



## CNM Libraries Copyright Policy

*The CNM Libraries are beacons for learning and critical thinking in an environment where individual freedom and social responsibility flourish.*

The purpose of the Central New Mexico Community College (CNM) Libraries' Copyright policy is to articulate the Library's responsibilities, policies, procedures, and guidelines governing the reproduction of copyrighted material, with particular respect to the provisions of the Copyright Revision Act of 1976, the Digital Millennium Copyright Act (DMCA), the Copyright Term Extension Act, and other related federal, state, and library agreements or regulations. This policy covers use and duplication of materials and resources obtained using a library computer or from a source provided by the Libraries including print materials, E-reserves, course reserves, online databases, and other electronic resources.

**Note:** This policy is one of education, not of enforcement.

CNM faculty, staff, and students are responsible for knowing their rights and responsibilities related to copyright law. Any member of the CNM community is required to gain written permission from the copyright holder/clearinghouse before using materials using the following guidelines:

- Any copyrighted material which exceeds the Fair Use guidelines (see appendix)
- A copy of copyrighted material used by the same professor for the same class more than one semester
- A copy of copyrighted material for an individual course, taught by many instructors in multiple sections or written permission for the lifetime of a course

### What the Libraries Can Provide

CNM Libraries will help any member of the CNM community find pertinent information for their intellectual property needs. However, obtaining the appropriate permission to photocopy, download, use, manipulate, or broadcast information provided by Libraries is the sole responsibility of the user.

**Note:** Copies of permission letters or emails must be provided to the Library before services can be rendered.

[Appendix 1 \(PDF\)](#) provides guidelines for fair use, what can be used, what cannot, etc. [Appendix 2 \(PDF\)](#) contains procedures related to obtaining permission and provides links to sample forms for determining fair use.

The Director of Libraries serves as the copyright officer for the Libraries and oversees the implementation of and adherence to the Library's Copyright Policy and procedures. License and permission agreements related to intellectual property issues will be maintained in the office of the copyright officer. Questions concerning copyright should be directed to the copyright officer.

### Libraries Involved in Copyright

1. **Course Reserves** – In general, materials acceptable for Course Reserves include library books not used for the same course in the preceding semester unless permission have been extended, personal property of the Instructor, materials in the public domain; material where “fair use” has been determined and documented; and/or material where copyright permission was granted and documented. The rule of thumb is to be reasonable when considering the amount of material and the number of copies needed. (See appendix for Fair Use guide lines at the end of this policy).

Material unacceptable for copyright includes examination copies (preview copies) of textbooks, standardized tests, workbooks, exercises unless copyright clearance was granted and documented; copies of student work unless the student grants permission in writing; and/or photocopies of materials used in the previous term unless permission for use was extended and documented. For more information, please see: <http://cnm.edu/library/catalog/reserves.php>

2. **E-Reserves** – In general, the same rules for course reserves apply for electronic reserves. However, the fair use doctrine is not as clearly defined for electronic materials including web sites, linking to articles, blogs, etc. For additional information, please see: <http://cnm.edu/library/electronic/ereserves.php>
3. **Interlibrary Loan** – The Library is pleased to offer a limited Interlibrary Loan service to the CNM Community. We will borrow these items for you from other libraries *outside of the Albuquerque metro area*, so long as the materials you need are available. Please note the American Library Association recommends libraries observe the "rule of five" which limits the amount of material available.

"...with respect to any given periodical, filled requests of a library within any calendar year will not exceed a total of five copies of an article or articles published in such periodical within five years prior to the date of the request." It helps to think of the guideline as 1-1-5-5; during one calendar year, for one periodical title, five articles can be copied that were published within the last five years.

For additional information, please see: <http://cnm.edu/library/catalog/ill.php>

4. **Duplication of Library Resources** (both print and electronic) – In general, a library will not be liable for copyright infringement based upon a library patron's unsupervised use of reproducing equipment located on its premises, provided that the copying equipment displays a notice that the making of a copy may be subject to the copyright law. All photocopiers at CNM provide this notice and are the property of DPC.

“COPYRIGHT WARNING NOTICE – The Copyright Law of the United States (Title 17, U.S. Code) governs the making of photocopies of copyrighted materials. The person using the equipment is liable for any infringement.”

Scanning or digitizing library resources must follow guidelines articulated in the appendices. For additional information, please see the ITUP Section 22: Intellectual Property at: <http://www.cnm.edu/depts/ppo/tchuspil.php#Intellectual>

Notice of Copyright – The following procedures will be followed to ensure adherence to the copyright law:

A written statement of copyright information, including the author's name, title of publication from which the excerpt was made and date of copyright must appear on all copies made.

5. **Media** – CNM Libraries offers a variety of educational materials in VHS and DVD formats in addition to CD and CD-ROM. At present, we do not migrate these resources to electronic formats. Users should be aware of the complex copyright issues related to the creation of a new version of media through the migration to an electronic format like streaming. Libraries does not offer digital rights management software, but instead encourages our community to use reasonable judgment when creating copies of electronic or digital resources. Please follow the guidelines later in this document.

The national guidelines and standards for media resources are available at:

<http://www.ala.org/ala/mgrps/divs/acrl/standards/mediaresources.cfm>

## Other Restrictions

**Plagiarism** – Plagiarism is using another's work without properly acknowledging the source of that information and passing someone else's work as your own. For more information regarding CNM's policy, please see:

[http://www.cnm.edu/depts/deanstud/downloads/ACADEMIC DISHONESTY POLICY 03-28-08.pdf](http://www.cnm.edu/depts/deanstud/downloads/ACADEMIC_DISHONESTY_POLICY_03-28-08.pdf)

For additional information regarding plagiarism, please see:

<http://www.plagiarism.org/index.html>

**Downloading** – In general, it is safe to print or download a *single copy* of a work from a database or Web site for personal, research, or other non-profit activities. However, most information found on websites is usually protected by copyright law. In some cases, viewing the website alone constitutes a single use of the material and is not copyrighted whereas printing, streaming, or downloading to another drive may violate the copyright as it could be viewed as a retransmission or making multiple copies.

**Library Databases** – CNM Libraries has license agreements in place. In most of these agreements, it is safe to print or download a *single copy* of a work from a database or Web site for personal, research, or other non-profit activities. Also, faculty may provide links to articles, but not adding the entire contents of the article, report, web site, etc. to a web site without written permission. For example, in Blackboard, the classroom exemption often does NOT apply the same way as in face-to-face instruction.

**Computer Software** – The Libraries do not collect software. Unauthorized copying of software is illegal. All college-owned computers will be run with legal software only. Copies of the licensing agreements will be housed in the Purchasing Department. Original software disks will be housed in the ITS Department. Notice of copyright warnings will be placed on all computers used by students or members of the general public. Section 22 of the CNM *Information Technology Use Policy* outlines the prohibitions and penalties associated with copying software.

## Copyright Overview

Copyright law protects the creators of original works. The owner of a copyright has the exclusive right to reproduce all or part of the work, to distribute copies, prepare versions based on the original work, and to perform and display the work publicly.

Copyright protection covers both published and unpublished works from the moment of creation throughout the lifetime of the author or originator, plus an additional 70 years if created after January 1, 1978. Registration with the Copyright Office is not required in order for a work to be protected under U.S. copyright law, and the absence of a copyright notice does not mean that work may be copied freely. Works in the public domain may be freely copied; however, collections and edited versions of works in the public domain may be protected by copyright. The fact that the author is deceased or that the book is out of print does not mean that the work may be copied.

### What is protected?

- Architectural works
- Dramatic works, including any accompanying music
- Literary works
- motion pictures and other audiovisual works
- musical works, including any accompanying words
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works
- sound recordings

### What is not protected?

- Concept
- Discovery
- Idea
- Method of operation
- Principle
- Procedure
- Process
- System

## Fair Use Guidelines

The copyright law does provide a fair use doctrine which permits, in limited situations, the use of a copyrighted work, including reproducing portions of that work, without the copyright owner's permission. Please note that determination of fair use is made by the courts based on each case's own specific facts.

Four basic factors to be examined in determining whether such use constitutes "fair use" under copyright law are:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes:

2. The nature of the copyrighted work;
3. The amount and substantiality of the portion of the work used in relation to the work as a whole; and
4. The effect of the use in question upon the potential market or value of the copyrighted work.

These four factors are not exclusive. Other factors that may be relevant are the availability of the work, the ability to determine whether the work is still under copyright and the ability to locate the copyright holder. No one factor is determinative of a person's right to use a copyrighted work without permission. Educational use alone is not sufficient to make a use in question a fair one. Transformative works, those which are not duplicative but offer a new meaning or serve a different community, may be viewed as fair use. For more specific guidelines, see Appendix 1.

When in doubt about whether something falls within "fair use," get permission before reproducing material.

### **Additional Information**

*Copyright and the University Community: Implementing a Comprehensive Copyright Policy*, University of Texas System

<http://www.utsystem.edu/ogc/Intellectualproperty/admin3.htm>

*Copyright Term and Public Domain*

[http://www.copyright.cornell.edu/public\\_domain/](http://www.copyright.cornell.edu/public_domain/)

*Distance Learning and Copyright: Is a Solution in Sight?* Laura Gasaway

<http://net.educause.edu/ir/library/html/cem/cem99/cem9932.html>

*Know Your Copy Rights*, Association of Research Libraries

<http://www.knowyourcopyrights.org/resourcesfac/kycrbrochure.shtml>

Maricopa Community Colleges, Legal Services Copyright Tutorial

[http://www.maricopa.edu/legal/ip/copyright\\_tutorial/copyright\\_tutorial.htm](http://www.maricopa.edu/legal/ip/copyright_tutorial/copyright_tutorial.htm)

*U.S. Copyright Law*

<http://www.copyright.gov/title17/92chap5.html>

University of Texas, Fair Use of Copyright

<http://copyright.lib.utexas.edu/copypol2.html>

*Using Materials and the Internet*

<http://www.utsystem.edu/OGC/IntellectualProperty/useofnet.htm>