

## Electronic Reserves Waiver Form

Faculty Name: \_\_\_\_\_ Semester: \_\_\_\_\_

Course Number (e.g. English 104): \_\_\_\_\_

Course Title (e.g. Writing About Literature): \_\_\_\_\_

### Background Documents for the Development of Copyright Guidelines for Electronic Reserves:

The Leatherby Libraries copyright guidelines for course reserves, including electronic reserves, are based on the Copyright Act of 1976, especially the principle of "**fair use**" and the reproduction of copyrighted works by educators and librarians (*United States Code*, Title 17, Sections 107 and 108). They are based also on a number of the guidelines in the American Library Association's *Model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use* (Chicago: ALA, 1982) and those included in the 1996 *Fair Use Guidelines for Electronic Reserve Systems* developed, but not formally adopted, by participants in the Conference on Fair Use (CONFU).

### Fair use in teaching and research:

The 1976 Copyright Act provides important exceptions to the rights of the copyright holder that are specifically aimed at nonprofit educational uses of copyrighted works and libraries. Two provisions of the copyright statute are of particular importance to teachers and researchers:

- A provision that codifies the doctrine of "fair use," under which limited copying of copyrighted works without the permission of the owner is allowed for certain teaching and research purposes.
- A provision that establishes special exemptions for the reproduction of copyrighted works by libraries and archives.

The "fair use" doctrine embodied in the Fair-Use Statute Section 107 of the 1976 Copyright Act, allows reproduction and other uses of copyrighted works under certain conditions for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research for educational and research purposes.

### Four factors of fair use:

Fair-use Statute Section 107 lists the following factors as the ones to be evaluated in determining whether a particular use of a copyrighted work is a permitted fair use:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes — uses in nonprofit educational institutions are more likely to be fair use than works used for commercial purposes, but not all educational uses are fair use.
- The nature of the copyrighted work — reproducing a factual work is more likely to be fair use than a creative work such as a musical composition.
- The amount and significance of the portion used in relation to the entire work — reproducing smaller portions of a work is more likely to be fair use than large or essential portions.
- The impact of the use upon the potential market for or value of the copyrighted work — uses which have no or little market impact are more likely to be fair than those that interfere with potential markets.

**Note: all Electronic Reserves will be taken off reserve at the completion of each semester**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_