

## **BNA COPYRIGHT GUIDELINES**

Last Updated: 1/02/2002

### **[I. What is copyright?](#)**

### **[II. What is fair use?](#)**

### **[III. What is the Copyright Clearance Center?](#)**

### **[IV. What is the code on each page?](#)**

### **[V. What about different formats of BNA products?](#)**

### **[VI. How does BNA handle copyright permission requests?](#)**

### **[VII. What copyright policy statement is on our print publications?](#)**

#### **I. What is copyright?**

The U.S. Constitution and the Copyright Act reserve to the copyright holder the exclusive right to reproduce, prepare derivative works, distribute, perform, and publicly display a copyright work. Copyright exists the moment an expression is fixed in a tangible medium.

Since subscriptions are BNA's primary source of income, we are diligent about protecting our copyright interests.

#### **II. What is fair use?**

Section 107 of the Copyright Act exempts from liability for infringement the copying of portions of copyright material for certain purposes, including criticism, comment, research, or teaching. The courts look at four factors when determining whether an alleged copyright infringement is a fair use:

- purpose and character of the use, including commercial vs. nonprofit educational purpose,
- nature of the copyright work,
- amount and substantiality of the portion used in relation to the work as a whole, and
- effect of the use on the potential market or value of the work.

At BNA we do not give blanket permission to photocopy or otherwise copy or redistribute BNA material although we recognize that the "fair use" doctrine permits, under limited circumstances, the copying of small portions of any copyright material for certain purposes. In an infringement case, the burden of proof is on the putative infringer.

#### **III. What is the Copyright Clearance Center?**

The Copyright Clearance Center (CCC) is a not-for-profit corporation sponsored by user and publisher organizations that collects royalty fees (set by the publisher) from users and transfers them to the publisher, subtracting a processing fee. Users who register and pay royalties to CCC for copying particular pages for internal use or for use of clients are deemed in compliance with the law. However, a CCC license only applies to BNA print publications and does not cover the reproduction of BNA products that are published in electronic form.

These are among the programs administered by CCC:

- Transactional Reporting Service: a fee set by the publisher for each page or article copied
- Annual Authorization Service: a blanket license to copy, but not entire issues or sections
- Photocopy Authorization License: a similar program for smaller businesses
- Federal Gov. Photocopy License: a similar program for federal agencies
- Academic Permissions Service: a separate transactional reporting service for academic institutions and their coursepack needs

How to contact CCC:

Copyright Clearance Center Inc.  
222 Rosewood Drive  
Danvers, Mass. 01923  
Tel: (978) 750-8400  
Fax: (978) 750-4744  
Internet: <http://www.copyright.com>

#### **IV. What is the code on each page?**

The ISSN or ISBN code, which the Copyright Clearance Center uses to identify the publication and publisher, appears at the bottom of each page or the top of each electronic article. The charge for lawful reproduction made through CCC or directly to BNA is currently \$1.00 per page per copy for nonacademic use or for those who do not have one of CCC's annual licenses. Copies of portions of a publication, but not the entire issue or section, may be made for personal or internal use, or for the personal or internal use of specific clients, upon payment of the fee. Automatic payment to CCC negates the need for seeking permission from the publisher.

#### **V. What about different formats of BNA products?**

##### **In General**

Reproduction of BNA products is prohibited without the express written permission of BNA except as indicated in our copyright policy statements or guidelines. In print products, the copyright policy statement appears at the bottom of the masthead page. In electronic products, the policy statement is in the user's guide or in the electronic product itself.

We claim copyright protection for all material that has been written or enhanced as a result of the efforts of BNA's editorial staff or indexers. We do not claim copyright in public domain works of the federal and state governments that are reproduced by us, although we do claim copyright for the compilation, selection, coordination, and arrangement of such material.

Working papers, sample forms, suggested policies, and model letters are included in many BNA products. These items are copyrighted by BNA but the subscription fee

includes permission to reproduce them for internal use or to serve individual clients or customers. Permission to use them for other purposes must be obtained from BNA.

The tables of contents, highlights, and other finding aids are covered by copyright, and are **not** to be copied and redistributed within an organization. Additional copies of tables of contents and highlights of BNA notification services are available by subscription through e-mail or through other license agreements.

## **Electronic Products**

Reproduction or redistribution of a publication, in whole or in part, by any means, including e-mail, facsimile transmission, or any other electronic or print means, without the express written permission of The Bureau of National Affairs, Inc., is prohibited except as follows:

Authorized users may:

- view the publication on screen ,
- download small portions of the publication to a computer disk or drive for convenience and later reference, for individual or personal use (Note: CD-ROM users should check any material temporarily stored against the latest version of the disc to ensure the information is still current.),
- print paper copies for individual or personal use only,
- make one archival print copy of the material, and
- if BNA is properly credited, on an **occasional** basis:
  - reproduce limited quantities of the data for internal or interoffice distribution or use only, and
  - include or distribute small portions in memoranda and reports for internal use, selected clients, or court filings.

To properly credit BNA for one of these approved uses, a statement such as the following should accompany the material: "Reproduced pursuant to a license agreement for (Title of Publication). Copyright 20yy by The Bureau of National Affairs, Inc. (800-372-1033), <http://www.bna.com>.

Users may not:

- Make copies or transmit the contents of a CD-ROM or publication in its entirety or in substantial part.
- Attempt to alter a CD-ROM or software to increase the level of access authorized under the license.
- Load a CD-ROM onto a network of any kind unless authorized to do so by the license.
- Republish, distribute, or sell the contents of a CD-ROM or publication in any manner that would violate copyright or the proprietary interest of BNA or third-party vendors.
- Copy and/or distribute the tables of contents, highlights, and other finding aids are covered by copyright. (Additional copies of tables of contents and highlights of BNA notification services are available by subscription through e-mail or through other license agreements.)

- Reproduce, create derivative works from, perform, display, publish, transmit, distribute, sell (or participate in any sale), or otherwise access, use, or exploit any material retrieved from or contained in the publication in any manner whatsoever that may infringe any copyright or proprietary interest of any third party licensor.
- Place any material on any website (including intranets).
- Include material in client or similar newsletters.

### **Online, e.g., BNA products on Westlaw, LexisNexis, etc.**

These products are sold on a transactional basis rather than by subscription, so the revenue BNA receives is based on actual usage. BNA does not authorize photocopying of a printout or file of information obtained in this way. To obtain multiple copies, users should access the online service in the normal way, once for each copy desired.

### **E-mail Highlights**

These products contain the highlights and table of contents of a BNA notification service and are licensed based on a specified number of users. Access by or distribution to more than the authorized number of users is prohibited. Individuals designated as authorized users must be employees of the subscribing organization, not consultants or contractors. The information cannot be redistributed in print or electronic form or placed on any electronic medium.

## **VI. How does BNA handle copyright permission requests?**

What is needed to obtain permission? Permission may be sought by letter, fax, or e-mail. A request should fully identify the item to be copied including the service or publication title, date, volume and/or issue number, page numbers and headline, the planned use of the item, and the number of copies that will be made. Also include identifying information about your organization, with name, address, phone and fax numbers, and contact person. When granting permission, we supply a credit line to accompany the material. We reply in the same manner we receive each request: by mail, fax, or e-mail.

How long does it take? Our goal is to process each request within a few days.

### **Who handles permissions for which BNA publications?**

[BNA services](#) - Karen Silber, fax (202) 452-4084; [permissions@bna.com](mailto:permissions@bna.com)  
[BNA Books](#) - Paul Kavanakudy, fax (202) 452-4997; [books@bna.com](mailto:books@bna.com)  
[BNAPLUS](#) - Laura Fox fax, (202) 452-4644; [bnaplus@bna.com](mailto:bnaplus@bna.com)  
[Tax Management](#) - Glen Davis, fax (202) 785-7195; [tm@bna.com](mailto:tm@bna.com)

## **VII. What copyright policy statement is on our print publications?**

**Copyright policy:** Authorization to photocopy selected pages for internal or personal use is granted provided that appropriate fees are paid to [Copyright Clearance Center](#) (978) 750-4800. Or send written requests to BNA Permissions Editor: (202) 452-4084 (fax) or [permissions@bna.com](mailto:permissions@bna.com) (e-mail). For more information, see <http://www.bna.com/corp/index.html> or call (202) 452-4471. For [Customer Service](#) call 800-372-1033 or fax 800-253-0332.