I. General Statement on Copyright

The UW-B/SC Library supports and acts in accordance with the fair use provisions of the Copyright Act of 1976, Section 107, which permits the making of copies for classroom use if the four determining factors are considered and found to be in support of fair use. The Fair Use analysis is applied on a case by case basis in each and every instance of copying.

Factors to be considered in determining if the copying is fair use are:

1. The purpose and character of the use
   (Education is more likely to be fair use; and use that causes the work to be used for a new purpose is more likely to be fair use.)

2. The nature of the copyrighted work
   (A fact-based work is more likely to be fair use than a creative fictional work.)

3. The amount and substantiality of the copied portion compared to the work as a whole
   (A small portion of the work is more likely to be fair use).

4. The effect of the use on the potential market
   (Copying to keep students from having to buy the whole work is less likely to be fair use).

The Library has also adopted a number of guidelines for Electronic Reserve which were included in the Fair Use Guidelines for Electronic Reserve Systems, developed by participants in the Conference on Fair Use (CONFU). The Library stays abreast of developments with regards to digital copyright laws and guidelines and modifies its copyright guidelines for Reserve and Electronic Reserve as needed. See ‘Resources for Copyright Information’ below for sites which may provide current copyright information.

II. Placing Material on Reserve or eReserve – General Guidelines

• Material shall be placed on either Reserve or Electronic Reserve at the initiative of the faculty or staff at UW-BSC solely for the non-commercial, educational use of UW-BSC students.
• Fill out one request form for each item to be placed on Reserve in the Library. Forms are available at the library circulation desk. When signed by the faculty member, indication is made that the instructor is following the Copyright Act (Title 17 U.S. Code).
• Any material already owned by the UW-BSC Library (including those owned in digital form) may be placed on Course Reserve for a semester without asking for copyright permission.
• Allow at least 2 days for the items to be placed on physical Reserve, and at least 1 week for eReserves.
• The Library will follow the principles of Fair Use when determining if copies should be placed on Reserve or eReserve.
• A copyright notice will appear on the first page of any scanned document available via electronic reserve. A copyright notice will be stamped on the first page of each document on reserve. In addition, a copyright notice is affixed to each printer and copy machine located in the Library and computer labs.

• Materials on reserve and e-reserve are available only to current UW-BSC students.

• Students are not charged a fee to access reserve or e-reserve items. The charge for copies made by students on library printers will be the same as for all other library printing.

• Material made available for student use through reserve or e-reserve will be removed when it is no longer needed.

• Longer works, such as complete books, will not be copied for electronic reserve, even if the works are in the public domain or otherwise within the scope of the fair use guidelines.

• Course packs will not be placed on Reserve. In addition, faculty cannot in effect create a course pack by placing several articles together on reserve under one title. Individual citations must be provided for each item.

• Required textbooks may not be placed on reserve in substitution for purchasing a copy. Textbooks may only be placed on Reserve as a temporary measure while students are waiting for their books to arrive, but the textbook must be removed from Reserve as soon as the students have them.

• The library is not responsible for lost personal copies or other items.

III. Guidelines for Fair Use copying or scanning

The library staff may do Fair Use copying or scanning for Reserve or eReserve.

In general, the staff will use the following guidelines:
1) Only one journal or newspaper article from each issue may be used
2) Not more than a single chapter or 10% of a book or anthology may be used.
3) Only one chart, graph, diagram, drawing, cartoon, or picture per book or journal issue may be used when the entire article or chapter is not used

IV. Copying or scanning beyond Fair Use guidelines

If a faculty member needs material copied or scanned for reserve or e-reserve that in the library staff member’s judgment exceeds the bounds of the Fair Use Guidelines then copyright permission must be secured. To complete that process:

1. The faculty member must contact the owner of the copyrighted material to request permission (see below).

2. While copyright permission is being requested, the Library will temporarily make the material available, pending permission from the copyright owner.

3. Any fees or charges associated with obtaining copyright permission are the responsibility of the faculty member.
4. Once the faculty member has received permission to have the material copied or scanned, evidence of that permission must be forwarded to the Library staff. An e-mail from the copyright holder granting permission is acceptable. Evidence of copyright permission and payment (when applicable) shall be retained by the Library.

5. The Library staff will comply with the permission parameters that are specified by the copyright holder.

V. How to request copyright permission

1. Determine the holder of the copyright. In most cases, the copyright owner is the publisher rather than the author. Useful resources for locating publisher’s addresses and e-mail’s are listed below.

2. Once the publisher’s contact information has been determined, use one of the sample letters provided to request permission from the publisher. Some publishers will accept a request for permission via e-mail, which may provide faster turnaround time for your request.

3. Any reply from the publisher should be forwarded to the Library staff so that we will know how to proceed. This information will be kept on file in the Library. Any fees associated with obtaining permission are the responsibility of the faculty member.

An alternative to contacting the publisher directly is to use the services of the Copyright Clearance Center (CCC). The CCC is the largest licensor of text reproduction rights in the world. “Copyright Clearance Center manages the rights to over 1.75 million works and represents more than 9,600 publishers and hundreds of thousands of authors and other creators” (from the CCC web site). Individuals may search the web site to see if the item in question is listed and set up their own account with the CCC. The CCC manages the rights to all the material included in their website and can grant copyright permission in lieu of the publisher.

The UW-BSC Library has purchased an annual copyright blanket license from the Copyright Clearance Center. You can go to their website to search for coverage.

--Resources for Further Copyright Information--

The Association of American Publishers (AAP) maintains a web site with current contact information for over 300 publishers with offices in the United States, http://www.publishers.org

“The WATCH File (Writers, Artists, and Their Copyright Holders) is a database containing primarily, but not exclusively, the names and addresses of copyright holders or contact persons for authors and artists whose archives are housed, in whole or in part, in libraries and archives in North America and the United Kingdom. WATCH is a joint project of the Harry Ransom Humanities Research Center at the University of Texas at Austin and the University of Reading Library, Reading, England.” (from the WATCH File web site). http://tyler.hrc.utexas.edu/
*Sample e-reserve letter (for articles)*

Date:
To: [copyright holder]
From: Professor
Dept.
University of Wisconsin – Baraboo/Sauk County
Re: Permission to use copyrighted material

I would like your permission, as the holder of copyright for the material listed below, to allow the materials to be scanned by the UW-BSC Library and made available via their electronic reserve system to the students in my class.

Materials included in electronic reserve are only accessible to authenticated students and faculty for the duration of the class. The reproduction will faithfully copy the work in its entirety and will include a copyright notice.

Citation of Material to be used:
Author(s):
Title of article/Chapter:
Journal/Book title:
Date/Volume/Edition:
Chapter(s)/Pages to be scanned:

Thank you for your prompt reply to this request and for assisting in the educational process at the University of Wisconsin – Baraboo/Sauk County.
*Sample hard-copy reserve letter (print, film, music, etc.):*

Date: 
To:   [Copyright Holder]  
From: Professor  
        Department  
        University of Wisconsin - Baraboo/Sauk County  
Re:  Permission to use copyrighted material

I would like your permission, as the holder of the copyright for the material listed below, to allow the material to be copied by the UW-BSC Library and made available to students in my class through the Libraries’ Reserve Desk.

Only one copy of the work will be made by the library staff. Access to this copy will be restricted to the UW-BSC community. The reproduction will faithfully copy the work in its entirety and will include a copyright notice.

Citation of material to be used:  
author(s):  
title of article/chapter:  
journal/book title:  
date/volume/edition:  
chapter(s)/pages to be scanned:  

Thank you for your prompt reply to this request and for assisting in the educational process at the University of Wisconsin - Baraboo/Sauk County.