

**E-reserves threatened at Cornell**

In April, the Association of American Publishers (AAP) contacted Cornell University, believing the school was infringing copyright and warning of possible litigation. AAP was particularly concerned that some faculty may be ignoring the need to seek permission for the use of protected works in digital formats when making them available via electronic reserve, or e-reserve. In response, Cornell drafted a new policy—"Cornell Electronic Course Content Copyright Guidelines"—to provide faculty with guidance on how to determine if copyright permission is required when posting course content ([www.copyright.cornell.edu/policy/Copyright\\_Guidelines.pdf](http://www.copyright.cornell.edu/policy/Copyright_Guidelines.pdf)).

Along with the course content document, Cornell also provided faculty with a modified version of Indiana University-Purdue University Indianapolis's "Checklist for Fair Use," titled "Checklist for Conducting a Fair Use Analysis Before Using Copyright Materials" ([www.copyright.cornell.edu/policy/Fair\\_Use\\_Checklist.pdf](http://www.copyright.cornell.edu/policy/Fair_Use_Checklist.pdf)) to help faculty apply the fair use exception. Neither of these recent documents address or revise Cornell's existing library reserve policy.

The two new documents are not a revision of copyright law, though, and should not be considered "safe harbors" or the new standard for colleges and universities. These new documents have not been endorsed by any educational or library associations; they are Cornell's response to its own situation. Each institution should assess its own environment and consider if faculty need more information on copyright law, how it may or may not apply to both print and digital works, and how to apply fair use to determine if permission for the use of course content is required. Interestingly, we learned at the ACRL conference from Tracy Mitrano,

Cornell's director of IT policy and of the computer policy and law program, that E-reserve requests have dropped by 70 percent since the documents were made available to faculty, even though the library's e-reserve policy was not modified.

Libraries have long provided access to materials selected by faculty that are required or recommended course readings in a designated area of the library, with materials available to students for a short loan period and perhaps with additional restrictions to ensure that all students have access to the material. Libraries have based these reserve reading room operations on the fair use provisions of the Copyright Law (Section 107).

In the last 20 years, many libraries have introduced e-reserve systems to enhance access to materials key to course curriculum. Enrolled student can now simultaneously access materials in the library or remotely. Students who wish to have a copy of the reading can print it from the e-reserves systems rather than having to take the original volume to a photocopy machine.

As a result of the increase in licensed electronic resources, the percentage of print materials requested and digitized for e-reserves is diminishing since libraries can direct users to online database. E-reserves practices for these materials vary widely and are influenced by institutional organizational structures, the information and technology infrastructure, manpower, demand, and the copyright law.

For information on course reserves and copyright, see "Applying Fair Use in the Development of E-Reserves Systems" at [tinyurl.com/3c3r4r](http://tinyurl.com/3c3r4r).

If you want to talk with other librarians about copyright and reserves, visit the Copyright Advisory Network at [www.librarycopyright.net](http://www.librarycopyright.net). Course reserves come up frequently in discussion and knowledgeable copyright librarians can provide guidance. ¶

---

Andy Bridges is communications specialist at ALA's Washington Office, e-mail: [abridges@alawash.org](mailto:abridges@alawash.org)