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Copyright Clearance Center

Using E-Reserves

Guidelines and Best Practices for Copyright Compliance

Many institutions use electronic reserves (e-reserves) to curate and share digital resources. These "e-reserves" — ranging from electronically scanned paper documents to other content that originates in electronic format (such as online journal articles) — are typically made available to students through an academic department website, a learning management system, or a library network. These systems usually require password authentication and enable students to electronically download and locally print the reserve material.

Best practices and guidelines for using e-reserves

It is important for librarians, instructors, and students to remember that, from a copyright law perspective, there is no distinction between paper reserves and e-reserves. The same fair use guidelines apply to e-reserves; if the particular use of content doesn't meet the fair use criteria in hard copy form, it is unlikely to be considered fair use in digitized form. The following principles summarize key guidelines and encapsulate examples of best practices followed by many academic institutions regarding their e-reserves.

- **Online doesn't mean "free"** – Widespread use of the Internet has fostered misconceptions concerning the lawful use of copyrighted information in electronic form. However, the same copyright rules apply — simply because content is online does not mean it is free from copyright protection. Make sure you have permission before posting content.

- **Limit e-reserve materials to small excerpts** – Most experts advise using a single article or chapter, or less, of a copyrighted work, but even brief excerpts must be viewed in the overall context of other readings offered for a course. If the total effect is to create a compilation or "digital coursepack" of unlicensed materials, the case for treating individual excerpts as fair use is significantly weakened and permission should be sought.

- **E-reserves are not a substitute for the purchase of textbooks** – It violates the intent, spirit, and letter of the law to use e-reserves as a substitute for the purchase of books, subscriptions, or other materials when substantial portions of the material are required for educational purposes.

- **"First semester free"** – The "first use is free" standard invoked by many libraries is not part of the Copyright Act or any subsequent rulings or agreed-upon guidelines. Any content posted in an e-reserve channel always requires copyright permission, unless it is covered by fair use, public domain, or other interlibrary exception.

- **Get permission before posting** – Unlike loans, you need to secure copyright permissions prior to posting content. Reposting of the same material for use in a subsequent semester requires a new permission.

- **Passwords are a good start** – Restricting access to e-reserves through passwords or other authentication measures is a helpful, good-faith practice because rightsholders typically grant permission and charge fees based on the number of students enrolled in a course. In fact, these types of protections may make rightsholders more likely to grant permission, since they are stricter control mechanisms than controls for paper reserves. However, by itself, the use of authentication measures such as passwords is not enough to satisfy the fair use standard and permission is still required prior to use of the content.

- **Know what you've paid for** – Reuse rights included in subscriptions vary greatly by publisher. Be sure to check your license's terms and conditions to determine if the rightsholder has granted you permission to post the copyrighted work in an e-reserves forum.That can alleviate the need to request permission and ensure you don't pay twice for posting rights you already hold.

- **Remove expired e-reserves promptly** – Make sure you take down (or remove access to) copyrighted e-reserve content for a particular class when the term concludes.

- **Include copyright notices** – Materials on e-reserve should contain both the copyright notice from, and a complete citation to, the original material as well as a clear caution against further electronic distribution.

The most convenient way to get permission from thousands of rightsholders to share information with students, colleagues, alumni, the media, and more.

The best way to secure copyright permissions for your e-reserves

You can obtain permission to use copyrighted content for your e-reserves in the same way that you would for paper reserves or printed coursepacks. Let the rightsholder or its agent know what material you want to use, in which course, for how long, and how many students will have access to it. The rightsholder will decide whether to grant permission and what price to charge for the material you are seeking to share with students.

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