

Follett Higher Education Group is going to be making a fresh start with course packs to be sure that the university is following copyright guidelines. The following information provides answers to many of the questions that typically arise when discussing copyright clearance issues.

### **What is a CoursePack?**

A *coursepack* is a custom publication that can consist of the following materials:

- Original materials created by the instructor or campus
- A compilation of materials from one or more publishers
- An entire reprint of an out of print title

### **What is Copyright?**

Copyright is the right to reproduce, distribute or display a work. This right was created within the U.S. Constitution to encourage creativity and ensure that the creator benefits from his/her work. It's the law!

### **What is Protected by Copyright?**

Examples include published and unpublished works, materials in hard copy, multimedia or digital media (including what you find on the Internet!) and software.

### **How Do I Know if the Work is in the Public Domain?**

Generally speaking, public domain is determined by the copyright date.

- Prior to 1923, most works are in the public domain.
- Between 1923 and 1978, copyrighted works are protected for anywhere from 28 to 95 years.
- After 1978, copyright last for the life of the author plus 70 years.

### **Aren't My Materials "Fair Use"?**

Educational use of materials is only one factor in determining fair use. You must also consider the nature of the work; is it imaginative or fact? Is it unpublished or published? Also, consider how much of the work you're using. And, what is the financial impact to the owner of using this work? Do you have time to ask permission, or is this spontaneous use?

### **What Happens if I Violate Copyright Law?**

Michigan Document Services, Kinko's and Napster™ are examples of people who have learned the hard way. Lawsuits brought by the copyright holders have resulted in large actual and statutory damage awards, costly legal fees and injunctive relief.

### **How Do I Make Sure I'm Following Copyright Law?**

XanEdu™ Custom Publishing has been producing legal coursepacks for 10 years. They're the experts; let them evaluate your course materials and get permissions for using them in your class. They guarantee your coursepack is legal and protect you and your school against any legal issues arising from the materials they produce for you.

Copyright permission must be obtained to sell reprinted materials. To ensure this is done correctly, it is strongly recommended that coursepacks be created by one of three, approved coursepack vendors. These vendors are experts in the coursepack business and will evaluate the adopted course materials and obtain permission from publishers. They guarantee your coursepack is legal and protect you and your school against any legal issues arising from the materials they produce for you.

- **LAD Custom Publishing** <http://www.ladcustompub.com/>
- **XanEdu Custom Publishing** <http://www.xanedu.com>
- **University Custom Publishing** <http://coursepacks.usc.edu/>

If a professor chooses to use a non-approved vendor, is the copyright holder of the materials, is the author of non-copyright protected material, or has obtained permission on their own to reproduce and sell the materials, the form at <http://www.uwlax.edu/bookstore/Forms/CRform.pdf> must be completed and signed by the professor, and retained in a locked cabinet or the store safe. A new form must be completed and signed each term in which the material is adopted. Using one of the 3 approved coursepack vendors (listed above) eliminates the need for this form.

If you are planning to turn in a course pack for a class, it must be approved for sale by the Follett bookstore manager before it is turned into Document Services and the Copyright Clearance form must be on file at the bookstore. If you have additional questions regarding course packs, please contact me at 608-785-8855. Thank you for your cooperation.

Sincerely,

*Carlana Goddeau*  
*Follett Higher Education Group*