

Copyright Facts For the University

A Quick Reference
Guide to Copyright
Guidelines for
Educational Use
at the University
of Maryland at
College Park

Advanced copier and printing technology now allows colleges and universities to increase the accessibility and to improve the availability of many types of documents. The reproduction of classroom handouts and individualized course packets can allow the avoidance of a portion of the costs associated with purchase, inventory and distribution of text books. However, difficulties arise when attempting to reproduce materials without obtaining permission to copy from the publisher.

Although copying all or part of a work without obtaining permission may appear to be an easy and convenient solution to an immediate problem, such unauthorized copying often violates the rights of the author or publisher of the copyrighted work.

Duplicating material without the copyright owner's permission can lead to infringement suits, monetary loss and a tarnished image of faculty, staff, departments and the University as a whole.


Without understanding the copyright law, including elements such as the doctrine of "Fair Use" and its application and limitations in the educational setting, faculty members, copy centers, college stores, universities and colleges themselves will risk engaging in illegal photocopying. Educational use alone is not a sufficient reason to indicate fair use.


One thing is certain... when in doubt, request permission!

This brochure is intended to aid you in conforming to the requirements of the U.S. copyright law by providing an easy-to-understand guide.

Guidelines for Copying on Campus

As a quick check on whether your copying complies with copyright law, ask yourself these questions:


 Is the material to be copied protected by copyright? Absence of a copyright notice does not mean the work is not copyrighted; notice is no longer necessary to obtain copyright protection. Material prepared by the Federal government is not copyrighted. Material which is entirely (including footnotes, annotations, translations, etc.) more than 76-years-old is probably no longer protected. You should assume everything else, whether published or not, is protected.


 Does it fall within the Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions as detailed below?

• Single copying for teachers – At the individual request of a teacher, a single copy for his/her scholarly research; use in teaching; preparation to teach a class of any of the following:

- 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, diagram, drawing, cartoon, or picture from a book, periodical or newspaper.

• Multiple copies for classroom use. Only infrequently will multiple copies for classroom use fall within the requirements. A copy of the guidelines is available by accessing the policies and procedures section of PROFS and InforM or by calling the Office of Legal Affairs (x54945).

 Is the request a "fair use" even though it does not fall within the Guidelines? This will happen rarely, if at all. The requesting professor should contact the Office of Legal Affairs for advice.

 Do you have documented permission for the copying from the copyright holder? For memos or similar documents written by a UMCP employee for internal distribution, or exams or syllabi written by a professor for his/her class, permission to copy is implied. For other works, the author initially has all copyright rights in his/her work, but publishing agreements typically contain provisions assigning these rights to the publisher, who must grant permission for copying.


• If the author is a UMCP professor who has not assigned copyright rights (in a publishing agreement or otherwise), you must retain a memo from the professor stating that he/she has such rights and granting permission to copy.


• The professor requesting the copies can obtain permission from the copyright holder and pay any royalties due. In that case, the copy center must be provided and retain a copy of the document in which the copyright holder grants permission. A waiver by the professor indicating current or future permission is not adequate.

• The copy center can get permission to copy, either by contacting the publisher, or through a service such as the Copyright Clearance Center. The copy center must retain a copy of the document in which the copyright holder grants permission.

Obtaining Permission


Here are some suggested tips on obtaining copyright permissions:

 Request permission, even if the work is not in print. The more lead time provided, the better. When processing requests, the publisher checks the copyright status, determines the exact materials to be duplicated, and assigns author royalties, if applicable. In most cases, permission will be granted; however, if usage is denied, select alternate material and request permission.

 Direct requests to the publisher's Copyrights and Permissions Department. Most books contain a copyright notice that details the owner, publication date and the publisher's name.

The request should include the following information:

- **The full name of the author, editor or translator**
- **The title, edition and volume number of the book or journal**
- **Copyright date**
- **ISBN for books; ISSN for magazines and journals**
- **The exact chapter(s), page number(s), figure(s) and illustration(s) that will be reproduced**
- **Number of copies that will be made**
- **Whether the materials will be used alone or with other materials**
- **Name of the college or university**
- **Course name, number and instructor's name**
- **Semester and year the material will be used**
- **Contact name and address**

 Have the copy center doing your work request permission for you. Reprographic Services has procedures in place for requesting copyright permissions through the Copyright Clearance Center as well as a data base of direct publisher contacts. For more information, contact Matt Raeder at 405-4419.



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