

DUPLICATION AND SALE OF MICROFILM TO LIBRARIES AND ARCHIVES

Policy Application

The following policy applies to the duplication and sale of reprographic products, including: preservation photocopies, microforms, sound- and video-recordings, machine readable data files, and other reproductions to libraries and archives.

It has been reviewed and accepted by the Office of the General Counsel, University of Florida, 3 November 1992.

Receiving Initial Request

Requests for duplication and sale of microfilm received by the Libraries are routed to the Preservation Department for processing.

Reviewing Copyright

After a request is received, Preservation Department staff attempt to determine the title's copyright status.

All foreign imprints are treated as though they were imprinted within the United States and as possibly protected by U.S. copyright legislation even if the country of origin has not signed the Berne Copyright Convention.

Both the United States Register of Copyrights' **Library Reproduction of Copyrighted Works** (Title 17, United States Code, Washington, D.C. : U.S. Government Printing Office, 1983) and Robert L. Oakley's **Copyright and Preservation** (Washington, D.C.: Commission on Preservation and Access, 1990) are consulted for guidance.

Copyright Status Determination

Titles determined not to be protected by copyright legislation are duplicated.

Titles, for which copyright status cannot be determined, are treated as though they are protected. The following guidelines apply to titles suspected or determined to be protected:

If the requesting institution seeks duplication for replacement or preservation purposes as defined by Title 17 of United States Code, Sections 107 through 118, and particularly Section 108, one of the following will be required:

1. Proof of ownership and statements that:

(a) the purchase of a copy from the University of Florida constitutes a preservation replacement copy vis a vis Title 17 of United States Code, **AND**

(b) that the requesting institution has searched for and is unable to find a commercially available copy (i.e., non-deteriorating copy, reprint, microform or, if appropriate, machine readable data file) for a reasonable price.

The requesting institution is required to complete the MICROFILM REPLACEMENT REQUEST: CERTIFICATION OF OWNERSHIP form.

OR:

2. Letter from the publisher of a protected work giving the requesting institution permission to "contract" the University of Florida Smathers Libraries to duplicate the title from a preservation master (i.e., paper, microform or machine readable version) for purposes other than replacement or preservation of a deteriorating copy owned by the requesting institution.

Unable to Duplicate Due to Copyright Restrictions

If duplication is not possible due to copyright restrictions, Preservation Department staff may inform the requesting institution that a patron use copy is available for research use, in most cases, through Inter-Library Loan.