

RESERVE LIST

PLEASE FILL OUT *COMPLETELY*

Instructor(s): _____

Date: _____

Department: _____

Course Title: _____

Email: _____

Course #: _____ **New Course? (y/n)** _____

Phone: _____

Semester(s): _____

For ERes items, would you like to link to Moodle (circle one): Yes No

3 COPY Limit per Item

*** PLEASE ALLOW TIME FOR PROCESSING RESERVE MATERIAL ***

	Title	Author	RESERVE OPTIONS			Personal Copy? (y/n)	SMC Call Number	# of Copies	Loan Period <small>*see bottom of page</small>
			Print / Media √	ERes √	Both √				
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									

*** PRINT/MEDIA LOAN PERIOD OPTIONS - Hourly Reserve Late Fees Apply**

PRINT MATERIAL ONLY

- | | |
|-------------|-----------------------------------|
| A. 1 week | D. 4 hours - Overnight OK |
| B. 3 days | E. 4 hours - No overnight allowed |
| C. 24 hours | F. 2 hours - No overnight allowed |

AUDIO/VIDEO MATERIAL ONLY

- | | |
|---------------------------|----------------------------------|
| G. 24 hours | I. 4 hours - In library use only |
| H. 4 hours - Overnight OK | J. 2 hours - In library use only |

FAIR USE/COPYRIGHT FORM

The use of copies of periodical articles, book chapters, etc. is governed by U.S. Copyright Law (<http://www.copyright.gov/title17/>) sections 107 (Fair Use) and 108 (reproduction by libraries). I understand that Copyright Law applies whether the materials are photocopies or electronic. I am aware that, if I need additional information regarding copyright or obtaining permission, in addition to the information available to me through the Saint Mary's College of California Library website, the Copyright Clearance Center at <http://www.copyright.com> has information regarding copyright, fair use and obtaining permission. As part of my present request to have certain material be placed on reserve (whether physically or on e-reserve), I represent that the following is true:

To the best of my knowledge, the material that I am submitting for this course meets the fair-use guidelines. In determining whether the use is fair, I have considered various factors that inform whether my intended use is fair or may require a license or permission. I have reviewed the "Fair Use Worksheet" in making my determination and I have retained a copy of the completed form in my files. Upon request of the library staff, I agree to show the completed form as proof of my careful consideration of my intended use.

If I am requesting that a copy of a work be placed on reserve, the copy has been made in adherence with Saint Mary's College guidelines regarding fair-use copying for educational use, as presented at the SMC Library's copyright guidelines page: <http://www.stmarys-ca.edu/library/>

I further understand that all materials I have asked to be placed on reserve will be removed at the end of the semester, and access to these reserve materials will be provided only to students enrolled in the course designated.

Instructor Name (please print) _____ Date: _____

Signed _____ Date: _____

Licensed Use or Use with Permission

I have used this material in a previous semester OR I am unable to conclude that my use meets the guidelines for fair use. Therefore, I have obtained a valid license (i.e. paid a copyright fee) for my use or I have obtained permission from the copyright owner of the materials requested to be placed on reserve and I have shown proof of this license or permission to Library Staff.

Instructor name (please print) _____ Date: _____

Signed _____ Date: _____

The instructor has provided a copy of the copyright holder's permission. Yes No

The instructor has provided proof of a valid license (i.e. copyright fee) to use the material. Yes No

Library Staff signature: _____ Date: _____

FAIR USE WORKSHEET

SAINT MARY'S COLLEGE OF CALIFORNIA

This worksheet is intended to be a tool to assist you in applying the balancing test for determining whether you may make or distribute copies of works protected by copyright without having to obtain the permission of the copyright holder. We recommend that you complete and retain a copy of this form in your file in connection with each "fair use" copy you make of a copyrighted work.

BEFORE GOING FURTHER: Have you checked Saint Mary's Library to see if the College owns a digital copy of the material in one of the Library's databases? If yes, please contact the ERes Manager (eres@stmarys-ca.edu , 631-8033) who can assist you further.

Your Name: _____ Date: _____

Class or Project: _____

Title of Copyrighted Work: _____

Indicate chapter and/or pages copied. _____

Directions: Check all boxes that apply. For each of the four sections below, determine whether that factor favors or disfavors a finding of fair use. Where, on balance, the factors favoring "fair use" outnumber or are significant relative to the factors weighing against a finding of "fair use," reliance on the fair use exception may be justified. Where few of the factors favor "fair use" or where significant factors disfavor "fair use," permission should be obtained before copying or disseminating copies of the work. Where the factors appear evenly split or you have questions about interpretation, please feel free to contact the traditional Reserves Manager, Steve Stonewell (sstonewe@stmarys-ca.edu , 631-4665) or Gemma Pavon, the ERes Manager (eres@stmarys-ca.edu , 631-8033). Keep in mind that your determination of fair use should be a reasoned weighing of the various factors.

1. PURPOSE OF THE USE

Favoring Fair Use	Disfavoring Fair Use
<input type="checkbox"/> Educational <ul style="list-style-type: none"> <input type="checkbox"/> Teaching (including multiple copies for classroom use) <input type="checkbox"/> Research <input type="checkbox"/> Scholarship <input type="checkbox"/> Criticism <input type="checkbox"/> Comment 	<input type="checkbox"/> Commercial use or for entertainment or other purposes
<input type="checkbox"/> Transformative or productive use (changes the work to serve new purpose, has added value)	<input type="checkbox"/> Non-transformative, verbatim or an exact copy, no added value
<input type="checkbox"/> Nonprofit use	<input type="checkbox"/> Profit-generating use

2. NATURE OF THE COPYRIGHTED MATERIAL

Favoring Fair Use	Disfavoring Fair Use
<input type="checkbox"/> Factual, nonfiction, news	<input type="checkbox"/> Creative (art, music, fiction), or consumable works (workbooks, tests)
<input type="checkbox"/> Published work	<input type="checkbox"/> Unpublished work

3. AMOUNT COPIED

Favoring Fair Use	Disfavoring Fair Use
<input type="checkbox"/> Small quantity (e.g. a single chapter or journal article or other excerpt consisting of a very small percentage of the work)	<input type="checkbox"/> Large portion or entire work
<input type="checkbox"/> Portion used is not central to entire work	<input type="checkbox"/> Portion that you wish to use is the central part or the "heart" of the work
<input type="checkbox"/> Amount is appropriate to education purpose	<input type="checkbox"/> Includes more than necessary for education purpose

4. EFFECT ON THE MARKET FOR ORIGINAL

Favoring Fair Use	Disfavoring Fair Use
<input type="checkbox"/> No significant effect on the market or potential market for the copyrighted work.	<input type="checkbox"/> Cumulative effect of copying would be to substitute for purchase of the copyrighted work.
<input type="checkbox"/> One or few copies made and/or distributed.	<input type="checkbox"/> Numerous copies made and/or distributed.
<input type="checkbox"/> No longer in print; absence of licensing mechanism.	<input type="checkbox"/> Reasonably available licensing mechanism for obtaining permission to use the copyrighted work (e.g. Copyright Clearance Center licensing or off-prints available).
<input type="checkbox"/> Restricted access (e.g., limited to students enrolled in the course, password protected, not available outside the classroom, etc.)	<input type="checkbox"/> Will be making it publicly available on the Web or using other means of broad dissemination
<input type="checkbox"/> One-time use, spontaneous use (no time to obtain permission)	<input type="checkbox"/> Repeated or long-term use, have used it previously in same or similar manner

Revised for use by Saint Mary's College of California from the "Checklist for Fair Use," a project of the IUPUI Copyright Management Center, directed by Kenneth D. Crews, Associate Dean of the Faculties for Copyright Management.