

Warnings of Copyright Restrictions for Libraries and Archives

The Code of Federal Regulations, sections 108(d)(2) and (e)(2) require that a warning be given to patrons and the form of the warning has been set forth in Copyright Office Regulations. The regulation places responsibility upon the library to provide patrons with specific information about the circumstances under which the library can legally respond to patrons' requests for copies and the patrons' responsibilities and liabilities under the law to request and use copies only under those appropriate circumstances. The regulations do not place a burden upon the library to determine whether a patron is acting properly in making a request or require from the patron any declaration of compliance with the law. The library is, however, permitted to deny requests that it believes would violate the law.

Per the requirements outlined below in Sec. 201.14 *Warnings of copyright for use by certain libraries and archives*, the Houston Cole Library will include the appropriate warning on all printed and electronic forms supplied by the library for the placement of orders for documents. In addition the Library will place copies of this warning at all photocopiers and in the music lab.

Code of Federal Regulations

Title 37, Volume 1

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TITLE 37--PATENTS, TRADEMARKS, AND COPYRIGHTS CONGRESS

PART 201--GENERAL PROVISIONS--Table of Contents

Sec. 201.14 Warnings of copyright for use by certain libraries and archives.

A. Definitions.

1. A **Display Warning of Copyright** is a notice under paragraphs (d)(2) and (e)(2) of section 108 of title 17 of the United States Code as amended by Pub. L. 94-553. As required by those sections the ``Display Warning of Copyright'' is to be displayed at the place where orders for copies or phonorecords are accepted by certain libraries and archives.
2. An **Order Warning of Copyright** is a notice under paragraphs (d)(2) and (e)(2) of section 108 of title 17 of the United States Code as amended by Pub. L. 94-553. As required by those sections the ``Order Warning of Copyright'' is

to be included on printed forms supplied by certain libraries and archives and used by their patrons for ordering copies or phonorecords.

B. Contents.

A Display Warning of Copyright and an Order Warning of Copyright shall consist of a verbatim reproduction of the following notice, printed in such size and form and displayed in such manner as to comply with paragraph (c) of this section:

WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy/reproduction is NOT TO BE "USED FOR ANY PURPOSES OTHER THAN PRIVATE STUDY, SCHOLARSHIP, or RESEARCH." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of fair use, that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law. By submitting this request, I certify that I have read the copyright warning on this form.

[This is a verbatim reproduction of the "Display Warning of Copyright" notice required by Subsections (d)(2) and (e)(2) of Section 108, Title 17 United States Code- as amended by Public Law 94-553.1.]

C. Form and manner of use.

1. A Display Warning of Copyright shall be printed on heavy paper or other durable material in type at least 18 points in size, and shall 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.
2. An Order Warning of Copyright shall 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 shall 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 shall be printed in such manner as

to be clearly legible, comprehensible, and readily apparent to a casual reader of the form.

(Pub. L. 94-553; 17 U.S.C. 108, 702)
[42 FR 59265, Nov. 16, 1977]