

## University Libraries' Copyright Policy

Faculty using materials to which they do not own the copyright need to be aware of the following restrictions of fair use. This includes full-text articles downloaded from databases in electronic format.

**Four Factors determining Fair Use.** The Four Factors laid down by Section 107 of copyright law are to be used to determine whether a use of copyright material in a particular case is "fair use" or not.

**First time use.** The first semester text or images are used for a course they may be used without obtaining permission or paying royalties if they meet the Four Factors below.

### **The Four Factors:**

- 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 (use of factual works are more likely to be considered fair use than use of wholly creative works);
- 3.) the amount and substantiality of the portion used in relation to the copyrighted work as a whole;
- 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 The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

NB: These are guidelines; only the courts can determine whether a particular use is fair use or not.

### **If course materials are made available through Temple University Libraries Reserve Services, the Libraries will:**

- 1.) Obtain permissions for any subsequent use for the same course.
- 2.) Make the readings available through Diamond, the library catalog, searchable by course or faculty. See: <http://diamond.temple.edu/search/r>.
- 3.) Work with faculty to link reserve readings from the Blackboard website.

*NB: If instructors place materials on their own web sites, they are responsible for obtaining copyright permission and paying royalties when fair use does not apply. Faculty should restrict use of course readings on their websites to Temple users only. Temple University Libraries are not responsible for what you put on your own webpage.*

For more information contact Penelope Myers, Head of Access Services, Paley Library, at 215-204-0749 or [pmyers@temple.edu](mailto:pmyers@temple.edu)