



GENERAL INTERPRETATIONS AND INFORMATION REGARDING COPYRIGHT AND RESERVE MATERIALS

The Copyright Act of 1976 grants to copyright owners the exclusive right to reproduce, distribute, perform, and display their works. Any of the foregoing uses without the express permission of the copyright holder constitutes an impermissible use in violation of the act, unless the use falls within one of the exceptions set forth in Title 17 U.S.C. et. seq. The most commonly utilized exception governing permissible use are the "fair use" standards.

Application of the fair use factors is inherently imprecise; all factors are interrelated and no one factor is entitled to inordinate weight. Consequently, "fair use" may differ from one work situation to another.

The purpose of the following information is to educate each individual user as to what material is generally accepted under the "fair use" guidelines for reserve purposes. Because application of the fair use factors is highly subjective and an uncertain area of the law, definitive answers are not possible. Although this is not a legal document, it is intended that after reviewing the following information and examples, the reader should come away with a general understanding of what may be placed on library reserve for student use.

INFORMATION ON FAIR USE OF COPYRIGHTED MATERIALS

The WSU Libraries accept materials for reserve purposes according to copyright fair use guidelines. Photocopying for educational use must be of a limited nature, determined by the brevity of the photocopied material, and the spontaneity and cumulative effect of its creation. Otherwise permission must be requested from the copyright holder. The WSU Libraries are prepared to assist you in obtaining copyright for any materials you place on reserves.

- Copying shall not be used to create or to replace anthologies, compilations or collective works. Such replacement or substitution can occur whether copies of various or excerpts therefrom are accumulated or reproduced and used separately
- There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized test booklets and answer sheets and the like consumable materials.
- Copying shall not substitute for the purchase of books, publisher's reprints or periodicals
- Continual copying of the same item by the same teacher shall not be permitted
- Each reserve item must include a notice of copyright.
- In accordance with American Library Association guidelines, we will accept up to one copy of each reserve item per 10 students but not more than 10 copies total. WSU Libraries suggest one copy per 30 students.

GENERAL INTERPRETATIONS AND EXAMPLES

Brevity:

- An article, poem, essay or short story, whether or not from a collected work.
- A chapter from a book. (It may be permissible to copy more than one chapter from a book if it has more than 15 chapters. If, however, the substantiality or the significance of the individual chapter(s) in relation to the whole is disproportionate, then these numerical limits may not be applicable.)

Spontaneity:

- The copying is at the instance and inspiration of the individual teacher.
- The inspiration and the decision to use the photocopied material 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.

Cumulative effect (repetitive use):

- Copied material may be placed on reserve for one course for no more than one year.
- Not more than one poem, article, short story, or essay may be copied from an individual author, not more than three from the same collective work (irrespective of author) or periodical volume during one class term. This limitation does not apply to current news periodicals, newspapers, and current news sections of other periodicals.

EXAMPLES OF PERMISSIBLE USE:

- Material is chosen so closely to the start of class that it is unreasonable to expect a timely reply to a request for permission.
- A single item, e.g., a book chapter or news periodical
- Material from recent newspapers or news periodicals
- Personally authored materials such as exams, course syllabi, or articles submitted for publication.
- Material in the public domain such as government documents or for which the copyright has expired. Material that states that photocopying is permitted.

EXAMPLES OF INAPPROPRIATE USE:

- A photocopy of a substantial portion of a book.
- Repetitive use of the same photocopied reserve material for more than one year.
- Use of more than one article from one issue of a periodical other than a newspaper or news periodical.
- Copying from materials intended to be "consumable" such as workbooks, standardized tests, etc.

REMEMBER: Educational use alone is not sufficient to make a use a fair one.

The foregoing information and examples are general applications from which deviations may occur under certain circumstances.

If you are still in doubt regarding policies for reserve materials, contact a library staff member at 509/335-5618 for further information.