

Guideline 261 – Copyright Guidelines for Electronic Reserves

The purpose of the Electronic Reserves (“e-reserves”) service at the Albin O. Kuhn Library and Gallery is to provide access to materials selected by instructors that are required or recommended for their students' course of study at UMBC. In order for the Library to provide this service under compliance with copyright law and the limitations of exclusive rights outlined by Fair Use ([17 U.S.C. +107](#)), Library staff follow the following procedures and guidelines, adapted from the [Code of Best Practices in Fair Use for Academic and Research Libraries](#), January 2012.

At an instructor’s request, the UMBC Library will create an electronic copy from copyrighted works legally owned by the instructor or the UMBC Library and post this copy to the Course Reserves module within the University’s electronic learning management system, Blackboard. Access to the electronic copy in Blackboard is limited to the course instructor(s), course administrator(s), and students registered for the course, who have authenticated via the University’s single sign-on and multi-factor authentication systems. Materials in copyright will be posted with a full bibliographic citation and a notice of copyright on the first page. Such materials may be posted when:

- The instructor or University owns the copyright to the work.
- The instructor has already obtained written permission from the copyright owner to copy and distribute the work electronically. (The library will require a copy of the permission before posting the work for e-reserves.)
- The materials are in the public domain. This includes works for which the copyright term has expired, as well as most works produced by the U.S. Government.
- The work has been distributed by the copyright owner under terms which explicitly permit the proposed use, such as a [Creative Commons](#) license.
- The work is available in an online database or journal licensed by the UMBC Library whose terms of use do not prohibit posting it to e-reserves. For ease of use and to ensure accurate usage statistics for these resources, the Library will link to such items whenever possible.
- The Library can obtain permission to post the work in e-reserves at a reasonable cost, up to \$100.
- Use of the material qualifies as [fair use](#), as defined by [17 U.S.C. +107](#).

If Library staff need to make a determination of whether use of an e-reserves item qualifies as fair use, they will use the following general guidelines:

- 20% or less of a work posted to e-reserves for a particular class/section is generally considered fair use. This includes chapters or excerpts from books and articles or excerpts from journals or other periodicals.
- If more than 20% of a work is requested for e-reserves, Library staff will evaluate the request for compliance with the four factors for determining fair use: character of the use; nature of the work; amount used; and effect on the use on the market for or value of the work.
 - If Library staff assessment determines the use is fair, we will proceed with placing the material on e-reserves.
 - If Library staff assessment determines the use is not fair, we will seek to obtain copyright permission from the rightsholder, up to \$100 per item or \$500 per course.
 - If copyright fees exceed the amounts above, we will contact the instructor about placing the item on hard copy reserves instead of e-reserves.

- If permission is not readily available (e.g., the rightsholder cannot be found or does not respond), we will proceed with placing the material on e-reserves.

Inactive e-reserves files will be kept on Library servers for possible reuse for no longer than three years.

Implemented 2/97, Approved by Library Policy Committee.

Reviewed by MD Attorney General's Office, 3/97

Approved by Larry Wilt and reviewed by University Counsel on 5/25/04

Approval renewed by LEC, 7/16/19

Revised by Tim Hackman & Paula Langley, 10/30/2019

Reviewed by UMBC General Counsel and approved by LEC, 4/9/20