

HOFSTRA UNIVERSITY ELECTRONIC RESERVES POLICY

The copyright law of the United States (Title 17 of the United States Code) governs the reproduction and display of copyrighted works. The making of an electronic or paper copy of a copyrighted work by any means (photocopying, electronic reproduction, scanning, digitizing, etc.) constitutes reproduction that is governed by copyright law. This policy was adopted to ensure compliance with copyright law and applies to Blackboard, Electronic Reserves, and materials otherwise reproduced and displayed in electronic form. All members of the Hofstra community are expected to comply with the copyright law and this policy.

The copyright principles that apply to use of copyrighted works in electronic environments are the same as those that apply to such use in paper environments. Any use of copyrighted course content that would require permission from the copyright owner when made available in paper format would likewise require the copyright owner's permission when made available in an electronic format.

The reproduction or copying of a work subject to copyright protection typically requires the permission of the copyright owner. However, the copyright law recognizes that in certain situations, copyrighted work may be reproduced without the copyright owner's consent. One such situation is where the doctrine of "fair use" applies.

To determine whether "fair use" might apply, the following four factors must be considered and weighed:

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.

No one factor – including nonprofit educational use – is determinative of whether a given use of electronic work is a fair use. A careful consideration and completion of a "Fair Use" Checklist provided by the library will assist in the determination.

The library staff will not scan or copy copyrighted materials for placement on electronic reserve without either (1) the obtaining of copyright permission or (2) the determination that the placement of materials, after reasonable inquiry, constitutes a "fair use" or other exempt or licensed use for which permission is not required.

A work can be used without obtaining permission when it is in the public domain, and therefore, not protected by intellectual property laws (copyright, trademark and patent). Copyrights are limited in term, therefore, expiration of the copyright term is one way a work enters the public domain. For a discussion on the term of a copyright, please see U.S. Copyright Office Circular 15a, <http://www.copyright.gov/circs/circ15a.html>. Works prepared by an officer or employee of the U.S. government as part of that person's official duties are not subject to copyright protection and are in the public domain. Additionally, works that have been dedicated to the public by the copyright holder fall within the public domain.

Course materials owned by the instructor such as syllabi, lecture notes, or exams may be placed on electronic reserve, as can government publications. Where Hofstra has licenses to digital versions of copyrighted materials, permission need not be obtained from the copyright owner.

In compliance with copyright guidelines, the library will need to obtain permission for copyrighted materials when the material includes consumable works such as workbooks, standardized tests, exercises, answer sheets, forms, surveys and the like.

In the absence of a determination that fair use applies, permission also may be required for the use of copyrighted material on electronic reserve:

- Even when such material is available elsewhere on the Internet. When available, it is preferable to link to materials already legally available at another site rather than scan or make a digital copy of the materials.
- Even if the work is being used in a course for the first time or is characterized as optional, ancillary, or supplemental reading material, rather than as required, assigned or recommended reading material.

All materials will be removed from electronic reserves at the end of the semester and may not be placed on the electronic reserve in a following semester, unless permission is obtained from the copyright owner or Hofstra has licenses to the material.

Access to electronic reserve is restricted to the instructor and students for each course and is password-protected. Such access will terminate when the students have completed the course. Students must sign onto Hofstra Portal to access the electronic reserve system.

Materials can be searched by the professor's name, course title or number.

Requests submitted at the beginning of the semester may take up to two weeks to process. All requests are processed in the order of date received.

SUBMISSION GUIDELINES

A completed copy of the "Fair Use" checklist must be submitted along with the "Reserve Material Submission Form," available at the Circulation/Reserves desk or at the Hofstra Library homepage, and a single-sided copy of the requested material.

A class syllabus should be submitted with all requests.

A paper copy will be placed on reserve at the instructor's request.

Lecture notes or personal materials, submitted via e-mail attachments or in paper format may also be included.

Questions regarding these Guidelines may be directed to the Dean of Library and Information Services at 3-5940, who in turn may contact the Office of General Counsel at 3-1800, if needed.

[Last Revised 12/06/07]