

Princeton Theological Seminary Library

Copyright and Fair Use

DISCLAIMER: This is a statement of library policy regarding copyright and fair use. It does not represent legal advice. For legal advice on copyright and fair use, please consult an attorney.

Policy

1. It is the policy of the Princeton Theological Seminary Library (the “Library”) to comply with Copyright Law of the United States (Title 17, United States Code) which governs the use of copyrighted materials for educational purposes, including permissible reproduction. All persons employed in the Library and all persons using the Library are expected to comply with this policy.

2. Copyright is the set of exclusive legal rights conferred on authors and content creators to copy, distribute, adapt, perform and display their works and to authorize others to do so.

A. A work should be presumed to be under copyright unless it was authored by the United States Government or was published before 1923 or was released into the public domain by the copyright owner.

B. The absence of a copyright notice, especially for works published after 1978, does not necessarily mean the work is not copyright protected.

3. Copyright infringement is the exercise of the rights of the copyright owner without the owner’s permission unless there is an exception to the owner’s rights granted by law.

4. Fair use (Section 107 of the United States copyright law) is an exception to the rights of copyright owners, allowing for limited use of copyrighted works, without permission, for purposes of criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship and research. Section 107, while allowing the copying of copyrighted works, does not define the amount that can lawfully be copied.

Fair use law, as it appears in Section 107, is purposely flexible, intended to be adaptable to specific cases of use as they arise, and it is therefore not elaborated by means of detailed instructions regarding its application. The law is structured to favor educational and other use decisions reasonably made in good faith.

The law specifies four factors to be considered in determining whether use of a work is fair:

A. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes

B. the nature of the copyrighted work

C. the amount and substantiality of the portion used in relation to the copyrighted work as a whole

D. the effect of the use upon the potential market for or value of the copyrighted work.

Fair use analysis is determined on a case-by-case basis. No single factor determines a fair use outcome. All four factors should be weighed together.

Members of the Seminary community and others who use the Library are encouraged to review the Fair Use Checklist for further assistance in fair use analysis.
(<https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>)

If the four-factor analysis does not support fair use, permission can be sought from the copyright owner or through the Copyright Clearance Center (CCC). The Library works directly with the CCC to obtain permissions.

5. Reproduction by libraries and archives (Section 108 of the United States copyright law) is an exception to the rights of copyright owners, allowing libraries and archives to make copies of copyrighted works for preservation, research, study and interlibrary loan without copyright owner permission.

A. The Library qualifies for the copying and usage rights provided to libraries and archives under Section 108 because the Library meets the three specified conditions of reproduction and distribution on a nonprofit basis, of being open to the public and to researchers, and of including notices of copyright with reproduction and distribution copies (Section 108 (a)).

B. The Library is permitted under Section 108 to:

I. Provide to a requesting patron or requesting library a copy of one article or another contribution to a copyrighted collection or periodical issue, or a small part of any other copyrighted book such as a chapter from a book. The copy must become the property of the patron and the Library must not have notice that the copy will be used for any purpose other than private study, scholarship and research (Section 108 (d)).

II. Provide to a requesting patron or requesting library a copy of an entire work or a substantial part of it, if the Library has determined, on the basis of a reasonable investigation, that a copy cannot be obtained at a fair price (Section 108 (e)).

III. Request single copies of articles, book chapters, or portions of other copyrighted works from the collection of another library to meet patron requests (Section 108 (c) (2)).

IV. Make up to three copies of an unpublished work in its collection for purposes of preservation and security or for deposit for research use in another library or archives (Section 108 (b)). Any of the three copies that are made available in digital format may not be made available to the public outside the premises of the library or archives (Section 108 (b)(2)).

V. Make up to three copies of a published work solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen, or if the existing format in which the work is stored has become obsolete (Section 108 (c)). Any of the three copies that are made available in digital format may not be made available to the public outside the premises of the Library (Section 108 (c) (2)).

6. Section 110 of the copyright law is an exception permitting performance or display of copyrighted works, including audiovisual materials, in face-to-face teaching activities of a nonprofit educational institution (110) (1)) and in distance education (110) (2)).

7. Section 121 of the copyright law is an exception permitting the Library to reproduce or distribute copies of copyrighted works in specialized formats for use by blind or other persons with disabilities.

Copyright and Course Reserves

1. Course reserves, which are materials required or recommended by faculty for coursework, are physically located in a selected area at the Service Desk of the Library or are digitally accessible to students and instructors through the password-protected Blackboard learning management system.

2. The Library implements course reserves for the express purpose of supporting the teaching, learning and research mission of Princeton Theological Seminary.

3. All materials that are placed on reserve are for the non-profit education of students.

4. The Library follows the fair use provision of copyright law (Section 107) when placing items on reserve.

5. The Library will pursue copyright permissions as necessary through the Copyright Clearance Center.

6. A copyright notice consistent with Section 108 (f) (1) of the copyright law will appear on the first page of photocopied and scanned reserve material: **THIS MATERIAL MAY BE COVERED BY COPYRIGHT LAW.** Any copyright notice on the original material will be included. Appropriate citations or attributions to the original source of the material will be included.

Related Information

Copyright Law: <http://www.copyright.gov/title17>

Copyright Term and the Public Domain in the United States:

<http://copyright.cornell.edu/resources/publicdomain.cfm>

Know Your Copy Rights: <http://www.knowyourcopyrights.org/>

Code of Best Practices in Fair Use for Academic and Research Libraries:

http://www.arl.org/focus-areas/copyright-ip/fair-use/code-of-best-practices#.VvVvB_krKUK

Contact Information

Questions about this policy may be addressed to the Copyright Advisory Group of the Library at copyright@ptsem.edu.