

# Copyright Guidelines for Course Reserve

## I. Overview

These guidelines concern the conditions under which photocopies of materials (articles and book chapters) that are protected by copyright (i.e. are not in the public domain) and for which permission of the copyright holder has not been obtained, may be placed on course reserve in the library. In formulating these rules, we have attempted to interpret the “fair use” exception of federal copyright law in a way that strikes a balance between the intellectual property rights of copyright holders and the academic freedom and free speech rights of the Fordham Law School faculty. Faculty members should understand that the fair use exception to federal copyright law does not permit the use of course reserves as a substitute for a textbook or for a coursepack<sup>1</sup> for which permissions have been obtained. For alternatives to course reserves for making content available to students, please see V. below.

## II. Copyright Generally

Federal copyright law grants exclusive rights to the author or the author’s assignee to reproduce, prepare derivative works from, distribute, perform, or display his or her expressive work in a fixed medium. Others may reproduce this work with the permission of the copyright holder or in certain circumstances, without permission under the fair use exception. To determine whether a particular use qualifies as “fair use” under federal copyright law, four factors must be 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. (17 U.S.C. §107 (2006))

Conducting a sophisticated legal analysis weighing these four factors whenever a request to place photocopies on reserve is made would be unduly time consuming. Therefore, the Fordham Law School Library has developed the following policies to enable circulation staff members to make quick, confident, and predictable fair use determinations. Initial determinations of copyright compliance are made by circulation staff under the supervision of the Head of Circulation. If you feel that these rules have been applied unreasonably in your

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<sup>1</sup> An academic coursepack is a collection of materials (usually photocopied) used in the classroom, distributed most often in a spiral bound format. Federal law does not permit coursepacks from being sold or distributed without the permission of the copyright holder of each of the articles or chapters included. Faculty members can arrange with the Fordham University Bookstore to obtain permissions for, to assemble, and to sell coursepacks (see V. B. below).

case, please contact the Deputy Director, Alissa Black-Dorward ([blackdorward@law.fordham.edu](mailto:blackdorward@law.fordham.edu), 212-636-7968).

### **III. Preliminary Requirements for Placing Photocopies on Course Reserve**

A. The Instructor or the library must possess a lawfully- made copy of any document placed on reserve.

B. Each copy should carry either notice of copyright or language alerting readers that the work is protected by copyright and that further reproduction is prohibited by federal law.

### **IV. Course Reserve Specifics**

A. How many articles can be placed on reserve for one class?

The total amount of material placed on reserve for a single class should be reasonable in comparison to the total amount of reading assigned in that class. Library reserves should be supplementary to and not a substitute for a textbook or coursepack for which permissions have been obtained.

B. How much of a particular work can be placed on reserve?

1. Book chapters

Only one (1) chapter from a particular book may be placed on reserve for a particular class. This applies to edited collections of articles or chapters written by different authors.

2. Journal and Newspaper Articles

Only one (1) article from an issue of a particular journal may be placed on reserve for a particular class. Newspapers are treated the same as journals.

C. How many copies of a particular item can be placed on reserve?

One copy of photocopied material is allowed for every 20 students enrolled in a class, or any fraction thereof, but no more than 6 copies per class.

D. Can copies be placed on reserve in multiple semesters?

Copies of any particular item can be placed on reserve only one time (i.e., for a single semester) without permission of the copyright holder. The circulation department will place items on reserve in subsequent or multiple semesters only if permission to do so is granted by the copyright holder and that permission made available to the circulation department.

E. How long can copies remain on reserve?

Copies will remain on reserve only through the exam period of the semester in which they were originally placed on reserve.

F. What cannot be placed on reserve?

Consumables (i.e. workbooks, exercise books, etc.) and copies of consumables will not be placed on course reserve as that would violate the tenet of fair use prohibiting copying that is detrimental to the market value of a publication that is protected by copyright.

## **V. Alternatives to Placing Photocopies on Course Reserve**

A. Placing Books on Reserve

Books that are in the Fordham Law Library collection or in the personal collection of the faculty member may be placed on reserve without copyright implications.

B. Coursepacks

The Fordham University Bookstore will obtain permissions for, copy, assemble, and sell coursepacks at the request of a Fordham Law faculty member. Be advised that the price of particular coursepack depends on the permission fees charged which can vary widely. For more information about coursepacks, contact Michael Sharp, Textbook Manager, Fordham University Book Store, Lincoln Center, (212) 636-6080.

C. Linking

Using a word processing program or HTML editor, instructors can create a list of links (hyperlinked URLs) to items that are available in electronic format either on the Web or via an online subscription service (e.g. HeinOnline, CCH, LexisNexis, Westlaw, etc.) to which Fordham students have access through the Fordham Law School Library. In addition, course management systems like TWEN and Blackboard allow direct linking from uploaded html or word processed documents to materials held in their associated legal research databases (i.e. Westlaw and LexisNexis respectively).

D. TWEN and Blackboard

While copyright law is not implicated if TWEN or Blackboard are used to link directly to materials held on Westlaw and LexisNexis, respectively, dissemination of other documents via course management systems is subject to the same guidelines as placing copies of materials on course reserve (see III and IV above).

## **VI. For More Information about Copyright and Academic Fair Use**

[Association of American Publishers](#)  
[Copyright and Fair Use \(Stanford University\)](#)

[Copyright and Intellectual Property \(Association of Research Libraries\)](#)  
[Copyright Clearance Center](#)  
[Legal Information Institute Copyright Law Materials \(Cornell University\)](#)  
[United States Copyright Office](#)

Contact Todd Melnick, Director, Fordham Law School Library ([tmelnick@law.fordham.edu](mailto:tmelnick@law.fordham.edu), 212-636-7677).