

PREFACE

All students, faculty, adjunct faculty, visiting faculty, and researchers, should pay close attention to the sections listed below this paragraph. These sections are most relevant to faculty when preparing course materials, for placing copyrighted materials on reserve, for distribution to students in traditional and electronic format (e, g., Blackboard).

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Faculty attention is specifically drawn to the three (3) appendices at the end of the Copyright Policy: 1) Appendix I The TEACH Act; 2) Appendix II Copyright Guidelines for Blackboard Use; 3) Appendix 3 General Permission Letter – Model.

STATEMENT OF ACKNOWLEDGEMENT

We would like to acknowledge Sister Margaret Ruddy, Coordinator of Public Services of Cardinal Stritch University Library, Georgia K. Harper, former Senior Attorney and Manager of the Intellectual Property Section of the Office of General Counsel for the University of Texas System, now Scholarly Communications Advisor University of Texas at Austin, Joan Overfield, Library Director and the Copyright Committee of Fairfield University, and The Copyright Clearance Center, for permitting Dominican University of California to adapt portions of copyright policies into Archbishop Alemany Library's Policy On the Use of Copyrighted Materials.

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<p>Cornell Law School Legal Information Institute, Title 17 U. S. Code http://www.law.cornell.edu/uscode/html/uscode17/usc_sup_01_17.html.</p>	
<p>The Office of the Law Revision Counsel, U. S. House of Representatives, Title 17 Copyrights, beginning with Chapter 1 Subject Matter and Scope of Copyrights http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t17t20+3+44++%28Fair%20Use%</p>	
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<p>17 USC, Chapter 3, § 301, et seq. http://www.law.cornell.edu/uscode/html/uscode17/usc_sup_01_17_10_3.html</p>	
<p>Fair Use of Copyrighted Materials) http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm Term now runs for 70 years from the date of the author’s death (referred to as the “life of the author” plus 70 years). Today works are protected whether or not they are published.</p>	
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<p>Fair Use of Copyrighted Materials http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm</p>	
<p>“Copyright Term and the Public Domain in the United States 1 January 2006” http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm for specific types of works, copyright terms, and what was in the public domain in the U. S. as of January 1, 2006.</p>	
<p>Gasaway, Lolly. When Works Pass Into the Public Domain. University of North Carolina http://www.unc.edu/~unclng/public-d.htm</p>	

Public domain and related issues

http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter8/index.html

Fair Use Title 17, Chapter 1, § 107 of the U. S. Code **5**

Analysis of the Four Factors in Fair Use **5**

The four factors of fair use as cited by the Office of The Law Revision Counsel of the U. S. House of Representatives are

(1) the purpose and character of the *use*, including whether such *use* is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the *use* upon the potential market for or value of the copyrighted work.

Step-by-Step Application of the Fair Use Doctrine in the Classroom **6**

- 1. The Purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purpose*
- 2. The nature of the copyrighted work*
- 3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole*
- 4. The effect of the use on the potential market for or value of the copyrighted work*

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Coursepacks and Copyright Law in an Academic Setting **8**

Basic Books Inc. v. Kinko's Graphics Corp and Princeton Univ. v. Michigan Document Servs established the legal precedent requiring instructors to obtain permission prior to reproducing copyrighted materials for an academic coursepack.

The Copyright Clearance Center

<http://www.copyright.com/Services/copyrighthoncampus/content/coursepacks.asp> A brief definition and description of coursepacks, emphasizing the need for instructors to seek permission prior to circulating coursepacks for classroom use.

Stanford University http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter7/7-a.html provides an excellent discussion on coursepacks.

**Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions
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