

## **Doctrine of Fair Use**

- "Fair use" is the legal right to copy an limited amount of material under certain conditions without harm to the owner. Such copying is allowable without obtaining permission from the copyright owner.
- The new copyright law stipulates that photocopying and other kinds of duplication and reproduction must abide by the criteria of "fair use." The fair use criteria must be applied to determine if intended copying is "fair."

The four criteria of fair use are specified by Section 107 of Title 17, listed as follows:

- The purpose and character of the use. (Copying for commercial purposes or for profit is not allowed.)
- The nature of the copyrighted work. (Consumable items may not be copied. Works, which require royalty, may not be copied. Reproduction of musical compositions, dramas, and audio-visual works is not authorized. )
- The amount of substantiality of the portion being copied. (Unreasonable amounts or excessive quantities are not allowed.)
- The effect on the potential market and on the value of the work. (If copying is done to avoid purchase, or if copying will adversely affect the sale of the item, it is not allowed.)
- All four of these criteria need to apply in judging whether or not there may be an infringement. Meeting only one of the criteria is not enough. The copying must reflect appropriate use of all four criteria.

### **Guidelines and Restrictions for Use of Copyrighted Materials**

#### **General Guidelines**

- There are a few guidelines that apply to all types of materials. They will be listed here to avoid repetition. The fair use doctrine should always be followed when determining whether or not to copy any material.

### Allowed

- In general, when copying portions of a work, 10% is a reasonable guide for copying. It is also easier to calculate.
- Nearly all government documents may be copied in unlimited quantity, unless they are copyrighted.

### Not Allowed

- Copies may never be made to avoid purchase .
- Illegal copying should not be done on direction from higher authority.
- Copies should never be made without inclusion of the copyright symbol or notice, which appears, on work.

### Warning of Copyright Restrictions

- The copyright law of the United States governs the reproduction, distribution, adaptation, public performance, and public display of copyrighted material.
- Under certain conditions specified in law, nonprofit libraries are authorized to lend, lease, or rent copies of computer programs to patrons on a nonprofit basis and for nonprofit purposes. Any person who makes an unauthorized copy or adaptation of the computer program or redistributes the loan copy or publicly performs or displays the computer program, except as permitted by Title 17 of the United States Code, may be liable for copyright infringement.

This institution reserves the right to refuse to fulfill a loan request if, in its judgment, fulfillment of the request would lead to violation of the copyright law.