



## COPYRIGHT REQUIREMENTS REGARDING MATERIALS PLACED ON LIBRARY RESERVES

### 1) General Information Concerning Library Reserves Materials

- All materials that have a tangible form are the copyrighted creative work of the author and are copyrighted whether or not the material has been published or shows a copyright notice. They cannot be adapted, anthologized, compiled, edited, or reproduced without the permission of the copyright holder.
- The Fair Use Section of the Copyright Law does allow for limited reproduction when the reproductions are used in an educational institution. See #3 below for details.
- The spirit of copyright law is, in part, to protect the financial rights of the author. Material placed on Library Reserves must be supplemental and cannot be placed on Library Reserves for the purpose of avoiding student purchase of required textbooks.
- Any item that is placed on Library Reserves is for individual instructional use only.

### 2) Material in its original purchased form

- Materials in original form (that is, not reproductions) must be owned by the faculty member, the Biola department, or the Biola Library. Items that have been rented or checked out from another library or borrowed through Interlibrary Loan or LINK+ may not be placed on Library Reserves.
- Permission from the copyright holder or payment of royalties is not required for an item in its original form to be put on Library Reserves, even in multiple successive semesters, as long as either the teacher or the institution owns the item.

⇒ *A note of reminder that it is illegal for students to copy an item which is on Library Reserves in its entirety, whether at one time or over a period of time.*

- Unpublished materials that are the original work of the faculty member (for example, course notes; syllabi; sample test questions; homework answers) are the property of the faculty member. The library will accept these materials with the assumption that the faculty member gives permission for them to be reproduced.
- Unpublished materials that are the original work of other authors (students, for example) will be accepted for Library Reserves, but the library assumes that the faculty member has received permission from the author for the material to be submitted and reproduced.
- Any computer software loaned through Library Reserves must carry a warning of copyright, as instructed in the Computer Software Rental Amendments Act of 1990. Labels are available at the Reserves Desk.

### 3) Reproductions (Digitizing, Photocopying, Scanning, Taping) of Original Works

Three important tenets of the Fair Use Section of Public Law 94-553, Title 17, The Copyright Act of 1976, which went into effect on January 1, 1977 and is still in effect, are:

- credit to the author and copyright holder;*
- brevity (no more than 10% reproduced of the total work);*
- spontaneity (allows for a one-time use of material while negotiating permission or payment of royalties for further use, if desired).*

To comply with the copyright restrictions, Biola University Library has these requirements to fulfill the intent of the law:

#### A. A bibliographic description must appear on the first page or front of each reproduction. The citation must include:

- name of the author/editor/producer/director
- the title of the book, essay from an edited work, or media item AND EITHER
- the title, date, volume, issue, and pages of the journal OR
- the title of the book, place of publication and the publisher, and the date of the copyright
- if the item is an essay/chapter in an edited work, it must also include the page numbers on which the essay/chapter appears.

**B. Only a limited amount of material (maximum 10% of the whole work) may be reproduced for Library Reserves without permission from or royalties paid to the copyright holder.**

- **Books and music scores/sheet music**  
An entire book can *never* be reproduced in any format for placement on Library Reserves or distribution in class without the permission of the copyright holder unless the material is in public domain. Out of print books are in public domain only if the copyright has expired. As a rule of thumb, subtract 100 years from the current year. If it was copyrighted previous to that, it's probably now in public domain. If not, the copyright is still valid.
- **Selections from books/anthologies**  
Not to exceed more than 10% of the total work.  
No more than one item by the same author from the same anthology.
- **Selections from journals/magazines/newspapers/periodicals**  
Each individual article should not exceed 2,500 words.  
No more than one article by the same author from the same issue.  
No more than a total of three articles from the same issue.
- **Scanned/digitized reproductions**  
Material scanned or digitized from an original printed copyrighted work will be treated as a reproduction and must conform to regulations concerning the original format of the work.
- **Magnetic tape or digitized/electronic materials**  
Creating an anthology by recording parts of various original items and editing them together into one format is not allowed.  
If the faculty member purchased computer software or a sound recording, one copy may be made to avoid damage or loss. The one copy may be placed on Library Reserves, but the original cannot also be on Library Reserves.

**C. Reproductions of copyrighted materials may be placed on Library Reserves or distributed in class once (that is, one semester) without permission from or royalties paid to the copyright holder.**

- Faculty members are responsible to obtain copyright clearance permission for materials that will be used repeatedly by the same instructor for the same class.
- In successive semesters, permission must be received or royalties paid AND a statement concerning permission must appear on *each* reproduction.
- Copyrighted Materials submitted for E-Reserves may be placed on Reserve for a short period (maximum of 1 session/semester). Such materials will be removed at the end of this period.
- Copyrighted material recorded from radio or television can be used for educational purposes (in a classroom or on Library Reserves) for ten days from the day of the recording. It may then be retained by the faculty member for 35 days for review. It cannot be used again without purchase or permission from the copyright holder.

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**Coursepacks or Course Readers cannot be placed on Library Reserves since they are considered required texts.**