

CATEGORY: SUPPORT SERVICES
SECTION: University Copying
SUBJECT: Copying Copyrighted Material
EFFECTIVE DATE: February 14, 1989

I. PURPOSE

To define the criteria for making copies of copyrighted material without written permission of the copyright owner, and to outline the necessary steps for requesting permission when it is required.

II. SCOPE

This procedure is applicable to all copyrighted material, published or unpublished, including literary works, musical works, dramatic works, pantomimes and choreographic works, pictorial, graphic and sculptural works, motion pictures and other audiovisual works, sound recordings, such as phonograph records, tapes, and computer software.

III. DEFINITIONS

A. Copyright Notice: The title page, or the reverse of it, which consists of the year of publication, the name of the copyright owner, and in general, any acknowledgments of other copyrighted material used in the book.

B. Acknowledgment: An indication that some materials were originally published elsewhere, and that the copyright for these materials remains with the original owner.

C. Brevity:

1. Poetry:

- A complete poem if less than 250 words and if printed on not more than two pages
- An excerpt from a longer poem, of not more than 250 words

2. Prose:

- A complete article, story or essay of less than 2,500 words
- An excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, and not less than 500 words

Note: Each of the numerical limits stated above may be expanded to permit the completion of an unfinished line of a poem or an unfinished prose paragraph.

3. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

4. "Special" Works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience, fall short of 2,500 words in their entirety.

Note: Item "B" above notwithstanding, such "special works may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages and containing not more than 10% of the words in the text may be reproduced.

D. Spontaneity:

1. A copying is at the instance and inspiration of the individual teacher.
2. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

E. Cumulative Effect:

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, . essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of such multiple copying for one course during one class term.

Note: The limitations stated above do not apply to current news periodicals and newspapers and current news sections of other periodicals.

IV. PROCEDURE

A. Requesting single copies of copyrighted material.

Responsibility	Action
Requester	1. Make or request single copy of copyrighted material. No written permission required.

B. Requesting multiple copies of copyrighted material.

Requester	1. Determine that the copying meets the tests of brevity, spontaneity, and cumulative effect. (See Paragraph III, Definitions., C.,D., and E.)
	2. Make or request copies. No written permission required.

C. Requesting permission to make multiple copies of copyrighted material when the copying does not meet the tests of brevity, spontaneity, and cumulative effect.

Requester

1. Check to determine who owns the copyright on the material.
 - Check the copyright notice on the title page, since the material in question may be the property of an author or publisher other than that of the publication you are using.
 - In the case of audiovisual materials, this notice is printed on the label.

2.
Exhibit A.)

Request permission to duplicate. (See

3. Include in the request:
 - a. Title, author and/or editor, and edition of materials to be duplicated
 - b. Exact material to be used, giving amount, page numbers, chapters, and if possible, a photocopy of the material
 - c. Number of copies to be made
 - d. Use to be made of duplicated materials
 - e. Form of distribution (classroom, newsletter, etc.)
 - f. Whether or not the material is to be sold
 - g. Type of reprint (Ditto, photocopy, offset, typeset)
4. Allow enough lead time to obtain the permission before the materials are needed.
5. Send the request, together with a self addressed return envelope, to the permissions department of the publisher in question.
 - If the address of the publisher does not appear at the front of the material, it may be obtained in a publication entitled The Literary Marketplace, published by the R. R. Bowker Company, and available in all libraries.

Publisher

6. Review the status of the copyright to determine if the power to grant the duplication rights requested is within your scope or province.

7. Determine the exact materials to be duplicated.
8. Notify requester in writing whether permission is granted or denied.

Library

9. Retain letters of permission which accompany requests to make multiple photocopies of copyrighted materials.
 - Records should be retained until the end of the third calendar year after the end of the calendar year in which the request is made.
10. Place copies on reserve two weeks after the permission is requested, unless permission is expressly denied.
11. Maintain records of all requests for Interlibrary loans and their disposition.
12. Retain all statements and supporting documentation verifying that a copyrighted work is not available through normal trade sources at a fair price.

D. Arranging royalty payments for performance or display of copyrighted material not related to instructional activities.

Program

Coordinator

Report all performances one week prior to the contracting date of the performance to:

PITT Program Council
Office of Student Activities
107 William Pitt Union

Office of Student
Activities

Arrange for payment of royalties.

V. REFERENCES

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

VI. EXHIBITS

- [Exhibit A, Sample Letter for Permission](#)