

LLT Copyright Compliance Committee
Libraries and Learning Technologies Copyright Guidelines¹
February 17, 2005

GENERAL STATEMENT:

It is the policy of Libraries and Learning Technologies (LLT) to promote understanding of copyrights and compliance with all applicable provisions of copyright law, including exercise of the exemptions accorded to uses of copyrighted works.

The American University in Cairo (AUC) is an American institution incorporated in Delaware with offices in New York, therefore it is subject to litigation in both states. AUC follows American copyright law, and Egyptian law where applicable. U.S. Federal copyright law, as contained in the Copyright Act of 1976 and subsequent amendments (17 U.S.C. et seq.), Digital Millennium Copyright Act (DMCA) protects original works of authorship and governs their reproduction.

OVERVIEW OF COPYRIGHT AND FAIR USE:

Creators of "original works of authorship" receive copyright protection, which extends automatically to any such work that is "fixed in any tangible form of expression." 17 U.S.C. § 102 (a). No copyright notice has been required since March 1, 1989.

Copyright protection is applicable to:

- published and unpublished creative work, in
- any medium in which they are created or reproduced, in
- print or digital form, e.g.,
 - printed materials
 - sound recordings
 - video recordings
 - visual artworks
 - computer software
 - web pages, and
 - multimedia works

A copyright owner is granted five exclusive rights:

- reproduction,
- preparation of derivative works,
- distribution,
- display, and
- performance.

- 17 U.S.C. § 106

LLT Copyright Compliance Committee
Libraries and Learning Technologies Copyright Guidelines¹
February 17, 2005

However, the Fair Use exemption of the Copyright Act allows limited copying of copyrighted works, without the permission of the copyright holder, for certain purposes such as comment, criticism, teaching, news reporting, or research. In addition to those specific uses, other use may be permitted if it meets the test's criteria. The test below determines whether copying meets the fair use exemption requirements. All four criteria must be considered and successfully met:

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.

- 17 U.S.C. §107

Copyright is not the only protection for intellectual property. Databases and other resources, licensed by the University, may include specific contractual terms that affect their use and may be more stringent than copyright law. Works in the public domain, such as US government documents, are not protected by copyright law and may be copied freely.

EGYPTIAN LAW:

LLT follows Egyptian law in certain circumstances. Egyptian copyright law is applicable to works of Egyptian and foreign authors, published, performed or exhibited for the first time in Egypt. See *ARE Copyright Statute, Part IV, Article 49*. www.agip.com/laws/egypt/c.htm

ADDITIONAL WEBLINKS:

- A. The Copyright Clearance Center www.copyright.org
- B. Motion Picture Licensing Corporation <http://www.mplc.com/>
- C. US Copyright Office www.copyright.gov
- D. US Copyright Act <http://www.loc.gov/copyright/title17>.
- E. Berne Convention, <http://www.law.cornell.edu/treaties/berne/overview.html>
- F. Other resources for web builders and multimedia resources:
<http://bailiwick.lib.uiowa.edu/webbuilder/copyright.html>

LLT Copyright Compliance Committee
Libraries and Learning Technologies Copyright Guidelines¹
February 17, 2005

RARE BOOKS AND SPECIAL COLLECTIONS LIBRARY

MEDIATED COPYING

Mediated copying occurs when a library staff member performs the copying of materials for a library patron (student, AUC staff member, faculty member, and visitor.)

GUIDELINES FOR PATRONS

The RBSCL's policy for mediated copying is to make one (1) copy, per patron, of:

- A chapter from a book,
- An article from a periodical or newspaper,
- A short story, short essay or short poem,
- A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper.

Photocopying of books and periodicals from to RBSCL may be restricted if making a copy would damage the item. This restriction may apply not only to older books and periodicals but also to newer items, such as oversized art books.

GUIDELINES FOR STAFF

You may make for a patron, one (1) copy of the following:

- A chapter from a book,
- An article from a periodical or newspaper,
- A short story, short essay or short poem,
- A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper.

The following copyright notice will be attached electronically to each copyrighted document in the electronic reserve system.

Warning Concerning Copyright Restrictions

The Copyright Law of the United States (**Title 17, United States Code**) governs the making of photocopies or other reproductions of copyrighted materials.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If electronic transmission of reserve material is used for purposes in excess of what constitutes "fair use," that user may be liable for copyright infringement.

Posting Copyright Compliance Warnings

To comply with the law, the Library must post the following notice wherever orders for copies are accepted and on order forms, displaying it verbatim and "printed on heavy paper or other durable material in type at least 18 points in size, and shall be displayed prominently in such a manner and location as to be clearly visible, legible and comprehensible to a casual observer within the immediate vicinity of the place where orders are accepted."

CFR, Title 37, Section 201.14),

-17 U.S.C. §108 (a) (3)

LLT Copyright Compliance Committee
Libraries and Learning Technologies Copyright Guidelines¹
February 17, 2005

NOTICE: WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specific conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

This institution reserves the right to refuse a copying order, if in its judgment, fulfillment of the order would involve violation of copyright law.

When the notice is printed on order forms, the regulations require it to be "printed within a box located prominently on the order form itself, either on the front side of the form or immediately adjacent to the space calling for the name or signature of the person using the form. The notice shall be in type size no smaller than that used predominantly throughout the form, and in no case shall the type size be smaller than 8 points. The notice shall be printed in such manner as to be clearly legible, comprehensible and readily apparent to a casual reader of the form."

Request forms

To get a patron's affirmation of his or her awareness of copyright law, AUC copyright policies and his/her intention to comply with the policies, the "WARNING CONCERNING COPYRIGHT RESTRICTIONS" will be printed within a box located prominently on the request form.