection under the common law. On January 1, 1978, all works of this kind, subject to protection by copyright, were automatically brought under the federal copyright statute. The duration of copyright for these works can vary, but none of them expired before December 31, 2002.

Derivative Works

In examining a copy (or a record, disc, or tape) for copyright information, it is important to determine whether that particular version of the work is an original edition of the work or a “new version.” New versions include musical arrangements, adaptations, revised or newly edited editions, translations, dramatizations, abridgments, compilations, and works republished with new matter added. The law provides that derivative works, published or unpublished, are independently copyrightable and that the copyright in such a work does not affect or extend the protection, if any, in the underlying work. Under the 1909 law, courts have also held that the notice of copyright on a derivative work ordinarily need not include the dates or other information pertaining to the earlier works incorporated in it. This principle is specifically preserved in the present copyright law. Thus, if the copy (or the record, disc, or tape) constitutes a derivative version of the work, these points should be kept in mind:

- The date in the copyright notice is not necessarily an indication of when copyright in all the material in the work will expire. Some of the material may already be in the public domain, and some parts of the work may expire sooner than others.
- Even if some of the material in the derivative work is in the public domain and free for use, this does not mean that the “new” material added to it can be used without permission from the owner of copyright in the derivative work. It may be necessary to compare editions to determine what is free to use and what is not.
- Ownership of rights in the material included in a derivative work and in the preexisting work upon which it may be based may differ, and permission obtained from the owners of certain parts of the work may not authorize the use of other parts.

The Name in the Copyright Notice

Under the copyright statute in effect before 1978, the notice was required to include “the name of the copyright proprietor.” The present act requires that the notice include “the name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.” The name in the notice (sometimes in combination with the other statements on the copy, records, disk, tape, container, or label) often gives persons wishing to use the work the information needed to identify the owner from whom licenses or permission can be sought. In other cases, the name provides a starting point for a search in the Copyright Office records or catalogs, as explained at the beginning of this circular.

In the case of works published before 1978, copyright registration is made in the name of the individual person or the entity identified as the copyright owner in the notice. For works published on or after January 1, 1978, registration is made in the name of the person or entity owning all the rights on the date the registration is made. This may or may not be the name appearing in the notice. In addition to its records of copyright registration, the Copyright Office maintains extensive records of assignments, exclusive licenses, and other documents dealing with copyright ownership.

Ad Interim

Ad interim copyright was a special short-term copyright that applied to certain books and periodicals in the English language that were first manufactured and published outside the United States. It was a partial exception to the manufacturing requirements of the previous U. S. copyright law. Its purpose was to secure temporary U. S. protection for a work, pending the manufacture of an edition in the United States. The ad interim requirements changed several times over the years and were subject to a number of exceptions and qualifications.

The manufacturing provisions of the copyright act expired on July 1, 1986, and are no longer a part of the copyright law. The transitional and supplementary provisions of the act provide that for any work in which ad interim copyright was subsisting or capable of being secured on December 31, 1977, copyright protection would be extended for a term compatible with the other works in which copyright was subsisting on the effective date of the new act. Consequently, if the work was first published on or after July 1, 1977, and was eligible for ad interim copyright protection, the provisions of the present copyright act will be applicable to the protection of these works. Anyone investigating the copyright status of an English-language book or periodical first published outside the United States before July 1, 1977, should check carefully to determine:

- Whether the manufacturing requirements were applicable to the work; and
- If so, whether the ad interim requirements were met.

For Further Information

By Internet

Circulars, announcements, regulations, other related materials, and certain copyright application forms are available from the Copyright Office website at www.copyright.gov. To send an email communication, click on *Contact Us* at the bottom of the homepage.

By Telephone

For general information about copyright, call the Copyright Public Information Office at (202) 707-3000. Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. Recorded information is available 24 hours a day. Or, if you know which application forms and circulars you want, request them 24 hours a day from the Forms and Publications Hotline at (202) 707- 9100. Leave a recorded message.

By Regular Mail

Write to:

*Library of Congress
Copyright Office-COPUBS
101 Independence Avenue SE
Washington, DC 20559-6304*

Search Request Form

Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20559-6000

Records, Research, and
Certification Section
8:30 am to 5:00 pm eastern
Monday through Friday,
Phone: (202) 707-6850
Fax: (202) 252-3485

TYPE OF WORK

- Book Music Motion picture Drama Sound recording Computer program
 Photograph/artwork Map Periodical Contribution Architectural work Mask work

SEARCH INFORMATION YOU REQUIRE

- Registration Renewal Assignment Address

SPECIFICS OF WORK TO BE SEARCHED

Title _____

Author _____

Copyright claimant _____
(Name in © notice)

Approximate year date of publication/creation _____

Registration number (if known) _____

If you need more space, please attach additional pages.

The fee for a search report is based on a set statutory fee* for the hour(s) or fraction of an hour consumed. The more information you furnish as a basis for the search, the better service we can provide. The time between the date of receipt of your fee for the search and your receiving a report will vary, depending on the method of payment (personal check, money order, or credit card) and on the workload. If you desire an estimate for the cost of the search and report, indicate your preference by checking the box below. There is a separate fee for an estimate.

Names, titles, and short phrases are not copyrightable.

Please read Circular 22 for more information on copyright searches.

Your name _____ Date _____

Address _____

Daytime telephone _____ Email _____

Convey results of estimate/search by telephone? Yes No

Fee enclosed? Yes: AMOUNT: \$ _____ No

*NOTE: Copyright Office fees are subject to change. For current fees for estimates or searches, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call the Records, Research, and Certification Section at (202) 707-6850.

APPENDIX B

NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS

THE COPYRIGHT LAW OF THE UNITED STATES (TITLE 17, UNITED STATES CODE) GOVERNS THE MAKING OF COPIES OR REPRODUCTIONS OF COPYRIGHTED MATERIALS.

UNDER CERTAIN CONDITIONS SPECIFIED IN THE LAW, LIBRARIES AND ARCHIVES ARE AUTHORIZED TO FURNISH A COPY OR OTHER REPRODUCTIONS. ONE OF THESE SPECIFIED CONDITIONS IS THAT THE COPY 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 COPY OR REPRODUCTION FOR PURPOSES IN EXCESS OF “FAIR USE”, THAT USER MAY BE LIABLE FOR COPYRIGHT INFRINGEMENT.

THE INSTITUTION RESERVES THE RIGHT TO REFUSE TO ACCEPT A COPYING ORDER IF, IN ITS JUDGMENT, FULFILLMENT OF THE ORDER WOULD VIOLATE COPYRIGHT LAW.

APPENDIX C

COMPUTER SCREEN NOTICE

CAUTION IN DOWNLOADING MATERIAL FROM THE INTERNET

Easy access to material on the Internet does not necessarily mean that the material can be reproduced without permission from a copyright holder. Moreover, some copyrighted works may have been posted on the Internet without authorization of the copyright holder. Faculty, staff and students should, therefore, use caution in using digital material downloaded from the Internet in producing their own educational multimedia projects, because there is a mix of works protected by copyright and works in the public domain on the network.

APPENDIX D

INTERLIBRARY LOAN

_____ COMMUNITY COLLEGE LIBRARY

NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of copies or reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a copy or reproduction. One of these specific conditions is that the copy 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 copy or reproduction for purposes in excess of "fair use", that user may be liable for copyright infringement. This institution reserves the right to refuse a copying order if, in its judgment, fulfillment of the order would violate copyright law.

Name: _____ Date: _____

Address: _____

Phone: _____ Student ID#: _____

Author: _____

Book Title: _____

Article Title: _____

Journal Title: _____

Vol: _____ Issue: _____ Date: _____ Pages: _____

Source of reference:

Library Use Only:

Date Ordered: _____ Location: _____

OCLC/Docline #: _____

Phone: _____ Fax: _____ E-mail: _____

Signature

Date

APPENDIX E
SAMPLE LETTER TO COPYRIGHT OWNER (PUBLISHER)
REQUESTING PERMISSION TO COPY

Date

Name
Address
City, State and Zip Code

Dear Sir or Madam:

I would like permission to copy the following for continued use in my classes in future semesters:

Title:

Copyright:

Author:

Material to be duplicated:

Number of copies:

Distribution to:

Type of reprint: (i.e. photocopy)

Use: (used to supplement teaching materials)

I have enclosed a self-addressed envelope for your convenience in replying to this request.

Sincerely,

APPENDIX F

RECOMMENDED RESOURCES

Model Policy Concerning College and University Photocopying For Classroom, Research and Library Reserve Use, Prepared by The American Library Association, March 1982

Fair Use of Copyrighted Materials, University of Texas System Web Page, www.utsystem.edu/ogc/intellectualproperty/copypol2.htm.

A Copyright Sampler, CJCLS Guide #2, Community and Junior College Libraries Section, Association of College and Research Libraries, A Division of the American Library Association, Chicago 1996

A Guide to Copyright Issues in Higher Education, 4th ed., Hemnes, Thomas M.S., Pyle, Alexander H., McTeague, Laurie M. and Dyal-Chand, Rashmi; National Association of College and University Attorneys, Washington, D.C., July 1997

Copyright Considerations in Distance Education and Technology-Mediated Instruction, Salomon, Kenneth D.; American Association of Community Colleges, available at <http://199.75.76.16/headline/110399head2.htm>.