

UNIVERSITY OF MINNESOTA

University Libraries' Copyright Standards Interlibrary Loan Services

General Information

The University Libraries provides interlibrary loan borrowing services to current students, staff and faculty of the University of Minnesota-Twin Cities, to support the teaching, research and service missions of the University by providing access to material not owned in the University Libraries' collections. The University Libraries also provides interlibrary loan lending services to other libraries.

Materials may be copied and distributed through interlibrary loan when they are:

1. in the public domain; or
2. used with permission from the copyright holder; or
3. used under the provisions of a contract or license agreement, noting that agreements may differ from, and often take precedence over, what is allowed under copyright law; or
4. used under the provisions of Library Copying, U.S. Copyright Act, 17 U.S.C. Section 108 or, to the extent possible for University-related instructional or scholarly purposes, under Fair Use, 17 U.S.C. Section 107, as outlined in the *Classroom Guidelines*, or as determined using a case-by-case four-factor analysis.

The Libraries retains the right to refuse interlibrary loan requests on the basis of law-related or administrative concerns.

The following standards will be applied when copying copyrighted materials for interlibrary loan services under the provisions of Library Copying (Section 108) and, when appropriate, Fair Use (Section 107).

User Responsibilities

- Users should request copies of copyrighted works only to serve personal study, scholarship, or research needs.
- Users should request only the amount of material needed.
- Copies of copyrighted materials made available through interlibrary loan services become the property of the user and should not be reproduced for further distribution under most circumstances.*

Library Responsibilities -- Borrowing Services

- The library will not request and distribute copies of copyrighted works if it has notice that the copy will be used for anything other than private study, scholarship, or research purposes.

- Library staff will determine appropriate limits on materials to be distributed, and will not knowingly provide to a patron more than a) a single copy of any item, under most circumstances; * and b) one article or other contribution to a copyrighted collection or periodical issue, or a small part of any other copyrighted work, under most circumstances. * When necessary, the library will consult with the patron in making these determinations.
- The library will not request and receive interlibrary loan copies for distribution in such quantities so as to result, in purpose or effect, in substitution for a subscription to or purchase of such work. Relevant guidelines, such as CONTU (U.S. National Commission on New Technological Uses of Copyrighted Works), may be applied to help the library determine and operate within appropriate limits.
- The library, under most circumstances, * will not accept requests to copy musical works, pictorial, graphic, or sculptural works, motion pictures or other audiovisual works.

In response to a request to copy an entire work or substantial part of a work, the library will conduct a reasonable investigation to conclude that a copy cannot be obtained at a fair market price.

- Library staff will determine and indicate copyright compliance on all requests transmitted for interlibrary borrowing. In doing so, library staff will indicate either CCL—Conforms to the Copyright Law, or CCG—Conforms to the CONTU Copyright Guidelines.
- A Notice of Copyright will be posted where requests are received and displayed on all request forms.

Library Responsibilities -- Lending Services

- The library will not make and distribute copies of copyrighted works if it has notice that the copy will be used for anything other than private study, scholarship, or research purposes.
- Determination of overall copyright compliance for requests from other libraries is the responsibility of the requesting library. The Libraries will only fulfill requests that indicate copyright compliance (either CCG—Conforms to the CONTU Copyright Guidelines, or CCL—Conforms to the Copyright Law).
- Copies made will display a notice stating that the work may be protected by copyright and, when available, the notice of copyright that appears on the original work.

These standards were reviewed by the University of Minnesota's Office of the General Counsel and approved by the University Libraries' Leadership Council in February 2004.

* Exceptions may include qualifying uses for University-related instructional or scholarly purposes, under Fair Use, 17 U.S.C. Section 107.

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