I. 머릿말

우리나라는 1968년부터 미국 국립 의학도서관(National Library of Medicine; NLM)에 문헌 수집, 작성, 소장, 유지 및 운영이 이루어지자, 이에 따라 제 1회 한국 의학도서관협회가 1969년 10월 1일에 창설되면서 회원들에게 본원 도서관이 외부 도서관에 이용하기 시작하여, 그리고 1970년 즈음부터 54개 기관이 이용하던 상태로 이어져 있다.

勿論 相互貸借는 가까운 일본이나 영국等과도 실시하려고 꾸려고 있으며, 일본의 유사한 일본 의학도서관협회 총회일시나 우리 협의회 대회일 등이 참석하여 협의되고 있으나 이에 앞서 같은 두 가지 이유로 인하여 잘 이루어지지 않고있다. 그 뒤에는 특별히 있어 책상, 전자문서는 정기적으로 편집을 하며 요구하고 있으나 실현되지 못하고 있는 실적이며, 현재도 간혹, 간혹이 유지하는 방식으로, 실시하고는 있으나 본격적인 실시는 희한한 것으로 하고 있다.

그러므로, 우선은 미국의 N.L.M.을 이용하는 것이 간편하니 적절한 관계로 대부분의 회원이 N.L.M.을 이용하고 있다.

申請書 작성은 다면에 사용하면 것이 우리나라

II. 相互貸借用紙의 使用要領

本用紙는 海外用으로서 様式은 A조기와 B조기, C조기와 D조기로 구분되어 있다.


本样式을 사용할 때는 NLM文獻複寫申請樣式을 參考로 하고, 用紙는 4枚가 1組인데 사용할 때는 1組을 各枚마다 카본을 넣어 作成하고, 申請者側에서는 様式 D를 우선 保管하고, 様式
NATIONAL LIBRARY OF MEDICINE
PUBLIC HEALTH SERVICE
8600 ROCKVILLE PIKE
BETHESDA, MARYLAND, 20014 U.S.A.

Request complies with □108(g)(2) Guidelines(CCG) (FULL NAME). Title
□ other provisions of copyright law (CCL)

S. H. Lee
CHIEF LIBRARIAN

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S. H. Lee
CHIEF LIBRARIAN
A.B.C를 이론적에 증명한다. 그러면 복잡한 문제와 같이 A, B, C가 다시 돌아온다. 이제 그들이 오는 A를 처음 질문할 때 이론을 자세히 설명한다. D와 같이 자세히 설명하면, 완전히

※ 모의 문제와 같은 것들은, 각각의 문제를 설명하기 위해, 각각의 문제를 설명한다.

1. 단어의 어원과 2개 (CCG, CCL) "C" 표시하는
   복잡한 문제와 같은 것들은, 각각의 문제를 설명하기 위해, 각각의 문제를 설명한다.
   2. 단어의 어원과 2개 (CCG, CCL) "C" 표시하는

C.C.G=Conforms to Copyright Guidelines
C.C.L=Conforms to Copyright Law

Ⅱ. 모의 문제와 같은 것들은, 각각의 문제를 설명하기 위해, 각각의 문제를 설명한다.

1. 단어의 어원과 2개 (CCG, CCL) "C" 표시하는

   2) 이 2개의 (CCG, CCL) "C" 표시하는

C.C.G=Conforms to Copyright Guidelines
C.C.L=Conforms to Copyright Law

Ⅱ. 모의 문제와 같은 것들은, 각각의 문제를 설명하기 위해, 각각의 문제를 설명한다.
2. 圖書館, 公文書館이 著作權局에서 定하여 전 规則에 따르면, 재판에서 作成하는 著作權에 関한 注意事項을 準確히 明示하는 傾向에 는 複製用紙에 表示한다.

e) 複製 및 配付의 權利는 圖書館, 公文書館이 將來 適正価格으로 取得할 수 없다고 判決할 때 利用者が 申請時 圖書館 所蔵資料中 作作品의 全部 또는 一部分이다.

f) ① 圖書館, 公文書館, 構內에서 監督者不在의 複寫機 使用할 때 圖支館 또는 職員에 對하여 著作權 侵害에 對義가 있다고 解釋하지 아니한다.

但, 이에 機械의 複製行爲가 著作権法의 對象 이 되기에 注意書에 記入할 必要가 있다.

⑳ d) 項의 著作物을 得한 後에 108條의 公正 使用의 範圍을 超越한 것에 關해서 利用者の 不正使用은 利用者の 責任이다.

⑾ a) 項의 條件에 따라서 獲得書, 뉴스 등에 關해서 圖書館, 公文書館에서 小部數의 著作物 만을 拿去物을 複製配付하는 것은 規制하지 않으나.

④ 108條의 公正使用의 權利, 自館의 所蔵資料을 他館으로 부터 複製物로 取得하는 圖書館, 公文書館이 借領시 負擔하는 契約上 業務에 關해서는 本條에서 影響을 받지 아니한다.

g) 複製 및 配付의 權利는 同一資料에 關하여 個別의 機構 를 相互無關係이다. 그러나 圖書館, 公文書館에서는 職員이 이에 條件下에서 이 權利를 適用되지 아니한다.

① 圖書館 또는 그 職員이 同一資料에 關해서 開聯名的 會議를 為하여 多数複製, 配付하는 것 에 問題가 있다. 이에 對于 事實를 알았을 때 某會 使用時의 group이 個個의 構成員을 個別의 으로 使用하는 것으로 生覺하거나 別問題가 없다.

② p) 項에 應當하는 案은 複製配付를 親織의 으로 行하였을 때 全體該當著作物의 強制釀 成する 複製物 또는 複製한 音響의 配付를 引起하는 것을 目的으로 하지 아니한다.

b) 複製 및 配付의 權利는 音樂作品, 繪畫, 調刻, 映畫, 뉴스以外의 視聽覚著作物等은 適用하지 않는다.

但, b) 및 e)에서 則定하는 權利, 또는 d)나 e)에서 複製, 配付하는 作物의 插圖, 圖表, 또는 그의 類似物을 發行하는 繪畫等에 관하여서는 著作権所有者로의 排他的 特有權이 適用된다.

1) 이 法令은 施行日으로 부터 5년後, 每 5年마다 著作権局長은 著作者, 書籍, 雜誌의 出版権者 또는 다른 著作権物의 著作権所有者, 圖書館 利用者에 司書代表들과 協議後 이 108條가 創作者의 權利 및 利用者的 뉴스 등을 法의 으로 意圖하는 均衡을 그의 範囲, 獲得하는 報告書를 會議에 提出하고 뉴스 發生하는 일치 못하는 問題에 関해서 記述하고 있으며 機能을 参考한 데에 는 立法상 그의 另外 勸告를 會議에 提出한다.

2. 美國著作権法 第108條 (g) (2) Guideline
(第49次, 第2會期, 美下院 Report 94-1733)

(前文)
協議委員會는 Guideline이 現在 및 附近에 있어서의 包括한 case를 左右하는 具體的 規則 또는 指示을 意圖하지 않는다. 그러므로 意圖할 必要는 없다고 生覺한다. 이 目的是 常典 圖書館에 發生하는 補充複製業務로서의 指標로 상기 때문이다.

自身에 關係하여 또는 関連한 다수의 狀況에 關係하여 制限을 加한다. 그러나 斷定으로 取扱할 意圖는 없다. 그리므로 不詳한 評價와 調製을 明示하는 必要는 流動의 으로 發展한 狀況으로 取扱할 수 있다.

寫真複製——圖書館相互協定

序文
著作権法 第108條 (g) (2)는 寫真複製에 関한 圖書館 相互協定의 制限을 取扱하는 것이다. 그으므로 著作物의 組織의 인간 寫真複製는 禁止하고 있으므로 圖書館相互協定은 設定되어 있다.

著作物의 새로운 技術의 利用에 관한 全國委員會 (CONTU)는 上院及 下院의 小委員會에서 實施되었다. 이것은 「總合計量」이라는 用語는 現
實的結果為之，關係圈屬於集約化手

CONTU是關係圈的協議後，有記述

2) 借受館

a) 直接刊行物的屬約購購入於間受的契約中

b) 新所藏資料中

c) 圖書館的公文書面

3) 本Guideline

4) 簿借受館

5) 本Guideline

3. Guide的要約及解說（CCG，CCL判定基準）

3) 本Guideline

4) 簿借受館

5) 本Guideline

3. Guide的要約及解說（CCG，CCL判定基準）

3) 本Guideline

4) 簿借受館

5) 本Guideline

3. Guide的要約及解說（CCG，CCL判定基準）
※ Guide Line의 要約

1) 申請日로부터 起算하여 發行後 5年 以內의 定期刊行物의 言論 文은 1年에 5部까지 申請로 (6年 以前의 非行文是 除外 dah). 定期刊行物의 以外의 資料에 關해서는 1年에 5部 가지다.
2) 定期刊行物(圖書)의 代身하여 入受하는 複製物品 自館資料로 부터의 複製物과 같이 取扱 해도 좋다.
3) CCG 또는 CCL은 借受館에서 記錄하지 않을 傾遇 貸出에서는 이를 拒絶한다.
4) 借受館은 申請記錄 및 供給하는 記錄을 4年 의 年末까지 保管하지 않으면 아니된다.
5) Guideline은 1978년 부터 實施하여 5年以內에 再検討한다.

※ CCG에 該當한 傾遇

1) 申請日로부터 過去 5年 以内의 刊行한 定期刊行物의 同一論文에 對하여 5部까지 申請可能.
2) 圖書로 부터 借出部分은 著作物의 著作權期間를 通해서 1년에 5部까지 申請可能.
3) 自館의 資料로 부터의 複製物와 同様으로 取扱하는 傾遇.
   a) 發注中의 定期刊行物이 未着매문에 不得己 他館으로 부터 複製物을 연고자 하는 傾遇.
   b) 不著文에 發注中에 複製物을 연고자 하는 傾遇.
   c) 製本中으로 他館으로 부터 複製物을 연고자 하는 傾遇.

※ CCL에 該當한 傾遇

1) 入受가 困難한 資料의 全面複製를 申请時 (108保 e로 보라)
2) 公正使用을 알리기 爲하여 申請時 (107條 參照)
3) 教室에서의 使用

4) 著作權者 本人으로 부터 許可된 것.
5) 非著作權物(美 當政府行文物 等)

※ 入手한 複製物의 归属에 關해서

1) 破損、磨耗、行方不明、盗難 등의 理由로 複製物을 入手한 傾遇 (108條(c))……圖書館歸屬
2) 申請者의 狀況이 推定下에 公正使用이라고 判断하는 傾遇……圖書館歸屬.

以上の傾遇到除하고 適法하게 入受한 複製物은 原則으로 申請者에 归屬한다.

IV. 間是的 表

本 法條文의 解釋은 1978년 1月 1日에 改正実施된 美國著作權法으로서 文獻申請時 改正著作權法에 契用하게 되므로 使用者が 이 法을 理解하고 使用할 수 있도록 要約하였으며 美國著作權法이 1909년以来 67年단에 改正한 傾意가 무엇인가? 이의 解答은 同法의 理解を 計劃하 고 그의 解設에 任性하게 된 것이다. 其 原因中のが 今世紀後半의 技術革新의 産物인 電子複
寫機의 出現으로 複寫機와 圖書館間의 耦の 關係が 發生되고, 確立 事實은 圖書館相互貸借専
擔司書士들이 確實이 認識할 必要가 있다고 生覚
 한다.

本 要約에 있어서 用語의 使用이 貧弱하였으 며 同意語を 使用한 傾遇도 없으니 原文을 参考補充하여 주기 바란다.

參考資料

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2) 日本醫學圖書館協会編 : 相互貸借マニュアル, 1953.
東京
3) The Copyright Law and the Health Sciences
Librarians, Americal Medical Library Associations, 1978
THE COPYRIGHT LAW
TITLE 17 OF THE UNITED STATES CODE

Public Law 94-—553 (Oct. 19, 1976)
§107. Limitations on exclusive rights: Fair use

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

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

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

(a) 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, 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.

(b) The rights of reproduction and distribution under this section apply to a copy or phonorecord of an unpublished work duplicated in facsimile form 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 the copy or phonorecord reproduces is currently in the collections of the library or archives.

(c) The right of reproduction under this section applies to a copy or phonorecord of a published work duplicated in facsimile form solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost, or stolen, if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price.

(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, if 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 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 in its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

(f) Noiring 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 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 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 participation 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 of such work.

(h) 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).

(i) Five from the effective date of this Act, and at five-year intervals thereafter, the Register of Copyrights, after consulting with representatives of authors, book and periodical publishers, and other owners of copyrighted materials, and with representatives of library users and librarians, shall submit to the Congress a report setting forth the extent to which this section has achieved the intended statutory balancing of the rights of creators, and the needs of users. The report should also describe any problems that may have arisen, and present legislative or other recommendations, if warranted.
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The conference committee understands that the guidelines are not intended as, and cannot be considered, explicit rules or directions governing any and all cases, now or in the future. It is recognized that their purpose is to provide guidance in the most commonly-encountered interlibrary photocopying situations, that they are not intended to be limiting or determinative in themselves or with respect to other situations, and that they deal with an evolving situation that will undoubtedly require their continuous at reevaluation and adjustment.

With these qualifications, the conference committee agrees that the guidelines are a reasonable interpretation of the proviso of section 108 (g) (2) in the most common situations to which they apply today.

The text of the guidelines follows:

Photocopying—Interlibrary Arrangement

Introduction

Subsection 108(g) (2) of the bill deals, among other things, with limits on interlibrary arrangement for copyrighting. It prohibits systematic photocopying copyrighted materials but permits interlibrary arrangements “that do not have, as their purpose or effect, that the library or archives recoving such copies or phonorecord for distribution does so in such aggregate quantities as to substitute for a subscription 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 issue of periodicals—those published within five years prior to the date of 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 of the request for the copy there of is made, constitutes a substitute for a subscription to such periodicals. 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 subsection 108 (g) (2)

1. As used in the proviso subsection 108 (g) (2), the words “......such aggregate quantities as to substitute for a subscription 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 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 requesting entity within any calendar year for a total of six 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 or phonorecord of any other copyrighted work, material 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, than 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 copy or phonorecord from a supplying entity only under those circumstances where the requesting entity would have been able, under the other provision of section 109, to supply such copy from materials in its own collection.

3. No request for a copy or phonorecord of any material to which those 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 fulfillment of such requests, the calendar year in which the respective request shall have been made.

5. As part of the review preview provided for in subsection 108 (i), these guidelines shall be reviewed not later than five years from effective date of this bill.