Luther Seminary Copyright Guidelines and Policy
October 2014

Section 1: Respect for copyright law
Luther Seminary and its faculty, staff, and students are expected to respect copyright law (Title 17 of the United States Code, http://www.copyright.gov/title17/) for both print and electronic content that is created, copied, distributed, performed, or used in our community.

Respect for copyright includes but is not limited to:
- All formats of text, pictures, sound, and video including music and dramatic works
- Materials produced by the seminary’s faculty, staff, and students
- Materials available electronically or distributed in print
- Materials restricted to students in a particular class
- Materials duplicated or scanned for personal research use

Section 2: Luther Seminary’s copyright policy
Luther Seminary’s facilities, equipment, staff, and student workers shall only be used to copy, scan, stream, record, and/or distribute material for which:
- copyright analysis or permission is not needed (see Section 3)
- favored in a Fair Use Analysis (see Section 4)
- for which permission has been granted by the copyright holder (see Section 5)

Section 3: Copyright fair use analysis or permission is not needed
- For linking to materials that are freely available through the Web or available through a licensed database
- Materials in the public domain which are typically published prior to 1923 (see http://librarycopyright.net/resources/digitalslider/ for additional nuance)
- Materials offered freely under a Creative Commons license (being sure to observe the terms of the specific license)
- Performance and display of videos and other works within the limitations of Section 110 of the Copyright Act
- Materials needed for the print-disabled when accessible copies are not readily available (as described in Section 121 of the Copyright Act)

Section 4: Copyright Fair Use Analysis
When copyright is active and permission has not been obtained, the only way to use copyrighted materials is through fair use. Within the parameters of copyright law, provisions have been made for use of materials by non-copyright holders including “fair use” as codified in section 107 of the copyright law.

“...the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining
whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

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."


ORDINARY FAIR USE ANALYSIS:
Fair use will generally be assumed when involving a small, appropriate quantity (single chapter, journal article, or less than 15% of the whole work), with restricted access for personal research or distributed to students in a class, and with a non-profit, educational purpose.

EXTRAORDINARY FAIR USE ANALYSIS:
When not within the parameters of the simple analysis, fair use must to be demonstrated by use of the attached Copyright Fair Use Analysis Checklist in consultation with a librarian or the Academic Dean’s Office. Any duplication or electronic posting request relying upon fair use beyond the ordinary analysis above must include a completed checklist, which will be retained as added pages to the copyrighted materials.

Section 5: Obtaining permission
When the Copyright Fair Use Analysis does not favor use, permission is required from the copyright holder. In some cases, the author, publisher, or distributor can be contacted directly or the Copyright Clearance Center (http://www.copyright.org) can usually assist in obtaining and collecting fees for the necessary authorization. Modest fees for instructional purposes may be paid for by the library.

Section 6: Questions and concerns
Questions regarding these guidelines, the checklist, or other copyright issues should be directed to a librarian or sent to reference@luthersem.edu. Concerns about or violations of this policy should be referred to the Academic Dean’s Office.