

FAQ on © Copyright & Library Services



1) What is Copyright?

Copyright is the legal protection extended to the owner of the rights in an original work and grants authors, artists, and other creators automatic protection for their literary and artistic creations, from the moment they create it.

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2) What are the library collections that are protected by copyright?

- a) Books (including eBooks);
- b) Periodicals and Newspapers (including eJournals);
- c) Articles (including those from Electronic Databases);
- d) Theses and dissertations;
- e) Musical compositions;
- f) Maps;
- g) Photographic works; and
- h) Audiovisual works and cinematographic works.

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3) What library materials may be reproduced?

- In the public domain; or
- Used with permission from the copyright holder; or
- Used under the provisions of a contract or license agreement; or
- Used under the provisions of *Reproduction of Published Work*, R.A. No. 8293, as amended, Sec. 187, *Reprographic Reproduction by Libraries*, Sec. 188, or to the extent possible for teaching or scholarly purposes, under *Fair Use of a Copyrighted Work*, Sec. 185, as determined using a case-by-case analysis.



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4) What is 'fair use' of a copyrighted work?

Fair use has been defined as a privilege to use copyrighted work in a reasonable manner without the consent of the copyright owner.

In determining whether the use made of a work in any particular case is fair use, the factors to be considered shall include:

- a) The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;
- b) The nature of the copyrighted work;
- c) The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- d) The effect of the use upon the potential market for or value of the copyrighted work.



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5) What are the allowed amount/pages that can be copied?

According to generally accepted copying models for copyrighted works:

- One copy of an article in an issue of a serial publication or conference proceedings or a collective work.
- One copy of a chapter from a book or not more than 5% of a book, whichever is greater.
- One copy of a case/statutory law from a law report.
- One copy of a short story or poem in a collective work, up to ten pages in length.
- Up to 5% of a sound recording.
- Up to 5% of an audiovisual work.



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6) Is the reproduction of a copyrighted work allowed for research, scholarship, and private study?

Yes, the private reproduction of a published work by a natural person exclusively for research and private study shall be permitted without the authorization of the copyright owner.

But a person is permitted only a single copy of the allowed amount/pages (see item no. 5, generally accepted copying models), and further reproduction and distribution are not allowed.

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7) Is the library allowed to reproduce copyrighted materials in its collection?

Yes, any library whose activities are not for profit may make a limited number of copies of a work, as may be necessary for such institutions to fulfill their mandate, by reprographic reproduction:

- a) Where the work by reason of its fragile character or rarity cannot be lent to user in its original form;
- b) Where the works are isolated articles or brief portions of published works and the reproduction is necessary to supply them to persons requesting their loan for purposes of research or study (see item no. 5, generally accepted copying models); and
- c) Where the making of such limited copies is in order to preserve and, if necessary, in the event it is lost, destroyed or rendered unusable, and copies are not available with the publisher, replace a copy.



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8) Does materials available freely from the internet covered by 'fair use' and copyright?

Yes, copyright and the principle of 'fair use' apply to materials disseminated or published on the internet.

Any work created in the traditional print format, in a digital format, or in any other tangible means, such as those, but not limited to works found in the internet, are protected from the moment it is created.



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9) What standards are applied when reproducing copyrighted works for **Document Delivery Service**?

User Responsibilities:

- Users should request copies of copyrighted materials only for purposes of research, scholarship, and private study.
- Users should request only the allowed amount of materials needed (see item no. 5, generally accepted copying models).
- Copies of copyrighted materials made available through document delivery services become the property of the user and should not be reproduced by any means for further distribution.



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9) What standards are applied when reproducing copyrighted works for **Document Delivery Service?** (cont'd.)

Library Responsibilities:

- The Library will not reproduce copyrighted works if it has notice that the copy will be used for anything other than purposes of research, scholarship, and private study.
- Copying activities will be conducted without any purpose of direct or indirect commercial advantage.
- The Library staff will determine appropriate limits on materials to be reproduced, and will not knowingly provide to a patron more than a single copy of any article, chapter, or a small part of any copyrighted work (see item no. 5, generally accepted copying models).



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9) What standards are applied when reproducing copyrighted works for **Document Delivery Service**? (cont'd.)

Library Responsibilities (cont'd.):

- The Library will not reproduce musical works; pictorial, graphic or sculptural works; or motion pictures or audiovisual works for the purpose of this service.
- Reproductions made will display a notice stating that the work may be protected by copyright and, when available, the notice of copyright that appears in the original work.
- A Notice of Copyright will be posted where requests are received and displayed on all request forms.



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10) What standards are applied when reproducing copyrighted works for **Course Reserves**?

Teacher Responsibilities:

- All materials requested/submitted by teachers must support course-related teaching, scholarship, or research and must be, or originate from, a lawfully owned copy of the library.
- When requesting copyrighted materials, copy only the allowed amount of materials needed (see item no. 5, generally accepted copying models).
- Access to materials on course reserve should be limited to currently enrolled students and should be removed from course reserve at the conclusion of the course/term.



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10) What standards are applied when reproducing copyrighted works for **Course Reserves**? (cont'd.)

Student Responsibilities:

- All materials placed on course reserve are to be used solely for non-commercial, educational, and research purposes and in support of the course for which they are designated.
- Copyrighted materials made available through course reserve may be used for purposes research and private study, and should not be reproduced by any means for further distribution.



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10) What standards are applied when reproducing copyrighted works for **Course Reserves?** (cont'd.)

Library Responsibilities:

- The Library will not reproduce copyrighted works if it has notice that the copy will be used for anything other than purposes of course-related teaching, scholarship, and research.
- When available on subscribed databases, the library staff will provide a link of the requested material, rather than downloading and posting the material.
- Reproductions made will display a notice stating that the work may be protected by copyright and, when available, the notice of copyright that appears in the original work.



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