

ADMINISTRATIVE REGULATIONS

TAB: Patron Services

DOCUMENT NUMBER: 20-30-05

SECTION: Information Services

SUBJECT: COPYRIGHT ADHERENCE

SUMMARY

This regulation describes the library's commitment to adhering to copyright law and the Fair Use doctrine.

Effective Date:

June 12, 2015

Reviewed:

October 4, 2017

October 27, 2021

POLICY

A. The Johnson County Library adheres to the provisions of the Copyright Act of 1976 (Title 17 of the United States Code), as amended. No copy is made with any purpose of direct or indirect commercial advantage for the library; copies are made on a cost recovery basis only. The Library maintains records of all copies of periodicals articles obtained from outside sources for which it has not already paid royalties, and pays all royalty fees or acquires additional subscriptions as required by federal regulations. Library employees do not copy materials which under federal law cannot be copied, or which the copyright holder has specifically prohibited from being copied, except where the Fair Use Doctrine applies. The Library does not make multiple copies of copyrighted documents for a single user. The Library provides notice of copyright as required by law.

b. The Library trains its employees to operate within the parameters of the Copyright Act and to provide public assistance within the Fair Use Doctrine, which provides that, notwithstanding the exclusive rights of the copyright owner, the fair use of a copyrighted work for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research is not an infringement of copyright. Factors to be considered in determining whether the use made of a work in any particular case is a fair use include: whether such use is of a commercial nature or is for nonprofit educational purposes, the nature of the copyrighted work, the amount and substantiality of the portion used in relation

to the copyrighted work as a whole, and the effect of the use upon the potential market for or value of the copyrighted work. The Fair Use Doctrine applies to the electronic as well as the print environment.

c. Any copy made at the request of a patron will become the property of the patron, with any charges made only for recovery of both direct and indirect library costs. Copies not retained by the patron are destroyed. Copies are made only at the request of a patron and not in anticipation of such need. The library's use of Vertical Files does not fall within the purview of the Copyright Act.

d. Library employees are instructed to refuse to make copies for patrons whom they discover to be violating the Fair Use Doctrine, i.e., copying for commercial purposes or in a systematic manner, because of the substantiality of the material that the patron proposes to copy, or because the amount or systematic nature of the patron's copying of certain material would obviously impact the market for that material. Library employees who know that a patron is violating the Copyright Act by making copies in an unauthorized way are instructed to request that the patron stop. In the event a patron so requested refuses to stop, the library employee shall advise the County Librarian, who may suspend the patron's privileges to use the library, in accordance with regulation.

e. Music, audio, and video recordings are never copied by staff. Copyrighted sheet music is never copied or faxed by staff.

f. The Library adheres to Copyright restrictions for licensed online content as articulated by the license agreement between the Library and the licensor.

g. The County Librarian will establish procedures for adherence to the Copyright Act, based on the Act and on this regulation.

October 27, 2021

ARM 20-30-05 End