

FROM THE LIBRARY

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Letter from the Librarian

This newsletter is devoted to presenting the College Copyright Policy for Print and Electronic Reserves. The policy recently was revised by Library staff and College counsel. I suggest you read the document carefully. [Judy Montgomery](#), ext. 3749, [Leanne Pander](#), ext. 3260, and [I](#), ext. 3281, would be happy to discuss the policy with you and answer any questions.

As you prepare to place items on reserve for next semester, [Phyllis McQuaide](#), Circulation Supervisor, ext. 3173, is available to assist you.

Sherrie Bergman

Librarian

Copyright Policy for Print and Electronic Reserves

- [Procedures for placing materials on reserve: Print or Electronic](#)
- [Contacts for Library Reserves](#)

This information is designed to introduce Bowdoin College Library policies on copyright permissions for print and electronic reserves.

The collections of the Library are purchased for the nonprofit educational use of the Bowdoin community. The purpose of the Reserve system is to provide organized access to course-related materials through the application of restricted loan periods. Electronic reserves are an extension of the traditional course reserve model, a non-commercial venture for educational purposes only. The Library reserves the right to refuse a request to place material on print or electronic reserve if, in its judgment, fulfillment of the request would involve a violation of copyright law.

Fair Use

Bowdoin College Library adheres to the provisions of the United States Copyright Law (Title 17, USC, Sect. 101, et seq.). Section 107 of the Copyright Act of 1976 addresses the concept of “Fair Use” which recognizes the needs of scholars and students to use copyrighted materials for educational purposes. The Library complies with U.S Copyright Law by considering and balancing the four Fair Use factors, listed below, for each item placed on reserve, if there is no license in place governing access to the material:

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified in that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, is not an infringement of copyright.

In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- 1) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- 2) the nature of the copyrighted work;
- 3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- 4) the effect of the use upon the potential market for or value of the copyrighted work.

The four-factor Fair Use test directs that libraries assess overall whether a use is fair by considering the balance among these factors. If Reserve material is found NOT to meet the Fair Use test, the Library will seek permission from the copyright holder, either through Copyright Clearance Center or by contacting the rightsholder directly. Electronic copying and scanning of copyright-protected works for library reserve systems are uninterpreted areas of the law which may be addressed by the courts or future revisions of the copyright law. Bowdoin College will monitor legal developments in this area.

General Guidelines for Print and Electronic Reserves

To ensure compliance with copyright law, the Library will adhere to the following policies in the handling of print and electronic reserves:

- All materials placed on print and electronic reserve will be at the initiative of faculty for the non-commercial, educational use of students.
- Whenever possible, materials to be used for print or electronic reserve will be owned or licensed by the Library or owned by the faculty member.
- The full citation of the item will appear on the introductory screen or on the

print copy, unless this information is unavailable.

- Print reserve copies and the introductory screen for e-reserves will bear the following copyright notice:

“The copyright law of the United States (Title 17, USC) governs the making of photocopies or other reproductions of copyrighted materials. Under certain 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 other purpose other than private study, scholarship or research.” If a user makes a request for, or later uses, a photocopy for reproduction for purposes in excess of “fair use,” that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve a violation of copyright law.”

- Access to e-reserves is limited by password to authorized users: student members and auditors enrolled in the class, class instructor, academic department coordinator, and library staff members responsible for processing and assisting students with e-reserves.
- Users may make one copy for private study, research, scholarship, or education.
- Access to electronic and print reserves is removed at the end of the semester, when readings are no longer needed to support the class.
- Library staff will determine whether an item is in the [public domain](#) and is therefore available for copying without obtaining permission.
- For electronic linking to full-text articles, staff will confirm that the Library is licensed to provide the link for e-reserves.
- If placing an item on reserve is determined not to satisfy the Fair Use test, the Library will explore alternatives with the faculty member, and/or will request permission through Copyright Clearance Center or directly from the copyright holder.
- The Library will impose an upper limit of \$75 per item for permissions. If permission is required, but would cost more than \$75, the Library will not place the material on reserve. Faculty members will be asked to indicate if they want a lower cost limit for any readings.
- If permission is denied for an e-reserve, or if permission costs exceed the faculty member’s limit, the Library will place the item on print reserve.
- If it is deemed necessary to seek permission for a print reserve, the Library will do so.
- If permission is denied for a print reserve, the Library will contact the faculty member and explore alternatives. These may include seeking to purchase a book through out-of-print dealers or borrowing it from Colby or Bates; reducing the quantity of the material to be copied; substituting a different edition or different material.

Suggestions for further reading

A list of suggestions for further reading can be [accessed here](#).

If you have questions about Fair Use relating to a particular item, please contact

[Leanne Pander](#) (x3260) or [Phyllis McQuaide](#) (x3173).

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