

## **Course Reserves Copyright Compliance Policy**

Luther Seminary library complies with the copyright law of the United States and follows the principles of fair use. The following guidelines describe our policies with regard to all course reserve materials whether they are *photocopied documents* that are placed at the library circulation desk or *digitized formats* of copyrighted materials accessed electronically.

*Reserves should be limited to a small portion of the materials required for a course.*

A. These materials may require copyright permission. Fair use suggests that materials be limited as follows.

- One copyrighted article from a single issue of a journal
- One chapter from a copyrighted book.
- Out-of-print materials that are no longer available except through copying

B. The following materials may be put on reserve without copyright permission:

- Course syllabus, bibliography, lecture notes, study guides, or other material prepared by the professor or other faculty members (used with their permission).
- Unpublished student papers (with permission of the student).

C. The following may be used without obtaining permission:

- Link to a Web page displaying the desired material.
- Link to digital document in a full-text database to which the library subscribes.

## **General Guidelines for Library Reserves**

1. All materials placed on reserve will be at the initiative of faculty for the educational use of students. There is no charge for access to reserve materials.
2. Access to reserves will be limited to students registered in the course, to instructors and library staff. Electronic access is controlled by a password-protected site. Access will be removed at the end of the course.
3. A copyright policy notice will be stated on the first page of print reserves and on the introductory web screen for electronic reserves.
4. Materials from a copyrighted work will not be placed on reserve unless the library or the instructor possesses a copy of the item.

The Luther Seminary library will continue to monitor legal developments which may affect the fair use of reserve services (print and electronic) to ensure that we are in compliance with United States copyright law.

## **Fair Use and Copyright**

The Luther Seminary library policy for print and electronic reserves was created according to the laws of the United States (title 17, U.S. Code; [www.copyright.gov](http://www.copyright.gov)) and derived from the fair use provisions of United States Copyright Act of 1976. Section 107 of the Copyright Act permits the making of copies of published works for classroom use:

### **Sec. 107. Limitations on exclusive rights: Fair use**

Notwithstanding the provisions of sections [106](#) and 106A, the fair use of a copyrighted work, including such use by reproduction in copies...or by any other means specified by that section, for purposes such as criticism, comment...teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include:

1. **the purpose and character of the use**, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. **the nature** of the copyrighted work;
3. **the amount and substantiality** of the portion used in relation to the copyrighted work as a whole; and
4. **the effect of the use** upon the potential market for or value of the copyrighted work. The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

The collections of Luther Seminary library are purchased for the nonprofit educational use of students and faculty. Reserves services create access to these materials for resident and remote learners.

### **Print & E-reserves Copyright Notice**

*[This notice will be on display with print reserves and will appear on the first web screen for e-reserves.]*

The library policy for print and electronic reserve reading is derived from the fair use provisions of United States Copyright Act of 1976. Section 107 of the Copyright Act permits the making of copies of published works for classroom use. Further reproduction, electronic transmission or distribution of this work is prohibited. **Sec. 107. Limitations on exclusive rights: Fair use**

Notwithstanding the provisions of sections [106](#) and 106A, the fair use of a copyrighted work, including such use by reproduction in copies...or by any other means specified by that section, for purposes such as criticism, comment...teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.