



Copyright guidelines

Why learn to create your own course reading lists online?

- Linking directly to UNC licensed electronic resources is convenient and legal.
- Scanning materials yourself and putting them online is considered fair use for one semester only. Thereafter, you must seek permission to use the material, even using a password-protected Web site.

Why use E-Reserves?

UNC Libraries seeks permission to use materials for you, bypassing the costly, cumbersome, and time-consuming copyright clearance process.

- No cost to you or your department
- No time spent identifying whether the item is available in electronic form, or in print only
- No need to identify and communicate with the rightsholders
- No time waiting for all items on your course reading list to receive approval from rightsholders
- No time spent worrying about file size, image resolution, or other scanning issues

UNC Libraries' policy on E-Reserves is designed to maximize an instructor's privilege under 'fair use' while respecting the rights of copyright holders.

The Library strongly supports the University's guidelines on copyright law, which can be found at: <http://www.unc.edu/campus/policies/copyright.html>.

Semester-to-Semester Use

Q: I put my course readings on electronic reserves last semester with no problems. I am using the same materials again this semester. This time I am getting a lot of "permission denied" letters from the Library. Why is this?

The Library's copyright policy states that the Library can only claim "fair use" for educational purposes for one semester. If a course reading is used again by the same instructor for the same course, the Library must then contact the rightsholder and ask for permission to use the item in an electronic reserve system. Therefore, what may have been okay one semester, may be denied the next.

However, the Library is committed to making as many readings available electronically as possible. We are working on other avenues for securing permission, we can work with an instructor to identify other readings or other means of making an item available. Contact the Reserve Librarian for a consultation, if you are concerned about the number of permission denied responses you are receiving.

About "Fair Use"

Q: Why aren't *all* educational course readings considered "fair use" under copyright law?

Educational use is only *one* of the *four* factors that is considered under "fair use" principles. Other factors include a) nature of the copyrighted work (fiction vs. fact), b) the amount reproduced and c) the effect on market value. One has to consider all four factors when determining whether any use, even educational, is "fair use."

Q: If the Library is securing copyright for us, why aren't we allowed to use whatever materials we want?

This is a simple question with a complicated answer. The Library is committed to providing course readings in a manner that respects fair use rights, the rights of copyright holders, and copyright law. This means that we can not leave course readings online indefinitely without seeking permission from the proper rightsholder (see the first question in this FAQ above). This means that a publisher may sometimes say no, or they may charge a fee for use. The Library absorbs all copyright fees for placing materials on reserve. Sometimes publishers charge more than the Library can absorb and we must then pass along a "permission denied" response to the instructor.

Permission Denied

Q: What happens to my course reading when a publisher says "no"?

When a publisher says "no" to a particular request for e-reserves use, we will send you a notification via campus mail that alerts you to this fact. We will then remove the material from the E-Reserves website. The instructor has the option to pursue permission on their own, if they so choose. If the instructor can produce a written statement from the rightsholder that they have permission to use the article, we will keep it on file and make the reading available again.

Planning Ahead

Q: Are some kinds of publications more likely to get permission than others?

There is no stock answer to this question, but the Reserve Librarian is available for consultation to go over your Reserve List with you to identify problem areas and offer possible solutions.

Q: Do you accept requests throughout the semester?

Yes. Submission guideline dates are:

Academic:

Fall semester: July 1
Spring semester: November 1
Summer sessions: April 1

Health Sciences Library:

Fall semester: July 1
Spring semester: November 1
Summer sessions: April 1