UF Levin College of Law
GUIDELINES ON COPYING MATERIALS

Purpose
The purpose in developing these guidelines is: (a) to minimize the risk that law school support staff and facilities are called upon to make copies that violate an author’s copyright; (b) to avoid excessive use of staff time copying materials when there are alternative reasonable means to provide access to the materials; and (c) to provide an easy to apply set of guidelines to minimize the amount of time spent determining how the guidelines apply to a given situation. In short, the goal is to provide a simple and easy way for both faculty and staff to know what types of copying requests staff will support.

Both the law governing copyright and our understanding of how best to support faculty while making the best use of staff time inform these guidelines and may change over time. The guidelines will be revised or updated periodically.¹

General Responsibility of Faculty Members Requesting Copying or Scanning of Written Materials
It is the responsibility of individual faculty members who request support staff to copy materials to determine whether the request: (a) involves copyrighted material and (b) if so, is consistent with fair use or otherwise permitted under copyright law. It is not part of the responsibilities assigned to support staff to determine the proper application of copyright law to a given situation. The determination of whether a use is “fair use” is assessed by courts based on four factors set out in 17 U.S.C. §106:

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

Faculty who have questions are encouraged to contact Librarian Avery Le averyle@law.ufl.edu who can provide additional information on how this doctrine has been applied in educational settings. If further consultation, including consultation with the UF general counsel is needed, the faculty member can contact Sr. Associate Dean Alyson Flournoy flournoy@law.ufl.edu to arrange this.

Policy on Staff Support for Copying or Scanning Written Materials
The following are some guidelines on requests that will automatically be supported and requests that will presumptively not be supported. Cases that are not specifically addressed may require further review to determine the appropriate disposition, especially while this policy is new. Where there are questions, support staff will ask the faculty member to contact the designated Librarian or Associate Dean for Academic Affairs for further guidance. Because the relevant factors consider the effect on the market, requests that entail distribution to a class are treated differently from requests for a single copy for the faculty member’s individual use.

¹ If anything in these guidelines is inconsistent with governing law or UF regulations, the law and the regulations control.
Supported Requests

Single Copies for Individual Use

- Requests to copy or scan one chapter in a book or up to 10% of the material in a single work, and any copying of under 10 pages of any work if the material is for faculty use only (i.e. not for distribution to a class); NOTE: only one request to copy one chapter or 10% of a particular work will be supported in a given semester (to avoid piecemeal requests designed to evade the guidelines)
- Copying of any government document or document in the public domain unless the document is in book form and requires manual copying (i.e. the document handler cannot be used) of more than 75 pages. NOTE: for any request requiring manual copying, only one request to copy up to 75 pages from a particular government document or other document in the public domain will be supported in a given semester (to avoid piecemeal requests designed to evade the guidelines)

Copies for Distribution to a Class

- Requests to copy or scan up to 50 pages of non-copyrighted material or, if the professor has obtained and provides faculty support with written permission from the copyright holder, copyrighted material.*

Requests Generally Not Supported

Single Copies for Individual Use

- Requests to copy or scan a document in book form that requires manual copying (i.e., the document handler cannot be used) of more than 75 pages
- Requests to copy or scan more than 10% of any single work of more than 10 pages

Copies for Distribution to a Class

- Requests to copy or scan copyrighted material for distribution to students if the faculty member does not provide written permission from the copyright holder*
- Requests to copy or scan more than 50 pages for distribution to students in a given course in a given semester

*Note: Alternative avenues available for faculty wishing to distribute copyrighted material to students are: (a) arranging with faculty support prior to the start of the semester to have a course packet copied by a vendor who will secure copyright clearance or (b) providing a url linking to the material, if the material is available on a website that is accessible to students, including Lexis or Westlaw or any journals or online materials available in the UF library collection. (These latter sites can be viewed when students log in from home using the virtual private network, as explained further at http://www.law.ufl.edu/about/services/technology-services ). For assistance with determining whether a link is available for particular material, please contact your library liaison or the Librarian designated above.
General Responsibility of Faculty Members Requesting Copying of DVDs and Other Multimedia or Streaming Materials

Any multimedia item that is locked by encryption, such as a commercial DVD, falls under 17 U.S.C. § 1201’s prohibition against circumventing copyright protection systems. Under relevant regulations, there is an exemption for university professors and students to make clips of limited portions of DVDs for educational uses:

...when circumvention is accomplished solely in order to accomplish the incorporation of short portions of motion pictures into new works for the purpose of criticism or comment, and where the person engaging in circumvention believes and has reasonable grounds for believing that circumvention is necessary to fulfill the purpose of the use. . . .

37 C.F.R. §201.40(b)(1)

In no case may an encrypted DVD be copied in its entirety. In the case of content found online, copying is governed by the express terms of service on the website.

It is the responsibility of individual faculty members who request assistance from IT staff in copying materials to determine whether the request: (a) involves copyrighted material and (b) if so, whether the exemption applies to their use. It is not part of the responsibilities assigned to IT staff to determine the proper application of copyright law to a given situation. However, requests to copy an entire encrypted DVD or to make copies in violation of the express terms of service of a content provider will be considered presumptively in violation and will not be supported.

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General Responsibility of Faculty Members Wishing to Show Movies to a Class or the Public

The TEACH Act allows professors to show full-length, legally obtained movies to their classes, whether face-to-face or via distance education, as long as the movie is used for instructional purposes. Distance Education showings are required to be an “integral part of a class session offered as a regular part of the systematic mediated instructional activities.” Recreational viewing or public viewing falls outside of this law and requires copyright permission.

In addition to the uses permitted by the TEACH Act, the Legal Information Center (LIC) has acquired public viewing rights for several films. Please check with your library liaison if you have questions about either whether the LIC already holds the rights or can assist you in acquiring the rights.