Library Online Resources - Intellectual Property

The university library purchases, subscribes to and/or licenses access to online content on behalf of the University. In most cases, the licensing for this content provides for both local and remote (off campus) access to these resources for Drew University Faculty, Students and Staff. Access to library electronic resources within the physical library is (unless otherwise noted) available to the general public, including Drew alumni, visitors, and outside researchers.

Remote access to online resources is handled through Drew’s proxying and authentication service. Authentication is through the user’s Network Account. As stated in the Network Use Policy, “The privilege of use is not transferable to another member of the Drew community, to an outside individual, or to an outside organization.”

Instructors should post or email direct URL links to licensed electronic books, videos, journals, and journal articles in lieu of scanning or downloading content. Faculty Lab and Library Reference staff can provide help and instruction in how to do this. (Content obtained via Interlibrary Loan should not be posted on course websites or made part of course reserves without seeking permission from the copyright owner.)

Access to these resources are provided for usual and customary scholarly research, teaching and learning. Excessive use, mass downloading or redistribution of such resources, including commercial use, in violation of the terms of Drew’s content licenses, is grounds for denial of access and/or disciplinary procedures. Inquiries about the terms of license for specific resources should be directed to the Electronic Resources Librarian, Kathy Juliano (kjuliano@drew.edu).

-- Approved September 19, 2012 by the Library Dean's Council.
Interlibrary Loan Copyright Guidelines

Interlibrary Loan Copyright Guidelines

9/26/12

Interlibrary Loan involves both Lending (Lending Drew’s materials [books, book chapters and articles from journals] to other libraries) and Borrowing (Borrowing books, book chapters and articles for Drew’s faculty, staff and students). Libraries follow section 108 of the Copyright Act of 1976. The CONTU act of 1978 further defines section 108.

Lending:

- License agreements with publishers dictate lending policies and transmission methods of electronic journals.
- CONTU (publications less than 5 years old) or CCG (publications greater than 5 years old) compliance statements must be present on all requests received by the lending library.
- All articles or book chapters sent should include a copyright notice*

Borrowing:

- Copyright notice must be present on all ILL request forms.*
- Rule of Two: libraries may borrow one article per issue, per patron. For second and subsequent copies, copyright permission must be requested, and possible royalties paid.
- Suggestion of Five: libraries may borrow up to five articles from the same journal, or chapters or small portions of a non-periodical, in a calendar year, for dates five years or less from today’s date. For subsequent copies, copyright permission must be requested and possible royalties paid. For books chapters, the book should be purchased.
- For copies of an entire book, the borrowing library must determine that a copy cannot be obtained at a fair price.
- A compliance statement should be transmitted along with the ILL request to the lending library.
- Libraries must retain records of all ILL requests for three years.
- Copies of articles and book chapters obtained via ILL may not be placed on Reserve or posted to Moodle without first obtaining copyright permission.

Reference:

Interlibrary Loan Copyright Guidelines and Best Practices, Copyright Clearance Center, 2007.

http://www.copyright.com/media/pdfs/ILL-Brochure.pdf

*Copyright notices:

On ILLiad borrowing form:

Important Copyright Information: WARNING CONCERNING COPYRIGHT RESTRICTIONS The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research". If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use", that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

On lending email to transmit articles:

Copyright Warning:

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

No further reproduction or distribution of this copy is permitted by electronic transmission or any other means.
**On email transmitting articles received from other libraries to Drew patrons:**

*Copyright Notice:*

No further reproduction or distribution of this copy is permitted by electronic transmission or any other means.

**On email notifying Drew patrons that books obtained from other libraries have arrived:**

*Copyright Warning:*

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

No further reproduction or distribution of this copy is permitted by electronic transmission or any other means.
Drew University Library Reserves - Guidelines for Compliance with U.S. Copyright

- Policy Statement:
- Fair Use:
- Library Reserves:
- Effect of the Guidelines:

Policy Statement:

The Drew University Library Copyright Policy for Reserves is derived from the fair use guidelines of the U.S. Copyright Act of 1976, subsequent legislation, and court rulings on copyright issues. We cannot place materials on reserve if the nature, scope, or extent of copying is judged to exceed the limits of fair use.

Fair Use:

One of the rights accorded to the owner of copyright (which may or may not be the author or artist) is the right to reproduce or to authorize others to reproduce the work. This right is subject to certain limitations found in sections 107 through 118 of the “Copyright Act” (Title 17, U.S. Code). One of the more important limitations in reproduction is the doctrine of “fair use.” The four factors codified in determining whether or not reproduction falls under the fair use doctrine are the purpose and nature of the use (including whether such use is of commercial nature or is for nonprofit educational purposes), the nature of the copyrighted work, the amount and substantiality of the portion used in relation to the copyrighted work as a whole, and the effect of the use upon the potential market for or value of the copyrighted work.

Library Reserves:

Professors MAY, at any time, place items owned by the Drew University Library on reserve. Such materials may be used semester after semester with no restrictions. This includes circulating books and media from the stacks and films from the Media Library collection. Drew Library-owned periodicals (including newspapers), reference books, and microforms may be placed on reserve in some instances.

Professors MAY, at any time, place items they own on reserve. Such materials may be used semester after semester with no restrictions. Such materials include purchased books and periodicals, purchased media, and works to which the professor owns the copyright.

Professors may NOT place entire works (including media) that is owned by another institution or entity on reserve, including works obtained through Interlibrary Loan.

Professors may NOT place illegally-recorded media on reserve.

Professors may NOT place course packs on reserve at any time as copyright law restricts the reproduction of course packs to one per student in the course. However, the individual items from course packs may be individually submitted for reserves for one semester; a ‘fair use checklist’ and a ‘certification form’ must accompany each individual item submitted.

Professors MAY place reproduced chapters, articles, graphs, cartoons, etc., on reserve with the following restrictions:

1. All reproductions must fall within the fair use guidelines.
2. No more than one chapter or article from a work, also representing no more than 10% of a book with fewer than ten chapters or of a book that is not divided into chapters and no more than one chapter or its equivalent in a book of more than ten chapters, may be placed on reserve during a semester.
3. No more than one copy of each chapter or article that meets the fair use guidelines may be placed on reserve. Should ordered textbooks not be available at the beginning of a semester or if a class is particularly large, the Circulation Supervisor-Reserves may be able to grant temporary exceptions.
4. Unless copyright permission is obtained from the copyright holder by the professor, a reproduced chapter or article may not be placed on reserve for more than one semester.
5. Photocopied articles obtained through Interlibrary Loan MAY be placed on reserve IF copyright permission has been obtained.

Effect of the Guidelines:

1. Professors may choose to purchase the entire work from which a reproduction has been or would be made or may request that the Library acquire the work; the professor’s personal or a Drew Library book may then be placed on reserve in subsequent semesters in lieu of a photocopied item.
2. Professors may provide links to articles and books that are available online or direct their students to these links rather than placing copies on reserve.
3. All professors must complete a ‘fair use checklist’ and a ‘certification form’ with each reproduced item submitted for reserve. On the form, the professor will be asked to certify the manner in which the photocopy being submitted for reserve falls under the fair use guidelines and other copyright restrictions. Fair Use Checklists forms and Certification forms are available at the Reserve end of the Circulation counter and online.
4. Forms submitted with reproduced items will be retained by the reserve office.

5. If a professor wishes to use the same reproduced material in a subsequent semester, the professor must obtain copyright permission from the copyright holder or substantiate the reason why copyright permission is not required. Copyright permission may be requested through the Copyright Clearance Center at www.copyright.com.

6. The Library will not retain reproduced material after the end of a semester. All reproduced material will be returned to the professor; no photocopied materials will be stored by the Library.

The Library is not responsible for copyright violations. It is the responsibility of the person making and submitting reproductions to ensure that copyright law and fair use guidelines are followed. Additional information can be found at Drew’s Copyright Education Initiative and at the Copyright Crash Course website: http://copyright.lib.utexas.edu.

As of: September 21, 2012