The Northeastern Oklahoma A&M College Library will adhere to the provisions of the United States Copyright Law (Title 17, United States Code, Sect. 101, et seq.).

Copyright is a form of legal protection for authors of original works, including literary, dramatic, musical, artistic and other intellectual products. Publication is not essential for copyright protection, nor is the well known symbol of the encircled “c”. Section 106 of the Copyright Act (90 Stat 2541) generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

1. Reproduce copies of the work.
2. Prepare derivative works based on the copyright work.
3. Distribute copies of the work by sale, rental, lease or lending.
4. Publicly perform the work (if it is a literary, musical, dramatic or choreographic work or a pantomime, motion picture or audiovisual work),
5. Publicly display the work (if it is a literary, musical, dramatic, choreographic, sculptural, graphic or pictorial work—including the individual images of film—or a pantomime).

**Fair Use**

The doctrine of fair use, embedded in section 107 of the Copyright Act of 1976, addresses the needs of scholars and students by mitigating the rights of copyright ownership. To determine fair use, consider the following for factors:

1. The purpose and character of the use, including whether the copied material will be for nonprofit, educational, or commercial use. This factor at first seems reassuring; but unfortunately for educators, several courts have held that absence of financial gain is insufficient for a finding of fair use.
2. The nature of the copyright work, with special consideration given to the distinction between a creative work and an informational work. For example, photocopies made of a newspaper or newsmagazine column are more likely to be considered a fair use than developed for classroom consumption is less likely to be a fair use than is the duplication of materials prepared for public consumption.
3. The amount, substantiality, or portion used in relation to the copyrighted works as a whole. This factor requires consideration of 1) the proportion of the larger work that is copied and used and 2) the significance of the copied portion.
4. The effect of the use on the potential market of the copyrighted work. This factor is regarded… as the most critical one in determining fair use; and it serves as the basic principle from which the other three factors are derived and to which they are related. If the reproduction of a copyrighted work reduces the potential market and sales and, therefore, for the potential profits of the copyright owner, that use is unlikely to be found a fair use.

**Permission for Copying in Excess of Fair Use**

The College participates in contractual arrangements mandating royalty payments or licensing fees to copyright owners whenever feasible. Nevertheless, it often falls to the individual scholar to obtain written permission from the copyright owner to copy a large portion of a work or an entire work, or to produce multiple copies of chapters or periodical articles. Contact the Copyright Clearance Center for more information [www.copyright.com](http://www.copyright.com)
Works that May be Used Freely

Some categories of publications are in the public domain; that is, their use is not protected by copyright law:

1. Publications dated 1922 or earlier.
2. Works that do not include a copyright notice and were published before January 1, 1978.

Once a work has acquired public domain status it is no longer eligible for copyright protection.

Photocopying: What Quantity Conforms to the Law?

The following parameters are widely considered to be inappropriately restrictive for academic needs. However, they define the limits within which we can be sure of complying with copyright law. Somewhat more extensive copying may be sanctioned by the fair use guidelines.

Single Copies for Scholarly Needs or Library Reserve

2. A newspaper or periodical article.
4. A chart, diagram, drawing, graph, cartoon or picture.

*Articles, etc. that are submitted for Reserve are considered the property of the instructor and will be returned at term-end. (See “Library Reserve Services”, for further information.)

Multiple Copies for Classroom Use

Must meet the following tests of brevity, spontaneity and cumulative effect. Each copy must also include prominent notice that it is copyrighted material.

Brevity

- Prose: Either (1) a completed article or essay of less than 2,500 words, or (2) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event an excerpt of up to 500 words.
- Poetry: (1) a complete poem if less than 250 words and if printed on not more than two pages, or (2) an excerpt of not more than 250 words.
- (Each of the numerical limits above may be expanded to permit the completion of an unfinished prose paragraph or line of a poem.)
- Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue.
- Special Works: Certain works in poetry or prose or in “poetic prose,” which may combine language with illustrations and which fall short of 2,500 words, may not be reproduced in their entirety. However, an excerpt comprising not more than two of the published pages of such a work, and containing not more than 10% of the words found in the text, may be reproduced.
Spontaneity

The copying is at the instance and inspiration of the individual instructor.

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.

Cumulative Effect

The copying of the material is for only one course, with no more than one copy per student in the course.

Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during a term.

There shall not be more than nine instances of such multiple copying for one course during a term.

Course Packets

Copyrighting litigation involving academics users has focused on these “anthologies”, which are perceived as substituting for textbooks and thus as reducing the potential market for copyrighted publications. Every article or chapter in a course packet, if derived from copyrighted material, requires permission, either from the copyright owner (usually the publisher) or through a royalty fee paid to the Copyright Clearance Center. Each item in the packet also must include a notice of copyright. Individuals who purchase course packets should not be charged in excess of cost. Call the Copyright Center to expedite the permission and royalty payment process.

Interlibrary Loan activities are restricted to a cap in the amount of photocopying the ILL office can request for the College community in any calendar year. The maximum number of photocopied articles—five—that can be requested from the most recent five years of a periodical the library does not subscribe to. Individuals requesting copies in excess of the allowance may be asked to pay a royalty or the fee necessary to obtain such copies commercially.

The Interlibrary Loan office is legally obligated to display prominently the following notice and to include the same text on all request forms:

NOTICE

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 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, 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 judgement, fulfillment of the order would invoke violation of copyright law.

**Photocopy Machines**

Every photocopy machine on campus must include effective signage incorporating the following text:

Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

**Library Reserve Services**

Since library reserve services function as classroom adjuncts, the guidelines for multiple copies for classroom use apply. However, these guidelines address the practice of distributing photocopies to every course participant.

The library reserve services accepts single photocopies of copyright-protected chapters, articles, etc. but these photocopies are considered to be the instructor’s property. Although copyright law prohibits libraries from systematic copying to enhance their collections, an instructor may provide duplicate photocopies (three at the most) when a course is large enough to require more than one of an assigned photocopy. The amount of material should be reasonable in relation to the size of the source.

**Copies on Reserve must be marked:** NOTICE: This material may be protected by copyright law (Title 17 U.S. Code)

**Special restrictions apply to music Reserves.** See sections on sound recording and photocopying music.

In a genuine emergency, College departments such as the Copy Center might proceed before written permission is received. However, the College’s credibility in upholding the latter and spirit of the copyright law does not allow for many such exceptions.

**Videos**

Section 110 (1) of the Copyright Act of 1976 specifies that the following is permitted:

Performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance,
or the display of individual images is given by means of a copy that was not lawfully made…
and that person responsible for the performance knew or had reason to believe was not lawfully
made.

Additional text of the Copyright Act and portions of the House Report (94-1476) combine to
provide the following, more detailed list of conditions. They must be shown as part of the
instructional program.

1. They must be shown by students, instructors or guest lecturers.
2. They must be shown either in a classroom or other school location devoted to instruction
   such as a studio, workshop, library, gymnasium or auditorium if it is used for instruction.
3. They must be shown either in a face-to-face setting or where students and teacher(s)
   are in the same building or general area.
4. They must be shown only to students and educators.
5. They must be shown using a legitimate (that is, not illegally reproduced) copy with the
   copyright notice included.

(NOTE: NEO A&M College library will secure “institutional viewing rights” when purchasing
videos where possible.)

**Use Outside the Classroom**

Besides use in classrooms, videocassettes and videodiscs that are owned by the College may
ordinarily be viewed by students, faculty or staff at workstations or in small-group rooms in the
Audio Visual Department.