

GUIDELINES FOR LIBRARY AND ARCHIVES COPYRIGHT NOTICES*

The law prescribes the form of notice that must be posted at the desk where orders for copies are accepted and on order forms:

NOTICE WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specific conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." 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 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.

According to the Copyright Office, this warning must be displayed verbatim and "printed on heavy paper or other durable material in type at least 18 points in size, and shall be displayed prominently in such manner and location as to be clearly visible, legible, and comprehensible to a casual observer within the immediate vicinity of the place where orders are accepted." When printing this notice on order forms, the regulations specify that it: shall be printed within a box located prominently on the order form itself, either on the front side of the form or immediately adjacent to the space calling for the name or signature of the person using the form. The notice shall be printed in type size no smaller than that used predominantly throughout the form, and in no case shall the type size be smaller than 8 points. The notice shall be printed in such manner as to be clearly legible, comprehensible, and readily apparent to a casual reader of the form.

Notices on Copies The law also requires that the copies themselves include a notice but does not specify the exact form of notice. All copies made under Section 108 now must include the notice of copyright as it appears on the original work. If no notice appears on the original, then the copy must include "a legend stating that the work may be protected by copyright." If the original work includes a formal copyright notice, the copy should include the following statement:

"The work from which this copy was made included the following copyright notice: _____."

In a case where the work did not include a copyright notice (the circumstances of most archives and manuscripts), the following notice on copies would be appropriate:

"The work from which this copy was made did not include a formal copyright notice. This work may be protected under U.S. Copyright Law (Title 17, U.S. Code), which governs reproduction, distribution, public display, and certain other uses of protected works. Uses may be allowed with permission from the rightsholder, or if the copyright on the work has expired, or if the use is "fair use" or within another exemption. The user of this work is responsible for determining lawful uses."

A shorter version, appropriate for a rubber stamp onto the copies, would be:

"This material may be protected by copyright."

* Based on: Kenneth Crews. *Copyright Notices for Private Study* Columbia University Copyright Advisory Office. <http://copyright.columbia.edu/libraries-and-copyright?q=copyright-notices-private-study>