

## Copyright Checklist for Libraries: Providing Copies for Private Study

Copyright Advisory Office  
Columbia University Libraries  
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<http://copyright.columbia.edu>

User Request for Copy: \_\_\_\_ Yes \_\_\_\_ No                      Date: \_\_\_\_\_

Library: \_\_\_\_\_

Citation or Description of Materials Copied: \_\_\_\_\_

The following checklist applies to the reproduction of a copyrighted work by a library or archives for purposes of giving that copy to an individual user. The library or archives may make such copies pursuant to Sections 108(d) and 108(e) of the U.S. Copyright Act, and if all requirements are met, the library or archives may lawfully make one (1) copy or phonorecord of a work to fulfill a user's individual request for the material. The Copyright Advisory Office suggests that the person making the copy at the library or archives complete and retain this checklist to document compliance with Section 108 of the Copyright Act. Keep in mind that if your planned copying does not fit the requirements of Section 108, you may still pursue possibilities under fair use or another exception in the copyright law, or obtain permission from the copyright owner.

### Requirements of the Library or Archive

- 1. The collection of the library or archives meets one of the following descriptions: (a) It is open to the public; or (b) It is available not only to researchers affiliated with the institution, but also to others doing research in a specialized field.
- 2. The reproduction must not be made for any direct or indirect commercial advantage.
- 3. The reproduction must include one of the following copyright notices: (a) The copyright notice appearing on the original work to be copied; or (b) If no such notice can be found on the work to be copied, a legend stating that the work may be protected by copyright law.
- 4. The library or archives prominently displays a copyright warning, in accordance with requirements of the Register of Copyrights, at the place where orders are accepted and on its order form. For more details about the notice requirements, see ([link to Copyright Notices for Private Study](#)).

## Requirements of the Work to Be Copied

- 5. The copied work is made from the collection of the library or archives where the user makes the request or from the collections of another library or archives (such as through Interlibrary Loan).
- 6. The copied work is either: (a) No more than one article or contribution to a collection or periodical issue or a small part of any other work; or (b) The entire work or a substantial part of a work if, after a reasonable investigation, the library or archives has determined that a copy or phonorecord of the work cannot be obtained at a fair price.
- 7. The work that is copied may be either published or unpublished, and the work must be one of the following:
  - Textual work or sound recording (but not a sound recording of music—see exclusions listed below);
  - Audiovisual works dealing with news; or
  - Pictures and graphics published as illustrations, diagrams, or similar adjuncts to an allowed work (e.g., photograph included in an article).

The work copied must **NOT** be any of the following:

- Musical works (musical composition, such as sheet music or a recorded version of a song);
- Pictorial, graphic, or sculptural works (but see allowed “adjunct” pictures); or
- Motion pictures or audiovisual works (but see allowed “news” audiovisual works).

## Requirements for the Copy

- 8. The library or archives has had no notice that the copy or phonorecord will be used for any purpose other than private study, scholarship, or research.
- 9. The copy or phonorecord becomes the property of the individual user.

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