
SUBJECT: LIBRARIES COPYRIGHT POLICY

1. PURPOSE

- 1.1. The Snow College Libraries are dedicated to providing an environment where learning occurs. The library provides research instruction and quality curriculum supporting information sources in the most appropriate formats.
- 1.2. As many of the materials provided by the Libraries in support of its role and mission are copyrighted, this Policy provides guidance on the application of copyright law to materials and resources provided by the College Libraries.

2. DEFINITIONS

- 2.1. Exclusive Rights: Federal law (primarily the Copyright Act of 1976 and the Digital Millennium Copyright Act of 1998 found in Title 17 of the United States Code) protects original works of authorship through the U.S. Copyright Act. The owner of a copyright under the Copyright Act has the exclusive rights to do and to authorize any of the following:
 - 2.1.1. To reproduce the copyrighted work in copies or phonorecords.
 - 2.1.2. To prepare derivative works based upon the copyrighted work.
 - 2.1.3. To distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental lease, or lending.
 - 2.1.4. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly.
 - 2.1.5. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly.
 - 2.1.6. In the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.
- 2.2. Fair Use Exception: A reasonable noninfringing use, including reproduction, of copyrighted material for such purposes as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, as determined from consideration of all relevant circumstances, including (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 (generally less than 10% or one chapter of a book); and (4) the effect of the use upon the potential market for or value of the copyrighted work.
- 2.3. Library & Archives Exception: It is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy of a work or to distribute such copy or phonorecord under certain conditions.
- 2.4. Face-to-Face Teaching Exception: It is not an infringement of copyright to perform or display a copyrighted work or a work by instructors or pupils in the course of face-to-face

teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, of a lawfully made copy.

2.5. Copying: Making a reproduction of materials including paper copies and electronic versions.

2.6. Other definitions are as stated in 17 USC 101.

3. POLICY

3.1. Snow College Libraries protect the rights of holders of copyright in accord with Federal and state law, rules and regulations (“law”). Libraries materials may not be copied or used except in accord with the law and this Policy and Procedures.

3.2. Snow College Libraries abides by disability and accommodation rules and regulations and this Policy and Procedures shall be implemented in accord with those.

3.3. Copying of copyrighted works by library employees and patrons within the library.

3.3.1. General reserve desks may circulate single reproduction copies of library-owned copyrighted materials, provided that in the preparation of such circulating copies, library personnel do not exceed the standards for permissible copying under the law of fair use. A copy shall include a notice of copyright as found in the original or a notice that the work may be protected by copyright.

3.3.2. With respect to interlibrary loans, Snow College libraries as borrowing libraries shall keep and retain records of filled loan requests for three full years following the end of the calendar year in which the requests were made in order to insure that during said period of three years:

3.3.2.1. The library did not request and receive more than five articles from any copyrighted periodical title published within the five years immediately prior to the date of a request; and

3.3.2.2. the library did not request and receive more than five copies of or from any given copyrighted work, including a collection of copyrighted works, during the entire period such material was protected by copyright.

3.3.3. Snow College libraries as lending libraries may make isolated and unrelated reproductions of a single copy of the same copyrighted materials on separate occasions as long as the libraries and their personnel are not aware of and have no reason to believe they are engaging in related or concerted reproduction of multiple copies.

3.3.4. College libraries shall refuse:

3.3.4.1. to fill an interlibrary loan request where prior contractual obligations prohibit copying of such copyrighted material;

3.3.4.2. to honor a request from a borrowing library which has not verified on its order form that the request conforms to the copyright law and guidelines.

3.3.5. For the purpose of preserving and maintaining library collections, College libraries are permitted to make:

3.3.5.1. facsimile reproductions of unpublished works that are currently in the library-owned collection for purposes of preservation, security, or deposit in another library; and

- 3.3.5.2. a copy of published copyrighted work to replace a work that is damaged, deteriorating, lost or stolen, if:
 - 3.3.5.2.1. the library determines, after a reasonable effort, that an unused replacement cannot be obtained at a fair price, and
 - 3.3.5.2.2. the copy includes a notice of copyright.
- 3.4. Copying for Personal Use
 - 3.4.1. Copies for personal use may only be made in accord with the Fair Use Exception.
- 3.5. Copying for Classroom Use
 - 3.5.1. Copies for classroom use may only be made in accord with the Fair Use Exception. For guidance on this topic see sections ***How does fair use apply to photocopying of course materials?*** and ***How does fair use apply to use of third-party materials on a course website?*** found in the Harvard Office of General Counsel publication **Copyright and Fair Use** found at <https://ogc.harvard.edu/pages/copyright-and-fair-use> (Copyright © 2016 President and Fellows of Harvard College).
- 3.6. Copying for those with disabilities and in aid of accommodations.
 - 3.6.1. Copies for those with disabilities and in aid of accommodations may be made in accord with disability law, rules and regulations.
- 3.7. Performance or display of copyrighted works in the library.
 - 3.7.1. The performance or display of copyrighted works may occur in the library as part of a regularly scheduled course or other face-to-face teaching activity. (This means a live instructor teaching students. This may include regularly scheduled classes or a supplement to classes as long as teaching is occurring. This does not allow showing a movie to the general public or even students if there is not teaching going on.) This can occur in any area devoted to instruction including: a classroom, meeting room, study area, or the auditorium. (You can show a movie in the auditorium, play a song in a meeting room, show a video in a study area, as long as the area is devoted at that time to teaching. You cannot show a movie in a classroom just for fun just because it takes place in a classroom.) The works that may be watched or listened to include a lawfully made copy of a full-length movie, playing a lawfully made recording of a song, or showing a lawfully obtained image. (You cannot show or play an illegal copy.) A license is not needed. (This is the fair use exception which is not a copyright infringement.)