

**Viterbo University
Todd Wehr Memorial Library**

Copyright Policy

Introduction

The Todd Wehr Memorial Library at Viterbo University purchases collections for the nonprofit educational use of students, employees, and faculty. All library materials, regardless of physical format, are acquired with the understanding that there will be multiple uses of a limited number of copies. The Library frequently pays a premium institutional subscription price for journals, which is many times the individual subscription price, for the privilege of supporting multiple academic users.

The Todd Wehr Memorial Library supports the Constitutional principle that the fundamental purpose of copyright is to promote the progress of science and the useful arts through the broad dissemination of information in a manner consistent with current copyright law. The Library also supports the doctrine of Fair Use and follows the legitimate use rights as set forth in the fair use provision, Section 107 of the United States Copyright Act of 1976.

Fair Use Provisions

Section 107 of the United States Copyright Act of 1976 is as follows:

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified in that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

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.

When determining if use of an item is considered fair use, all four factors must be weighed.

Unsupervised Copying

The Library will post the following notice on all unsupervised copying machines and workstations:

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.

Reserve Operations

The Library will hold single or multiple copies of materials on reserve for instructors, provided that the following guidelines have been met:

- Instructor has determined that the item they are placing on reserve complies with the Fair Use guidelines in Section 107 of the United States Copyright Act of 1976. A copy of the original notice of copyright must accompany materials. Fair Use determination can be made with the assistance of library staff.
- If materials do not meet Fair Use standards, the Instructor must obtain permission of copyright from the copyright holder. A copy of the permission must be given to the Reserves staff. The Reserves staff will not place items on reserve without this permission. Repeated uses of copyrighted material require renewed permission from the copyright holder for each re-use. Exams, lecture notes, library items, instructor-owned items, and government documents do not require copyright permission.

Electronic Reserves

Electronic Reserves are governed under the same policies that cover Physical Reserves. The following additional considerations for Electronic Reserves will be met:

- If the Library holds a current license to access digital versions of copyrighted materials, direct access will be provided through the instructor's Moodle page.
- Print versions of copyrighted materials may be scanned if a Fair Use determination is made or the appropriate copyright permission has been obtained or is owned by the Library. The scanned material will be available for only the current class term, and will be removed from Moodle once the term is over.
- A copyright notice will appear on screen in the electronic reserve system for each item accessed.
- Access to electronic reserves items will be restricted to students enrolled in a particular course.

Items obtained through interlibrary loan may not be put on reserve.

Interlibrary Loan Operations

The Library actively participates in the statewide, national, and international borrowing and lending of library resources for private study, scholarship and research. The Library reserves the

right to refuse any request if fulfillment of the request would violate copyright law. Interlibrary loan copy requests are subject to a limit of five articles per year within any single journal title within the last five years. When the Library exceeds this amount, copies will be either be purchased commercially, reported to the Copyright Clearance Center and a royalty fee paid, or requests will be denied if it is not fiscally responsible for the library to fulfill the request. Additionally, the Library will consider adding journals to the library collection in which copyright compliance has been consistently exceeded over the course of several years.

The following guidelines will be met for Interlibrary Lending and Borrowing:

Borrowing

- A statement of copyright will be included with all copy requests when possible.
- On each request for photocopies, the Library will indicate whether the request “Conforms to CONTU Copyright Guidelines” (CCG) or “Conforms to Copyright Law” (CCL)
 - CCG will be used when the Library does not currently subscribe to a periodical title and the material requested was published within five years of the date of the request. These requests shall not exceed five copies per title without purchasing copies or paying royalties.
 - CCL will be used when the material was published earlier than five years of the date of the request, or if the Library determines the request falls under guidelines of Fair Use.

Lending

- On all received requests, the Library will make sure that CCG or CCL has been indicated.
- A notice of copyright will accompany any request sent to borrowers.