

University Libraries' Copyright Standards
Library Instructional and Reference Services

General Information

The University Libraries provides instructional and reference services in support of the University's three-fold mission of research and discovery, teaching and learning, and outreach and public service. The primary function of these services is to assist and instruct users in accessing, evaluating, and using information, and to further their understanding of the economic, legal, and social issues attendant within those processes.

Materials may be copied for use in instructional and reference services 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
- 4a. *for library instructional purposes*, used under the provision of Fair Use, U.S. Copyright Act, 17 U.S.C. Section 107, as outlined in the *Classroom Guidelines*, or as determined using a case-by-case four-factor analysis; or
- 4b. *for reference services*, 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 following standards will be applied when copying copyrighted materials under the provision of Fair Use (Section 107) and Library Copying for Private Study (Section 108) in library instructional and reference services, and other library services that support University teaching, learning, and research. The Libraries' application of fair use is predicated on its "General Principles of Fair Use in Education."

Library Responsibilities Pertaining to Library Instruction Activities

- Library staff are responsible for determining, on a case-by-case basis, whether the use of a copyrighted work qualifies as fair use. When permissions are needed, staff are expected to make any required arrangements.
- Only the amount needed to accomplish the specific educational or reference service-related purpose should be copied.

- Reasonable efforts must be made to ensure that access to copied materials is limited to the recipient(s) of the specific instructional or reference service activity.
- 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.

Library Responsibilities Pertaining to Reference 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.
- Copying will be done without any purpose of direct or indirect commercial advantage.
- Library staff will determine appropriate limits on materials to be copied and 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.* The library will consult with the patron in making these determinations when necessary.
- The library, under most circumstances,* will not copy musical works; pictorial, graphic, or sculptural works; or motion pictures or audiovisual works, with the exception of audiovisual works dealing with news and pictures and graphics published as illustrations, diagrams, or similar adjuncts to works that can be copied (e.g., if an article can be copied, then the illustration or diagram in the article can also be copied).
- 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.

User Responsibilities

- All materials used in library reference and instructional services are to be used solely for non-commercial, educational, or personal research purposes.
- Copyrighted materials made available through library reference and instructional services should not be reproduced for further distribution.

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

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.