

Michener Library Reserve Fair Use Information

Library personnel use these guidelines to determine if placing copyrighted materials on Reserve will be a fair use of those materials. Please speak with a Reserve staff member if you have further questions.

The Fair-Use Statute, Section 107 of the Copyright Act of 1976 **Limitations on exclusive rights: Fair use**

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified in that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

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.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

All of the fair use factors must be considered when deciding whether a particular use of a copyrighted work is fair. Library staff will consider the following when determining if copyright permission is required.

1. Purpose of the Use

Materials should be placed on Reserve only as needed for UNC classes or educational programs. Students will not be charged for access to Reserve materials, and no one at UNC will benefit monetarily from the use of the materials.

2. Nature of the Work

A distinction is drawn between highly creative works, such as fiction, poetry and drama, and less creative works. In general, a larger portion of a non-fiction work photocopied for Reserve can be considered a fair use. Material that is purely factual, such as a page from a phone book, is not protected under copyright law.

3. Amount of the Work

Materials on Reserve should be limited to brief works or brief excerpts from longer works. If an excerpt is brief but still represents the “heart” of a longer work, the use may require copyright permission. An instructor should only place those portions of the work on Reserve that directly relate to the educational objectives of the course.

4. Effect of the Use on the Market for the Original

Repeat use of the same material by the same instructor for the same course in more than one semester will likely require copyright permission. Only registered UNC students will be able to access materials on Reserve. For Electronic Reserves, notice will be given along with a copyright notice that the materials should not be distributed beyond the student users.