

AMERICAN LIBRARY ASSOCIATION

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EXHIBIT 21

10.4

POLICY ON REPRODUCTION OF NONCOMMERCIAL EDUCATIONAL & SCHOLARLY JOURNALS

WHEREAS, Authors, publishers and librarians have similar aims and interests in the wide dissemination of materials for educational advancement and scholarship; and

WHEREAS, The new copyright law of 1976 recognizes for the first time the divisibility of authors' rights in their works; and

WHEREAS, Many publishers already permit reproduction of their materials for nonprofit educational purposes; NOW, THEREFORE, BE IT

RESOLVED, That ALA, in cooperation with other educational organizations, urge publishers to adopt and include in their journals or similar publications a notice of a policy for the non-commercial reproduction of their materials for educational and scholarly purposes; and BE IT FURTHER

RESOLVED, That the American Library Association encourage authors writing primarily for purposes of educational advancement and scholarship to reserve to themselves in the publishing contracts they sign, licensing and reproduction rights to their own works.



ADOPTED by the
ALA COUNCIL
June 27, 1978

POLICY ON REPRODUCTION OF ARTICLES
FROM ALA JOURNALS AND PUBLICATIONS
Adopted by ALA Council
January 26, 1978

1. The American Library Association (ALA) may enter into agreements with various organizations engaged in the business of providing copies of copyrighted articles to persons requesting them. The copies are sometimes available in magnetic tape, in microform, and in hard copy.
2. The agreements proposed vary substantively in their terms. Accordingly, it is deemed desirable to develop criteria by which the agreements may be evaluated so as to assure uniform and non-discriminatory treatment by ALA and the protection of the interests of ALA in its journals and publications and their contents.
3. Further, any agreements made in accordance with the following criteria do not imply any restriction on the use of copyrighted materials in ALA journals and publications for the noncommercial purpose of scientific or educational advancement.
4. ALA Publishing Services shall have responsibility for administering this Policy and for securing approval of appropriate ALA units.

CRITERIA

1. Agreements shall provide that the rights to reproduce which are granted shall be non-exclusive.
2. ALA shall not make any representation as to the validity of any copyright claimed by it nor shall it agree to indemnify the party to which it grants a right of reproduction against any claims arising out of the exercise of such right.
3. Agreements may not be assigned by either party without the express written consent of the other and the consent may be withheld for any reason or no reason.
4. Agreements shall be limited as to their term and shall specify any residual rights in either party which may exist after termination.
5. Agreements shall specify the journals or publications from which copies shall be made under the agreement.
6. Agreements shall specify the fee, if any, to be paid. Such fee may be expressed as a price per copy or as a per-centage of the purchase price.
7. Agreements shall specify the method of computing and remitting the amounts due, if any, under the agreements. Such method shall require an accounting at least annually and shall assure access to records as necessary to verify such accounting.

8. Agreements shall specify the form in which journals or publications may be reproduced and shall prohibit reproduction in any other form.
9. ALA shall not provide complimentary copies under the agreement.

January, 1978