

CATEGORY: SUPPORT SERVICES  
SECTION: University Copying  
SUBJECT: Copying Copyrighted Material  
EFFECTIVE DATE: February 14, 1989  
PAGE(S): 7

I. SCOPE

This policy affirms the guidelines for making reproductions of copyrighted material, adopted by the University of Pittsburgh in compliance with the Copyright Act, Title 17 U.S. Code. (On file with University Counsel.)

II. POLICY

COPYRIGHTED MATERIAL

The Copyright Act provides that works of authorship which are subject to copyright protection include:

- Literary works
- Musical works, including any accompanying words
- Dramatic works, including any accompanying music
- Pantomimes and choreographic works
- Pictorial, graphic, and sculptural works
- Motion pictures and other audiovisual works
- Sound recordings, such as phonograph records and tapes
- Computer software

Almost any form of creative work may be subject to copyright protection. In addition, subject to certain exceptions, some protection is automatic for unpublished works as well as for those which are published.

In some instances, multiple works are produced by the publisher without a copyright notice and are not protected by Copyright. In those instances, application of the Copyright Act is not a concern.

Photocopying/Reproduction

Only a single copy of a copyrighted article or a minor part of a work may be made for personal use, unless written permission to do otherwise has been secured from the copyright holder by the person who makes the copy or requests copying service. See Procedure 10-04-01, Copying Copyrighted Material.

- The copy or copies of the copyrighted work becomes the property of the person who requested it.

It is not permissible to copy an entire issue, volume or complete work. However a copy may be made for replacement purposes if:

- The item has been lost, stolen, or damaged, and
- It has been determined that a copy is not available through normal trade sources at a fair price

All the privileges of copying under Section 108 of the Copyright Act require that the copy:

- Be made without the purpose of direct or indirect commercial advantage
- Be made by a library or archives that is open to the public or at least a non-affiliated researcher "doing research in a specialized field"
- Include a proper notice of copyright

#### Public Domain

Almost everything copyrighted in 1905 or previously is now in the public domain and multiple copies may be made.

- In rare instances a private law has been passed by Congress to provide extended copyright protection for a title.

While some materials since 1906 have come into the public domain, the University and its libraries are not equipped to perform copyright searches to identify those materials which are no longer protected.

- The patron may have the U.S. Copyright Office perform a copyright search at an hourly charge.
- A written statement from the U.S. Copyright Office that a work is in the public domain is acceptable proof that multiple copies may be made.

Multiple works that are produced by the publisher without a copyright notice are not protected by Copyright. In those instances, the Copyright Act does not apply.

#### GOVERNMENT PUBLICATIONS

Most U.S. government publications may be copied without restrictions except to the extent they contain copyrighted materials from other sources.

U.S. Government publications are documents prepared by an official or employee of the government in an official capacity, and include:

- The opinions of courts and legal cases
- Congressional reports on proposed bills
- Testimony offered at congressional hearings
- Works of government employees in their official capacities

Works prepared by outside authors on a contract of the government may or may not be protected by copyright, depending on the specifics of the contract.

State Government works may be protected by copyright, and should be checked for notice of copyright before making copies of such material.

#### FOREIGN PUBLICATIONS

In accordance with international copyright treaties, foreign publications are to be treated as if they were copyrighted in the United States.

#### LIBRARY RESERVE USE OF COPYRIGHTED MATERIAL

##### Printed Material

Only a single copy of a copyrighted article or a minor part of a work may be made, for personal use, unless permission has been obtained to do otherwise. See Procedure 10-04-01, Copying Copyrighted Material.

All copies must show the proper copyright notice and the source (title and publisher) of the material.

Multiple copies of duplicated material will be reserved only if such copies are accompanied by a written permission from the copyright owner, or they meet the tests of brevity, spontaneity, and cumulative effect (See Procedure 10-04-01), and the following guidelines:

- The amount of materials should be reasonable in relation to the total amount of materials assigned for one term or course, taking into account the nature of the course, its subject matter, and level
- The number of copies should be reasonable in light of the number of students enrolled, the difficulty and timing of assignments, and the number of other courses which may assign the same material
- The materials should contain a notice of copyright
- The effect of photocopying materials should not be detrimental to the market for the work

The fact that a faculty member supplying such copies may be the author of the material does not insure that he is the copyright owner. The ownership of copyright must be verified and proof offered to the library that such verification has been accomplished.

If the request is to reserve reprints rather than photocopies, no permission is required.

Personal copies of monographs may be reserved, as long as they are originals and not photocopies.

##### Audiovisual Material

Pictorial, graphic, or sculptural works, motion pictures and other audiovisual material may be reproduced by the Library or University Center for Instructional Resources (UCIR) for

the following purposes:

- For preservation and security, provided the original work is currently in the collection of the library or owned by UCIR and the work is unpublished
- For replacement of a damaged, deteriorating, lost or stolen published material, providing an unused replacement cannot be obtained at a reasonable price

The library may make one archival tape for each tape purchased, unless specifically forbidden by the supplier.

- Only one copy, either the original or archival, may be used or circulated at any given time.

If multiple copies are needed, they must be purchased.

Reproduction for other purposes, with exception of classroom use (See below), is prohibited without permission from the Copyright owner.

#### Course Reserves - Single Copies

A faculty member in the course of teaching and research may ask the library to make single copies of copyrighted material.

That copy is retained by the instructor, and he may lend it to the library with a written statement (form available in the library) requesting the library to put the copy on reserve for the use of his students in a given course.

The library will keep the copy only until the end of the term, at which time it is returned to the instructor.

- The instructor may relend the above mentioned copy to the library for use in the same or other course in the future.

#### Course Reserves - Multiple Copies

To make or have made multiple copies of copyrighted work for course use for only one term, the library will write for the copyright holder's permission, on the faculty member's behalf (if the tests of brevity, spontaneity, and cumulative effect cannot be met). See Procedure 10-04-01, Copying Copyrighted Material.

Faculty members requesting more than one copy will be asked to cover the cost of the copies.

If permission is granted, the library will pay all reasonable royalties.

Permission of the copyright holders for continued use is required for the library to make or reserve copies of the same material for more than one term.

Libraries have the right to refuse to copy materials which are fragile and may be damaged in the copying process, whether from the libraries' own collections or borrowed from another library.

#### INTERLIBRARY LOANS

The library can request up to five articles from a given periodical during one year for issues published during the past five years. This restriction does not apply to any periodical whose publication date is more than five years prior to the date when the request is made.

The library keeps records on all interlibrary loans for a period of three years.

#### COPIES FOR TEACHERS FOR CLASSROOM USE

Single Copying for Teachers. A single copy may be made of the following by or for a teacher at his individual request for scholarly research or use in teaching or preparation to teach a class:

- A chapter from a book
- An article from a periodical or newspaper
- A short story, short essay, or short poem, whether or not from a collective work
- A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper

Multiple Copies for Classroom Use. Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- The copying meets the tests of brevity, spontaneity and cumulative effects, as defined in Procedure 10-04-01, Copying Copyrighted Material
- Each copy includes a proper notice of copyright

#### MUSICAL WORKS

Copying music scores for the purpose of performance is not permitted. However, exceptions may be made in emergencies:

- To replace University-owned copies which for any reason are not available for an imminent performance
- Providing purchased replacements are substituted in due course

#### Single Copies

A single copy may be made of an entire performable unit by or for a teacher for research or other academic purposes (other than performances) providing:

- It has been determined by a written statement from the copyright owner that the work is out of print
- The unit is unavailable except in a larger work

A single copy may be made of an entire recording of a performance by students for evaluation or rehearsal and the copy is retained by the teacher or the University.

A single copy may be made of an entire sound recording of a

musical work, providing the original is a sound recording owned by the teacher or the University.

- The copying must be only for the purpose of constructing aural exercises or examinations and,
- The copy (e.g. tape or cassette) is retained by the teacher or the University.

#### Multiple Copies

Multiple copies may be made of excerpts from copyrighted work providing the copying constitutes a non-performable unit.

#### ROYALTY PAYMENTS: PERFORMANCE AND DISPLAY

No royalty payment is required for the performance or display by the instructors or the students of any work in the course of face to face teaching activities in classrooms or similar places devoted to instruction.

- Provided that the performance or display was given by means of a copy that was lawfully made, rented, or owned

No royalty payment is required for the performance or display by the instructors or the students of audio-visual material and motion pictures in a classroom setting in the course of teaching activities, provided that the performance or display was given by means of a copy that was lawfully made, rented, or owned.

No royalty payment is required for transmitting the performance or display of non- dramatic literary or musical works by campus radio or TV stations if the performance or display is:

- A regular part of the systematic instructional activities of the University
- Directly related, and of material assistance to teaching
- Made primarily for reception in classrooms or similar places devoted to instruction

Royalty Payments are required for all performances or displays of copyrighted material that are not related to instructional activities in a classroom setting. The Office of Student Activities is responsible for arranging a system for such payments. See Procedure 10-02-01, Copying Copyrighted Material.

#### PROHIBITIONS

Copying is not permitted to create, replace, or substitute for anthologies, compilations or collective works.

- Such replacement or substitution is prohibited regardless of whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

Copying is not permitted from works intended to be "consumable" in the course of study or of teaching. These include:

- Workbooks

- Exercises
- Standardized test and test booklets
- Answer sheets

Copying is not permitted to:

- Substitute for the purchase of books, publishers' reprints or periodicals
- Be directed by higher authority
- Be repeated with respect to the same item by the same teacher from term to term, without prior permission from the copyright owner

No charge is made to the student beyond the actual cost of the copying.

#### PHOTOCOPYING MACHINES

A display warning of copyright laws shall be in a prominent place on all machines to inform the public of its obligations.

The warning should read as follows:

"Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement."

The University is not required to police machines or to advise on possible infringement of the law.

#### III. REFERENCE

- [Procedure CS 03, Copying Copyrighted Material](#) (formerly 10-04-01).