

Re: Military Movement and Climate Change

Source: <http://sci.tech-archive.net/Archive/sci.energy/2005-02/0271.html>

From: Ford Prefect (tommysfanclub_at_yahoo.com)

Date: 02/07/05

Date: Mon, 7 Feb 2005 07:02:10 -0800

"Paul A Thomas" <taxman@negia.net> wrote in message
news:110ep3pqm90ol4d@corp.supernews.com...

>

> <knews4u2chew@yahoo.com> wrote

> *Russian Military Movements towards Protected Areas Beginning*

>

> *By: Sorcha Faal, and as reported to her Russian Subscribers*

>

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> *I see you don't have any problems breaking copyright laws.*

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You really are a moron. This is a newsgroup, dummy. Read it and weep.

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United States Code: Title 17, Section 107

<http://www4.law.cornell.edu/uscode/unframed/17/107.html>

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include – (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

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(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. The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

TO: Members of the Faculty, Hoover Institution Fellows,
Academic Staff, and Library Directors

FROM: Condoleezza Rice, Provost

RE: Copyright Reminder

October 30, 1998

This memorandum provides a general description of the applicability of the copyright law and the so-called "fair use" exemptions to the copyright law's general prohibition on copying. It also describes "safe harbor" guidelines applicable to classroom copying.

The federal copyright statute governs the reproduction of works of authorship. In general, works governed by copyright law include such traditional works of authorship as books, photographs, music, drama, video and sculpture, and also software, multimedia, and databases. Copyrighted works are protected regardless of the medium in which they are created or reproduced; thus, copyright extends to digital works and works transformed into a digital format.

Copyrighted works are not limited to those that bear a copyright notice. As a result of changes in copyright law, works published since March 1, 1989 need not bear a copyright notice to be protected under the statute.

Two provisions of the copyright statute are of particular importance to teachers and researchers:

- * a provision that codifies the doctrine of "fair use," under which limited copying of copyrighted works without the permission of the owner is allowed for certain teaching and research purposes; and

- * a provision that establishes special limitations and exemptions for the reproduction of copyrighted works by libraries and archives.

The concept of fair use is necessarily somewhat vague when discussed in the abstract. Its application depends critically on the particular facts of the individual situation. Neither the case law nor the statutory law provides bright lines concerning which uses are fair and which are not. However, you may find it helpful to refer to certain third party source materials. Guidelines for classroom copying by not-for-profit educational institutions have been

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prepared by a group consisting of the Authors League of America, the Association of American Publishers, and an ad hoc committee of educational institutions and organizations. In addition, fair use guidelines for educational multimedia have been prepared by a group coordinated by the consortium of College and University Multimedia Centers (CCUMC). These guidelines describe safe harbor conditions, but do not purport to define the full extent of "fair use."

The guidelines, as well as other source material, are available through a variety of resources, including through the world wide web site <http://fairuse.stanford.edu>. Stanford University Libraries & Academic Information Resources, in collaboration with the Council on Library Resources and FindLaw Internet Legal Resources, are sponsors of this web site. The site assembles a wide range of materials related to the use of copyrighted material by individuals, libraries, and educational institutions.

I hope that the discussion below helps to clarify further the nature of "fair use."

I. Fair Use for Teaching and Research

The "fair use" doctrine allows limited reproduction of copyrighted works for educational and research purposes. The relevant portion of the copyright statute provides that the "fair use" of a copyrighted work, including reproduction "for purposes such as criticism, news reporting, teaching (including multiple copies for classroom use), scholarship, or research" is not an infringement of copyright. The law lists the following factors as the ones to be evaluated in determining whether a particular use of a copyrighted work is a permitted "fair use," rather than an infringement of the copyright:

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

Although all of these factors will be considered, the last factor is the most important in determining whether a particular use is "fair." Where a work is available for purchase or license from the copyright owner in the medium or format desired, copying of all or a significant portion of the work in lieu of purchasing or licensing

a sufficient number of "authorized" copies would be presumptively unfair. Where only a small portion of a work is to be copied and the work would not be used if purchase or licensing of a sufficient number of authorized copies were required, the intended use is more likely to be found to be fair.

A federal appeals court recently decided an important copyright fair use case involving coursepacks. In *Princeton University Press, et.al. v. Michigan Document Services*, the U.S. Court of Appeals for the Sixth Circuit concluded that the copying of excerpts from books and other publications by a commercial copy service without the payment of fees to the copyright holders to create coursepacks for university students was not fair use. The size of the offending excerpts varied from 30 percent to as little as 5 percent of the original publications. Although the opinion in this case is not binding in California, it is consistent with prior cases from other courts, and there is a reasonable likelihood that the California federal courts would reach a similar conclusion on similar facts.

Where questions arise, we suggest that you consult the guidelines for classroom copying and other available source material available on the fair use web site, cited above. Please note that the guidelines are intended to state the minimum, not the maximum, extent of the fair use doctrine. Thus, just because your use is not within the guidelines, it is not necessarily outside the scope of fair use. In the absence of a definitive conclusion, however, if the proposed use deviates from the guidelines, you should consider obtaining permission to use the work from the copyright owner. In instances where the fair use question is important and permission would be difficult or expensive to obtain, a member of the Fair Use Advisory Group (described below) or the Legal Office can assist in analyzing whether a particular proposed use would constitute "fair use."

Some photocopying services will obtain copyright permission and add the price of the royalties, if any, to the price of the materials. A request to copy a copyrighted work should generally be sent to the permission department of the publisher of the work. Permission requests should contain the following:

- * Title, author, and/or editor, and edition
- * Exact material to be used, giving page numbers or chapters
- * Number of copies to be made
- * Use to be made of the copied materials
- * Form of distribution (classroom, newsletter, etc.)

* Whether the material is to be sold

Draft form letters can be obtained from or reviewed by a member of the Fair Use Advisory Group or the Legal Office.

For certain works, permission may also be sought from the Copyright Clearance Center (CCC) which will quote a charge for works for which they are able to give permission. The Copyright Clearance Center can be contacted at www.copyright.com or (978) 750-8400, but it may be easier to go through a copying service that deals regularly with the CCC.

II. Course Reserves

Some libraries at Stanford will refuse to accept multiple photocopies or to make photocopies of copyrighted materials needed for course reserves without first having permission from the copyright holder. Other libraries on campus will accept a limited number of photocopies for course reserves. Consult individual libraries for clarification of their policies.

While the libraries have blanket permission from dozens of journals, obtaining permission sometimes takes a good deal of time. Experience in obtaining permission has shown that an inquiry addressed to a journal publisher frequently produces information that the copyright is actually held by the author, and four weeks is often inadequate to obtain such permission. Four to six weeks is considered the norm.

Permission may be obtained in a number of ways:

* Upon request, some libraries on campus will obtain materials for course reserve. In these cases, the librarian will write to obtain permission to photocopy or to purchase reprints. However, most libraries do not provide this service.

* Written permission may be obtained by the academic department.

* Oral permission may be obtained by faculty members, departmental secretaries, or library staff, in which case a written record is needed of that action.

Note that filling course reserve requirements may require two to three months before the quarter begins if the library does not already have a copy of the publication, if the publication is out of print, or if the copyright holder is not readily available.

III. Resources

Additional information on copyright issues may be found on the world wide web site <http://fairuse.stanford.edu>.

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Thank you for your cooperation in ensuring the observation
of these guidelines.

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Hello from 2005...

To the past, or to the future.

To an age when thought is free.

>From the Age of Big Brother,
from the Age of the Thought Police,
from a dead man... greetings.