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BLESSING-RIEMAN
College of Nursing
& Health Sciences

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References:	

Copyright

Purpose:

To describe expectations regarding copyright for Blessing Health Professions Library (the Library) patrons.

Policy:

The Library provides access to print and electronic resources, including free and subscription-based resources and the Internet, which are subject to Title 17 of the U.S. Code (Copyright Law).

Copyright Law must be obeyed as it pertains to libraries and educational material. Library patrons must abide by the copyright, terms, and conditions of each resource.

Procedure:

For educational purposes, Copyright Law allows for limited amounts of copying through the fair use statute. Section 107 of the Copyright Law addresses the fair use of materials and includes four (4) factors to help determine fair use.

The Four (4) Factors:

- The purpose and character of the use
- The nature of the copyrighted work
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole
- The effect of the use upon the potential market for or value of the copyrighted work

Libraries:

- May copy an article for private study, scholarship, or research. The article must be stamped with a copyright notice.
- May make five (5) interlibrary loan requests per year, per journal, per library. Material that is more than five (5) years old is not subject to these guidelines.
- May make an archival copy of software and other audiovisual formats depending on the license agreement.
- May interlibrary loan materials provided that loan is not a substitute for a subscription to or purchase of such work, the request conforms to the guidelines provided in Section 108 of the Copyright Law, and a record of all requests is kept for three (3) complete calendar years plus the current year.
- May copy to replace material that has deteriorated or been damaged, lost, or stolen, if a replacement copy cannot be obtained at a fair price.

- Are not liable for wrongful copying if they display a copyright notice near the copier.
- May copy, without permission, U.S. government documents, items published prior to 1906, and items published prior to 1978 that are not copyrighted.

Library Patrons:

- Have a legal right to copy for personal files, cite in a bibliography, and discuss orally or in print.
- Should, if in doubt, request permission from the publisher or The Copyright Clearance Center (CCC) to reproduce a work for classroom use.
- May make multiple copies for classroom use (not to exceed one (1) copy per pupil per course) if the copying meets these tests:
 - Brevity: The work is less than 2,500 words, 10% of the total, or one (1) chapter.
 - Spontaneity: The instructor makes the decision to copy, and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission to copy.
 - Cumulative effect: The copying of the material is for only one (1) course for one (1) semester, no more than three (3) excerpts from the same periodical volume during the same semester, and no more than nine (9) instances of multiple copying for one (1) course during a semester.

Unacceptable Use

It is unacceptable to use the Library's computers, Internet, print resources, and electronic resources in a manner that violates Copyright Law. Unacceptable use of or access to the resources may result in suspension of library privileges and may be considered a breach of the Code of Conduct. Unacceptable use includes, but is not limited to:

- Unauthorized downloading, uploading, or peer-to-peer file sharing of copyrighted material
- Purposes that are illegal, unethical, harmful, or fraudulent
- Purposes that violate fair use
- Use of resources for commercial purposes

Copyright Infringement

Penalties for copyright infringement include civil and criminal penalties. Anyone found liable for civil copyright infringement may be ordered to pay either actual damages or statutory damages at not less than \$750 and not more than \$30,000 per work infringed. For willful infringement, a court may award up to \$150,000 per work infringed. Willful copyright infringement may also result in criminal penalties, including imprisonment of up to five (5) years and fines of up to \$250,000 per offense. Remedies for infringement are addressed in Sections 504 and 505 of the Copyright Law.

Sources:

Department of Education. (2010). *Penalties for violation of federal copyright laws*. Retrieved from <https://library.shsu.edu/research/guides/EducauseStatementOnPenalties.pdf>

United States Copyright Office. (2016). *Copyright law of the United States*. Retrieved from <https://www.copyright.gov/title17/title17.pdf>

United States Copyright Office. (2014). *Reproduction of copyrighted works by educators and librarians*. Retrieved from <https://www.copyright.gov/circs/circ21.pdf>

Attachments

No Attachments

Approval Signatures

Approver	Date
Reta Richmond: ADMINISTRATIVE ASSISTANT	06/2019
Jenna Crabtree: DEAN OF ENROLLMENT MGMT/BUSINESS MGR	06/2019