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copyright in the library

Making copies for patrons

Section 108 authorizes libraries to make copies requested by patrons. The is neutral regarding the medium of reproduction, thus, "copies" are not so narrowly defined as they are in the archive provisions. One may make a photocopy or an digital copy or send a fax.

Articles or small parts of works

If a patron requests part of a book or an article that the library has in its collection,¹ the library can make the copy so long as it complies with the provisions of Section 108(d):

- The copy must become the property of the patron;
- The library should have no notice that the copy will be used for a purpose other than private study, scholarship or research;
- The library should display and have on its order form a standard "[Warning of Copyright.](#)"

Whole works

If a patron requests a copy of an entire work, the library can make the copy so long as it complies with the provisions of Section 108(e):

- Determine that a copy (even a used copy) cannot be obtained at a fair price;
- If you make a copy, it must become the property of the patron;
- The library should have no notice that the copy will be used for a purpose other than private study, scholarship or research;
- The library should display and have on its order form a "[Warning of Copyright.](#)"

Warning of Copyright

Sections 108(d)(2) and (e)(2) require that libraries warn patrons about copyright law, and the Copyright Office tells us exactly what the warning should say.² The regulation requires that we inform the patron about certain facts (see below), but it does not require us to be sure that a patron is acting properly in making a request or require that he or she declare compliance with the law. The library is, however, permitted to deny requests that it believes would violate the law.

Footnotes:

¹ See [Making copies: Interlibrary loan](#) for guidance regarding requests that cannot be fulfilled from the library's collection and for requests from other libraries for their patrons.

² 37 CFR Section 201.14. The warning can be found on pages 19 and 20 of [Copyright Office Circular 21](#), "Reproduction of Copyrighted Works by Educators and Librarians." To find the warning quickly, search the document for 201.14.

The subjects in this series include:

Fair Use (Section 107)

- Reserving works for limited use, generally
- Print copies in the reserve room
- Reserve rooms for images, audio and audiovisual works
- Providing access to electronic copies
- Library copying for patrons and for the library's collection

Library reproduction and distribution (Section 108)

- Archiving
- Patron requests
- Unsupervised copying, news programs and contractual limitations on acquisitions
- Interlibrary loan

Other

- Scholarly communication
- The digital library
- Licensing access
- Is your library an Internet service provider under the DMCA?

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