

# HUNTER COLLEGE LIBRARIES

OF THE CITY UNIVERSITY OF NEW YORK

## Copyright Compliance Agreement

Hunter College Faculty using E-Res may choose option: 1) request assistance from Hunter College Libraries to determine "fair use" eligibility or seek copyright permissions when required, or 2) personally seek clearance for material or establish its eligibility as within "fair use."

### COPYRIGHT LAW AND "FAIR-USE"

The copyright law (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. Unless the material a faculty member wishes to place on reserve is in the public domain or otherwise not protected by copyright, or the faculty member has received permission from the copyright holder to place the item on E-Res, photocopies for reserve must be made in compliance with the "fair use" provisions of Section 107 set forth below and outlined in ARL's Code of Best Practices in Fair Use for Academic and Research Libraries: <http://www.arl.org/bm~doc/code-of-best-practices-fair-use.pdf>, and with [@copyright @ CUNY](#).

#### FAIR USE

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 **amount and substantiality** of the portion used in relation to the copyrighted work as a whole;
  3. The **nature** of the copyrighted work; and
  4. The **effect** of the use upon the potential market for or value of the copyrighted work.
- All four factors are considered, but the last factor is the most important in determining whether a particular use is "fair."*

In support of Hunter courses, the Hunter College Libraries maintains both a hardcopy and electronic reserve collection following the guidelines of 17 U.S.C. Section 107. Placing materials on reserve is at the initiative of the faculty solely for the non-commercial, educational use of the students. 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 held liable for copyright infringement. This institution reserves the right to refuse a copying order if in its judgment fulfillment of the order would involve violation of copyright law.

#### **OPTION 1: REQUEST FOR ASSISTANCE WITH COPYRIGHT CLEARANCE; OR**

I'm unsure whether the course material requested is within "fair-use," and have not sought permission for any material that may be deemed in excess of those guidelines. I request assistance from the Hunter College Libraries in evaluating the material, and seek necessary permissions on my behalf if that is deemed necessary. I understand that I may be contacted by the Hunter College Libraries to provide additional information and documentation in order to clear copyright, and that the Hunter College Libraries reserve the right not to accept materials judged to be beyond reasonable limits, or prohibitively expensive to obtain clearance.

\* Instructor's Name:

\* Date \_\_\_\_/\_\_\_\_/\_\_\_\_

#### **OPTION 2: STATEMENT OF COPYRIGHT COMPLIANCE**

I understand that I am responsible for the copyright compliance of this material. I have read and understand the copyright and fair use statement, and I affirm that any material I have placed on reserve this term meets the fair use provisions as established by U.S. Copyright Law, [@copyright @ CUNY](#), or that permission has been obtained for reproduction, or that the material is in the public domain or otherwise not protected by copyright.

\* Instructor's Name:

\* Date \_\_\_\_/\_\_\_\_/\_\_\_\_