



Copyright Policy

Policy Statement

The Harris County Robert W. Hainsworth Law Library (“Law Library”) Copyright Policy establishes guidelines regarding the Fair Use of copyrighted materials and the reproduction of such materials, through copying, downloading, scanning, or any other electronic means. This policy will apply to all library patrons.

The Law Library’s mission is “to provide all of its patrons access to relevant, current, accurate, and practical legal information in the most appropriate and cost-effective formats possible and to provide educational opportunities designed to enhance patrons’ understanding of legal information and how it is accessed.” This Copyright Policy supports that mission but also recognizes the Law Library’s responsibility to comply with relevant federal legislation regarding copyright.

What Is Copyright?

Copyright is protection that is given to original works, such as books, articles, photographs, and computer software, and furnishes the owner of that copyright with the right to authorize others to make copies of the work, among other things. Copyright is governed by the Copyright Act of 1976, which can be found in Title 17 of the United States Code. Although the copyright laws give owners of original works exclusive rights to those works, there are some exceptions that allow others to use those copyrighted works. One of those exceptions is found in the Fair Use Doctrine and another in the Library Exemption.

What Is Fair Use?

Fair use permits the unlicensed use of copyrighted materials under limited circumstances. Section 107 of the Copyright Act provides the legal framework for determining whether something is fair use. The Fair Use Doctrine considers four factors:

- 1) Purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- 2) Nature of the copyrighted work;
- 3) Amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- 4) Effect of the use upon the potential market for or value of the copyrighted work. 17 U.S.C. § 107

In addition, anyone can use works that are in the public domain. Works in the public domain are those that never had copyright protection or whose protection has expired. Certain works are currently in the public domain, including U.S. government works that are created by federal employees as part of their official duties.

Library Exemption

In addition to the permissions given under the Fair Use Doctrine, an exemption is available for libraries that satisfy the following:

- (1) the reproduction or distribution is made without any purpose of direct or indirect commercial advantage;
- (2) the collections of the library or archives are (i) open to the public, or (ii) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and
- (3) the reproduction or distribution of the work includes a notice of copyright that appears on the copy or phonorecord that is reproduced under the provisions of this section, or includes a legend stating that the work may be protected by copyright if no such notice can be found on the copy or phonorecord that is reproduced under the provisions of this section.” See § 108(a).

The exemption provided by § 108 permits libraries to copy no more than one article or other contribution to a copyrighted collection or periodical issue or to copy a small part of any other copyrighted work, so long as the copy becomes the property of the user and the library has no notice that the copy will be used for a purpose other than private study, scholarship, or research and the library prominently displays a warning of copyright at the place where orders are accepted and on the order form itself. See § 108(d).

Photocopying Guidelines

Unsupervised Copying by Patrons

The Law Library has made available a self-service copier for use by Law Library patrons. The Law Library has affixed on the wall next to the self-service copier the warning required by 37 C.F.R. § 201.14:

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 specified 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 to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.**

Copying by Staff for Patrons

In addition to the self-service copier, the Law Library provides document printing, copying, scanning, and fax services for all library visitors at minimal cost to the patron. The Law Library provides a book copy request form to patrons who would like to have pages copied from materials in the Law Library's print collection. These forms, on which the patron indicates the pages they wish to have copied, include a warning regarding copyright laws. See form attached below.

Moreover, in accordance with federal law, the Law Library prominently displays a sign next to the Copy

Center window setting forth the warning required by 37 C.F.R. § 201.14:

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 specified 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 to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.**

To comply with federal law regarding copyright, the Law Library may, at the request of a patron, copy no more than one article or other contribution to a copyrighted collection or periodical issue or to copy a small part of any other copyrighted work, so long as the copy becomes the property of the user and the library has no notice that the copy will be used for a purpose other than private study, scholarship, or research and the library prominently displays a warning of copyright at the place where orders are accepted and on the order form itself. See § 108(d). As a rule, a small part of the copyrighted shall be no more than 10% of the resource. If a patron or staff member has any questions about whether a particular copy job may be carried out because of the size of the request, they are to ask a library manager. Moreover, the library is only able to make single copies from copyrighted works. Multiple copies are not permitted unless such copies qualify under fair use or the works are free of copyright limitations.

Downloading/Scanning/Emailing

The rules that apply to copies or scans from printed copyrighted materials apply similarly to materials that are downloaded from a subscription database. However, the terms of the individual licenses determine what can be copied and the amount thereof. Each database has measures to prevent the unauthorized use of proprietary and copyrighted material and are not to be circumvented.

Adopted March 15, 2022