

# Copyright for College Educators



## Fair Use



Permissible

Not Permissible

### Purpose

Teaching (including multiple copies for classroom use)  
Research  
Scholarship  
Nonprofit Educational Institution  
Criticism  
Comment  
News Reporting  
Productive use (changes the work for new utility)  
Restricted access (students or other appropriate group)  
Parody

Commercial activity  
Profiting from the use  
Entertainment  
Bad-faith behavior

### Nature

Published work  
Factual or nonfiction-based  
Important to educational objectives

Unpublished work  
Highly creative work (art, music, novels, films, plays)  
Fiction

### Amount

Small quantity  
Portion used is not central or significant to entire work  
Amount is appropriate for educational purpose

Large portion or whole work  
Portion used is central to work or "heart of the work"

### Effect

User owns lawfully acquired or purchased copy of original work  
One or few copies made  
Lack of licensing mechanism

Could replace sale of copyrighted work  
Impairs market or potential market for copyrighted work or derivative  
Reasonably available licensing mechanism for use of the copyrighted work  
Affordable permission available for using work  
Numerous copies made  
Making it accessible on Web or in other public forum  
Repeated or long term use  
Similar product marketed by the copyright holder

# Guidelines for Fair Use



Permissible

Not Permissible

## Single Copying for Teachers

A chapter in a book  
An article from a periodical or newspaper  
A short story, short essay or short poem, whether or not from a collective work  
A chart, graph, diagram drawing, cartoon or picture from a book, periodical, or newspaper

## Multiple Copies for Classroom Use

The copying meets the tests of brevity and spontaneity and meets the cumulative effect test and each copy includes a notice of copyright

To create, replace or substitute for anthologies, compilations or collective works

Copying of or from works intended to be "consumable," such as workbooks, exercises, standardized tests and test booklets and answer sheets

Used as a substitute for purchase of books, publishers' reprints or periodicals

Directed by a higher authority  
Same item repeated by the same teacher from term to term

Charging students beyond the actual cost of photocopying  
More than one copy per pupil per course

## Brevity

### Poetry:

A complete poem if less than 250 words and if printed on not more than two pages  
From a longer poem, an excerpt of not more than 250 words (may be extended to finish a line)

### Prose:

A complete article, story or essay of less than 2500 words  
An excerpt of not more than 1000 words or 10% of the work, whichever is less, but a minimum of 500 words (may be extended to finish a paragraph)

### Illustration:

One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue

### Special Works:

An excerpt of not more than two pages and not more than 10% of the words, when combining language with illustrations, in which the entire work is less than 2500 words

## Spontaneity

Copying is at the instance and inspiration of the individual teacher (not the supervisor)

The inspiration and decision to use the work and moment of its use are too close in time for a reply to a request for permission

## Cumulative Effect

Copying is for only one course in the school in which the copies are made  
Not more than one short poem, article, story, essay or two excerpts from the same author

Not more than three from the same collective work or periodical volume during one class term

Not more than nine instances of such multiple copying for one course during one class term



# Multimedia

May be Used Only for Educational Purposes in Systematic Learning Activities



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## Preparation of Educational Multimedia Projects Using Portions of Copyrighted Works

**Students:** Incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course

**Educators:** Incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for their own teaching tools in support of curriculum-based instructional activities at educational institutions

## Uses of Educational Multimedia Projects

**Students:** Perform and display own multimedia projects for educational uses in the course for which they were created  
Use in own portfolios as examples for later personal uses (job and graduate school interviews)

**Students:** Make copies of the instructor's copy

**Educators:** Perform and display own multimedia projects: (a) face-to-face instruction, (b) assigned for directed self-study, and (c) for remote instruction with limited access  
Use for 15 days; 1 or 2 copies may be placed on reserve for students enrolled in course  
Perform and display own multimedia projects in presentations to peers (workshops and conferences)  
Retain multimedia projects in personal portfolios for later personal use (tenure or job interviews)

## Limitations of Educational Multimedia Projects for Educators

**Time:** Use for 2 years after the first instructional use

### **Portions:**

Motion Media--up to 10% or 3 minutes, whichever is less

Text Material--up to 10% or 1000 words, whichever is less

Poem--an entire poem of less than 250 words

Music, Lyrics, and Music Video--up to 10%

Illustrations and Photographs--Use in its entirety

Numerical Data Sets--up to 10% or 2500 fields or cell entries, whichever is less

Copying and Distribution--2 use copies, with 1 of them on reserve; 1 copy for preservation for possible replacement

**Time:** Use beyond 2 years, even for educational purposes, without permission

### **Portions:**

Text Material--

More than 3 poems by 1 poet or 5 poems by different poets from an anthology

More than 3 excerpts by a poet or more than 5 excerpts by different poets from an anthology

Music, Lyrics, and Music Video--

More than 30 seconds; any alterations that change the basic melody or fundamental character

Illustrations and Photographs--

More than 5 images by 1 artist or photographer; more than 10% or 15 images, whichever is less, from a collective work



# Distance Learning



Permissible

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## Eligibility

Nonprofit educational institutions at all levels of instruction whose primary focus is supporting research and instructional activities of educators and students but only to their nonprofit activities.

## Eligible Students

Only students officially enrolled for the course at an eligible institution may view the transmission that contains works covered by these guidelines.

## Works Performed for Instruction

Must be integrated into the course  
Must be part of systematic instruction  
Must be directly related and of material assistance to the teaching content of the transmission

For entertainment purposes

## Transmission and Reception

### Transmission (Delivery)

Must be over a secure system: technological limitations to the class (PIN, password, smartcard, etc.)

### Reception

Must be in a classroom or place that is controlled by the institution

Copying of the portion of the class session that contains performance of the copyrighted work

## Limitations

### One Time Use

Performance of an entire copyrighted work or a large portion thereof may be transmitted only once

Subsequent performances, displays, or access without permission

## Limitations, continued

### Reproduction and Access to Copies

#### Receiving Institution

May record or copy classes that include performance  
May retain copy for up to 15 consecutive class days  
Students enrolled in class may view in a controlled setting

#### Transmitting Institution

May reproduce and provide access to copies of the transmission containing the performance of a copyrighted work

### Commercially Produced Multimedia

The terms of the license apply. If there is no license, permission is required.

### Commercial Uses

Any commercial use, including an educational institution conducting courses for a for-profit corporation for a fee, such as training for the employees, without permission

### Dissemination of Recorded Courses

Offering instruction via distance learning and wanting to further disseminate the recordings containing a copyrighted work without permission

### Uncontrolled Access to Classes

Offering the course or program to non-employees without permission

### Use Beyond the 15-Day Limitation

Retaining the recorded class session beyond the limit of 15 days without permission

# Music



Permissible

Not Permissible

Emergency copying to replace purchased copies which are not available for an imminent performance; purchased replacement copies shall be substituted in due course

Single or multiple copies of excerpts of works for academic purposes other than performance

Editing or simplifying

A single copy of recordings of performances by students made for evaluation or rehearsal purposes; may be retained by the institution or teacher

A single copy of a sound recording (tape, disc, cassette) owned by the educational institution or a teacher for the purpose of constructing aural exercises or examinations; may be retained by the educational institution or teacher (This pertains to the music copyright and not to the sound recording copyright.)

An entire section, movement or aria

More than 10% of the whole work

More than one copy per pupil

To create, replace, or substitute for anthologies, compilations or collective works

Works intended to be "consumable" (workbooks, exercises and standardized tests and answer sheets)

For the purpose of performance, except in emergency

For the purpose of substituting for the purchase of music

Not including the copyright notice

Editing or simplifying which distorts the fundamental character of the work or the lyrics

Adding lyrics if none exist





## Obtain Permission

### Send Request

Send the request with a self-addressed stamped envelope to:  
the permission department of the publisher if the publisher is the copyright owner  
the author c/o publisher's permission department OR the author's address if the author is the copyright owner

### Sample Letter

Date

Company Address

I would like permission to copy the following for use in my class [name] for [next semester].

Title:

Copyright:

Author:

Material to be Duplicated:

Number of Copies:

Distribution: [students in my class]

Type of Reprint: [photocopy]

Use: [Supplementary teaching materials]

I have enclosed a stamped self-addressed envelope.

Sincerely,

Name

Address

Phone Numbers

E-mail

Keep records of ALL transactions.

## For More Information

PowerPoint Presentation and Excel Handouts  
H:\Faculty\Library\Copyright

United States Copyright Office  
<http://lcweb.loc.gov/copyright>

University System of Georgia;  
Regents Guide to Understanding Copyright and Educational Fair Use  
<http://www.usg.edu/admin/legal/copyright/copy.html>

Amendment to Title 17  
<http://www.usg.edu/admin/legal/copyright/hr2281.pdf>

University of Iowa  
<http://twist.lib.uiowa.edu/resources/fairuse>

google.com (search: utah crash course tutorial copyright)

University of Tennessee  
<http://www.lib.utk.edu/~gco/copyright.html>

University of Pittsburgh  
<http://www.library/pitt.edu/research/copyright>

Stanford University Libraries  
<http://fairuse.stanford.edu>

Clip Art  
<http://webclipart.about.com?once=true&>

A Guide to Copyright for Music Librarians  
<http://www.musiclibraryassoc.org/Copyright/copyhome.htm>

# Kirkwood

COMMUNITY COLLEGE

6301 Kirkwood Boulevard SW

P.O. Box 2068

Cedar Rapids, Iowa 52406

TO: League Representatives

FROM: Terry Moran

DATE: March 5, 2002

I have enclosed a brochure done by two of our Library staff on copyright issues for college educators.

If you would like to use it, you may copy it as long as you do so without modification. Or you may contact me and I will arrange for copies to be made here.

Enjoyed seeing you in Dallas.

