

U. Grant Miller Library  
Washington & Jefferson College

**Interlibrary Loan Policy**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009

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# U. Grant Miller Library Interlibrary Loan Policy

## I. Introduction

Interlibrary Loan is a service provided by the Public Services Department of the U. Grant Miller Library. It supports the mission of the library by providing students, faculty, and staff of Washington & Jefferson College with access to material not available in our library's collection.

## II. Definition

Interlibrary loan is the borrowing and lending of material between libraries on behalf of library users. It includes the use of commercial fee-based services to obtain documents. In providing interlibrary services, libraries may use electronic technology to deliver documents and may deliver electronic items directly to users.

## III. Conditions of service

The U. Grant Miller Library will comply with the Interlibrary Loan Code for the United States, 1994 revised 2001 and 2008 and Explanatory Supplement (see Appendix A), the Pennsylvania Interlibrary Loan Code, 1994 (see Appendix B), The Copyright law of the United States - Title 17 § 108 (g)(2) of the *United States Code* (see Appendix C), the National Commission on New Technological Uses of Copyright Works (CONTU) guidelines (see Appendix D), and consortial arrangements and reciprocal agreements.

The copyright law of the United States, Title 17 §108 (g) (2) prohibits *systematic reproduction* requests "in such aggregate quantities as to substitute for a subscription to or purchase of [a] work." Under *Guidelines for the Proviso of Subsection 108(g)(2)* CONTU defines systematic reproduction as requesting for one title, during one calendar year, six or more articles published within five years prior to the date of the request. The U. Grant Miller Library will comply with this guideline (often referred to as the Rule of Five) by obtaining, for those requests that apply, the first five articles from libraries and the sixth and subsequent articles from a commercial fee-based document supplier where copyright fees are part of the cost of the transaction. In accordance with the CONTU guidelines, the library will keep three complete years of borrowing records for interlibrary loan.

## **IV. Interlibrary borrowing**

### **A. Borrowing privileges**

The library provides Interlibrary Loan services year-round to current students, faculty, and staff of Washington & Jefferson College.

### **B. Materials that may be borrowed**

The library will obtain, upon request, books, dissertations, and other returnable items, as well as journal articles and other non-returnable items. Returnable audiovisual materials (videocassettes, DVDs, compact discs, etc.) which libraries generally do not lend will be obtained when possible. When necessary, the library will use the services of a commercial fee-based document supplier to obtain material.

The following may not be borrowed: material intended for course reserve, reference books, and rare or valuable items. Items owned by the U. Grant Miller Library may not be borrowed except when they are marked missing, are temporarily at the bindery, or when a recall is not successful.

### **C. Borrowing limits and costs**

There is no limit to the number of items that may be requested by an individual. The library assumes all of the costs of standard interlibrary loan services, including shipping, and will charge patrons, with their approval, a nominal fee of \$10 in the event that a lending institution charges an IFM. The library is willing to pay fees above those paid by the patron and not exceeding \$25 for an interlibrary loan item. For items that exceed this amount, the library will contact the requester to verify that she or he still needs the item considering the additional cost.

### **D. Turnaround time**

The normal turnaround time for an Interlibrary Loan request is 5 to 10 business days, but may take more or less time depending on the method of transmission used by the lending library (U.S. Postal Service, commercial shipping, or electronic transmission). Rush requests will be accepted on a case-by-case basis.

### **E. Notification**

Articles, books and other returnable and non-returnable items will be sent to faculty and staff through campus mail. Articles and other non-returnable items will be sent to students via campus mail. Students will be notified by email or telephone when returnable items arrive and asked to retrieve them at the library. When interlibrary loan items arrive on microfilm or microfiche or

are for library use only, patrons will be notified by telephone or email. Patrons will be notified by email when items cannot be obtained.

F. Due dates, use conditions, renewals and recalls

The lending library sets the due dates and use conditions for the items they lend. The Interlibrary Loan Code for the United States defines the due date as the date the material should be checked in at the lending library.

Renewals may be requested before the due date, except for items designated "no renewal." If a renewal is granted, the library will notify the patron of the new due date via email, telephone, or campus mail. If a renewal is not granted, the library will notify the patron via email, telephone, or campus mail and request that the item be returned by the due date.

If the lending library recalls an item, the patron will be notified by email, telephone, or mail with a request to return the item immediately.

**V. Interlibrary Lending**

A. Libraries to which we will lend

The U. Grant Miller Library will lend to academic, public, special, not-for-profit libraries and for-profit organizations in the United States. International requests for non-returnable materials will be granted on a case-by-case basis.

B. Fees

The library is a reciprocal library and will charge fees only to libraries that charge fees to us. No fees will be charged to academic or public libraries in Pennsylvania. Libraries in our reciprocal lending consortium, Libraries Very Interested in Sharing (LVIS), will not be charged. For-profit libraries will be charged \$15 per request.

C. Material we will lend

Books in the circulating collection may be borrowed. Copies of journal articles from print and microfilm holdings will be sent to borrowing libraries. Audiovisual material, microfilm, reference books, course reserve materials, Instructional Resources Collection material (including children's books), archival material, and historical collection items may not be borrowed.

D. Information for the borrowing library

Lending policies are available on the OCLC Policies Directory online and will be kept up to date. Information will also be posted on the library's website. Special information for specific items will be sent with the item. Overdue

notices and invoices will be sent to the borrowing library via fax, Ariel, email, or U.S. Mail.

## **VI. Library patron's responsibilities**

- To comply with any special use conditions (e.g., in library use only, no renewals, no photocopying, etc.) set by the lending library.
- To return Interlibrary Loan materials on or before the due date or request a renewal before the due date.
- To pay for any overdue charges levied by the lending library.
- To pay for any damage incurred while the item is in your possession.
- To return immediately any item recalled by the lending library.

## **VII. Library's responsibilities**

The Interlibrary Loan Code for the United States outlines the library's responsibilities in regard to Interlibrary Loan borrowing and lending. U. Grant Miller Library maintains the confidentiality of all patron records, including interlibrary loan transactions.

The U. Grant Miller Library complies with the

- Interlibrary Loan Code for the United States  
<http://www.ala.org/ala/mgrps/divs/rusa/resources/guidelines/interlibrary.cfm>
- The Pennsylvania Interlibrary Loan Code  
<[http://www.statelibrary.state.pa.us/libraries/lib/libraries/PA\\_ILL\\_CODE\\_694.pdf](http://www.statelibrary.state.pa.us/libraries/lib/libraries/PA_ILL_CODE_694.pdf)>
- The Copyright Law of the United States  
<<http://www.copyright.gov/title17/92chap1.html#108>> and
- The National Commission on New Technological Uses of Copyright Works (CONTU) Guidelines <<http://www.cni.org/docs/infopols/CONTU.html>>.

## **VIII. Policy review and change**

The Reference and Instruction Librarian/Document Delivery Services, in consultation with the Director of Library Services, will periodically review the Interlibrary Loan services provided. New technologies, consortial arrangements, reciprocal agreements, and OCLC policies relating to Interlibrary Loan will be part of this ongoing review process.

**Appendix A** Interlibrary Loan Code for the United States and Explanatory Supplement

**Appendix B** Pennsylvania Interlibrary Loan Code

**Appendix C** Copyright Law - Title 17 §108(g)(2) of the *United States Code*

**Appendix D** CONTU guidelines on Photocopying under Interlibrary Loan Arrangements

## **Appendix A**

From "ALA | Editorial Statement," American Library Association  
<http://www.ala.org/ala/mgrps/divs/rusa/resources/guidelines/interlibrary.cfm>

### **Interlibrary Loan Code for the United States**

**Prepared by the Interlibrary Loan Committee, Reference and User Services Association (RUSA), 1994, revised 2001. Revised 2008, by the Sharing and Transforming Access to Resources Section (STARS).**

#### **Introduction**

The Reference and User Services Association, acting for the American Library Association in its adoption of this code, recognizes that the sharing of material between libraries is an integral element in the provision of library service and believes it to be in the public interest to encourage such an exchange.

In the interest of providing quality service, libraries have an obligation to obtain material to meet the informational needs of users when local resources do not meet those needs. Interlibrary loan (ILL), a mechanism for obtaining material, is essential to the vitality of all libraries.

The effectiveness of the national interlibrary loan system depends upon participation of libraries of all types and sizes.

This code establishes principles that facilitate the requesting of material by a library and the provision of loans or copies in response to those requests. In this code, "material" includes books, audiovisual materials, and other returnable items as well as copies of journal articles, book chapters, excerpts, and other non-returnable items.

#### **1.0 Definition**

1.1 Interlibrary loan is the process by which a library requests material from, or supplies material to, another library.

#### **2.0 Purpose**

2.1 The purpose of interlibrary loan as defined by this code is to obtain, upon request of a library user, material not available in the user's local library.

#### **3.0 Scope**

3.1 This code regulates the exchange of material between libraries in the United States.

3.2 Interlibrary loan transactions with libraries outside of the United States are governed by the International Federation of Library Associations and Institutions' International Lending: Principles and Guidelines for Procedure.

## **4.0 Responsibilities of the Requesting Library**

- 4.1 Establish, promptly update, and make available an interlibrary borrowing policy.
- 4.2 Ensure the confidentiality of the user.
- 4.3 Describe completely and accurately the requested material following accepted bibliographic practice.
- 4.4 Identify libraries that own the requested material and check and adhere to the policies of potential supplying libraries.
- 4.5 When no libraries can be identified as owning the needed material, requests may be sent to libraries believed likely to own the material, accompanied by an indication that ownership is not confirmed.
- 4.6 Transmit interlibrary loan requests electronically whenever possible.
- 4.7 For copy requests, comply with the U.S. copyright law (Title 17, U.S. Code) and its accompanying guidelines.
- 4.8 Assume responsibility for borrowed material from the time it leaves the supplying library until it has been returned to and received by the supplying library. This includes all material shipped directly to and/or returned by the user. If damage or loss occurs, provide compensation or replacement, in accordance with the preference of the supplying library.
- 4.9 Assume full responsibility for user-initiated transactions.
- 4.10 Honor the due date and enforce any use restrictions specified by the supplying library. The due date is defined as the date the material is due to be checked-in at the supplying library.
- 4.11 Request a renewal before the item is due. If the supplying library does not respond, the requesting library may assume that a renewal has been granted extending the due date by the same length of time as the original loan.
- 4.12 All borrowed material is subject to recall. Respond immediately if the supplying library recalls an item.
- 4.13 Package material to prevent damage in shipping and comply with any special instructions stated by the supplying library.
- 4.14 Failure to comply with the provisions of this code may be reason for suspension of service by a supplying library.

## **5.0 Responsibilities of the Supplying Library**

5.1 Establish, promptly update, and make available an interlibrary lending policy.

5.2 Consider filling all requests for material regardless of format.

5.3 Ensure the confidentiality of the user.

5.4 Process requests in a timely manner that recognizes the needs of the requesting library and/or the requirements of the electronic network or transmission system being used. If unable to fill a request, respond promptly and state the reason the request cannot be filled.

5.5 When filling requests, send sufficient information with each item to identify the request.

5.6 Indicate the due date and any restrictions on the use of the material and any special return packaging or shipping requirements. The due date is defined as the date the material is due to be checked-in at the supplying library.

5.7 Ship material in a timely and efficient manner to the location specified by the requesting library. Package loaned material to prevent loss or damage in shipping. Deliver copies electronically whenever possible.

5.8 Respond promptly to requests for renewals. If no response is sent, the requesting library may assume that a renewal has been granted extending the due date by the same length of time as the original loan.

5.9 Loaned material is subject to recall at any time.

5.10 Failure to comply with the provisions of this code may lead to suspension of service to the requesting library.

## Supplemental Documentation

From <http://www.ala.org/ala/mgrps/divs/rusa/resources/guidelines/interlibraryloancode.cfm>

### Interlibrary Loan Code for the United States Explanatory Supplement

For Use with the Interlibrary Loan Code for the United States (May 2008)

This Explanatory Supplement is intended to amplify specific sections of the Interlibrary Loan Code for the United States, providing fuller explanation and specific examples for text that is intentionally general and prescriptive. Topical headings refer to the equivalent sections in the Code. Libraries are expected to comply with the Code, using this Supplement as a source for general direction.<sup>1</sup>

#### Introduction

The U.S. Interlibrary Loan Code, first published in 1917 and adopted by The American Library Association in 1919, is designed to provide a code of behavior for requesting and supplying material within the United States. This code does not override individual or consortial agreements or regional or state codes which may be more liberal or more prescriptive. This national code is intended to provide guidelines for exchanges between libraries where no other agreement applies. The code is intended to be adopted voluntarily by U.S. libraries and is not enforced by an oversight body. However, as indicated below, supplying libraries may suspend service to borrowing libraries that fail to comply with the provisions of this code.

This interlibrary loan code describes the responsibilities of libraries to each other when requesting material for users. Increasingly libraries are allowing users to request material directly from suppliers. This code makes provision for direct patron requesting and at the same time affirms the responsibility of the patron's library for the safety and return of the borrowed material, or for paying the cost of a non-returnable item sent directly to the patron.

Technology has expanded access options beyond traditional library-to-library transactions. Unmediated requests, direct-to-user delivery, purchase-on-demand options, and increasing full-text availability are exciting developments in resource sharing. At present, the Interlibrary Loan Code reflects established practices. However, libraries and other information centers are encouraged to explore and use non-traditional means where available to ensure maximum accessibility and convenience for users. More information for libraries interested in new ideas for resource sharing can be found at:

<http://www.ala.org/ala/mgrps/divs/rusa/sections/stars/index.cfm>

#### 1. Definition

The Interlibrary Code for the United States covers transactions between two libraries. Transactions between libraries and commercial document suppliers or library fee-based services are contractual arrangements beyond the scope of these guidelines.

The terms "requesting library" and "supplying library" are used in preference to "borrowing" and "lending" to cover the exchange of copies as well as loans.

## 2. Purpose

Interlibrary loan (ILL) is intended to complement local collections and is not a substitute for good library collections intended to meet the routine needs of users. ILL is based on a tradition of sharing resources between various types and sizes of libraries and rests on the belief that no library, no matter how large or well supported, is self-sufficient in today's world. It is also evident that some libraries are net borrowers (borrow more than they lend) and others are net lenders (lend more than they borrow), but the system of interlibrary loan still rests on the belief that all libraries should be willing to lend if they are willing to borrow.

## 3. Scope

The conduct of international interlibrary loan is regulated by the rules set forth in the IFLA document *International Lending: Principles and Guidelines for Procedure*.[2](#)

Although the U.S. shares a common border with Canada and Mexico, it is important to remember that these countries have their own library infrastructures and ILL codes. The IFLA Principles and Guidelines regulate the exchange of material between institutions across these borders. Further, U.S. librarians would be wise to inform themselves of customs requirements that take precedence over library agreements when material is shipped across these national borders, e.g., as described in the Association of Research Libraries' *Transborder Interlibrary Loan: Shipping Interlibrary Loan Materials from the U.S. to Canada*.[3](#)

## 4. Responsibilities of the Requesting Library

### 4.1 Written Policies

A library's interlibrary loan borrowing policy should be available in a written format that is readily accessible to all library users. Whenever possible the borrowing policy should be posted on the library's Web site as well as be available in paper copy at public service desks or wherever other library user handouts are provided.

### 4.2 Confidentiality

Interlibrary loan transactions, like circulation transactions, are confidential library records. Interlibrary loan personnel are encouraged to be aware of local/state confidentiality rules and laws as they relate to interlibrary loan transactions. Appropriate steps, such as using identification numbers or codes rather than users' names, should be taken to maintain confidentiality. However, it is not a violation of this code to include a user's name on a request submitted to a supplier. Policies and procedures should be developed regarding the retention of ILL records and access to this information. ILL personnel should also be aware of privacy issues when posting requests for assistance or using the text of ILL requests as procedural examples. ALA's Office for Intellectual Freedom has developed a number of policies regarding confidentiality of library records.[4](#)

ILL staff should adhere to the American Library Association's (ALA) Code of Ethics [5](#), specifically principle III, that states: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted."

### **4.3 Complete Bibliographic Citation**

A good bibliographic description is the best assurance that the user will receive the item requested. Rather than detail these descriptive elements, the code requires the requesting library to include whatever data provides the best indication of the desired material, whether an alphanumeric string or an extensive bibliographic citation. The important point is that this description be exact enough to avoid unnecessary work on the part of the supplier and frustration on the part of the user. For example, journal title verification rather than article level verification would be sufficient.

### **4.4 Identifying Appropriate Suppliers**

Requesting libraries should use all resources at their disposal to determine ownership of a particular title before sending a request to a potential supplier. Many libraries contribute their holdings to major bibliographic utilities such as DOCLINE and/or OCLC and make their individual catalogs freely available via the Internet. The interlibrary loan listserv ([ill@webjunction.org](mailto:ill@webjunction.org)) or other ILL-related lists are also excellent sources for the requesting library to verify and/or locate particularly difficult items.

The requesting library is encouraged to use resources such as the OCLC Policies Directory to determine lending policies, including any applicable charges, before requesting material.

The requesting library should clearly state on the request an amount that meets or exceeds the charges of suppliers to which the request is sent. The requesting library is responsible for payment of any fees charged by the supplying library that are less than or equal to the amount stated on its request. Libraries are encouraged to use electronic invoicing capabilities such as OCLC's Interlibrary Loan Fee Management (IFM) system or the Electronic Fund Transfer System used by medical libraries.

### **4.5 Sending Unverified Requests**

Despite the requirements in Sec. 4.4 and 4.5 that an item should be completely and accurately described and located, the code recognizes that it is not always possible to verify and/or locate a particular item. For example, a request may be sent to a potential supplier with strong holdings in a subject or to the institution at which the dissertation was written.

### **4.6 Transmitting the Request**

The code recommends electronic communication. For many libraries, sending requests electronically means using the ILL messaging systems associated with DOCLINE, OCLC, other products that use the ISO ILL Protocol, or structured email requests.

Lacking the ability to transmit in this fashion, the requesting library should send a completed ALA interlibrary loan request form via fax, Internet transmission, or mail; use a potential supplier's web request form; or otherwise provide the necessary information via email message or conventional letter. Whatever communication method is used, the requesting library should identify and use the appropriate address or number for ILL requests.

The requesting library should include a street address, a postal box number, an IP address, a fax number, and an email address to give the supplying library delivery options. Any special

needs, such as for a particular edition, language, or rush delivery, should be included on the request.

In addition, because the primary purpose of interlibrary loan is to provide material for relatively short term use by an individual, the requesting library should communicate with the supplying library in advance if the material is needed for other uses (such as course reserves, classroom or other group viewing of audio-visual material or for an extended loan period, especially of a textbook).

#### **4.7 Copy Requests**

The requesting library is responsible for complying with the provisions of Section 108(g)(2) Copyright Law [6](#) and the Guidelines for the Proviso of Subsection 108(g)(2) prepared by the National Commission on New Technological Uses of Copyrighted Works (the CONTU Guidelines).[7](#)

#### **4.8 Responsibility of the Requester**

The requesting library assumes an inherent risk when material is supplied through interlibrary loan. Although the number is small, some material is lost or damaged at some point along the route from the supplier and back again. The requesting library's responsibility for this loss is based on the concept that if the request had not been made, the material would not have left the supplier's shelf, and thus would not have been put at risk. This section clearly states that the requesting library is responsible for the material from the time it leaves the supplying library until its safe return to the supplying library.

If the requesting library asks for delivery at a location away from the library (such as to the user's home), the requesting library is likewise responsible for the material during this delivery and return process. In any case, a final decision regarding replacement, repair, or compensation rests with the supplying library.

Borrowed items should be returned in the condition in which they were received at the requesting library. In particular, adhesive labels or tape should not be affixed directly to any borrowed item.

It is the responsibility of the requesting library to pay invoices received or to notify the supplying library of any billing questions not later than six months from the billing date for the charges in question. The requesting library should also make every attempt to resolve billing questions within six months of notifying the supplying library of an apparent billing error.

Although the code stipulates that the requesting library is required to pay if billed for a lost or damaged item, the supplying library is not necessarily required to charge for a lost item. In the case of lost material, the requesting and supplying libraries may need to work together to resolve the matter. For instance, the library shipping the material may need to initiate a trace with the delivery firm.

#### **4.9 Responsibility for Unmediated ILL Requests**

Some requesting libraries permit users to initiate online ILL requests that are sent directly to potential supplying libraries. A requesting library that chooses to allow its users to order materials through interlibrary loan without mediation accepts responsibility for these requests as

if they have been placed by library staff. The supplying library may assume that the user has been authenticated and authorized to place requests and that the requesting library assumes full responsibility for transaction charges, the safety and return of material, and the expense of replacement or repair.

#### **4.10 Due Date and Use Restrictions**

This code makes a departure from earlier codes that described due dates in terms of a "loan period" which was interpreted as the length of time a requesting library could retain the material before returning it. The primary object of this section is to provide a clear definition of due date as the date the material must be checked in at the supplying library. This definition brings ILL practice into alignment with automated circulation procedures and is intended to facilitate interoperability of ILL and circulation applications.

The requesting library should develop a method for monitoring due dates so that material can be returned to and checked in at the supplying library by the due date assigned by the supplying library.

The requesting library is responsible for ensuring compliance with any use restrictions specified by the supplying library such as "library use only" or "no photocopying."

#### **4.11 Renewals**

When the supplying library denies a renewal request the material should be returned by the original due date or as quickly as possible if the renewal is denied after the due date has passed.

#### **4.12 Recalls**

The response to a recall may be the immediate return of the material, or timely communication with the supplying library to negotiate a new due date.

When the material has been recalled, the requesting library is encouraged to return the material via an expedited delivery carrier such as UPS, FedEx, or USPS Priority Mail.

#### **4.13 Shipping**

It is the ultimate responsibility of the requesting library to return materials in the same condition in which they were received as noted in section 4.8 of the [Interlibrary Loan Code for the United States](#).

It is the responsibility of the requesting library to follow the shipping and packaging requirements, including insurance and preferred shipping method, as stipulated by the supplying library. Packaging is defined as the outer material, which may be a box, padded envelope, etc. Wrapping is defined as an inner covering for the item such as paper or bubble wrap.

If no shipping or packaging methods are specified, the requesting library's regular form of shipment should be used.

If packaging material has been used previously, remove or mark out old addresses, postal marks, etc. to avoid misdirection. Do not reuse old, frayed, ripped, or decaying packaging and wrapping materials – discard it instead. Clearly address all packages with both the destination and return addresses properly attached to the packaging material.

In accordance with United States Postal Service guidelines, tape is the preferred sealing methods on all types of packages. Remember that wrapping and packaging materials will most likely be reused. So, please use tape judiciously. If staples must be used, do not use industrial (e.g. copper) staples if at all possible. Copper staples make it very difficult to reuse wrapping and packaging materials and are not ergonomically sound.

Use wrapping and packaging material that is appropriate to the size and format of the material being shipped. Too small or too large packaging will not adequately protect materials during transportation. Remember to use appropriate wrapping to avoid shifting and damage to the contents.

For special formats, consult the appropriate ALA Guidelines:

- American Library Association. Association for Library Collections and Technical Services. Guidelines for Packaging and Shipping Magnetic Tape Recording and Optical Discs (CD-ROM and CD-R) Carrying Audio, Video, and/or Data, n.d.
- American Library Association. Association for Library Collections and Technical Services. Guidelines for Packaging and Shipping Microforms, 1989.
- American Library Association. Association for Library Collections and Technical Services. Guidelines for Preservation Photocopying of Replacement Pages, 1990.
- American Library Association. Video Round Table. Guidelines for the Interlibrary Loan of Audiovisual Formats, 1998.
- American Library Association. Association of College and Research Libraries. Ad Hoc Committee on the Interlibrary Loan of Rare and Unique Materials. Guidelines for the Interlibrary Loan of Rare and Unique Materials, 2004.

#### **4.14 Suspension of Service**

Repeated or egregious breaches of this code may result in the requesting library's inability to obtain material. Examples of actions that may result in suspension include lost or damaged books, allowing "library use only" books to leave the library, or failing to pay the supplier's charges. A supplying library should not suspend service to a requesting library without first attempting to resolve the problem(s).

### **5. Responsibilities of the Supplying Library**

#### **5.1 Lending Policy**

The lending policy should be clear, detailed, and readily available to requesting libraries. The policy should include among other things, schedule of fees and charges, overdue fines, non-circulating items/categories, current shipping instructions, calendar for service suspensions, penalties for late payments, etc. While a supplying library may charge additional fees for the rapid delivery of requested material, it is recommended that no additional fees be charged for the routine supply of documents via electronic means.

The supplying library is encouraged to make its lending policy available in print, on the library's Web site, and in resources such as the OCLC Policies Directory. The supplying library should be willing to fill requests for all types and classes of users, and all types of libraries, regardless of their size or geographic location.

## **5.2 Material Format**

Supplying libraries are encouraged to lend as liberally as possible regardless of the format of the material requested, while retaining the right to determine what material will be supplied. It is the obligation of the supplying library to consider the loan of material on a case by case basis. Supplying libraries are encouraged to lend audiovisual material, newspapers, and other categories of material that have traditionally been non-circulating.

Supplying libraries are encouraged to follow ACRL's Guidelines for the Interlibrary Loan of Rare and Unique Materials<sup>8</sup> and the Guidelines for Interlibrary Loan of Audiovisual Formats.<sup>9</sup>

If permitted by copyright law, the supplying library should consider providing a copy in lieu of a loan rather than giving a negative response.

Supplying libraries should be aware of the provisions of license agreements for electronic resources that may either permit or prohibit use of an electronic resource to fill interlibrary copying requests.

## **5.3 Confidentiality**

The supplying library has a responsibility to safeguard the confidentiality of the individual requesting the material. The sharing of the user's name between requesting and supplying library is not, of itself, a violation of confidentiality. However, the supplying library should not require the user's name if the requesting library chooses not to provide it. If the name is provided, the supplying library needs to take care not to divulge the identity of the person requesting the material.

## **5.4 Timely Processing**

The supplying library has a responsibility to act promptly on all requests. If a supplying library cannot fill a request within a reasonable time then it should respond promptly. The response should be sent via the same method the requesting library used to send the request, or by otherwise contacting the requesting library directly. Some ILL messaging systems such as OCLC and DOCLINE have built-in time periods after which requests will either expire or be sent to another institution. The supplying library should respond before this time expires rather than allow requests to time-out.

Providing a reason for an unfilled request helps the requesting library determine what additional steps, if any, may be taken to access the requested item. For example, "non-circulating" indicates the item is likely available for on-site use while "in use" indicates that another request at a later date might be filled. Providing no reason or simply stating "policy problem" or "other" without providing additional information deprives the requesting library of important information and can lead to time-consuming follow-up for both libraries.

Timely processing of a loan or copy may involve other library departments, such as circulation, copy services, and the mailroom. The interlibrary loan department is responsible for ensuring

that material is delivered expeditiously, irrespective of internal library organizational responsibilities.

The supplying library should, when charging for materials, make every effort to allow for a variety of payment options. Payment through electronic crediting and debiting services such as OCLC's ILL Fee Management (IFM) system or other non-invoicing payment forms such as IFLA vouchers should be encouraged. The supplying library that charges should make every effort to accept the use of vouchers, coupons, or credit cards.

It is the responsibility of the supplying library to send final bills for service not later than six months after the supply date, final overdue notices not later than six months after the final due date, and final bills for replacement of lost material not later than one year after the final due date. The supplying library should resolve billing questions within six months of receiving notice of an apparent billing error.

### **5.5 Identifying the Request**

The supplying library should send sufficient identifying information with the material to allow the requesting library to identify the material and process the request quickly. Such information may include a copy of the request, the requestor's transaction number, or the user's ID or name. Failure to include identifying information with the material can unduly delay its processing and may risk the safety of the material.

Supplying libraries are encouraged to enclose an accurate and complete return mailing label.

### **5.6 Use Restrictions and Due Date**

Although it is the responsibility of the requesting library to ensure the safe treatment and return of borrowed material, the supplying library should provide specific instructions when it is lending material that needs special handling. These instructions might include the requirement that material be used only in a monitored special collections area, no photocopying, library use only, specific return packaging/shipping instructions, etc. The supplying library should not send "library use only" material directly to a user.

The supplying library should clearly indicate the date on which it expects the loan to be discharged in its circulation system. As explained in section 4.10 above, this code has moved away from the concept of a loan period, to a definite date that accommodates the sending and return of material as well as sufficient time for the use of the material. For example, a supplying library might establish a due date of six (6) weeks for the purpose of providing one (1) week for shipping, four (4) weeks for use, and one (1) week for the return trip and check-in.

### **5.7 Delivery and Packaging**

The location specified by the requesting library may include the requesting library, a branch or departmental library, or the individual user.

It is the responsibility of the supplying library:

- to judge whether an item is suitable for shipment and circulation. If a damaged item is sent, the supplying library should note all prior damage (such as loose pages or loose spine) and not hold the requesting library responsible for subsequent damage.

- to take care that the material it sends out is properly packaged to protect the item from damage even though the requesting library will be held responsible for material damaged in shipment to specify the shipping method, as well as insurance, for returning materials and if any special wrapping or packaging is required. See section 4.13 above for definitions and other important information regarding wrapping and packaging.
- to provide a complete street address if asking for return via UPS, FedEx, etc. (Many supplying libraries find it safer and more cost effective to ship all material via expedited carriers).
- to work with the requesting library when tracing a lost or damaged item if the commercial delivery firm is responsible for reimbursement for losses in transit.

## 5.8 Renewals

The supplying library should respond affirmatively or negatively to all renewal requests. The supplying library is encouraged to grant the renewal request if the material is not needed by a local user.

## 5.9 Recalls

The supplying library may recall material at its discretion at any time. Increasingly, some libraries are finding it more effective to request the material on ILL for a local user rather than to recall material in use by another library.

## 5.10 Service Suspension

A supplying library should not suspend service without first attempting to address the problem(s) with the requesting library.

## References

1 Boucher, Virginia. *Interlibrary Loan Practices Handbook*. Chicago, IL: American Library Association, 1997. Though written in light of an earlier code, the Practices Handbook contains many useful and practical details on interlibrary loan procedures.

2 International Federation of Library Associations and Institutions. [International Lending: Principles and Guidelines for Procedure. 2001.](#)

3 [Transborder Interlibrary Loan: Shipping Interlibrary Loan Materials from the U.S. to Canada. 1999.](#) (note: Pricing information is out of date)

4 American Library Association. Office for Intellectual Freedom. [Policy on Confidentiality of Library Records. 1986.](#) . American Library Association. Office for Intellectual Freedom. [Policy Concerning Confidentiality of Personally Identifiable Information about Library Users. 2004.](#)

5 American Library Association. Committee on Professional Ethics. Code of Ethics. Chicago, American Library Association, 1995.

6 [Copyright Law of the United States of America](#) Chapter 1, Section 108: Limitations on the exclusive rights: Reproduction by libraries and archives.

7 National Commission on New Technological Uses of Copyrighted Works. [Guidelines on Photocopying Under Interlibrary Loan Arrangements](#).

8 American Library Association. Association of College and Research Libraries. Ad Hoc Committee on the Interlibrary Loan of Rare and Unique Materials. Guidelines for the Loan of Rare and Unique Materials. 2004.

9 American Library Association. Video Round Table. Guidelines for Interlibrary Loan of Audiovisual Formats. 1998.

10 Hilyer, Lee. *Interlibrary loan and document delivery : best practices for operating and managing interlibrary loan services in all libraries*. New York : Haworth Information Press, 2006. (Co-published simultaneously as *Journal of interlibrary loan, document delivery & electronic reserve*, volume 16, numbers 1/2, 2006)

11 Hilyer, Lee. *Interlibrary loan and document delivery in the larger academic library : a guide for university, research, and larger public libraries*. Binghamton, NY : Haworth Information Press, 2002. (Co-published simultaneously as *Journal of interlibrary loan, document delivery & information supply*, v. 13, nos. 1/2, 2002)

## ***Appendix B***

From [http://www.statelibrary.state.pa.us/libraries/lib/libraries/PA\\_ILL\\_CODE\\_694.pdf](http://www.statelibrary.state.pa.us/libraries/lib/libraries/PA_ILL_CODE_694.pdf)

### **PENNSYLVANIA INTERLIBRARY LOAN CODE**

June 8, 1994

#### **PENNSYLVANIA INTERLIBRARY LOAN CODE**

##### **1. INTRODUCTION**

1.1 Strong and well-defined collections are essential to libraries of all types and sizes because libraries promote and support research, scholarship, economic development, and the general quality of life. Interlibrary loan is a service that may be used to expand and broaden access beyond the scope of local collections. Interlibrary loan should serve as an adjunct to, not substitute for, collections to meet most needs of the library's users.

1.2 This Interlibrary Loan Code (hereafter referred to as the Code) is a voluntary agreement adopted by the endorsing libraries to govern interlibrary loan among libraries in Pennsylvania. Endorsement of this Code requires participation as both a requester and a supplier.

1.3 This Code is not intended to supplant other agreements or arrangements engaged in by Pennsylvania libraries.

1.4 This Code strongly encourages libraries to add and maintain their holdings in appropriate union lists in a timely manner because interlibrary loan is dependent on knowing the location of holdings.

1.5 Libraries endorsing this Code are encouraged to keep interlibrary loan fees to a minimum.

1.6 This Code is intended to serve as an outline of interlibrary loan procedures, protocols, and standard practices. It is not designed to function as a detailed operational handbook for interlibrary loan, but as a set of steps to consider to make the ILL process not only successful but also cost efficient and easily accomplished. An Interlibrary Loan Procedures Manual will include detailed operational procedures and guidelines.

1.7 The Code gives recognition to the fact a variety of acceptable mechanisms and systems can be employed in the interlibrary loan process. It is the responsibility of each library to evaluate available options, including purchase of the material for the collection and to use them in an efficient and effective manner in order to meet the needs of users. At the same time, libraries should remember appropriateness, equity, reciprocity, and economy are the pillars upon which responsible interlibrary loan is built.

1.8 The Code allows wide latitude to individual libraries to identify and locate materials. However, libraries engage in cooperative interlibrary loan consortia that include libraries of all types to accomplish common goals and to set up efficient methods for borrowing and lending among members. Existing resource sharing structures will continue to serve as vehicles for fulfilling interlibrary loan and information needs.

1.9 Libraries should select the most efficient and effective means for interlibrary loan. Whenever feasible, local, regional or other resource sharing consortia should be utilized.

## 2. DEFINITIONS

2.1 The Pennsylvania Interlibrary Loan Code consists of policy statements, protocols, and general procedures.

2.2 An interlibrary loan is the process by which a library requests material from, or supplies material to, another library.

2.3 Interlibrary loan includes transactions among libraries that are not under the same administration, school district, or on the same campus.

2.4 Intralibrary loan, for the purposes of this Code, includes loans between main libraries and their branches, or among branches, or between corporate libraries in different locations of the same corporation, or between different libraries on a campus, within a school district, or between libraries of the same institution on several campuses. Intralibrary loan requests are not covered by this Code.

2.5 The term "library material" includes all formats of library material, for example, printer, audiovisual, and photocopies.

2.6 The term "library" refers to all types of libraries.

2.7 The term "user" refers to the individual who initiates an interlibrary loan request.

## 3. PURPOSE

3.1 The purpose of interlibrary loan is to obtain, upon the need of a library user, library material not available in the user's local library.

3.2 Interlibrary loan is not intended to substitute for collections.

## 4. SCOPE

4.1 Under the terms of the Code, a library may request a variety of types of materials as loans or in copy form from another library.

4.2 It is the responsibility of the requesting library not to request materials described in Section 6.7. The Procedures Manual gives reasons and additional details.

4.3 This Code does not cover requests that are not for the use of an individual user. The Code does not cover requests to borrow materials for exhibits, collection maintenance (replacement pages), nor requests to borrow for preservation copying or microfilming. Such requests fall outside the coverage of this Code and should be negotiated between the requesting and supplying libraries.

4.4 The supplying library has the right to decide on a case-by-case basis whether a particular item should or should not be provided, and whether the original or a copy should be sent.

## 5. THE INTERLIBRARY LOAN PROCESS

5.1 Interlibrary loan practices and procedures have changed considerably in the last few years, particularly as a result of library cooperative and networking activities, access to the Internet, and developments in bibliographic and location databases, services, and products based on new technologies.

5.2 The successful interlibrary loan process begins with the initial contact between the user and public services staff who should conduct a reference interview. At this interview, staff may determine exactly

what the user wants and how much information the user has about the item requested. Several factors should be considered:

- A. Is there a deadline?
- B. Is there a limit on willingness to pay for interlibrary loan?
- C. For a title request, what specific information does the user have?
- D. For a subject request, exactly what information does the user want?

5.3 A number of factors are critical to a successful interlibrary loan transaction. Guidance on how to use these factors for successful interlibrary loan borrowing are included in the Procedures Manual.

- A. Interlibrary loan consortia
- B. Bibliographic verification of the requested material
- C. Appropriate to purchase or use document delivery service
- D. Identification of potential supplying libraries
- E. The means by which ILL requests can be sent
- F. The means by which requested materials can be delivered
- G. Other considerations as appropriate

#### A. Interlibrary Loan Consortia

A.1 The interlibrary loan process may be more efficient and effective when performed between libraries organized together to promote common interests and achieve common goals.

A.2 There are many methods set up among libraries to aid in the location and procurement of materials needed by users but not owned locally. These methods range from guidance included in this Code, to those arranged by libraries of similar type or interest, to fee-based information services.

A.3 Each library should examine its information needs and participate in those consortia it deems necessary to fulfill the needs of its users. Each library should make use of those structures of which it is a member to fulfill those needs before going beyond them.

#### B. Bibliographic Verification of the Requested Material

B.1 Requesting libraries should verify interlibrary loan requests fully and accurately. Verification is the process of establishing the existence of the requested item and the development of a complete bibliographic citation. Complete and accurate verification will enable the supplying library to determine quickly and easily if it has the item requested. Requesting libraries should verify the potential lender's serial holdings in an online or print union list.

B.2 Libraries without the resources to verify requests or identify locations should refer their users or the requests to other libraries in local cooperative arrangements.

B.3 Some reliable tools for bibliographic title verification, many of which also contain location information, include the following:

- ACCESS PENNSYLVANIA database
- CATLINE
- Internet-accessible library catalogs
- MEDLINE/Index Medicus
- National Union Catalog (NUC)
- New Serial Titles (NST)
- Newspapers in Microform (NIM)
- OCLC (Online Computer Library Center)
- Pennsylvania Union List of Serials (PaULS)
- Research Libraries Information Network (RLIN)
- SERHOLD
- Union Library Catalog of Pennsylvania (PULC)

Union List of Serials (ULS)  
United States Government Publications Monthly Catalog  
U.S. Newspaper Project  
library and/or union catalogs

B.4 The following tools may also be used for bibliographic verification, but do not include location information:

American Book Publishing Record  
Booklist  
Cumulative Book Index (CBI)  
InfoTrac  
Library Journal  
Magazine Article Summaries  
Periodical Abstracts  
Reader's Guide to Periodical Literature  
H.W. Wilson catalogs and databases

B.5 The following tools should be used only as a last resort:

Books in Print  
Paperbound Books in Print

B.6 Libraries should use as many of these tools as possible. It is important to provide as much verification as possible. However, if a request cannot be verified, indicate "Unable to Verify" on the request with a notation as to which sources were checked. When not able to verify the request, be sure to include the specific source of reference from which the user learned about the item, including a photocopy of the specific source of reference, if possible.

C. Identification of Potential Supplying Libraries

C.1 The requesting library is expected to use all the sources available to determine the location of the material being requested.

C.2 Sources of location information include:

ACCESS PENNSYLVANIA database  
Chemical Abstracts Service Source Index (CASSI)  
Health Sciences Libraries Consortium Union List of Serials  
Internet-accessible library catalogs  
National Union Catalog (NUC)  
New Serial Titles (NST)  
OCLC (Online Computer Library Center)  
Pennsylvania Union List of Serials (PaULS)  
Research Libraries Information Network (RLIN)  
SERHOLD (National Library of Medicine)  
Union Catalog of Medical Periodicals (UCMP)  
Union Library Catalog of Pennsylvania (PULC)  
Union List of Serials (ULS)  
Local/regional catalogs/union lists

C.3 If the requesting library is unable to identify a location for the material requested, the request should be referred according to the protocols of the resource sharing consortia.

C.4 If more than one location for the needed material has been identified, the choice of lending library to which the request should be sent should be based on a number of other considerations listed in F.1.

D. Means By Which ILL Requests Can be Sent

D.1 The requesting library should send requests using the most efficient and effective system/service available.

D.2 The sending or transmission of requests can be achieved using several different systems/services, including:

- DOCLINE (National Library of Medicine)
- Electronic Mail
- Fax
- Internet
- Local delivery systems
- Messenger
- OCLC ILL System
- RLIN ILL System
- Telephone (by special arrangement)
- U.S. Postal Service

#### E. Means by Which Requested Material Can be Delivered

E.1 The supplying library should have an obligation to respond to a request in a timely manner and should deliver the requested material using the most efficient and effective delivery system/service available to it, based on the nature of the material to be delivered and on any cost restrictions indicated by the requesting library on the ILL form.

E.2 A number of different delivery systems/services are available to libraries for delivery of the requested material, including:

- Ariel, or other Internet-based delivery systems
- Fax
- Interlibrary Delivery Service (IDS)
- Local delivery systems (such as District Library Centers or Intermediate Units)
- U.S. Postal Service
- Commercial services (e.g., Federal Express, UPS)

F. Other considerations in selecting from multiple locations for an item may exist. Additional guidance is included in the Procedures Manual. Some considerations include:

- Type of library
- Size of the supplying library's collection
- Geographic location
- Urgency of request
- Turnaround time
- Reproduction quality
- Lending charges and/or fees
- Whether too many requests have already been sent to a given library
- Past experience with a given library's service
- Whether the requesting library has lent material to a given library

#### 6. RESPONSIBILITIES OF THE REQUESTING LIBRARY

6.1 The requesting library should provide the resources to meet most needs and interests of its primary clientele. The library should make every effort to utilize its own resources before resorting to interlibrary loan.

6.2 The requesting library should establish and maintain an interlibrary loan borrowing policy, making it available to its users. The library must carefully screen all requests for loans, rejecting those that do not conform to this Code or its own borrowing policy.

6.3 The requesting library should inform its users of the availability and purpose of interlibrary loan. Any member of the borrowing library's primary clientele should be eligible for interlibrary loan.

6.4 The person(s) responsible for interlibrary loan must be familiar with, and use, this Code and other relevant documents and aids. The person(s) responsible for interlibrary loan should also abide by accepted protocols and statewide procedures.

6.5 The requesting library should make every effort to buy material or transmit requests to potential lenders within one working day of receipt from the user.

6.6 In-Print material requested from another library under this Code should be limited to those items that do not conform to the library's collection development policy or for which there is no recurring demand.

6.7 The requesting library should NOT request a loan of the following types of material on ILL. Requests for photocopies of excerpts may be requested.

- Best sellers

- Just-published titles

- Multiple copies of the same title

- Titles in recurring demand at the requesting library

- Titles owned locally

- Issues and volumes of periodicals and journals (requests for copies of articles are appropriate)

- More than five articles from five different journal issues published within the past five years (as stated in the CONTU Guidelines) unless a subscription to the title has been placed or copyright royalties have been paid

- Locally-specific materials (i.e. request for a loan of a microfilm of a newspaper from the library in the city in which it was published)

- Rare books, special collection materials, and archival materials

- Course materials, including course reserves

- Core reference materials (including encyclopedias and dictionaries)

- Licensed computer software data files

- Dissertations from the granting institution (unless it is known that the institution will lend its own dissertations)

6.8 The requesting library should review interlibrary loan requests and add frequently requested material to its collection.

6.9 Libraries using interlibrary loan to support fee-based document delivery services (services provided to users not affiliated with that institution) should notify the supplying library of the practice by indicating such transactions on the request.

6.10 The requesting library should verify all items in standard bibliographic tools and sources of verification. If the bibliographic citation or location information is incorrect, incomplete, or unverified, the supply library may return the request unfilled without taking any special effort to identify the reference, unless special agreement provides otherwise.

6.11 The requesting library will make every effort to determine specific locations before sending requests. Only when efforts to locate material have failed to identify a specific holding library should a request without location information be sent.

6.12 The requesting library must comply with the copyright law (Title 17, U.S. Code) and its accompanying CONTU Guidelines, and should inform its users of the applicable portions of the law. An indication of compliance must be provided on all copy requests. Copyright files should be maintained as directed in the CONTU Guidelines. See Appendix A for additional information on copyright compliance.

6.13 The requesting library is responsible for all costs charged by the supplying library unless restrictions or cost limitations were indicated on the original request. The requesting library should attempt to anticipate charges and authorize them on the initial request.

6.14 The safety of borrowed materials is the joint responsibility of the requesting and supplying libraries. Ultimate financial responsibility for borrowed materials resides with the requesting library.

6.15 The requesting library and its users must comply with the conditions of the loan established by the supplying library. Unless specifically forbidden by the supplier, copying by the requesting library or its users is permitted provided that it is in accordance with the copyright law and guidelines, and no damage to the original material will result.

6.16 A renewal request, if permitted by the supplier's policy, should be sent in time to reach the supplying library no later than the due date. If the supplying library does not respond, the requesting library may assume that the renewal has been granted for the same length as the original loan period.

6.17 The requesting library should return materials by the due date and respond immediately if the item has been recalled by the supplying library. The supplier's due date is the date on which the library user must return the borrowed item to the requesting library. The duration of loan is the period of time the item may remain with the requesting library, disregarding the time spent in transit.

6.18 The requesting library should encourage library users to travel to other libraries for on-site access to materials when extensive use of a collection is required or the nature of the material requires special handling. The requesting library may wish to assist the user in making the necessary arrangements.

## 7. RESPONSIBILITIES OF THE SUPPLYING LIBRARY

7.1 The supplying library should establish and maintain an interlibrary loan lending policy, make it available in paper and/or electronic format, and provide copies of it upon request.

7.2 The supplying library should complete or respond to requests within four working days.

7.3 The supplying library has the right to decide on a case-by-case basis whether a particular item should or should not be provided, whether the original or a copy should be sent, and the limits on the number of volumes or reels to be sent.

7.4 The supplying library has the responsibility to be aware of the requesting library's indicated requirements or cost limitations. If the supplying library fills a request and imposes a lending fee that exceeds the requester's stated cost limit, the requester is responsible for only its stated cost limit.

7.5 The supplying library should state the due date or the duration of loan on the request forms or with the material. The due date is the date on which the library user must return the borrowed item to the requesting library. The duration of loan is the period of time the item may remain with the requesting library, disregarding the time spent in transit.

7.6 The safety of borrowed materials is the joint responsibility of the requesting and supplying libraries. The supplying library should include a copy of the original request or information sufficient to identify the request with each item. Conditions of loan and any special return packaging or shipping requirements should be stated clearly. Material should be packaged carefully.

7.7 When charges must be levied for interlibrary loan, notification of the charge should accompany the material. Invoices should clearly indicate the item to which the charge applies.

7.8 The supplying library should notify the requesting library when unable to fill a request, whenever possible stating the reason for not filling the request.

7.9 The supplying library should respond promptly to requests for renewals.

7.10 The supplying library is responsible for informing any borrowing library of its apparent failure to follow the provisions of this Code and, if necessary, invoke the provisions stated in Section 8.

## 8. VIOLATION OF THE CODE

8.1 Interlibrary loan is a privilege, not a right. Each library is responsible for maintaining the provisions of this Code in good faith. Continued disregard of any provision of this Code is sufficient reason for suspension of borrowing privileges after prior warning.

8.2 The supplying library may suspend borrowing privileges of a library that violates the provisions of this Code.

## 9. RESPONSIBILITY FOR REVIEW AND REVISION

9.1 The Council of Pennsylvania Library Network's Interlibrary Loan Committee will review the Code and Guidelines on a periodic basis and submit a report and recommendations to the Council and to the Commissioner of Commonwealth Libraries.

## 10. CONFIDENTIALITY OF INTERLIBRARY LOAN REQUESTS

10.1 By endorsing this Code, libraries accept the interpretation that interlibrary borrowing and lending records fall under the legal guaranties of confidentiality as specified in The Library Code, Act of June 14, 1961, P.L. 324, as amended through July 1, 1985, Section 428.

### CONFIDENTIALITY OF LIBRARY CIRCULATION RECORDS

Records related to the circulation of library materials which contain the names or other personally identifying details regarding the users of the State Library or any local library which is established or maintained under any law of the Commonwealth or the library of any university, college or educational institution chartered by the Commonwealth or the library of any public school or branch reading room, deposit station or agency operated in connection therewith, shall be confidential and shall not be made available to anyone except by a court order in a criminal proceeding.

## ***Appendix C***

From <http://www.copyright.gov/title17/92chap1.html#108>

### **Title 17 § 108(g)(2) of the *United States Code***

#### **§ 108. Limitations on exclusive rights: Reproduction by libraries and archives**

(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 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.

## **Appendix D**

From <http://www.cni.org/docs/infopols/CONTU.html>

### **CONTU Guidelines on Photocopying under Interlibrary Loan Arrangements**

#### **CONTU (National Commission on New Technological Uses of Copyright Works)**

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.

3. 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.
4. 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.
5. 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.

These guidelines were accepted by the Conference Committee and were incorporated into its report on the new act. During the ensuing twenty months, both library and publisher organizations have reported considerable progress toward adapting their practices to conform with the CONTU guidelines.

The guidelines specifically leave the status of periodical articles more than five years old to future determination. Moreover, institutions set up for the specific purpose of supplying photocopies of copyrighted material are excluded from coverage of the guidelines.

Source: Final Report of the National Commission on New Technological Uses of Copyrighted Works, July 31, 1978, Library of Congress, Washington, DC, 1979, pages 54-55.