

1976

Possible effects of the copyright controversy in three public high schools

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Possible effects of the copyright controversy in three public high schools

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Abstract

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POSSIBLE EFFECTS OF
THE COPYRIGHT CONTROVERSY
IN THREE PUBLIC HIGH SCHOOLS

A Research Paper
Presented to the
Faculty of the Library Science Department

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

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The study dealt with the copyright controversy which began in 1965, how it came about, what the law consists of, suggested solutions to resolve the problem, and how it may affect the different interest groups, which consist of publishers, authors, librarians, patrons, and educators. The solutions included a royalty fee of 5¢ per page, a flat rate solution of \$4 per transaction, plus 10¢ per page, and a reprint service which averages 30¢ per copy. The researcher applied these solutions to three different high school media centers that she had visited. The district media centers and area educational agencies media centers were also examined in relation to the high school, but the formulas were not applied as precise information was not available. The results were that the flat rate would be the most expensive to the schools, and that all three solutions require additional budgeting and excessive record keeping to centers that photocopy for patrons.

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Chapter 1

INTRODUCTION

The copyright controversy came into focus in 1965 when the medical journal publishers, Williams and Wilkins, sued the National Library of Medicine (NLM) and the National Institute of Health (NIH) for copyright infringement. The NLM and NIH had reproduced some articles from journals published by Williams and Wilkins without charge upon request of research institutes. They did not have permission of the copyright owners to make free copies.

The controversy focused by this legal action has broadened to include all types of libraries. "The primary issues for librarians, authors, educators, patrons, and publishers is duplication-how to deal with it and where to draw the line. While the new electronic techniques have provided tools to duplicate information, and lower the cost of such information, they also provide the mechanism for widespread-and often unthinking violations of the copyright law."¹

In the controversy, the librarian has been caught in the middle. In the past, the librarian was helping the

¹Ivan Bender, "Copyright: Chaos or Compromise?" Library Journal/School Library Journal, 2:3-4, November, 1973.

patrons obtain needed information that should be "freely available". At the same time, he was also breaking the law as interpreted by publishers and the courts. The librarians have sought to remedy this dilemma by lobbying for legislation that will allow them to legally duplicate copyrighted materials for educational purposes.

The publishers contend that some compensation should be forwarded to them for copies of all copyrighted works. An exception would be allowed for the fair use concept; that is, one could copy for educational purposes. The publishers also contend that the copying infringements are costing them money in royalties and subscriptions.

Various solutions have been offered by both librarians and publishers. These solutions include the paying of royalties, charging flat rates, buying the needed article from the publishing company, using information centers with computer hook-ups, charging a basic fee per transaction, and using an anti-photocopy spray.

Statement of the Problem

The purpose of the study was to explore what effects three solutions proposed by librarians and publishers would have on three high school libraries if each solution were applied under circumstances existing in the 1974-1975 school year.

The first solution used in this study was the pay-

ment of royalties to the copyright holder. The royalty would be based on what was copied and how much in order to send the publishers a given sum of money for each page copied from copyrighted works.

The charging of flat rates to the patron, the second solution, would allow the library to cover all copyright costs plus any handling fee. Columbia, for instance, is now charging 4 dollars per transaction for photocopying, plus 10 cents per page.²

The third solution of buying the reprint from the publisher would relieve much of the responsibility of the librarian. Companies like Bobbs-Merrill are presently making available to law schools a list of reprints of law review articles which they copy with permission and sell for 25 to 50 cents.³

Some additional solutions were mentioned in the literature, but no monetary figures were assigned, therefore, they will be only mentioned here briefly. The licensing solution would involve a three-tier subscription rate based on the average amount of photocopying a center did per year. Another solution would allow a library or purchaser to buy copyright permission along with the work. This would allow the purchaser to duplicate the work for educational purposes.

²Julius Marke, "Mr. Marke Speaks for the Librarian," Drexel Library Quarterly, 8: 394, October, 1972.

³Ibid., p.395.

The last solution offered was the use of an anti-copy spray which would prevent photocopying on most machines. The spray is a dye coating that fluoresces when exposed to light.⁴

In general, each solution used in this study would add to materials or service cost in libraries. If Williams and Wilkins gain court approval of their proposed royalty fee, "it will mean a sharp rise in cost to libraries."⁵ Libraries at all levels would possibly need adjustment in budgets to meet the fee. Some publishers have suggested that patrons pay the royalty charges when materials are copied for personal use. The dilemma is still undecided in the courts.

Limitations

This study was limited by the fact that three high schools in three separate districts, each served by a different area agency were selected. The three schools are not representative of all high schools in their districts or in the state. However, the three school districts were chosen in an attempt to represent some diversity in size and in capability to copy materials used for educational purposes.

⁴Library Journal, "New Angle in Copyright Flap: Anti-Photocopy Spray." 99:125, May 1, 1974.

⁵Phillip Rosenstein, "Some Implications for Libraries of the Recent Williams and Wilkins Decision." Special Libraries, 63:275, May, 1972.

The Area Education Agency Media Centers (AEAMC) were chosen with an eye to the range of copying services offered, that is, the capabilities of a fully developed and sophisticated service center like Grant Wood Area Education Agency 10 which differs markedly from the media center in Area Education Agency (AEA) 2, ^{vi}in the beginning stages of development.

Another limitation was the type of copy estimate data and budget data available from each school for the 1974-75 school year. None of the three high school media centers, district media centers, or AEA media centers recorded precise data about amount of copying nor what was copied. Increased amounts of estimated copying for the 1975-76 school year were not included in the study. Budgets of the centers were not sufficiently detailed to identify amounts spent for copying purposes, or, in some cases, amounts spent for print and for non-print materials.

The last limitation involved personal resources. Because time and cost factors involved in gathering data over a wide geographic area were prohibitive, the schools were selected after consideration of their proximity to the residence of the researcher.

Defintion of Terms

The following terms are defined in the way in which they were used in the study.

Copyrighted works-a work of literary, artistic, or crea-

tive nature, that has been registered with (the Copyright Office of the Library of Congress.)

Copying-reproducing a copyrighted work by mechanical or electronic means.

Fair use-the copying of copyrighted materials and used for educational purposes. The fair use concept is not found in the 1909 law on copyrighting, but has been built up over the years through court decisions and negotiations between librarians and publishers to cover situations where copyrighted materials may in fact be copied or reprinted without infringing the copyright law.

Copyright infringement-the reproducing of more than one copy of a copyrighted work for educational or other purposes without the permission of the copyright owner.

Library materials-all copyrighted print and non-print materials contained in libraries.

Chapter 2

REVIEW OF LITERATURE

Authors of articles published in ^{law} library literature, as well as ~~the~~ other sources have written about the copyright controversy, and how it may affect authors, publishers, librarians, and patrons. The original copyright law, passed in 1909, has not had any major revisions. The purpose of the law was to foster the creation and dissemination of works for the public benefit and to enable authors to reap due reward for their efforts.

The copyright law covers almost all intellectual products of a literary, artistic or creative nature. Once obtained, the copyright remains in effect for 28 years and can be renewed for an additional 28 years. Beyond this total period of 56 years, the work falls into the public domain, and its use becomes unrestricted.⁶

The copyright law reserves for the proprietor the exclusive right to print, reprint, copy, and vend the copyrighted works. The right to vend in this case means the right to transfer by lease or sale; therefore, if someone copies the work without authorization and gives copies away free, they may be infringing on the proprietor's exclusive right to do so.⁷

⁶Ivan Bender, "When Is It Legal to Duplicate?" Media & Methods, 11:44, January, 1975.

⁷Ibid., p. 45.

Infringement on a proprietor's copyright can invoke specific statutory penalties, ranging from \$100 to \$10,000 per infringement. Although penalty monies go to the state, proprietors can recover damages in a civil suit if they can show economic loss.⁸

In 1935, the fair use doctrine was negotiated between the book publishing industries and libraries, in which the book publishers agreed not to interfere with library photoduplicating provided the library put the public on notice that photocopying of copyrighted materials without the approval of the copyright owner would subject the violator to a possible legal action for damages; that the photocopying would be done without profit to the library, and that the amount copied would not be so substantial as to constitute an infringement. Specifically, the agreement permitted copying in lieu of loan or in place of manual transmission. Also implicitly acknowledged was the librarian's right to lend materials on interlibrary loan or to make photocopies thereof for this purpose as "fair use".⁹

In addition to this doctrine, a Committee on Fair Use in Photocopying concluded in the 1960's that the present demand for photocopies can be satisfied without measurable damage to publishers as copyright owners and recommended that it "be library policy to fill an order for a single photocopy of any published work or part thereof, on the

⁸Bender, p.45.

⁹Marke, p.391.

theory that to do so was merely an extension of traditional reference service."¹⁰

The following criteria, used in determining whether a particular use of a copyrighted work would be fair use, were developed over the years in court decisions. (1) The purpose and character of the use; (2) the proportion of the material copied in relation to the whole copyrighted work; (3) the nature of the copyrighted work; and (4) the effect of the use on a copyright owner's potential market for his work.

The question of copyright infringement was brought to the courts when Williams and Wilkins, a small medical publishing company in Baltimore, sued two Federal government agencies, the National Institute of Health (NIH) and the National Library of Medicine (NLM). The NIH and NLM had extensively duplicated articles from the medical journals Williams and Wilkins had published.

The Government contended that photocopying amounted to "fair use" since no more than one copy was made in response to each request, that the copies were made in the interest of furthering research and education, and that the technique was simply a mechanical improvement on the long-accepted practice of hand-copying material.¹¹ The court action over the copyright controversy has given rise to two

¹⁰Marke, p.391.

¹¹Time, "Copying v. Copyright," 99:62, May 1, 1972.

factions. The authors and publishers line up on one side with the librarians and patrons on the other.

In general, the authors are supporting publishers' claims of infringement. The author, however, does confer the right of ownership upon the publisher temporarily, but only temporarily, in return for the publication and distribution of his work.

The publishers and authors are not seeking to hold librarians responsible for patrons' duplications, but rather to control unauthorized duplication by librarians and educators on a wide scale basis.¹² William Passano, chairman of Williams and Wilkins, stated, "photocopying meant that libraries could get by with fewer subscriptions to specialized journals because they could photocopy articles for researchers instead of lending out the actual articles."¹³ The possibility of an interconnected computer bank of research information would further decrease subscriptions. The implications of falling subscriptions for a small company like Williams and Wilkins could be disastrous. Their magazines have few readers and fewer ads; their main income comes from ^{desire} ~~stiff~~ ^{high} subscription rates, which run as high as \$44 a year.¹⁴

¹²Ivan Bender, "Copyright: Chaos or Compromise?" Library Journal/School Library Journal, 2:4, January, 1975.

¹³Business Week, "Does the Copyright Law Cover Photocopying?" :121, October 28, 1972.

¹⁴Rosenstein, p. 27.

Chief Judge Cowen of the Court of Claims, supported the publisher's claims and stated, "What we have before us is a case of wholesale machine copying and distribution of copyrighted materials by defendant's libraries on a scale so vast that dwarfs the output of many small publishing companies."¹⁵

The publishers contend they do not seek to enjoin photocopying, but merely seek a reasonable royalty. Further, the publishers feel that the librarians tend to depress the market for copies of a book by lending it freely and copying portions of it for use. Publishers maintain the library copying must either be severely limited or paid for.¹⁶

The librarians and patrons are on the other side of the argument. Libraries are concerned about the patron's access to knowledge and literature so that data can be used to the best advantage. When photocopying machines became available in the 1930's, the transition to photocopying from hand-written notes was considered an extension of reference service and allowable under the fair use doctrine.

¹⁵Richard Lingeman, "Copyright and the Right to 'Copy'", New York Times Book Review, 79:63, November 17, 1974.

¹⁶Curtis Benjamin, "A Hard Look at the New Williams and Wilkins Decision." Publishers Weekly, 204:33, March 11, 1974.

¹⁷Rosenstein, p. 27.

Librarians supported the philosophy that information should be freely available. Harry Rosenfield, NEA attorney, insisted that the issue is the constitutional right of reasonable access to copyrighted materials. The right to free press includes the right to read...the First Amendment protects the students' right to learn.¹⁸

Librarians do not want to be held responsible for the copying done from their library collection. In the past, there has been a gentleman's agreement that a librarian would never be held accountable for indiscriminate use of photocopying.¹⁹ The American Library Association argues that library liability for photocopying would bog down the libraries in a morass of record-keeping. It would also force them to cut back on subscriptions, and it would permit publishers to set royalty fees so high that they would curb the dissemination of knowledge.²⁰

Photoduplication is not monetarily rewarding to the librarian. On a cost accounting basis, it probably costs \$6 to \$10 of staff time and resources per transaction. The wear and tear on the bound books would also be an indirect cost factor. However, the problem of mutilation decreases greatly if a duplicate is easily obtained.²¹

Librarians contend that in the past, the publishers have been too slow in answering copyright permission requests, if they answer at all. Copies are seldom in print

¹⁸Business Week, pp. 123-124

¹⁹Marke, p. 391.

²⁰Business Week, p. 124.

²¹Marke, p. 394.

long enough to satisfy all library demands, and that the methods for acquiring them were slow and inefficient.

Publishers were unable to "show conclusively that they had lost subscriptions with the proliferation of photocopying machines... The claims that photocopying had cut into the profits of publishers is sheer rhetoric."²²

Librarians and patrons would not be able to ignore the law for long, however, as an infringement suit could cost the library \$100 to \$10,000 per infringement. The monies would go to the state, although the copyright owner could recover some of the damages.²³

The patron wants instant information. The result of much of the proposed solutions would cause a patron to do without many of the articles they need for their studies. Passano, however, felt that the increased charges should be passed on to the patron as a user of the journal who should share in their support.²⁴

Educators are also involved in the legislation. A Judiciary Subcommittee reported that, "The fair use doctrine in the case of classroom copying would apply primarily to the solution of a teacher who, acting indivi-

²²American Libraries, "High Court Verdict on Photocopying Expected," 6:78, February, 1975.

²³Paul Doebler, "IIA Discusses the Copyright Dilemma," Publishers Weekly, 203-152, July 24, 1972.

²⁴William Passano, "A Publisher's View of Photocopying," American Libraries, 5:221, May 1, 1974.

dually and of his own volition, makes one or more copies for temporary use for himself or his pupils in the classroom...Spontaneous copying of an isolated extract by a teacher, which may be considered fair use under appropriate circumstances, could turn into an infringement if the copies were accumulated over a period of time with other parts of the same work, or were collected with other material from various works to constitute an anthology."²⁵

Furthermore, the doctrine of fair use for teachers, or pupils "would have little if any application," the Subcommittee said, when the copyrighted work is intended for classroom work activities such as workbook, exercises, standardized tests, and answer sheets. "Textbooks and other material prepared primarily for the school market would be less susceptible to reproduction for classroom use than material prepared for general public distribution."²⁶

Librarians, patrons, and educators would all be affected by solutions to copying problems and copyright legislation. Julius Marke, a law librarian at New York University, suggested that publishers establish their own photocopying units on campuses. "Librarians would be very happy to have all photocopying done by the publishers, for they gain nothing from it. It is time for the publishers to get

²⁵Susan Wagner, "'Fair Use' Carefully Defined in the Copyright Revision Bill." Publishers Weekly, 205:32, June 24, 1974.

²⁶Ibid.

together and to provide such a service and to decide how to split the fees rather than attempt to squeeze them out of poor, altruistic librarians.²⁷

²⁷Marke, p. 395.

Chapter 3

METHODOLOGY

Three high schools were selected to be studied in relation to the suggested copyright solutions. The schools were Hampton High School, Cedar Falls High School, and Jefferson High School in Cedar Rapids. They received services from Area Education Agency Media Centers 7, 2, and 10, respectively.

The researcher visited each media center in the high schools, districts, and AEA's to gather the following information:

1. Size of collection-both print and non-print.
2. Amount of money spent for library materials-print and non-print-during the 1974-75 school year. (This ^{did} ~~does~~ not include materials purchased from departmental funds.)
3. Estimated number of pages of copyrighted print materials that were copied in the previous year. Also, estimated amount of copying of copyrighted non-print material.
4. Types of copying equipment available.
5. Policies and procedures for copying a copyrighted work.

The royalties solution requires the charging of 5¢ per page. x =pages copied

$$5(x) = \text{added costs}$$

The flat rate solution, used by Columbia University, charges \$4 per transaction and 10¢ per page.

$$\$4 + 10¢ (x) = \text{added costs}$$

The third solution of buying reprints from the publishers averages out to 30¢ a copy. An average of three full pages per article was used.

$$¢ .30 + (\text{number of copies}) = \text{added costs}$$

Chapter 4

ANALYSIS AND INTERPRETATION

The fairly new Hampton High School media center was located in the center of the high school building, adjacent to the lunch room. The lunch room was used as a study hall where talking was permitted. This leaves ~~the~~ library ^{to be used} as a recreational reading and resource area.

The library itself ^{id} does not contain any copying equipment. The equipment, which consists of a photocopier, thermofax, duplicator, and mimeo ^{was} ~~were~~ located in the office. There was no policy existing in the office that covered use of the machines. The teachers did the majority of copying, with the music teacher using the machine extensively.

Tables 1-4 contain the data concerning the size of collection, expenditures for materials, estimated amount of copying of copyrighted materials, and copying machinery available to teachers and students in Hampton High School, Hampton Community School District, and the AEAMC 2.

Little copying was done of audiovisual materials. This was due partly to lack of audiovisual copying equipment, and what the librarian felt was an adequate budget for audiovisual materials. The budget allowed them to get added copies of needed material. The librarian and office secretary both remarked that there was not much demand for copying services beyond the services and facilities on hand.

Table 1

Collection of materials available to
Hampton High School students and
faculty, 1974-75 school year.

Media	Media Centers		
	H.H.S. ^a	H.C.S.D. ^b	AEAMC 2 ^c
Books	7,200	24,000	29,793
Periodicals	97	130	0
Pamphlets	0	20	0
Filmstrips	432	400	242
Film (8mm)	0	10	21,462
Newspapers	3	4	3
Recordings, Disc	215	200	221
Recordings, Tape	6	15	3
Recordings, Cassette	20	75	0
Slides	100	0	27
Other	0	0	0
Grand Total	8,073	24,854	51,527

^aHampton High School

^bHampton Community School District

^cArea Education Agency Media Center 2, located in
Mason City.

Table 2

Expenditures for materials by Hampton High School,
Hampton School District, and AEAMC 2
1974-75 school year.

Type of Media	Media Centers		
	H.H.S.	H.C.S.D.	A.E.A.M.C.
Print	\$2,460	\$10,296.21 ^a	\$1,425
Non-print	\$2,100		\$4,375

^aNo breakdown available

Table 3

Estimated amount of copying of copyrighted
materials for 1974-75 school year

Media	Media Centers		
	H.H.S.	H.C.S.D.	A.E.A.M.C.
Books	100	75	0
Periodicals	50	30	0
Other	200 music	0	0
Grand total	350	105	0

type
Table 4

Number of copying equipment available.

Types of Equipment	Media Centers		
	H.H.S.	H.C.S.D.	A.E.A.M.C.2
Photocopier	1	1	1
Offset Press	0	0	1
Multi-lith	0	0	1
Enlarger	0	0	1
Thermofax	1	1	1
Copy Camera	0	0	1
Thermofax Copier	0	1	0
Duplicator	1	0	0
Mimeo	1	1	1

Hampton Community School District's media center was located in the Hampton Junior High building. This center did not offer many services to individual schools, as it basically took care of the budget matters, administrative duties, and school board matters. The copying equipment- photocopier, thermofax, duplicator, and mimeo machine- were generally used for school board business. Students and faculty use of the equipment were limited.

The expenditures for the district, shown in Table 2, was for library materials for the entire district. No records were kept of services done for the high school alone for the 1974-75 school year.

The AEAMC 2 is located in Mason City. The center was in the process of moving to a larger building in October, 1975. They had recently acquired many pieces of copying equipment, but it had not been unpacked in anticipation of the move. Therefore, copying services from the AEAMC were limited. They would copy with permission of the copyright holder, but not without it. They also never copied any thing with advertising, except football schedules.

Cedar Falls. Cedar Falls High School shares its center with Cedar Falls Community School District, which means that some of the services overlap. The photocopying machine, which serves both centers, was located in the Cedar Falls High School media center. The charge of 10¢ per page was paid at the circulation desk. The charge covered the

cost of paper and use of the machine, but did not go toward any royalty fee. The teachers were not charged. In general, no attempt was made by the library staff to keep tabs on what was being duplicated or how many copies of each were being made.

Tables 5-8 contain the data gathered from Cedar Falls High School, Cedar Falls Community District, and AEAMC 7 concerning the size of the collection, expenditures for 1974-75 school year on library materials, estimated amount of copying of copyrighted materials, and what copying equipment was available to students and faculty.

The school center supplemented much of its materials by having copying done at the district and area center. If there was a need for copying of audiovisual materials, it was done mainly on the district level. The district center would not do any copying of copyrighted materials for schools without permission from the copyright holder or author. The center would make copies, for example, of a teacher's own teaching packet.

While there was no written policy, the district did not copy preview materials. They would video tape a TV special if it was not likely to become available in the future. They would also record a network special, keep a copy until it became available for purchase, and then erased it. Feature films were shown once, then erased. Iowa Educational Broadcastin Network (IBEN) films are used according to IEBN's own policy. And finally, video tapes

Table 5

Collection of materials available to Cedar Falls
High School students and faculty,
1974-75 school year.

Media	Media Centers		
	C.F.H.S. ^d	C.F.C.S.D. ^e	A.E.A.M.C.7 ^f
Books	14,300	0	46,871
Periodicals	115	0	25
Pamphlets	400	0	0
Filmstrips	1018	341	225 sets
Film (8mm)	200	0	0
Newspapers	6	0	0
Recordings, Disc	771	136	0
Recordings, Tape	48	6	0
Recordings, Cassette	148	7	0
Slides	7000	27 kits	110
Other	0	28 filmloops 75 pictures	0
Grand Total	23,998	620	47,231

^d Cedar Falls High School

^e Cedar Falls Community School District

^f Area Education Agency Media Center 7

Table 6

Expenditures for materials for Cedar Falls High School,
Cedar Falls School District, and AEAMC 7,
1974-75 school year.

Types of Media	Media Centers		
	C.F.H.S.	C.F.C.S.D.	AEAMC 7
Print	\$6,180	\$2,900	\$10,000
Non-print	a	\$20,000	\$70,975

^aNot available.

Table 7

Estimated amount of copying of copyrighted
materials for 1974-75 school year.

Media	Media Centers		
	C.F.H.S.	C.F.C.S.D.	AEAMC 7
Books	53	75	0
Periodicals	250	40	0
Pamphlets	10	0	0
Newspapers	15	7	0
Recordings, Cassette	20	25	0
Other	475 music	0	0
Grand Total	832	140	0

Table 8
Table 8

Number of copying equipment available.

Types of Equipment	Media Centers		
	C.F.H.S.	C.F.C.S.D.	AEAMC 7
Offset	1	1	1
Mimeo	2	2	2
Photocopier	1	3	3
Ditto	0	1	1
Thermofax	0	1	1
Copy Camera	1	4	0
Ektagraphic Visual Maker	0	1	0
Slide Copier Attachment	0	1	0

were not loaned outside the district.

The district center had a variety of copying equipment available (see Table 8). Not all of the equipment was located in the high school office. The slide copier was used, in general, by the teachers copying from textbooks for slide-tape presentations.

The AEAMC 7 had a policy of "not knowingly violating the copyright laws by official board policy." Therefore, the center limited itself to circulating films, books, and other media, and the copying of materials if permission had been obtained from the copyright holder.

Jefferson. Jefferson High School in Cedar Rapids was also a center for recreational reading and research. The study hall was also a place where talking was permitted. The media center was referred to as the Cultural Media Center (CMC) as pieces of sculpture, wall hangings, art prints, and framed pictures were available for check-out by faculty and students.

Tables 9-12 are a compilation of information gathered from Jefferson High School, Cedar Rapids Community School District, and Grant Wood AEAMC 10. The compilation covers the size of collection, expenditures for the 1974-75 school year, estimated amount of copying, and types of copying equipment available to students and faculty in Jefferson High School.

The photocopying machine was located in a side room

Table 9

Collection of materials available to Jefferson
High School students and faculty,
1974-75 school year.

Media	Media Centers		
	J.H.S. ^g	C.R.C.S.D. ^h	A.E.A.M.C.10 ⁱ
Books	17,800	240,000	120,000
Periodicals	160	1,450	23
Pamphlets	450	0	0
Filmstrips	350	0	3,800
Film (8mm)	0	0	450
Newspapers	7	94	0
Recordings, Disc	430	0	1500
Recordings, Tape	0	0	400
Recordings, Cassette	100	0	0
Slides	12,000	0	0
Other	200 art prints	0	0
Grand Total	27,491	241,544	133,173

^gJefferson High School

^hCedar Rapids Community School District

ⁱArea Educational Agency 10, also known as Grant Wood
Area Educational Agency, located in Cedar Rapids.

Table 10

Expenditures for materials by Jefferson High School,
Cedar Rapids Community School District,
and AEAMC 10, 1974-75 school year.

Type of Media	Media Centers		
	J.H.S.	C.R.C.S.D.	AEAMC 10
Print	\$6,500	\$143,700	\$32,000
Non-print	\$44,000	\$98,350	\$10,630

Table 11

Estimated amount of copying of copyrighted
materials for 1974-75 school year.

Media	Media Centers		
	J.H.S.	C.R.C.S.D.	AEAMC 10
Books	75	0	6000 total for all print
Periodicals	280	0	*
Pamphlets	0	0	*
Newspapers	25	0	*
Recordings, Disc	0	0	100
Recordings, Tape	0	0	50
Recordings, Cassette	0	0	2,500
Grand Total	380	0	10,650

Table 12

Number of copying equipment available.

Types of Equipment	Media Centers		
	J.H.S.	C.R.C.S.D.	AEAMC 10
Audio tape	0	0	1
Video tape	0	0	1
Photocopier	1	9	1
Copy Camera	1	0	1
Thermofax	1	1	1
Ditto	1	30	0
Mimeo	1	1	1

where only the staff and faculty were permitted. If a student needed some materials copied, he would give the material to a library aide who would run the machine. A cost of 10¢ per page was charged to students, but there was no attempt to control what was copied nor how many copies were made. There was no charge to faculty members.

There was little copying done of educational materials at the high school level, as additional copies were usually available at the district and area centers. Magazines were kept from 5-7 years, and students were able to check them out over night.

The Cedar Rapids Community School District dealt mostly with supplying texts and materials that had been established to support the existing curriculum. Very little copying was done at the district level. The district media director stated that the print shop would not print anything that did not have copyright permission released or granted.

The Grant Wood AEAMC in Cedar Rapids indicated extensive copying of both print and non-print materials (see Table 11). For example, a total of 600 pages of print copying was estimated for the 1974-75 school year. There was no official policy about the copying of copyrighted materials which was met by making copies under the fair use doctrine.

Comparison of the three high schools. A comparison of district centers and AEAMCs in relation to services available was not made because data about copying done specifically for the high school were not available.

The researcher felt that the estimation on the amount of copying was low for a yearly basis, but as indicated before, there were no records kept on how much or what materials were copied. Hampton indicated that they did not charge for students while Cedar Falls and Jefferson each charged ten cents, which did not include any form of royalty fee. None of the schools made any attempt to control what was being copied.

Tables 13-16 show the size of collection, expenditures for materials for the 1974-75 school year, estimated yearly amount of copying for the 1974-75 school year, and the copying equipment available in the three high schools.

Hampton High School has the largest estimated amount of pages copied from books (see Table 15). This included teachers copying pages out of texts for classroom use which may become illegal after the legislative debate is over. Text material has been considered fairly open to a liberal interpretation of the fair use doctrine.

Jefferson High School Media Center received the most periodicals, 160, (see Table 13), and keeps most issues for 6-7 years. This may account for the large amount of magazine pages copied (see Table 15).

The Hampton High School collection did not include

Table 13

Collection of materials available to students and faculty
in Hampton High School, Cedar Falls High School, and
Jefferson High School, 1974-75 school year.

Media	Media Centers		
	H.H.S.	C.F.H.S.	J.H.S.
Books	7,200	14,300	17,800
Periodicals	97	115	160
Pamphlets	0	400	450
Filmstrips	432	1018	350
Film (8mm)	0	200	0
Newspapers	3	6	7
Recordings, Disc	215	771	430
Recordings, Tape	6	48	0
Recordings Cassette	20	148	100
Slides	100	7000	12,000
Other	0	0	200 art prints
Grand Total	8073	23,998	27,491

Table 14

Expenditures for materials by Hampton High School, Cedar Falls High School, and Jefferson High School for the 1974-75 school year.

Type of Media	Media Centers		
	H.H.S.	C.F.H.S.	J.H.S.
Print	\$2,460	\$6,180	\$6,500
Non-print	\$2,100	a	\$44,000

^aNot available.

Table 15

Estimated amount of copying of copyrighted materials for 1974-75 school year.

Media	Media Centers		
	H.H.S.	C.F.H.S.	J.H.S.
Books	100	53	75
Periodicals	50	40	280
Pamphlets	0	10	0
Newspapers	0	15	25
Recordings, Discs	0	20	0
Recordings, Cassettes	0	20	0
Other	200 music	475 music	0
Grand Total	350	832	380

Table 16

Number of copying equipment available.

Types of Equipment	Media Centers		
	H.H.S.	C.F.H.S.	J.H.S.
Photocopier	1	1	1
Copy Camera	0	1	1
Offset Press	0	1	0
Thermofax	1	1	1
Duplicator	1	0	0
Mimeo	1	1	2
Recorder, Cassette	0	1	1
Recorder Tape	0	1	1

pamphlets. Cedar Falls estimated that only ten copies were made of their extensive vertical file materials. Jefferson allowed their pamphlets to be checked out for a two week period, which could possibly cut down on the copying rate. ~~The~~ filmstrips and 8mm film were not copied by any of the three high schools because none of them had the needed equipment.

Newspaper articles were copied on the photocopying machines in Cedar Falls' media centers and Jefferson's CMC. The librarian at Jefferson indicated that often the students in a current events class or debate class used the newspapers and copied articles to back up their arguments for class.

Cedar Falls and Jefferson each had a tape player which would allow them to record a commercially produced disc or tape recording, but the librarians indicated that this was not done. Cedar Falls made the only copies of cassettes. These were made to convert a disc recording into a more usable format for classroom use.

None of the schools indicated that they made any copies of slides. Cedar Falls may have been the only school who would be able to make copies of slides because the district owns a slide copier adapter.

The 'other' category included copying sheets of the music department's music, which was done by Hampton and Cedar Falls. If Jefferson's music director did any copying, the librarian said that it may be done elsewhere in the

building. Jefferson's art prints and sculptures are generally not copied except by freehand which is allowable by law.

Application of formulas. Copying of copyrighted materials would not seem to be out of reason, considering the size of schools' collections and budgets. However, the application of the three formulas offered by publishers and librarians could be costly to both the patron and the schools. Table 17 shows the added cost to each high school using the estimated amount of copying of print and non-print materials, and the three formulas.

Most publishers favored a royalty fee of 5¢ per page. This could be a real challenge to, for example, the Cedar Fall High School librarian, as she would need to keep track of which article in a magazine was copied and how many pages were copied. Splitting \$5.90 between even four publishers could be a time consuming, expensive job that required much paperwork.

The flat rate (based on three pages per article) solution could price photocopying out of the range of everyone's use. This could also lead to increased mutilation of articles and less use of other's research material in general. Jefferson's media center, for example, had been facing decreasing budgets, and would not be able to absorb the \$542 extra charge.

The publisher's reprint solution may be a good way for larger schools and universities to eliminate the copyright

Table 17

Cost of three formulas applied to
estimated copying done by
three high schools

Formulas	Media Center		
	H.H.S.	C.F.H.S.	J.H.S.
1. Royalty fee at 5¢ a page	P ^j =\$17.50	P =\$5.90	P =\$19.00
	NP ^k =\$00.00	NP=\$1.00	NP=\$00.00
2. Flat Rate \$4 per transac- tion + 10¢ a page	P =\$495.00	P =\$167.80	P =\$542.00
	NP=\$00.00	NP=\$82.00	NP=\$00.00
3. Reprints 30¢ per print	P =\$105.00	P =\$35.40	P =\$114.00
	NP=\$00.00	NP=\$6.00	NP=\$00.00

jPrint

kNon-print

infringement problems. One problem could be in anticipating what articles would be needed, how many, and when.

Conclusion. The copyright controversy is still being debated, and perhaps the Congress will reach a decision on this issue in 1976. Julius Marke's comment that the publishing companies should set up their own photocopying machines for copyrighted materials may be the best answer for everyone.²⁸ They then would have control over the copying that they desire. A drawback of this solution would be in high schools like Hampton and Jefferson where copying of copyrighted material is not extensive.

The three solutions would mean increased cost to libraries. Libraries in the present time of decreasing budgets may have to pass on the added costs to the patron. The patron in return may do without, rip it out, or not get the complete information they need.

After the Congress makes a decision, and passes a copyright bill, the effects on education and school systems can be more accurately defined.

²⁸Marke, p. 395.

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