

Frequently Asked Course Packet & Copyright Questions

1. When do I need to submit my course packet if I wish to have copyrighted material available for the first day of class?

We accept packets year round. The submission period for the fall semester is between June 15 and August 1, for the spring semester it is between November 1 and December 15. Packets submitted after the submission period cannot be produced and ready for sale during the first few weeks of the semester.

2. Where do I bring my course packet when it is ready?

When your course packet is ready to be reviewed and processed, you can drop it off at any of these convenient Copy Center locations: Ambler Campus at Bright Hall, Conwell Hall, Ritter Hall, Law School, or Vivacqua Hall on main campus.

3. What exactly is “fair use”?

“Fair use” under the U.S. copyright law permits limited use of portions of a copyrighted work without the copyright owner’s permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research.

Portion limitation is but one criteria of fair use. A user must also consider the nature of the work, and the effect on the potential market for the work, including licensing fees. The “guidelines” suggested by the Association of American Publishers include spontaneity, brevity, and their cumulative effect as additional criteria.

“Fair use” on college campuses was extensively debated by the Association of American Publishers and Copyright office. For our purposes, that is, selling course packets, “fair use” does not apply.

4. Do I need permission if I am making copies to distribute to my class?

Educational use alone is insufficient to make a use in question a fair one. The copying will fall within the “fair use guidelines” noted above if it meets agreed standards of spontaneity, brevity, and cumulative effect and each copy includes a notice of copyright. A good example of legal copying could be if a professor reads an article in the morning newspaper, and distributes it in class that afternoon. However, any reuse of the article in a subsequent semester without first receiving permission would not be covered by the guidelines. The cumulative effect means that “fair use” is limited as to the length, occasions and frequency of work copied. Full chapters or other substantial excerpts from copyrighted documents require permission before copying.

5. Why do I need permission if I wrote the article or book?

The author of the book is not necessarily the owner of the copyright since the copyright protects both the content and the image of the content. If the publisher, by contract, holds the particular rights for reproduction, then, for uses that do not fall under "fair use guidelines", the author should contact the publisher. We will require a letter from the publisher granting permission and acknowledging that the article will be included in the packet for sale.

6. If the book is out-of-print, is permission needed?

Yes. Just because the book is out-of-print does not mean that the work is no longer protected by copyright. Copyright protection lasts for the life of the rightsholder plus 75 years. It is best to allow us to contact the publisher's copyright permission department to determine whether the work is still under copyright or in the public domain.

7. Do I need permission again this semester if I was granted this material last semester?

Yes. Permission needs to be obtained every semester.

8. Do I need permission if there's no copyright notice on the material?

Yes. The absence of a copyright notice does not mean that the work in question is not protected, such as information downloaded from the internet.

9. If my class starts next week and it takes longer than a week to clear permissions, does that mean my reader will have to wait that long?

Yes. If Duplicating Services sells or distributes copyrighted materials that have been improperly copied, the University can be held liable for copyright infringement and subjected to all penalties and remedies for the infringement.

10. Why do we have to apply for permission so far ahead of time?

Publishers do not always control the rights and need time to check the extent to which permission may be granted, the status of the copyright, the materials to be duplicated and assignment of author's royalties, if fees are involved. The earlier your request is received, the better. Timely submission permits the publisher to review its author's contract and complete its processing, and in case permission cannot be granted, it provides time for you to substitute other materials. Also, if the Copyright Clearance Center cannot identify the publisher, we may need to search for the rightsholders.

After copyright permission is established, the packet is then produced. This too takes time depending on the size of the packet, the quantity of packets requested, and the production load at the time. Duplicating Services, besides reproducing course packet, also handles a greater volume of academic and administrative copying at the start of the semesters.

12. Can I use material in my course packet even though I don't remember where I got it from?

No, it is likely to be protected by copyright. You must determine the source if you want to us to reproduce it.