

## **LLCC Library Compliancy Policy**

The Lincoln Land Community College Library encourages the fair use of copyrighted materials in support of its academic and research mission, and strives to provide clear guidance to faculty, students, and staff who wish to use copyrighted materials in their teaching and research.

At the same time, Lincoln Land Community College Library complies with the United States Copyright Law (Title 17, United States Code) and, through this policy, states that faculty, staff, students, and community members must obey all state and federal laws respecting the copyrights and trademarks of others.

### **Warning Regarding Copyright Restrictions**

The Copyright Act offers copyright holders legal protection of their work to the reproduction and distribution of copyrighted material and governs the making of photocopies or other reproductions of copyrighted material. It is illegal for anyone to violate any of the rights provided by the copyright law to the owner of copyright. However, these rights are not unlimited in scope. An important limitation is the doctrine of “[fair use](#)” and is codified in [17 U.S.C. § 107](#). Section 107 contains a list of the various purposes for which the reproduction of a work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, and research. Four factors to be considered in determining whether or not a particular use is fair:

1. The purpose and character of the use, including whether use is a commercial purpose or nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used
4. The effect of the use upon the potential market for, or value of, the copyrighted work

### **Copyright Compliance Basics**

Below are some basic guidelines that should help inform decisions regarding the use of copyrighted materials.

- Seeking permission from the rights holder is always the most reliable method to ensure compliance with copyright law.
- In order to guarantee copyright compliance, each separate use of any copyrighted work must be evaluated on a *case-by-case basis*.
- Electronic Access to Copyrighted Work:
  - Document is password protected: Only students that are enrolled in a particular course will have access to materials. Using the E-Reserve Button that appears in each Blackboard Module allows appropriate and sufficient password protection.
  - Display the copyright notice for the document and provide the appropriate citation information for the source used.

Library staff member, [Amanda Longsdon](#), can request permission for use of copyrighted material on the behalf of faculty and staff. The Department seeking permission to use copyrighted material will be responsible for any applicable fees.

## Brief History of Copyright Law

Throughout US history there have been many changes to Copyright Law. Two changes to the law which impacted education in the past 20 years were:

### 1. Technology, Education and Copyright Act (TEACH) 2002

The primary benefit of the TEACH Act for educators is its repeal of the earlier, obsolete, version of Section 110(2). The new law redefined the terms and conditions on which accredited, nonprofit educational institutions throughout the U.S. may use copyright protected materials in distance education-including on websites and by other digital means. The new version of Section 110(2) offers these explicit improvements:

- a. Expanded range of allowed works.
- b. Expansion of receiving locations.
- c. Storage of transmitted content.
- d. Digitizing of analog works.

### 2. Digital Millennium Copyright (DMCA) Act (1998)

This landmark legislation updated U.S. copyright law to meet the demands of the Digital Age and to conform U.S. law to the requirements of the World Intellectual Property Organization (WIPO) and treaties that the U.S. signed in 1996. Divided in to five "titles," the DMCA was a complex act; among its many provision, the Act:

- a) imposes rules prohibiting the circumvention of technological protection measures
- b) sets limitations on copyright infringement liability for online service providers (OSPs)
- c) expands an existing exemption for making copies of computer programs
- d) provides a significant updating of the rules and procedures regarding archival preservation
- e) mandates a study of distance education activities in networked environments
- f) mandates a study of the effects of anti-circumvention protection rules on the "first sale" doctrine

To read more about the history of copyright, visit United States Copyright Office's [A Brief Introduction and History](#).