GENERAL STATEMENT:
It is the policy of Libraries and Learning Technologies (LLT) to promote understanding of copyrights and compliance with all applicable provisions of copyright law, including exercise of the exemptions accorded to uses of copyrighted works.

The American University in Cairo (AUC) is an American institution incorporated in Delaware with offices in New York, therefore it is subject to litigation in both states. AUC follows American copyright law, and Egyptian law where applicable. U.S. Federal copyright law, as contained in the Copyright Act of 1976 and subsequent amendments (17 U.S.C. et seq.), Digital Millennium Copyright Act (DMCA) protects original works of authorship and governs their reproduction.

OVERVIEW OF COPYRIGHT AND FAIR USE:
Creators of "original works of authorship" receive copyright protection, which extends automatically to any such work that is "fixed in any tangible form of expression." 17 U.S.C. § 102 (a). No copyright notice has been required since March 1, 1989.

Copyright protection is applicable to:
- published and unpublished creative work, in
- any medium in which they are created or reproduced, in
- print or digital form, e.g.,
  - printed materials
  - sound recordings
  - video recordings
  - visual artworks
  - computer software
  - web pages, and
  - multimedia works

A copyright owner is granted five exclusive rights:
- reproduction,
- preparation of derivative works,
- distribution,
- display, and
- performance.

- 17 U.S.C. § 106
However, the Fair Use exemption of the Copyright Act allows limited copying of copyrighted works, without the permission of the copyright holder, for certain purposes such as comment, criticism, teaching, news reporting, or research. In addition to those specific uses, other use may be permitted if it meets the test’s criteria. The test below determines whether copying meets the fair use exemption requirements. All four criteria must be considered and successfully met:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

- 17 U.S.C. §107

Copyright is not the only protection for intellectual property. Databases and other resources, licensed by the University, may include specific contractual terms that affect their use and may be more stringent than copyright law. Works in the public domain, such as US government documents, are not protected by copyright law and may be copied freely.

EGYPTIAN LAW:

LLT follows Egyptian law in certain circumstances. Egyptian copyright law is applicable to works of Egyptian and foreign authors, published, performed or exhibited for the first time in Egypt. See ARE Copyright Statute, Part IV, Article 49. www.agip.com/laws/egypt/c.htm

ADDITIONAL WEBLINKS:
A. The Copyright Clearance Center www.copyright.org
B. Motion Picture Licensing Corporation http://www.mplc.com/
C. US Copyright Office www.copyright.gov
D. US Copyright Act http://www.loc.gov/copyright/title17
F. Other resources for web builders and multimedia resources: http://bailiwick.lib.uiowa.edu/webbuilder/copyright.html
GUIDELINES FOR SPECIFIC LLT FUNCTIONS
The copyright law allows libraries and educators certain rights to limited use of copyrighted materials, but does not require that they must use those rights to the fullest extent possible. What follows are LLT’s guidelines and policies for activities that involve copyrighted material. Some of these policies do not take full advantage of the copyright exemptions available due to other factors such as staffing considerations and workload.

MAIN LIBRARY

MEDIATED COPYING
Mediated copying occurs when a library staff member performs the copying of materials for a library patron (student, AUC staff member, faculty member, and visitor.)

GUIDELINES FOR PATRONS
The Library’s mediated copying policy allows staff to make one (1) copy, per patron, of the following:
A chapter from a book,
An article from a periodical or newspaper,
A short story, short essay or short poem,
A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper.


GUIDELINES FOR STAFF
You may make for a patron, one (1) copy of the following:
A chapter from a book,
An article from a periodical or newspaper,
A short story, short essay or short poem,
A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper.

- House of Representatives. report on Copyright Law Revision - Report #94-1476

Notice of Copyright on Copied Material
If the work has a formal copyright notice:
• Photocopy the page where the copyright notice appears and attach it to the copied article.

If work has no formal copyright notice:
• Attach a copy of the following statement to the copied work:

“The work from which this copy was made did not include a formal copyright notice. This work may be protected under US copyright Law (Title 17, USC), which governs reproduction, distribution, public display, and certain other uses of protected works. Uses may be allowed with permission from the rights holder; or if the copyright on the work has expired, or if the use is “fair use” or within another exemption. The user of this work is responsible for determining lawful uses.” - AUC Libraries and Learning Technologies

Posting Copyright Warnings
To comply with the law, the Library must post the following notice wherever orders for copies are accepted and on order forms, displaying it verbatim and “printed on heavy paper or other durable material in type at least 18 points in size, and shall be displayed prominently in such a manner and location as to be clearly visible, legible and comprehensible to a casual observer within the immediate vicinity of the place where orders are accepted.”

NOTICE: WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specific conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

This institution reserves the right to refuse a copying order, if in its judgment, fulfillment of the order would involve violation of copyright law.

When the notice is printed on order forms, the regulations require it to be "printed within a box located prominently on the order form itself, either on the front side of the form or immediately adjacent to the space calling for the name or signature of the person using the form. The notice shall be in type size no smaller than that used predominantly throughout the form, and in no case shall the type size be smaller than 8 points. The notice shall be printed in such manner as to be clearly legible, comprehensible and readily apparent to a casual reader of the form."

Request forms
To get a patron’s affirmation of his or her awareness of copyright law, AUC copyright policies and his/her intention to comply with the policies, the “WARNING CONCERNING COPYRIGHT RESTRICTIONS” will be printed within a box located prominently on the request form.

UNMEDIATED COPYING
Microforms
Since patrons use the self-service printer for microform printing, copyright notices must be placed in prominent locations, near the printer, to insure awareness of the copyright laws.

COPYING FOR THE PERMANENT COLLECTION
You may reproduce in facsimile form and retain for purposes of preservation and security any unpublished work already in the Libraries’ collections.

You may duplicate in facsimile for, or acquire a copy from another library, a published work, solely for the purpose of: Replacing a work that is damaged, deteriorated, lost or stolen.

Before the Libraries make or request a copy, it must be determined, after a reasonable effort, that an unused replacement cannot be obtained at a fair price.

- 17 U.S.C. §108 (c)

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

Because it is not an authorized entity as defined by US law, AUC does not qualify for an exemption to copy copyrighted works in their entirety for free by digitizing them for visually impaired users. While AUC LLT has an obligation to provide users with disabilities with technology that will assist them in reading and functioning at a level similar to others the technologies that LLT provides in its labs to assist users with disabilities, such as the Adaptive Technology Corner in the Main Library, are sufficient for this purpose.

- 17 U.S.C. §121(c)(1))
Library Computer Facilities

Printing

Copyright notices must be placed in prominent locations, near the printers, to insure awareness of the copyright laws.

A copyright notice will be placed as a screen saver, with the following information.

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Warning Concerning Copyright Restrictions

The Copyright Law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If electronic transmission of reserve material is used for purposes in excess of what constitutes "fair use," that user may be liable for copyright infringement.

Materials used on WebCT are not exempt from traditional copyright rules. Virtual classrooms receive the same privileges under fair use as a traditional classroom. The fair use exemption allows for limited copying of copyrighted materials. Compliance can be determined using the "Checklist for Compliance with the TEACH Act" from the University of Indiana.
LIBRARY RESERVES

The AUC Library policy for electronic reserves is derived from the fair use provisions of the Copyright Act of 1976. Section 107 expressly permits making copies of copyrighted material for classroom use as long as the four factors to determine fair use are considered. This policy also relies on a number of the guidelines included in the March 5, 1996 Fair Use Guidelines for Electronic Reserve Systems developed by participants in the Conference on Fair Use (CONFU). The AUC LLT keeps abreast of changing digital copyright laws and will modify this policy as necessary.

All library materials are acquired with the understanding that there will be multiple uses of a limited number of copies. Libraries frequently pay a premium institutional subscription price for journals, which cost much more than an individual subscription price, in order to support multiple academic users. The sole purpose of the electronic reserve system is to facilitate the making of multiple copies for classroom use by students. Considered within this context, electronic reserve services can be developed by the AUC libraries in a manner that conforms to the fair use provisions of the copyright law.

GUIDELINES FOR FACULTY

All use of materials that you wish to place on electronic reserves must be only for non-commercial educational use by students.

If the AUC Library has a current license for access to a digital version of the copyrighted material, the citation and link to the electronic version will be added to the electronic reserves system, thus providing direct access to the requested material.

If the AUC Library does not provide digital access to the copyrighted material, you must:

- Determine that a print version of any copyrighted material to be copied or scanned for electronic reserves either has been lawfully acquired by or will be purchased by the library, an AUC department/school, or AUC faculty or instructional staff.
- Provide clean photocopies and/or citations for material to be placed on reserve.
- Determine if reserve readings are in compliance with fair use.
- The amount placed on reserve may not exceed:
  - one journal or newspaper article
  - One chapter from a book
  - An excerpt from a prose work so long as the excerpt does not exceed 10% of the work,
  - One chart, graph, diagram, drawing, cartoon, or picture per book or per journal issue.

You may not reuse copyrighted material in subsequent semesters or years without obtaining permission.

- 17 U.S.C. §107 (3)

Help Getting Copyright Permission

Faculty, who make the same reading assignments repeatedly, are encouraged to get assistance from the Copyright Clearance Center, www.copyright.org, to acquire copyright clearance/permission to reproduce copyrighted material.

Disposition of Digitized Reserve Materials

At the end of each academic session, all copyrighted material in the electronic reserve database will be destroyed unless permission has been obtained to retain the digitized version of the material.
GUIDELINES FOR STAFF

Copyrighted materials on reserve will be accessible only by faculty name, course name, and course number. In the future, user authentication measures may be implemented to limit access to students enrolled in the course for which the material is placed on reserve.

If the AUC Libraries do not have a current license for access to digital versions of copyrighted material, you may scan or copy copyrighted materials for placement on electronic reserve without obtaining copyright permission as long as the materials do not exceed:

- One journal or newspaper article
- One chapter from a book
- An excerpt from a prose work so long as the excerpt does not exceed 10% of the work,
- One chart, graph, diagram, drawing, cartoon, or picture per book or per journal issue.

You must retain reserve lists, in order to ask the faculty member to get copyright permission for subsequent uses.

Notice of Copyright on Copied Material
The following copyright notice will be attached electronically to each copyrighted document in the electronic reserve system.

Warning Concerning Copyright Restrictions
The Copyright Law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If electronic transmission of reserve material is used for purposes in excess of what constitutes "fair use," that user may be liable for copyright infringement.

Disposition of Digitized Reserve Materials
At the end of each academic session, you must destroy all copyrighted material in the electronic reserve database unless faculty provides evidence that permission has been obtained to retain the digitized version of the material.

At the end of each semester, you will email faculty to remind them of restrictions concerning reuse of copyrighted material.
PRINT RESERVES

The AUC Library policy for print reserves is derived from the fair use provisions of the Copyright Act of 1976. Section 107 expressly permits making copies of copyrighted material for classroom use as long as the four fair use factors are met.

GUIDELINES FOR FACULTY

AUC Libraries will place single and/or multiple copies of copyrighted materials received from AUC instructional faculty and staff on Reserve under the following conditions:

- You must determine if Reserve readings are in compliance with fair use.
- You must provide clean photocopies and/or citations for material to be placed on Reserve.
- If you place copies on Reserve, you affirm that all copies have been made in compliance with U.S. and international copyright laws. In accepting copies for Reserve, the AUC Library assumes that any copies submitted for reserve have been made in compliance with U.S. and international copyright law.

The following materials will not be placed on Reserve:

1. Copying that is created or replaces or substitutes for anthologies, compilations, or collective works.
2. Copying of or from works intended to be “consumable” in the course of study or teaching, such as workbooks, exercises, standardized test booklets, etc.
3. Copying that substitutes for the purchasing of books, publisher’s reprints, or periodicals.
4. Copying that has been directed by higher authorities (e.g. heads of departments, administration, etc), not the individual instructor’s direction.
5. Copied materials that are reused from year to year without obtaining copyright permission.


Disposition of Reserve Materials

AUC Library units will, at the end of the period of reserve use, return to instructional faculty or staff all copies of materials that have been placed on reserve. A cover letter reminding faculty of restrictions concerning reuse of photocopied material will be included with all copies returned.

Help Getting Copyright Permission

Faculty, who make the same reading assignments repeatedly, are encouraged to get assistance from the Copyright Clearance Center, www.copyright.org, to acquire copyright clearance/permission to reproduce copyrighted material.

GUIDELINES FOR STAFF

You may place single and/or multiple copies of copyrighted materials received from AUC instructional faculty and staff on reserve in library units under the following conditions.

- If the individual who places copies on reserve affirms that all copies have been made in compliance with U.S. and international copyright laws.
- The appropriate Reserves Copyright Notice is displayed prominently at all locations where material is accepted for placement on reserve.
- Reserve list instructions for faculty and staff include the Reserves Copyright Notice.
You must retain reserve lists, in order to ask the faculty member to get copyright permission for subsequent uses.

You may not accept the following materials for placement on reserve:

1. Copying that is created or replaces or substitutes for anthologies, compilations, or collective works.
2. Copying of or from works intended to be “consumable” in the course of study or teaching, such as workbooks, exercises, standardized test booklets, etc.
3. Copying that substitutes for the purchasing of books, publisher’s reprints, or periodicals.
4. Copying that has been directed by higher authorities (e.g. heads of departments, administration, etc), not the individual instructor’s direction.
5. Copied materials that have been previously placed on reserve, by the same instructor, without obtaining copyright permission.

17 U.S.C. §107 (4)

Notice of Copyright on Reserve Material

You must attach the following copyright notice to each copyrighted document in the print reserve system:

• “The Copyright Law of the United States (Title 17, United States Code) governs the making of photocopies or other reproduction of copyrighted materials.”

Disposition of Reserve Materials

At the end of semester, you will return all copies of material to the instructional faculty or staff who placed it on Reserve.

You will send an accompanying cover letter reminding faculty of restrictions regarding reuse of photocopied material with all copies returned.

DATABASES

Database licenses

Databases and other resources, licensed by the University, include specific contractual terms that affect their use and may be more stringent than copyright law.

Database Protection

Databases are typically protected by legally binding license agreements, signed on behalf of the University. These are not strictly part of copyright law. However, it is important for all members of the AUC community to know that databases are protected and their use is limited by legal agreements whose infringement may be punishable. The major concerns of database publishers are:

1. DEFINING THE USER GROUP
The annual license fee [subscription] is based on our FTE. Only current full-time students, staff and faculty of the University may have both on- and off-campus access. On-campus access ONLY is available to walk-in users such as people with Library Visitors’ cards.

2. ENSURING THAT TEXT FROM THE DATABASE IS NOT REDISTRIBUTED
Text from databases must not be redistributed to people outside the user group, whether freely or for a fee. Posting text from a database on an electronic mailing list or chat room, or using it in a medium like WebCT, would be a glaring – and potentially traceable – infringement.
Typical rules in database license agreements are:

- You may print and make copies from databases ONLY FOR YOUR OWN PERSONAL USE.
- You may not PUBLISH, BROADCAST, RE-DISTRIBUTE OR SELL any materials retrieved from databases.
- You may not provide OFF-CAMPUS ACCESS to databases for people who are not currently enrolled students, staff, or faculty of the University.
- You may not download IN SUCH QUANTITY AS TO CREATE A COLLECTION that amounts to all or part of a database, either in electronic or print form.

The exact rules vary, but most databases provide a prominent link to their Terms and Conditions.

**DOCUMENT DELIVERY SERVICES**

Section 108(g) (2) of the Copyright Act clearly states that interlibrary loan is permitted, *provided that* the borrowing library does not solicit copies “in such aggregate quantities as to substitute for a subscription to or purchase of such work.” The National Commission on New Technological Uses of Copyrighted Works (CONTU) coordinated development of specific guidelines for libraries to use to ensure compliance with this section. A copy of the guidelines is attached in Appendix 1.

The ILL guidelines allow a library to acquire up to a total of five (5) copies in any calendar year of an article or articles published in one periodical (as opposed to in any given issue) published in the five years preceding the date of the request without violating copyright. The limit for other types of publication, such as books, poetry, etc., is five copies of or from a given work, including collective works, for the entire period the work is under copyright.

The requesting library has an obligation to maintain records to ensure its compliance with the guidelines and to avoid making requests that put it in violation of copyright.

The CONTU guidelines specifically reserve the question of periodical articles more than five years old. To date, no guidelines for requesting ILL copies of these materials under Section 108(g) (2) have been developed.

**GUIDELINES FOR STAFF AND PATRONS**

1. Document Delivery will not acquire documents through ILL in violation of the CONTU guidelines.

2. Document Delivery shall maintain for three full years prior to the current calendar year records of all ILL requests made for copies and fulfillment of such requests.

3. In the event that ILL copies reach the maximum described in the guidelines, addition copies must be acquired through a source that provides copyright clearance, such as the British Library or Ingenta, or clearance must be obtained through the Copyright Clearance Center (www.copyright.com) or directly through the copyright holder.

4. The CONTU guidelines do not apply to any copy acquired with copyright clearance and for which a copyright fee has been paid. Requests for these documents should not be included in records maintained for purposes of the guidelines as described below.

5. A copyright notice must be posted in the ILL office and stamped on documents.

**COMPUTER FACILITIES**

**GUIDELINES FOR STAFF, FACULTY AND STUDENTS**

**Software**

Owners of software copyrights have the same rights as owners of other copyrighted works. The law does not require copyright symbols or statements of copyright ownership. All software is copyrighted unless otherwise specifically stated.
The only source for permission to copy copyrighted software is either a specific grant of that right in a license agreement or the express or implied (with regard to freeware) permission of the copyright owner. **If you do not have a specific permission to copy copyrighted software, you may not do so.**

**Printing**
Copyright notices must be placed in prominent locations, near the printers, to insure awareness of the copyright laws.

A copyright notice should be placed as a screen saver, with the following information.

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### Warning Concerning Copyright Restrictions

The Copyright Law of the United States ([Title 17, United States Code](https://www.copyright.gov/title17/)) governs the making of photocopies or other reproductions of copyrighted materials.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If electronic transmission of reserve material is used for purposes in excess of what constitutes “fair use,” that user may be liable for copyright infringement.

Materials used on WebCT are not exempt from traditional copyright rules. Virtual classrooms receive the same privileges under fair use as a traditional classroom. The fair use exemption allows for limited copying of copyrighted materials. Compliance can be determined using the "[Checklist for Compliance with the TEACH Act](https://www.indiana.edu/~teachact/)" from the University of Indiana.
CONTU (National Commission on New Technological Uses of Copyright Works)

CONTU Guidelines on Photocopying under Interlibrary Loan Arrangements
The CONTU guidelines were developed to assist librarians and copyright proprietors in understanding the amount of photocopying for use in interlibrary loan arrangements permitted under the copyright law. In the spring of 1976 there was realistic expectation that a new copyright law, under consideration for nearly twenty years, would be enacted during that session of Congress. It had become apparent that the House subcommittee was giving serious consideration to modifying the language concerning "systematic reproduction" by libraries in Section 108(g)(2) of the Senate-passed bill to permit photocopying under interlibrary arrangements, unless such arrangements resulted in the borrowing libraries obtaining "such aggregate quantities as to substitute for a subscription to or purchase of" copyrighted works.

The Commission discussed this proposed amendment to the Senate bill at its meeting on April 2, 1976. Pursuant to a request made at that meeting by the Register of Copyrights, serving in her ex officio role, the Commission agreed that it might aid the House and Senate subcommittees by offering its good offices in bringing the principal parties together to see whether agreement could be reached on a definition of "such aggregate quantities." This offer was accepted by the House and Senate subcommittees and the interested parties, and much of the summer of 1976 was spent by the Commission in working with the parties to secure agreement on "guidelines" interpreting what was to become the proviso in Section 108(g)(2) relating to "systematic reproduction" by libraries. The pertinent parts of that section, with the proviso added by the House emphasized, follow:

(g) The rights of reproduction and distribution under this section extend to the isolated and unrelated reproduction or distribution of a single copy or phonorecord of the same material on separate occasions, but do not extend to cases where the library or archives, or its employee...

(2) engages in the systematic reproduction or distribution of single or multiple copies or phonorecords of material described in subsection (d): Provided, That nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose of effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

Before enactment of the new copyright law, the principal library, publisher, and author organizations agreed to the following detailed guidelines defining what "aggregate quantities" would constitute the "systematic reproduction" that would exceed the statutory limitations on a library's photocopying activities.

Photocopying-Interlibrary Arrangements

Introduction
Subsection 108(g) (2) of the bill deals, among other things, with limits on interlibrary arrangements for photocopying. It prohibits systematic photocopying of copyrighted materials but permits interlibrary arrangements "that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work."

The National Commission on New Technological Uses of Copyrighted Works offered its good offices to the House and Senate subcommittees in bringing the interested parties together to see if agreement could be reached on what a realistic definition would be of "such aggregate quantities." The Commission consulted with the parties and suggested the interpretation which follows, on which there has been substantial agreement by the principal library, publisher, and author organizations. The Commission considers the guidelines which follow to be a workable and fair interpretation of the intent of the proviso portion of subsection 108(g) (2).
These guidelines are intended to provide guidance in the application of section 108 to the most frequently encountered interlibrary case: a library's obtaining from another library, in lieu of interlibrary loan, copies of articles from relatively recent issues of periodicals--those published within five years prior to the date of the request. The guidelines do not specify what aggregate quantity of copies of an article or articles published in a periodical, the issue date of which is more than five years prior to the date when the request for the copy thereof is made, constitutes a substitute for a subscription to such periodical. The meaning of the proviso to subsection 108(g) (2) in such case is left to future interpretation.

The point has been made that the present practice on interlibrary loans and use of photocopies in lieu of loans may be supplemented or even largely replaced by a system in which one or more agencies or institutions, public or private, exist for the specific purpose of providing a central source for photocopies. Of course, these guidelines would not apply to such a situation.
Guidelines for the Proviso of Subsection 108(g) (2)

1. As used in the proviso of subsection 108(g)(2), the words "...such aggregate quantities as to substitute for a subscription to or purchase of such work" shall mean:

(a) with respect to any given periodical (as opposed to any given issue of a periodical), filled requests of a library or archives (a "requesting entity") within any calendar year for a total of six or more copies of an article or articles published in such periodical within five years prior to the date of the request. These guidelines specifically shall not apply, directly or indirectly, to any request of a requesting entity for a copy or copies of an article or articles published in any issue of a periodical, the publication date of which is more than five years prior to the date when the request is made. These guidelines do not define the meaning, with respect to such a request, of "...such aggregate quantities as to substitute for a subscription to [such periodical]."

(b) With respect to any other material described in subsection 108(d), including fiction and poetry), filled requests of a requesting entity within any calendar year for a total of six or more copies or phonorecords of or from any given work (including a collective work) during the entire period when such material shall be protected by copyright.

2. In the event that a requesting entity:

(a) shall have in force or shall have entered an order for a subscription to a periodical, or

(b) has within its collection, or shall have entered an order for, a copy of phonorecord of any other copyrighted work, materials from either category of which it desires to obtain by copy from another library or archives (the "supplying entity"), because the material to be copied is not reasonably available for use by the requesting entity itself, then the fulfillment of such request shall be treated as though the requesting entity made such copy from its own collection. A library or archives may request a copy or phonorecord from a supplying entity only under those circumstances where the requesting entity would have been able, under the other provisos of section 108, to supply such copy from materials in its own collection.

2. No request for a copy or phonorecord of any materials to which these guidelines apply may be fulfilled by the supplying entity unless such request is accompanied by a representation by the requesting entity that the request was made in conformity with these guidelines.

3. The requesting entity shall maintain records of all requests made by it for copies or phonorecords of any materials to which these guidelines apply and shall maintain records of the fulfillment of such requests, which records shall be retained until the end of the third complete calendar year after the end of the calendar year in which the respective request shall have been made.

4. As part of the review provided for in subsection 108(i), these guidelines shall be reviewed not later than five years from the effective date of this bill.