Copyright Controversy

The Association of American Publishers issued a working document earlier this year entitled Draft College and University Policy Statement Concerning Photocopying by Faculty and Staff to be distributed to university legal counsels throughout the United States. The AAP issued the document in the wake of litigation with "campus copy mills" that allegedly were producing "pus copy mills" that allegedly were producing copies of copyrighted works.

The AAP issued the document in the wake of litigation with "campus copy mills" that allegedly were producing copies of copyrighted works. It is the policy of [name of institution] that, in the absence of permission from the copyright owner, multiple copies of copyrighted books, periodicals, or parts of such works should generally not be made by or for faculty or staff unless the copying is permitted by the guidelines attached as Appendix A to this memorandum.* It is possible that, in some cases, the copying of a work Outside the university, there is myriad of possible work experiences one could find in the information industries.
ACRL'S FAST JOB LISTING

Looking for a job? Our Fast Job Listing will send you job postings received at ACRL headquarters four weeks before they appear in C&RL News. The Fast Job Listing Service also contains advertisements which, because of narrow application deadlines, will not appear in C&RL News.

The ACRL office prepares a Fast Job Listing circular at the beginning of each month and mails it to subscribers first class. The circular contains all job announcements received during the previous four weeks.

The cost of a six-month subscription is $10 for ACRL members and $15 for nonmembers. You may enter your subscription below.

Please enter my subscription to the ACRL Fast Job Listing Service.

____ I am a member of ACRL and am enclosing $10.
____ I am not a member of ACRL and am enclosing $15.

NAME:

ADDRESS:

Please make checks payable to ACRL/ALA and send to Fast Job Listing Service, ACRL/ALA, 50 E. Huron St., Chicago, IL 60611.

small part of a work for educational purposes would be considered a "fair use" under the law, even if falling outside a strict application of the guidelines (in no event would this include the reproduction or use of collections of copied portions). However, in order to avoid uncertainty and unnecessary exposure to liability, we urge faculty and staff to adhere closely to the guidelines, and to request permission of the copyright owner before making copies that do not come within all specific terms of the guidelines. This policy is applicable to the reproduction of multiple copies by commercial copying centers, by [name of institution]'s central copying facilities, and on self-service machines. The reproduction of multiple copies on [name of institution]'s library facilities is also generally subject to these principles; but copying solely for library reserve and interlibrary loan will be subject to additional specific instructions and is not covered by this memorandum.

Guideline Copying. The guidelines attached as Appendix A* permit certain copying without permission from the copyright owner and without payment of fees. These guidelines were agreed to by the Authors League of America, Inc., the Association of American Publishers, Inc., and the Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revision, and were approved by Congress in the legislative history of the Copyright Act of 1976. They were also adopted as the sole exception to unauthorized multiple photocopying in the [litigation] referred to earlier. [Name of institution] endorses these guidelines as a workable statement of fair practice that offers practical guidance to faculty members and proper safeguards to copyright owners.

Faculty and staff members are urged to familiarize themselves with the guidelines. Note, for example, that:

• Copying is not permitted "to create or to replace or substitute for anthologies, compilations, or collective works." This means, for example, that without permission of the copyright owners of all works involved, faculty and staff members should not make, request, or use copies as a collection of "course readings" or the like.
• To be permitted by the guidelines both the copying and the use of the copies must be "spon-

*Appendix A in the draft policy consists of the 1976 Classroom Guidelines.
The precedent-setting, budget-cutting "reconciliation" bill approved by Congress on July 31 sets new and lower authorization levels (or caps on funding) for federal library programs. The amounts for Higher Education Act library programs are as follows:

<table>
<thead>
<tr>
<th>Higher Education Act</th>
<th>FY '81 Funding</th>
<th>Previous '82 Authorization</th>
<th>New Authorizations FY '82, '83 &amp; '84</th>
</tr>
</thead>
<tbody>
<tr>
<td>II-A College libraries</td>
<td>$2,988,000</td>
<td>$30,000,000</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>II-B Research, demonstrations</td>
<td>917,000</td>
<td>30,000,000</td>
<td>1,200,000</td>
</tr>
<tr>
<td>II-C Research libraries</td>
<td>6,000,000</td>
<td>15,000,000</td>
<td>6,000,000</td>
</tr>
<tr>
<td>II-D Nat'l periodical system</td>
<td>-0-</td>
<td>750,000</td>
<td>-0-</td>
</tr>
</tbody>
</table>

Since current funding does not approach the previous authorization levels, what do these changes really mean?

First of all, there is little or no room for growth or for adjusting to inflation over the next three years.

Second, the capacity for internal bargaining has been destroyed. For instance, in the past the Education Department might have requested $5 million for library research. The Office of Management and Budget might have cut that down to $3 million, and Congress could then shave it further to $2.5 million, which would have been higher than the level authorized. Such negotiations are no longer possible.

Third, there is no possibility of federal funding in the next few years for the national periodical system study authorized by HEA II-D.

Actual funding levels for fiscal year 1982 for HEA II-A, B, and C are still to be determined by Congress.

The pressure to target II-A college library grants to the smaller, needier institutions is still alive and well. That effort was finally abandoned as desirable but unworkable in last year's extension of the Higher Education Act. However, it reappeared in a strange form in the House version of the budget cuts. Language was included which would have precluded any institution eligible for a II-C research library grant from receiving either a II-A or II-B grant. This language was intended to target II-A and II-B to smaller institutions, but it would have had the unfortunate effect of eliminating many library schools from the training and research programs. In addition, it might have given the Education Department the sticky task of developing a list of eligible II-C recipients. The final provision simply extends current law to say that II-C recipients may not receive either a II-A grant or a II-B special purpose grant (currently unfunded) for joint-use library facilities, consortium efforts, or special needs.

In other action, Rep. Bill Ford (D-Mich.), managed to minimize the chances of immediate increases in the library postal rate, and Sen. Daniel Moynihan (D-N.Y.) extracted a commitment from Senate leadership to consider his remedy for the Thor Power Tool IRS ruling affecting publishers' backlists (see C&RL News, December 1980) in the next tax bill. The tax cut measure just passed allows non-itemizers to take a deduction for charitable contributions, and increases the allowable corporate charitable contribution deduction from 5 to 10 per cent of taxable income. Perhaps some of the additional largesse will find its way to academic institutions and their libraries.