

Library Photocopying

Like other users of copyrighted works, libraries have the benefit of the "fair use" doctrine. However, since they deal with copyrighted works routinely and systematically, libraries' activities are less likely to qualify as "fair use" than those of individual professors and students. A special statutory provision - www.law.cornell.edu/uscode/17/108.html - covers use of copyrighted works by libraries, and this section is based largely on it.

The copyright law permits libraries and archives to, without permission, make single copies for patrons, and multiple copies for patrons when certain conditions are met, i.e.:

1. All copies must be made without direct or indirect commercial advantage;
2. The collections of the library or archives must be open to the public. In the case of limited-access research libraries, the collection must be open to qualified researchers regardless of their occupations or professional affiliation;
3. All photocopies must display a copyright warning notice on the first page of the photocopy;
4. All copies must become the property of the patron;
5. The library or archives must not be aware that a copy made for a patron will be used for any purpose other than private study, scholarship, or research; and
6. The library or archives must display a copyright warning notice at the place where it accepts orders for copies, and on its interlibrary loan request forms. The [Display Warning of Copyright](#) should be printed on heavy paper or other durable material in type at least 18 points in size, and should be displayed prominently in such manner and location as to be clearly visible, legible, and comprehensible to a casual observer within the immediate vicinity of the place where orders are accepted. The [Order Warning of Copyright](#) should be printed within a box located prominently on the order form itself, either on the front side of the form or immediately adjacent to the space calling for the name or signature of the person using the form. The notice should be printed in type size no smaller than that used predominantly throughout the form, and in no case shall the type size be smaller than 8 points. The notice should be printed in such manner as to be clearly legible, comprehensible, and readily apparent to a casual reader of the form. 37 C.F.R. 201.14

If the library meets the above conditions, they may copy, for users: a single journal article or small part of a book and/or an entire copyrighted work, or a substantial part of it, if the library has determined, after a reasonable investigation, that a new or used copy cannot be obtained at a fair price. This provision does not extend to musical, pictorial, graphic, or sculptural works except for illustrations appearing in a book or periodical which may be copied as a part of the article or section being copied. Fair use permits copying some of these works by a library or archives if the user requests the copy for legitimate scholarship, research, or teaching purposes.