Emmanuel d'Alzon Library Link

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From the Director's Desk: Copyright & Fair Use

DORIS ANN SWEET

Copyright and fair use are hot issues for both the publishing and library/research communities. Fair use provisions in the law allow use of copyrighted material, in certain circumstances, without the need to seek permission. This year has seen court rulings in three important cases that favored fair use for libraries and researchers. The final word is not in on these cases, however, since appeals are expected in at least two of them.

I attended a workshop in December at which Brandon Butler, an intellectual property attorney and Director of Public Policy Initiatives at the Association of Research Libraries (ARL), reviewed these recent cases and how they relate to libraries. He also provided an in-depth discussion of the recent ARL publication, *Code of Best Practices in Fair Use for Academic and Research Libraries.*

Perhaps the most important case for libraries was the suit brought against Georgia State University by three publishers, actually instigated and funded by the Copyright Clearance Center and the Association of American Publishers, back in 2008. Libraries have been waiting anxiously for an outcome to this case, since it is virtually the first fair use case to be brought that was aimed primarily at a library. The challenge was to e-reserves and documents posted by faculty. In her ruling last summer, the judge detailed her analysis of fair use for the 99 alleged violations and found that only 5 could possibly be considered fair use violations. Whether the library or a faculty member posted the document to the course management system seemed to be of no import to the judge. She also clearly affirmed that course reserves are not the same as course packs, a comparison promoted by the plaintiffs. Georgia State was declared the winner of the case and awarded three million dollars in attorneys' fees. This amount is now in escrow as the case is being appealed. The initial

ruling, nevertheless, is very encouraging for libraries and academic institutions in general. The assertion by the Copyright Clearance Center and other organizations that royalty fees should routinely be paid for documents placed on e-reserves or posted on course management systems was soundly rejected and fair use affirmed by the judge.

Our own practice for e-reserves is to apply a fair use analysis, using four factors mentioned in Section 107 of the Copyright Act:

- Nature of the use
- Nature of the work used
- Extent of use
- Economic effect of the use

Because such an analysis requires judgment and knowledge of what may be encompassed in each factor, we are extremely happy to have ARL's new *Code of Best Practices in Fair Use for Academic & Re-*

Director cont.

(Continued from page 1)

search Libraries as a tool to help us out. The *Code* was developed after extensive individual surveys of librarians, as well as group discussions, with participation from all sizes and types of academic and research libraries. The *Code* was then reviewed by a legal team. It provides "principles," rather than specific guidelines, but the principles are accompanied by examples and explications rooted in the digital realm in which we operate. Anyone who wishes to read the excellent introductory and overview sections and obtain a flavor of the principles that form the core of the work, can find the publication online at http://www.arl.org/pp/ppcopyright/codefairuse/code/index.shtml.

In his workshop presentation, Butler pointed out that there has been a significant shift in judicial interpretation of fair use since 1990, and that the concept of "transformativeness" has become an increasingly important element. Two key questions a judge might ask are:

♦ Is your use transformative--is your use for a new purpose, context, audience, or insight, for example?

♦ Did you use an appropriate amount, given your transformative purpose?

Butler suggests that faculty members who can articulate a pedagogical rationale for transformative use of material and for the amount they are using, are in a stronger position to assert their use of materials as fair use.
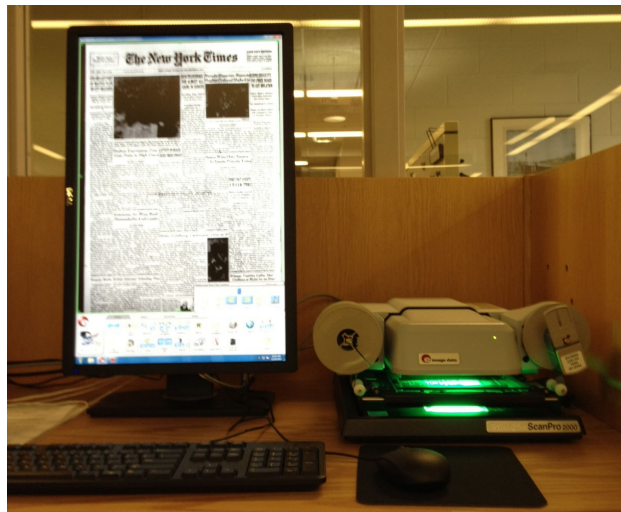
As always, library staff is happy to discuss any questions you have regarding fair use and copyright, and also share any copyright resources that might be helpful. Three of us, Libby Lipin, Robin Maddalena and I, are making special efforts to keep current with copyright rulings and events in this suddenly-spotlighted area of fair use.

Another New Scanner

MARY BRUNELLE

In our ongoing efforts to update our technology and equipment, we are happy to announce the addition of another new scanner: ScanPro 2000. This new scanner reads microfilm and microfiche, and it replaces our two very old microform readers/printers. These old readers were unreliable and costly to maintain, and their capability to read film was quite limited. By offering ScanPro, we now offer researchers a number of options to read, manipulate, save, and print microform images. We even have an oversized monitor that rotates lengthwise, to allow the user to read an entire newsprint page at a glance.

ScanPro generally is regarded in the library community as the premier microform scanner, and for good reason. The software allows the user to modify the image with many manual and automatic features. Users can erase dark spots, brighten photos, and rotate, crop, and flip images. It is like Photoshop for microfilm! Once the user has the desired image, s/he can print via HoundPrint or save as a PDF. There even is an option to save multiple images to a single PDF, which is helpful for newspaper articles continued on multiple pages of newsprint.

The ScanPro station is located just outside the Reference office. Library staff members always are ready to help users with any questions.

Students — Start Your Research!

NANCY O'SULLIVAN

Before long it will be time to start thinking about your research assignments for this semester. The research process may seem overwhelming at times, but if you break it down into steps, it becomes more manageable. Here is a quick outline:

- Use Reference books (encyclopedias and dictionaries) in the library as well as your textbook to get background information about a general topic that interests you.
- Define and refine your topic. What specific question would you like to answer in your paper? *A good paper begins with a good research question.*

- Identify key terms, concepts and search terms in your research question. Use synonyms.

- Find resources. Use books, journal articles in databases and even reputable websites, if they are permitted by your professor. Keep track of your citation information so you don't need to reconstruct it when you are finished.

- Refine your topic further. Once you learn more about your topic, you may find you need to revise your research question.

- Cite your sources properly, and always avoid plagiarism!

- Research librarians are here to help you, so come see us! You can also check out our Research Process research guide for more information.

CITATION NEWS

EasyBib's Mobile App

EasyBib makes it simple to enter a book citation into your citation list. Once you have downloaded the app on either your iPhone or Android, aim your phone at the ISBN bar code on the back cover of the book. EasyBib reads the barcode and finds the citation in its database. You can then email it to yourself. It couldn't be easier!
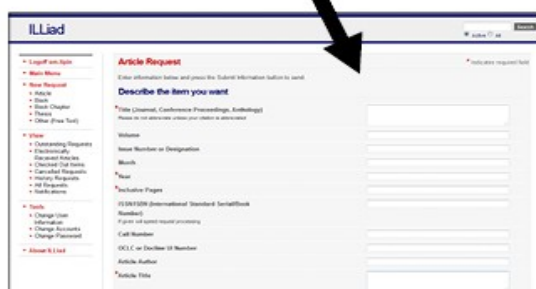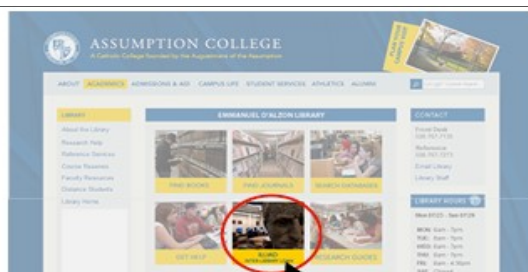
Citing a Tweet

Do you know how to cite a Tweet? MLA has come out with guidelines for just those citations, and it's pretty easy!

Last Name, First Name (User Name). "The tweet in its entirety." Date, Time. Tweet.

Be sure to follow the Library on Twitter (@dalzonlibrary). Maybe you'll read a citation-worthy tweet!

LIBRARY SERVICE OF THE MONTH
@ the Emmanuel d'Alzon Library

I L L I A D
(INTERLIBRARY LOAN)

WHERE IS IT?
Start at the library's website:
(http://www1.assumption.edu/dept/library/), click on the bottom middle box, then login or create an account

WHY USE IT?
- Place requests to borrow materials from other libraries that our library does not own
- Gives you access to materials at hundreds of libraries around the world
- Books are delivered to the library for you to use
- Journal articles will be sent to your ILLiad account electronically - view them online!

WHEN IS IT AVAILABLE?
24/7! For ILL help - Email: ill@assumption.edu or Call: 508-767-7135

/'ilēəd/ - ILLiad is the name of our Interlibrary Loan (ILL) service. If you find a book or journal article that you would like to use, but our library does not own it, request it through ILLiad, and we will ask to borrow it from another library on your behalf!

Useful Library Tools and Services

LIBBY LIPIN

Starting this past September, you may have noticed the many "table tent" signs that popped up on top of the tables around the first floor of the library (such as the one you see in the picture above).

These little signs are here to spread the word about the featured Library Service of the Month. Each month, a different service or tool that the library offers is profiled. In addition to the table-top signs, you can find out about the service of the month via the screensavers on the computers in the library, or the announcement on the College's television station, ACTV.

Though the service profiled changes every month, one thing is always true: the Library Service of the Month will always be a resource, tool, or service that can make your research life here at Assumption run a little more smoothly.

For example: January's Library Service of the Month is our Interlibrary Loan service, ILLiad. Whenever you find out about an item, such as a book or article, that would be perfect for your research but our library doesn't happen to own it, you can make a request through the library's website for this item. We will then ask a library that does own the item to lend us their copy on your behalf, and have it delivered to our library. Interlibrary Loan opens up the collections of hundreds of libraries worldwide, and

because libraries are able to work together through this system, it becomes possible for you to access thousands more resources than would otherwise be possible. For more information about ILLiad Interlibrary Loan, please contact the staff at x7135, ill@assumption.edu, or ask a Reference Librarian.

The Library is here to support your learning – be sure to take advantage of every tool and trick we have up our sleeves for you!

And don't forget to watch for the next Library Service of the Month as the Spring Semester rolls on.

We Can Request That For You!

Can't find what you looking for in Assumption Library? We can request the library materials you require from other libraries in the immediate area, within the state of Massachusetts, across the states and even sometimes from abroad

Assumption College Library uses *Illiad* Interlibrary Loan (ILL) software to facilitate and enhance your ILL service. *Illiad* allows you to track your ILL requests while they are in progress and to view your ILL history.

To request an item through ILL you must first create a username and password. To do this you will need to go to the library homepage, click on the Illiad icon and select "First Time Users." Read, and proceed to "First Time Users Click Here" and fill out the new user registration form. At this time you will be able to make your first request for an article or a book loan.

Requesting a Book
Please provide as much information as you can, including the full title, author's name, publisher, edition, and the ISBN number if possible. This will expedite your request. The average turnaround time for receiving and processing book loans is 5-7 business days. You will be notified by e-mail when your book arrives.

Requesting an Article
The following information is required to expedite your request: the title of the journal, volume and issue number, date, pages, title of the article, article author, and, when possible, the source where you found the citation. Articles usually take 1-3 days to arrive and sometimes longer if they are more difficult to obtain or coming from overseas. Articles will be delivered to you electronically unless they have been delivered to us by mail or fax. If the latter is the case, we will notify you by e-mail and your article will be kept at the circulation desk or mailed to you

We are pleased to report the library has gained a wonderful new microfilm scanner that enables you to request and read microfilm sent from other schools. The scanner allows you to browse through newspapers and articles that have been microfilmed and to save and e-mail the scanned images (see article on p.2).

Loan Periods
The loan period for borrowed material is established by the lending institution. In most cases the lending library allows at least a 2-week loan. To ensure continued borrowing privileges, it is important that all materials are returned by

VIVIENNE ANTHONY

their due dates.

Renewal Requests
Renewal of material is not guaranteed and is at the discretion of the lending library. If you need to renew material (s) please contact the interlibrary loan office 1 week prior to the due date so that we can ask the lending institution for an extension on the loan period. Our interlibrary loan office will contact you and inform you if an extension was given. If the renewal is denied we can request a copy of the item from another library.

We wish you all a very **Happy New Year** and look forward to filling your interlibrary loan requests!

If you require assistance with interlibrary loan login, or if you have any questions regarding the Interlibrary loan service, please contact Vivienne Anthony at vanthony@assumption.edu x7291
or Robin Maddalena at r.maddalena@assumption.edu

ILLIAD INTER-LIBRARY LOAN

YOU ASKED...WE LISTENED:

THE **OXFORD ENGLISH DICTIONARY**, KNOWN AS THE **OED**, CAN NOW BE FOUND ON OUR WEBSITE, LISTED ON THE *SEARCH DATABASES* PAGE, AS WELL AS IN THE CATALOG, LOCATED IN THE *FIND BOOKS* PAGE.

Film and Video: Fair Use & Public Performance Rights

ROBIN MADDELENA

Section 110 of the U.S. Copyright Act(http://www.copyright.gov/title17/92chap1.html#110) states that "performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction" is not a violation of copyright. This allows a professor to show a film in the classroom without obtaining permission from the production company or distributor.

If educational use of film in the classroom is considered fair use, with no permission required, then when is it necessary to seek copyright permission? A good example is the case of a film screened on campus for a general audience. The same film on climate change that students viewed as part of a class activity, will usu-ally require "public performance rights" when it is shown to a group whose participants include members not enrolled in the course. Fair use does not normally cover a film shown to a group of people outside of the course, whether they are members of the general public, or even students enrolled in the college but not in the course.

If you believe that public performance rights are needed, you may wish to request these rights when you ask the Library to purchase a film. By obtaining permission at the point of purchase, you then can legally screen a film for a general audience. In practice, some film producers require permission for public performance, but no fee. We have purchased some films that include permission for public performance rights in the basic purchase price. Sometimes there may be a limit to the number of viewers allowed—for example, public performance for an audience of up to 40 people. Major feature films tend to have large fees attached for public performance permissions. Since it may take time to contact a producer or distributor to ascertain the availability and terms of public performance rights, be sure to make your request at least a few weeks before you need the film.

New Staff

Welcome to Our Newest Librarian, Kate Bejune

This past October, we welcomed Kate Bejune as our newest Reference and Information Literacy Librarian. Kate earned a BS degree in Human Development from Cornell University and an MS in Library and Information Science from Syracuse University. She has seven years of reference and cataloging experience, and most recently worked at the Purdue University Libraries as the Monographs Cataloging Coordinator. Her position here at Assumption will be to provide reference and information literacy services to support the curriculum and research needs of the college community. Kate works Tuesday, Wednesday, and Thursday. Library staff members are delighted to have Kate on board!

PHIL WATERMAN

Kate can be contacted at ke.bejune@assumption.edu or x7020.

Kate Bejune

By the Numbers: Interlibrary Loan

VIVIENNE ANTHONY

IN 2012 WE FILLED **2325** BORROWING REQUESTS FOR OUR ASSUMPTION COMMUNITY

In 2012, we loaned 2532 items to other libraries

Average turnaround time for article delivery **2.78** days although many articles are received within a day!

D'Alzon Arts

JOAN O'ROURKE

The 2012 season of the d'Alzon Arts Series included two very special shows. It was standing room only at the Opening Reception for the wonderful photography exhibit presented by our campus electrician, Ken Welch. This was followed by the equally exciting Student Art Show, which can be viewed through January 25 and features the extraordinary work of our students.

During the month of February, the touring White Rose Exhibit will be on display in the Library. This exhibit focuses on the actions of a student resistance group against the dictatorship in Nazi Germany. We are looking forward to this interesting exhibit.

Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation.

-- John F. Kennedy

FUTURE EVENTS

ROSEMARY AND JIM MARSHALL
MARCH 4 – APRIL 11
OPENING RECEPTION – TUESDAY, MARCH 12

SENIOR SEMINAR ART SHOW
APRIL 14 – MAY 9
OPENING RECEPTION – THURSDAY, APRIL 18

CONTRIBUTORS

VIVIENNE ANTHONY
MARY BRUNELLE
LIBBY LIPIN
ROBIN MADDELENA
JOAN O'ROURKE
NANCY O'SULLIVAN
DORIS ANN SWEET
PHIL WATERMAN

COMPILED BY: BARRIE MOONEY

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