

*Covington County Schools
Library Media Center*



Administrative Procedures Manual

*Covington County Schools
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Mission and Role of the Library Media Center

School library media programs implement enrich and support the educational programs of our schools. It is the administrative policy of Covington County Schools to provide a wide range of library materials on all levels of difficulty, with diversity of appeal, and representing different points of view.

It is the administrative policy of Covington County Schools that all administration, staff, faculty, and students have equal access to the services and resources of the library media center. It is recognized that in implementing this equal access policy, the library media center will require the administration, staff, faculty, and students to follow procedures that are necessary for the efficient operation of the library.

The Covington County Schools' library media centers reflect the community and school that it serves. The role of the library media specialist is teacher, instructional team member, reading promoter, and information facilitator. The library media center follows the goals, strategic plan, technology plan, objectives, and policies of Covington County Schools and the Covington County Board of Education. Library media center policies are under the governance of the Covington County Board of Education policies and Alabama State Law.

Use of facilities and instructional goals follow the Covington County School Board of Education Policy and guidelines outlined by the Alabama State Department of Education. Instructional goals are devised using Alabama Board of Education Library Media Center criteria and objectives.

The goals of the library media center are as follows.

- ❑ Provide facilities, equipment, technical support and resources which encourage learning and enrichment activities for the library media center users.
- ❑ Provide access to information on various learning levels, in various formats, and with various points of view.
- ❑ Provide learning activities that utilize various student learning styles, abilities, and interests. These activities prepare students to formulate lifelong skills of acquiring, using, and evaluating information.

- ❑ Provide resources for the reading, researching, viewing, and listening of the users.
- ❑ Encourage reading as a lifelong recreational activity.
- ❑ Integrate library media center technology resources and services into the curricular and instructional goals of the school.
- ❑ Assist teachers in using a variety of media formats including Internet.
- ❑ Encourage the use of technology to improve instructional effectiveness.
- ❑ Integrate information skills' instruction with instructional activities.

STAFF JOB DESCRIPTIONS

Library Media Specialist

Duties and responsibilities of the Library Media Specialist include:

1. Determine the goals, objectives, policies and procedures of the library media center program, facilities, resources and equipment.
2. Select, purchase, organize and process library media center materials and equipment for accessibility to users.
3. Supervise and provide training of the library aide, student aides and volunteers (if applicable).
4. Plan and teach sequential programs of instruction in information/thinking skills within the guidelines of the Alabama Courses of Study and classroom teachers' objectives.
5. Work with teachers to plan instructional units.
6. Assist students with reading selection, technology utilization and research.
7. Provide library media resources that help meet the goals of the school and enrich curriculum.
8. Assist students and teachers in using various media formats, technology, and equipment.
9. Promote the library media center including, but not limited to, the school community; inform users of present or new resources; create a positive atmosphere; and encourage and administer the media center's use.
10. Maintain records of budget, purchasing, inventory, circulation, and resource documentation.
11. Maintain and repair equipment and resources as appropriate.

12. Coordinate circulation of resources, equipment and coordinate facility use.
13. Perform inventory of library media center resources and equipment.
14. Promote reading.
15. Maintain a file for future purchases related to user interest, requests, curriculum and instructional needs and current collection status.
16. Evaluate library media collection, use of technology, services and program.
17. Participate in professional development.
18. Other duties assigned (technology committee, etc.).

Library Aide (If applicable)

1. Process library media materials for user access.
2. File.
3. Prepare copy (i.e. correspondence, reports, purchase orders, bibliographies and library media center business).
4. Maintain circulation records.
5. Collate and check out curriculum unit materials for teachers.
6. Shelf materials in correct numerical/alphabetical order.
7. Assist in reading shelves, inventory, and evaluation of collection.
8. Assist in repair and maintenance of materials and equipment.
9. Assist teachers in reserving and checking out audiovisual equipment and materials.
10. Assist in library media promotional activities and library center displays and bulletin boards.
11. Assist with book fairs.
12. Post periodicals and newspapers and place on display.
13. Assist with vertical file collections (if applicable).
14. Help compile materials for school scrapbook.
15. Assist users in locating and checking out materials.
16. Utilize computer for word processing, database, spreadsheet and automated library program
17. Other tasks assigned.

Student Aides (If applicable)

1. Read shelves, shelve materials and arrange materials.
2. Perform house-cleaning duties.
3. Read to students.
4. Help provide delivery of materials and equipment to classrooms.
5. Help students check out materials.
6. Help with displays.
8. Other assigned tasks.

Volunteers (If applicable)

1. Assist in circulation of materials.
2. Read to a child or group of children.
3. Work with book fair or other selected promotional library activities and parties.
4. Assist with inventory, typing, and bulletin boards.
5. Other assigned tasks of media center library.

Policy for Selection and Review of Library Materials

I. Responsibility for Selection of Materials

The Covington County Board of Education is legally responsible for all matters relating to the operation of Covington County Schools.

The responsibility for coordinating and recommending the selection and purchase of library and instructional materials is delegated primarily to the Library Media Specialist. However, the selection of materials involves many people, including library/media specialists, teachers, students, supervisors, administrators, parents, and other community persons. The selection of materials housed within the school will be in accordance with board policy.

II. Objectives of Selection

In order to assure that the school library media program is an integral part of the educational program of each school, the selection of materials is based on the following objectives:

1. To provide materials that will enrich and support the curriculum as well as personal needs of the clientele, taking into consideration their varied interests, abilities, maturity level, and learning styles.
2. To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
3. To provide a background of information which will enable pupils to make intelligent judgments in their daily lives.
4. To provide materials on opposing sides on controversial issues so that young citizens may develop with guidance the practice of critical analysis of all media.
5. To provide materials that realistically represent our pluralistic society and reflect the contributions made by all groups and individuals to our American heritage.
6. To place principles above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure an appropriate and comprehensive media collection.
7. To promote the enjoyment of reading as a leisure time activity.

III. Criteria for Selection of Instructional Materials

- Needs of the individual school based on a knowledge of the curriculum and of the existing collection are given first consideration.
- Requests from faculty and students are considered.
- Materials for purchase are considered on the basis of:
 - Overall purpose
 - Timeliness or performance
 - Importance of the subject matter
 - Quality of the writing and production
 - Readability and popular appeal
 - Authoritativeness
 - Reputation of the publisher or producer

- ❑ Reputation and significance of the author, artist, composer, etc.
- ❑ Format and price

IV. Procedures and Selection

It is recommended that the certified library/media personnel consult with the administration and faculty in order to facilitate the following:

- ❑ Evaluation of the existing collection
- ❑ Assessment of curricular needs
- ❑ Solicitation of recommendations for acquisitions
- ❑ Review of recommendations, when appropriate, to assure that the materials are listed in a reputable, professionally prepared selection aid
- ❑ Viewing selection as an ongoing process which includes the removal of materials no longer appropriate and the replacement of worn/damaged materials still of educational value.
- ❑ Judging donations by the same criteria used in selection of materials
- ❑ Acquisition of multiple items of outstanding and much-in-demand media.
- ❑ Subscription items selected by the same criteria as used in selection of materials.

V. Criteria for Discarding Materials from the Collection (Weeding)

A. Justification

Maintenance of the school library media center collection should be a regular, continuous process reflecting changes in the student body and curriculum, new issues and concerns of both faculty and students, and changes in the community.

Weeding is the evaluation of present holdings to determine the need to repair, replace, or remove materials from the collection. Qualified school library media personnel should supervise the weeding process. When appropriate, school staff members should be consulted to identify items valuable to the school program.

B. Standards

Libraries must meet accreditation standards imposed by the Southern Association of Colleges and Schools and the State Department of Education. Weeding should not adversely affect the library in relation to these standards.

C. Criteria

Criteria for weeding will vary, depending upon the type of library involved in the process. General criteria will include:

- ❑ Physical condition of material
- ❑ Age (will vary depending on the subject area)
- ❑ Frequency of use (use circulation reports)
- ❑ Currency
- ❑ Accuracy

- Additional weeding considerations include the selection of new textbooks, changes in curriculum, changes in faculty, and the need for currency in specific Dewey sections (e.g., computers, science, etc). Each Dewey section, as well as Fiction and Reference, should be weeded at least once every 10 years, especially at the secondary level.

D. Process

- Identify items to be weeded according to established criteria, as identified in the weeding schedule/plan.
- Request assistance from subject-area teachers in making decisions. Base the final decision on the overall school curriculum.
- Withdraw materials from collection and computer database.
- Physically remove materials. Options include: transfer to another school; recycling; donating; discarding.
- Include weeded items in inventory/end-of-year reports

VI. Procedures for Formal Review of Materials (Challenged Materials)

The Covington County School Board supports principals of the intellectual freedom inherent in the First Amendment of the Constitution of the United States and expressed in the Library Bill of Rights and the School Library Bill of Rights. The School Board recognizes the right of persons to express objections to library materials that they deem inappropriate. When a request for formal review of materials is made, the following procedures should be followed:

1. The principal and the library media specialist shall inform the complainant of the selection procedures, request that the material in question be returned to the library, and make no commitment. The complainant will complete the "Request for Review of Library Materials" (Appendix A) and will be given appropriate information as to the procedure to be followed.
2. Upon receipt of the complainant's completed form (Request for Review of Library Materials) the principal requests review of the challenged material by the Library Media Advisory Committee within fifteen (15) working days, and notifies the appropriate supervisor who notifies the superintendent. During the review process, the challenged material will be in the possession of the library media specialist.
 - a. The Library Media Advisory Committee shall consist of the principal, the school library media specialist, two (2) classroom teachers, and one (1) parent. At the middle and secondary levels, two students may be added to the committee (the SGA president and a principal's appointee). The complainant may know the makeup of the committee but may not be a committee member.

The Library Media Advisory Committee will:

1. Read and examine materials referred to it.
2. Check general acceptance of the materials by reading reviews of the challenged material.
3. Weigh values and faults and form opinions based on the materials as a whole and not on passages taken out of context.
4. Meet to discuss the material and to prepare a report on it.
5. Recommend retention or withdrawal of challenged materials.

The Library Media Advisory Committee will notify the principal who will notify the complainant in writing of its recommendation within ten (10) working days. A copy of the report will be included with the decision. A copy of the report will be sent to the supervisor who will notify the superintendent.

The decision of the Library Media Advisory Committee may be appealed to the superintendent. This request must be presented in writing to the Superintendent within ten (10) working days of notification from the principal.

The Superintendent will review the challenged material and respond in writing to the complainant within fifteen (15) working days. A copy of the superintendent's decision will be sent to the members of the Library Media Advisory Committee.

VII. Gifts

All gifts to the library media center will be subject to the selection criteria. The gifts are considered a part of the media center property and shall be subject to the aforementioned weeding procedures.

COPYRIGHT

The policy of Covington County Schools abides by current copyright statutes. Materials, technology, and equipment used in the school collection fall within the requirements of the copyright law. Appendix C contains the Copyright Law.

ACQUISITIONS AND PROCESSING

Acquisitions

The selection policy is used for equipment acquisition and title selection of print and non-print materials, using the state bid list if applicable. A vendor is selected which offers the best price, service, technical support, maintenance plan, processing material or any combination that would best fit the proposed order. All purchases require a purchase order.

Purchase orders are prepared with duplicates for library media center, principal and superintendent's office. Accurate records are kept of purchases.

LIBRARY CIRCULATION POLICIES

General Circulation Procedures

The library media center is open during school hours. Monthly circulation records will be kept. Students and teachers may check out materials throughout the school day. Specific times may be designed to ensure that students receive help with questions of selection on research. All library media center resources must be checked out before leaving the center. Overnight loans are defined as from the end of one school day to the beginning of the next day.

Each student is responsible for materials checked out. Lost or damaged books and/or overdue fines must be paid before other resources are checked out.

With each of the following local library guidelines are applied:

Books

1. Teachers may check out books and materials over extended periods of time.
2. Students' loan period is two weeks with the option to renew. Grace days may be given for overdue materials with optional fines charged thereafter.
3. Parents, community members, and school staff may check out books for a two-week loan period.

Equipment

1. Teachers may check out equipment for extended periods.
2. Parents/community members may check out equipment if they meet the school criteria for general facility use.
3. A calendar may be kept on equipment that is limited and in great demand.

Audiovisual Materials

1. Audiovisual materials may be checked out by a teacher for extended periods.
2. Students may utilize audiovisual materials, CDs and software during school hours with supervision in the library.

Reference Materials

1. Reference materials are to be used in the library media center.
2. Teachers may check out materials for the classroom for designated periods of time.
3. Students with permission of the teacher and library media specialist may check out selected reference materials overnight.

Periodicals

1. Teachers may check out professional periodicals and student magazines and return them within a designated time.
2. Students may utilize periodicals for leisure reading and/or research in the library only.

3. Periodicals will be held in the library media center for 3-5 years or as space permits unless the material has special significance. Withdrawn periodicals may be used in a vertical file, instructional unit files, student project resources or other teacher uses.

Vertical File

1. Teachers may check out vertical file materials for a designated time.
2. Students may use vertical file materials in the library only.

Reserve Materials

All types of library materials may be put on the reserve list. They will be used in the center only. These reserve materials allow maximum numbers of students/teachers to use limited supplies. Reserve time limits may vary.

Hold Materials

Teachers and students may place a hold on library media materials. When these materials return to the library, the user requesting the hold will be notified that the material is available for checking out.

ALABAMA VIRTUAL LIBRARY CARD ISSUANCE PROCEDURES

The Covington County Schools' Library Media Centers promote the Alabama Virtual Library. If students are unable to access the Alabama Virtual Library due to geo-location issues, the library media specialist will assist as outlined in the Alabama State Department of Education's Alabama Virtual Library Card Issue Manual for K-12 School Library Media Centers.

INTERNET ACCEPTABLE USE POLICY

The Covington County Schools' Library Media Centers adhere to Covington County Schools' Internet Acceptable Use Policy. Appendix B contains the board approved Internet Acceptable Use Policy.

MAINTENANCE

Materials and equipment of the library media center will be evaluated and repaired continuously.

INVENTORY

The library media center inventory will be conducted throughout the year with special emphasis on the first two and last two weeks of school to determine what materials the center holds. All materials will be compared to the library media center inventory. Materials, audiovisuals, equipment, and other resources will be returned to the library. Generally, circulation begins the

second Monday of school and will stop prior to the last two weeks of school. An accurate record of current collection and withdrawals will be kept.

Books

1. Shelf inventories are read and books placed in order according to classification and author.
2. Each title on the shelf is checked with the inventory. Missing copies are noted.
3. After one-year missing (lost) books are dated and withdrawn from access points of inventory lists, curriculum bibliographies.
4. Damaged books are withdrawn continually. They may be placed on a list for replacement.

Periodicals and Vertical File

1. Vertical File

Vertical file materials can be inventoried at any time within the year.

2. Periodicals

Periodicals over five years old are withdrawn from circulation. They will be discarded or utilized in picture files, instructional units or other uses by the teacher or student. Professional periodicals may be kept longer.

Audiovisual materials, software,CDs

1. Arrange materials on the shelves or designated location according to proper arrangement.
2. Check materials to inventory.
3. Use the same techniques for missing or withdrawn materials as with books.

Equipment

1. Check each piece of equipment and other hardware to inventory list during the last two weeks of school.
2. For items in need of repair, missing or withdrawal, use same process as with books.
3. Perform routine maintenance.
4. Place requests for ordering new equipment as old or damaged items are withdrawn from circulation. Check warranty or replacement policy on old/damaged equipment before ordering.

BUDGET

The Covington County Schools' library media centers may receive funding from state library enhancement funds, local sources, book fair profits, grants, and gifts. Input for acquisitions is collected from faculty, students and other interested people. The final authority on administration and finance of the library media center is the Covington County Board of Education with local school decision making. A school budget committee is comprised of the library media specialist,

faculty, administration and other persons designated by the principal. The committee makes recommendations, which are voted on by the faculty.

Appendix A
Covington County Schools
REQUEST FOR FORMAL REVIEW OF LIBRARY MATERIALS
(Challenged Materials)

School: _____ Type of Material (book, video, etc.) _____

Title: _____

Author: _____

Publisher or Producer: _____

Name of Complainant: _____ Telephone: _____

Complainant represents: Himself/Herself _____ Name of Organization _____

Complainant's Address: _____

City: _____ State: _____ Zip: _____

Before the following questions are answered, it is recommended that the complainant read, view, or listen to the school library material in its entirety. If sufficient space is not provided, attach additional sheets. Please sign your name to each additional sheet.

1. **Have you read, viewed, or listened to this material in its entirety?** _____ Yes _____ No

2. **What do you believe is the theme of this material?** _____

3. **To what in the material do you object?** (Please be specific: cite pages, film sequence, etc.) _____

4. **What do you feel might be the effect on a student using this material?** _____

5. **For what age group would you recommend this material?** _____

6. **Is there anything good in this material?** Please comment. _____

7. **What would you like the school to do about this material?**

- _____ Do not assign to my child.
- _____ Withdraw it from all students as well as my child.
- _____ Send it back to the proper department for re-evaluation.

Signature of Complainant

Date

Please return completed form to the school principal. Thank you.

Appendix B

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Copyright Law of the United States of America

Section Pertaining to Libraries and Archives

Go to <http://www.copyright.gov/title17/92chap1.html#103> to view the entire U.S. Copyright Law.

§ 108. Limitations on exclusive rights: Reproduction by libraries and archives³⁹

(a) Except as otherwise provided in this title and notwithstanding the provisions of section 106, it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy or phonorecord of a work, except as provided in subsections (b) and (c), or to distribute such copy or phonorecord, under the conditions specified by this section, if-

(1) the reproduction or distribution is made without any purpose of direct or indirect commercial advantage;

(2) the collections of the library or archives are (i) open to the public, or (ii) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and

(3) the reproduction or distribution of the work includes a notice of copyright that appears on the copy or phonorecord that is reproduced under the provisions of this section, or includes a legend stating that the work may be protected by copy-right if no such notice can be found on the copy or phonorecord that is reproduced under the provisions of this section.

(b) The rights of reproduction and distribution under this section apply to three copies or phonorecords of an unpublished work duplicated solely for purposes of preservation and security or for deposit for research use in another library or archives of the type described by clause (2) of subsection (a), if-

(1) the copy or phonorecord reproduced is currently in the collections of the library or archives; and

(2) any such copy or phonorecord that is reproduced in digital format is not otherwise distributed in that format and is not made available to the public in that format outside the premises of the library or archives.

(c) The right of reproduction under this section applies to three copies or phonorecords of a published work duplicated solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost, or stolen, or if the existing format in which the work is stored has become obsolete, if-

(1) the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price; and

(2) any such copy or phonorecord that is reproduced in digital format is not made available to the public in that format outside the premises of the library or archives in lawful possession of such copy. For purposes of this subsection, a format shall be considered obsolete if the machine or device necessary to render perceptible a work stored in that format is no longer manufactured or is no longer reasonably available in the commercial marketplace.

(d) The rights of reproduction and distribution under this section apply to a copy, made from the collection of a library or archives where the user makes his or her request or from that of another library or archives, of no more than one article or other contribution to a copyrighted collection or periodical issue, or to a copy or phonorecord of a small part of any other copyrighted work, if -

(1) the copy or phonorecord becomes the property of the user, and the library or archives has had no notice that the copy or phonorecord would be used for any purpose other than private study, scholarship, or research; and

(2) the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

(e) The rights of reproduction and distribution under this section apply to the entire work, or to a substantial part of it, made from the collection of a library or archives where the user makes his or her request or from that of another library or archives, if the library or archives has first determined, on the basis of a reasonable investigation, that a copy or phonorecord of the copyrighted work cannot be obtained at a fair price, if-

(1) the copy or phonorecord becomes the property of the user, and the library or archives has had no notice that the copy or phonorecord would be used for any purpose other than private study, scholarship, or research; and

(2) the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

(f) Nothing in this section-

(1) shall be construed to impose liability for copyright infringement upon a library or archives or its employees for the unsupervised use of reproducing equipment located on its premises: *Provided*, That such equipment displays a notice that the making of a copy may be subject to the copyright law;

(2) excuses a person who uses such reproducing equipment or who requests a copy or phonorecord under subsection (d) from liability for copyright infringement for any such act, or for any later use of such copy or phonorecord, if it exceeds fair use as provided by section 107;

(3) shall be construed to limit the reproduction and distribution by lending of a limited number of copies and excerpts by a library or archives of an audiovisual news program, subject to clauses (1), (2), and (3) of subsection (a); or

(4) in any way affects the right of fair use as provided by section 107, or any contractual obligations assumed at any time by the library or archives when it obtained a copy or phonorecord of a work in its collections.

(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-

(1) is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one or more individuals or for separate use by the individual members of a group; or

(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.

(h)(1) For purposes of this section, during the last 20 years of any term of copyright of a published work, a library or archives, including a nonprofit educational institution that functions as such, may reproduce, distribute, display, or perform in facsimile or digital form a copy or phonorecord of such work, or portions thereof, for purposes of preservation, scholarship, or research, if such library or archives has first determined, on the basis of a reasonable investigation, that none of the conditions set forth in subparagraphs (A), (B), and (C) of paragraph (2) apply.

(2) No reproduction, distribution, display, or performance is authorized under this subsection if-

- (A) the work is subject to normal commercial exploitation;
 - (B) a copy or phonorecord of the work can be obtained at a reasonable price; or
 - (C) the copyright owner or its agent provides notice pursuant to regulations promulgated by the Register of Copyrights that either of the conditions set forth in subparagraphs (A) and (B) applies.
- (3) The exemption provided in this subsection does not apply to any subsequent uses by users other than such library or archives.
- (i) The rights of reproduction and distribution under this section do not apply to a musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with news, except that no such limitation shall apply with respect to rights granted by subsections (b) and (c), or with respect to pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to works of which copies are reproduced or distributed in accordance with subsections (d) and (e).

§ 109. Limitations on exclusive rights: Effect of transfer of particular copy or phonorecord⁴²

(a) Notwithstanding the provisions of section 106(3), the owner of a particular copy or phonorecord lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord. Notwithstanding the preceding sentence, copies or phonorecords of works subject to restored copyright under section 104A that are manufactured before the date of restoration of copyright or, with respect to reliance parties, before publication or service of notice under section 104A(e), may be sold or otherwise disposed of without the authorization of the owner of the restored copyright for purposes of direct or indirect commercial advantage only during the 12-month period beginning on —

(1) the date of the publication in the Federal Register of the notice of intent filed with the Copyright Office under section 104A(d)(2)(A), or

(2) the date of the receipt of actual notice served under section 104A(d)(2)(B), whichever occurs first.

(b)(1)(A) Notwithstanding the provisions of subsection (a), unless authorized by the owners of copyright in the sound recording or the owner of copyright in a computer program (including any tape, disk, or other medium embodying such program), and in the case of a sound recording in the musical works embodied therein, neither the owner of a particular phonorecord nor any person in possession of a particular copy of a computer program (including any tape, disk, or other medium embodying such program), may, for the purposes of direct or indirect commercial advantage, dispose of, or authorize the disposal of, the possession of that phonorecord or computer program (including any tape, disk, or other medium embodying such program) by rental, lease, or lending, or by any other act or practice in the nature of rental, lease, or lending. Nothing in the preceding sentence shall apply to the rental, lease, or lending of a phonorecord for nonprofit purposes by a nonprofit library or nonprofit educational institution. The transfer of possession of a lawfully made copy of a computer program by a nonprofit educational institution to another nonprofit educational institution or to faculty, staff, and students does not constitute rental, lease, or lending for direct or indirect commercial purposes under this subsection.

(B) This subsection does not apply to —

(i) a computer program which is embodied in a machine or product and which cannot be copied during the ordinary operation or use of the machine or product; or

(ii) a computer program embodied in or used in conjunction with a limited purpose computer that is designed for playing video games and may be designed for other purposes.

(C) Nothing in this subsection affects any provision of chapter 9 of this title.

(2)(A) Nothing in this subsection shall apply to the lending of a computer program for nonprofit purposes by a nonprofit library, if each copy of a computer program which is lent by such library has affixed to the packaging containing the program a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

(B) Not later than three years after the date of the enactment of the Computer Software Rental Amendments Act of 1990, and at such times thereafter as the Register of Copyrights considers appropriate, the Register of Copyrights, after consultation with representatives of copyright owners and librarians, shall submit to the Congress a report stating whether this paragraph has achieved its intended purpose of maintaining the integrity of the copyright system while providing nonprofit libraries the capability to fulfill their function. Such report shall advise the Congress as to any information or recommendations that the Register of Copyrights considers necessary to carry out the purposes of this subsection.

(3) Nothing in this subsection shall affect any provision of the antitrust laws. For purposes of the preceding sentence, "antitrust laws" has the meaning given that term in the first section of the Clayton Act and includes section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition.

(4) Any person who distributes a phonorecord or a copy of a computer program (including any tape, disk, or other medium embodying such program) in violation of paragraph (1) is an infringer of copyright under section 501 of this title and is subject to the remedies set forth in sections 502, 503, 504, 505, and 509. Such violation shall not be a criminal offense under section 506 or cause such person to be subject to the criminal penalties set forth in section 2319 of title 18.

(c) Notwithstanding the provisions of section 106(5), the owner of a particular copy lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to display that copy publicly, either directly or by the projection of no more than one image at a time, to viewers present at the place where the copy is located.

(d) The privileges prescribed by subsections (a) and (c) do not, unless authorized by the copyright owner, extend to any person who has acquired possession of the copy or phonorecord from the copyright owner, by rental, lease, loan, or otherwise, without acquiring ownership of it.

(e) Notwithstanding the provisions of sections 106(4) and 106(5), in the case of an electronic audiovisual game intended for use in coin-operated equipment, the owner of a particular copy of such a game lawfully made under this title, is entitled, without the authority of the copyright owner of the game, to publicly perform or display that game in coin-operated equipment, except that this subsection shall not apply to any work of authorship embodied in the audiovisual game if the copyright owner of the electronic audiovisual game is not also the copyright owner of the work of authorship.

