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## Copyright and Fair Use

1 message

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**Academic Affairs** <Academic.Affairs@fredonia.edu>  
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To: FACULTYSTAFF@listserv.fredonia.edu

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***This message is from Randy Gadikian on behalf of Reed Library. Please direct any questions to him at [Randolph.gadikian@Fredonia.edu](mailto:Randolph.gadikian@Fredonia.edu).***

In light of the recent Proftalk discussion regarding using a PDF copy of a textbook found online, below are some \*guidelines suggested by Reed Library.

While the Librarians at Reed by no means see ourselves as "experts at copyright", we do often help faculty with questions such as these. The question posed originally has less to do with intellectual freedom, and more to do with copyright and student access to materials.

In reference to linking to a full-text PDF book on the Internet, the risk is twofold. First, you need to know if the document is still "under copyright" in the United States. Generally, according to this document from Cornell [Copyright Term and the Public Domain in the United States](#), which is based on the US Copyright office information, public domain books that are copyright free are from 1923-back. After that, it gets a little complicated, but again, is generally 70 years from the death of the author. The PDF of the text online should have a copyright date or a [Creative Commons license](#) that outlines what can be shared.

So, let's say the textbook is from 1985 and someone on the Internet put it up online (they took the book, scanned it and shared it with the world). It's still under copyright, and therefore, linking to it is unethical. While it is saving our students money, it is clearly violating copyright. If the author or publishing company hasn't permitted it on the open web, then it isn't ok. Mike Grady (via Proftalk) gave some good examples for projects like [openstaxcollege.org](http://openstaxcollege.org) and [Open SUNY textbooks](#) initiatives which are creating textbooks with the purpose of making them free for faculty and student use. Faculty authors still get paid but only as a one-time fee, and not for royalties. Empire State has a great guide on [using and finding open textbooks](#) that might be useful to look at.

The second problem is student access to information. If the textbook is online from 1985, and it hasn't been authorized, then the students could lose access at any time. It isn't a stable or permanent link. Publishers often "fish" for such violations and the information is taken down without notice.

Again, there are so many exceptions to copyright that it is impossible to make a firm statement, so worry more about stable access for students when considering linking. A good example is a couple of years ago when the government was "shut down". We lost access to many government websites that are usually stable. It caused us to have to do a lot of scrambling. You wouldn't want your students to do that with a textbook.

So what's a professor to do?

The library has used the rule of thumb of 10% of a work to be put up on ANGEL, or the equivalent of 1 chapter at a time for e-reserves. While we do fall under the heading of fair use as an educational institution, there are limits to fair use. There have been many legal cases that are calling even this rule of 10% into question (see this recent article from [Inside Higher Education](#) from October 2014). Basically, the courts have ruled that while we do have fair use in digitizing portions of books, there are limits. The library is currently investigating whether SUNY has a policy on Fair Use relative to electronic

publication use. The University of Minnesota has a nice website on Fair Use for Instructors <https://www.lib.umn.edu/copyright/teaching> that might help in your decision making.

The library can help by assisting you in linking to ebooks for your classes. These are books the library has purchased. An unlimited amount of people can view these titles at one time. You can get to our ebook holdings from the library homepage by clicking on the tab for ebooks, as illustrated below:



We have two main providers for our e-books. Springer and Ebrary. When you search our ebooks, Springer titles give you a permalink that you can add to ANGEL. Ebrary takes a few more steps. Please see the Ebrary tab in this guide we created for linking articles and books to ANGEL:

[http://fredonia.libguides.com/ANGEL\\_links](http://fredonia.libguides.com/ANGEL_links)

The information on this guide will also give you instructions on how to link to articles from our subscription databases to use as readings in your classes. In order to ensure that students will have access to articles off-campus through ANGEL, there might be additional steps, so please take a quick look at the guide. We also have access to online encyclopedias available at the database [Gale Virtual Reference](#), that can also be linked to as a whole book or just an entry.

If you decide to use one of our ebook titles, please let the library know so that we can more readily assist you and your students.

If you need assistance with linking to ANGEL from any of our proprietary resources, or anything about our databases, library instruction, etc. we are happy to help. Please contact us at [reedref@fredonia.edu](mailto:reedref@fredonia.edu) or in person at Reed Library.

Thank you

\*Please note: These are guidelines and any in-depth copyright issues should be directed to legal council.

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