Copyright Guidelines for Electronic Reserves and
Acknowledgement of Terms

I. Establishing the copyright status (or lack thereof) of materials to be placed on reserve. Criteria:
   A.) Originality defines the copyright status of a work. An item containing only facts—not conveyed in a manner that constitutes an original work—is not covered by copyright because facts cannot be copyrighted. U.S. Government documents are not covered by copyright, either.
   B.) The term of copyright must still be in effect. The rule of thumb for works created since January 1, 1978 is: For individual authors, life of author plus 70 years; for works by joint authors, life of authors plus 70 years from the death of the last surviving author; for anonymous, pseudonymous, and corporate authors, 95 years from date of publication or 120 years from the date of creation, whichever is first. For works published through 1977: Terms vary, but possibly up to 75 years from date of publication.

II. Fair use parameters for copyrighted materials. The parameters for electronic reserves follow the guidelines for in-class photocopying: The fair use guidelines of copyright law allow for an instructor, for a single academic term, to distribute to each student in a class (and all necessary administrative staff for the course) a single copy of a small portion of a copyrighted work, and require the instructor to provide, with the item, notification of its copyright status. This applies to distribution via electronic and paper reserves as well as in-class distribution. These fair use guidelines are derived from Title 17 (Copyright), Section 107 of the United States Code.
   A. Scope of material.
      1. Size. Only a reasonable percentage of a work (e.g. a chapter from a book, a single article from a journal issue containing several articles, or excerpts from larger works) can be scanned, copied, or otherwise reproduced and distributed. While they do not have the force of law, generally, the percentage allowable by various guidelines is limited to approximately ten percent. The entirety of a copyrighted book or journal issue cannot, under any circumstances, be scanned and placed on electronic reserve.
      2. Possession. The item in question must be owned by the instructor, library, or another part of the institution in order to be placed on reserve—this applies to all manner of reserve, physical and electronic:
         a. Items obtained through a document delivery service may be placed on physical or electronic reserve if the delivery service has arranged for copyright fees to be paid to the publisher.
         b. Items obtained through Inter Library Loan may be placed on reserve; copyright fees are paid for these by ILL.
         c. Web links are permissible objects of electronic reserve.
      3. Proportion to total course material. Electronic reserves of copies of copyrighted materials cannot constitute the total assigned reading for a course—indeed, should only contain a small proportion of the assigned reading. Copyrighted materials scanned (and therefore copied) for electronic reserve are meant within copyright fair use to constitute only a supplement to a professor’s course of instruction.
   B. Limitation of access. When copyrighted materials are put on electronic reserve for a particular class, use must be limited to students in such a class by means of a password for that course page.
   C. Duration and repetition of materials on reserve.
      1. Duration of reserve is limited to one semester only for copyrighted materials. Longer periods can be permitted only with permission from the publisher(s) of the materials. While permission is being sought, said materials can be kept on electronic reserve until the next semester when the same course is being offered by the same instructor or but not for a period of more than three calendar years.
      2. Repetition of electronic reserve use of a copyrighted work requires permission from the publisher, even if the work is put back on reserve after being taken off of its initial period of electronic reserve. For students from the original class who did not complete the course, short-term access may be granted (without publishers’ permission) to copyrighted materials placed on electronic reserve in a previous semester.
   D. Notices and attributions. A statement incorporating the notice of copyright will be scanned as a cover sheet to each copyrighted document, to the effect of: “The work from which this copy is made includes this notice: Copyright 1997, XXX Corp.” Attributions and citations of an electronic reserve’s original source need to be shown as well. Please provide this information with the items that you have photocopied for reserve.
   E. Effect on market. It is unlikely that any scanning for reserve that we do would have a detrimental effect on the future market of an author’s work. Nevertheless, we need to bear in mind the magnifying effect latent in electronic dissemination of materials.
III. Seeking permission. Permission may be sought in a number of ways for the extended or repeated use of journal articles and sections of books:

A. **Huntley Bookstore.** The most convenient way to attempt to secure copyright permission at The Claremont Colleges is to visit the Huntley Bookstore. Contact the Copyrights Permission Coordinator at ext. 74350. Your department may be charged for any royalty fees required.

B. **Copyright Clearance Center.** The CCC has extensive resources to enable scholars and others in contacting copyright holders. They can be reached at 222 Rosewood Drive, Danvers, MA, 01923. Telephone: 978-750-8400. Fax: 978-750-4744. Their web page is excellent (http://www.copyright.com/) and contains many links to other copyright resources on the web.

C. **Contacting a publisher directly.** If you know the publisher information of a copyrighted item, you may write them directly. (Helpful hint: always first contact the publisher, not the author, unless they are the same; usually the publisher owns a work.) The following example, adapted from a sample permission request provided on the University of Texas System website (http://www.utsystem.edu/OGC/IntellectualProperty/permissn.htm), may help:

<table>
<thead>
<tr>
<th>Permissions Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Publisher]</td>
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<tr>
<td>[Address]</td>
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Dear Permissions Editor:

I am writing to ask your permission to incorporate into online course materials (electronic reserves) for my class (insert name and subject/number of class here) the following material:

Author:  
Book Title:  
Journal Title:  
Vol.  
Issue  
Page #(s)  
Figure/ Image #(s)  
Table #(s)

The material will be placed on reserve for my students (check/provide info for situation that applies):

Every time the course is offered ____  |  Not every time the course is offered, but occasionally and repeatedly. ____
Frequency of course ____  |  ____

Please send a License Agreement or contact me about your requirements for obtaining one. If you do not solely control copyright in the requested materials, I would appreciate any information you can provide about others to whom I should write, including most recent addresses if available.

Sincerely,  
[Name, printed]  
[Institution]  

If you are seeking permission yourself and you do not know the publisher of the work in question, or if the work has changed owners,


2. The U.S. Copyright Office has an online search engine at http://lcweb.loc.gov/copyright/ for this purpose.

3. Check with the source (library, bookseller, etc.) of your material. They may have information on the previous owner, if any, and how to contact them.

**Acknowledgment of Terms**

To be signed and returned, one form for each course having copyrighted materials on electronic reserve, by those placing materials on reserve.

I have read these guidelines and I understand that individuals as well as their teaching institutions and libraries are all subject to the requirements of the copyright law. I declare that I have made a good faith effort to comply with the fair use guidelines described above for the copyrighted materials I am now placing on electronic reserve and will do so for future submissions for the course noted below.

| Date ___________   (signature) ______________________________________________________   College __________________ |
| Extension __________________   E-mail address (if any) ___________________________________________________________ |
| Course Name____________________________________   Number __________   Semester ______________   Year ___________ |