

COPYRIGHT GUIDELINES FOR SALISBURY TOWNSHIP SCHOOL DISTRICT EDUCATORS

These guidelines represent STSD's understanding of the Fair Use Guidelines (1976), Multimedia Fair Use (1996), and Digital Millennium Copyright (1998) as applied to education.

Section 107 of the Copyright Act of 1976 provides educators with four factors to consider when determining if they are infringing on copyright.

In essence, the four factors of Fair Use are:

- The purpose and character of the use must be nonprofit and educational in nature
- The copyrighted work should be published (author intended it for the public eye)
- The amount and substantially of the portion used in relation to the work as a whole (excerpts are favored)
- The effect of the use upon the potential market for or value of the copyrighted work.

Educators need to follow the Fair Use Guidelines whenever using copyrighted materials in any manner.

Copying Print Material

For teaching or research, a teacher may make a single copy of any of the following:

- One chapter from a book
- One article from a periodical or newspaper
- One short story, short essay, or short poem, even if they are contained in a collection
- One chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, etc.

If a teacher needs a larger portion of the work than allowed, the item should be purchased. In general, consumable materials (workbooks, standardized testing materials, etc.) may not be copied. However, some consumable materials are reproducible. Follow copyright restrictions or permissions printed in the book or periodical.

Teachers may make multiple copies for classroom use provided it meets the standards for spontaneity (teachable moment), cumulative effect (cannot substitute copying for purchase), and brevity:

- Up to 250 words of any poem
- An article, story, or essay of less than 2,500 words or less may be copied in its entirety.
- For longer prose, a copy must not be more than 10% or 1000 words, whichever is less.
- Two pages of a picture book, as long as the 2 pages don't contain more than 10% of the text
- One chart, graph, diagram, drawing, cartoon or picture per book or periodical, so long as they are copied exactly and not altered in any way.
- Multiple copies can be made for **one** class.
- Each copy must include a notice of copyright.
- Copying may not replace purchase of books or periodicals.

Using Audiovisual Works

Fair Use Exemption for schools requires the following:

- The presentation must be part of the current teaching unit.
- The presentation must occur in the course of face-to-face teaching activities, not used as entertainment or reward.
- The presentation must take place in a classroom or similar place for instruction (including the library).
- The presentation must be of a legally acquired (or legally copied) copy of the work.

Off-Air Recording (VHF and UHF channels received via antenna or cable)

- Off-air tapes may be held for 45 calendar days.
- During first 10 consecutive days, tapes may be used once in teaching activities and repeated once for reinforcement.
- After first 10 days, tapes can be used for teacher evaluation purposes.
- At end of 45 days, erase tapes.

Cable Channel Recording (Disney, Discovery Channel, History Channel, etc.)

- Cable channels have their own guidelines and restrictions on a program-by-program basis.
- Many offer educator guides that list the available rights for each program, and provide addresses so that permissions and supplemental materials may be requested.

Note: It is illegal to copy an entire AV work or convert it to another format (e.g. 16mm film to videotape, laserdisc to videotape, etc.) without written permission from the copyright holder.

Creating Multimedia – Guidelines

- Text: up to 10% of a copyright work or 1000 words, whichever is less.
- Poetry:
 - ▶ Entire poem if less than 250 words.
 - ▶ 250 words or less of a longer poem.
 - ▶ No more than 5 poems or excerpts of different poets from an anthology.
 - ▶ Only 3 poems or excerpts per poet.
- Illustrations:
 - ▶ No more than 5 images of an artist's work.
 - ▶ For collections, no more than 10% or 15 images.
- Audio:
 - ▶ Up to 10% of a copyrighted musical composition, but no more than 30 seconds.
 - ▶ Up to 10% of a body of sound recordings, but no more than 30 seconds.
- Motion Video: up to 10% or 3 minutes, whichever is less.
- Spreadsheets/Databases: up to 10% or 2500 fields or cell entries, whichever is less.
- Downloading Material – Internet
 - ▶ ☐ There is a mix of works protected by copyright and works in the public domain on the network.
 - ▶ ☐ Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment.
 - ▶ ☐ Educators and students are advised to write for permission!

Creating Multimedia - Educators

- Educators may use their multimedia productions, which contain portions of copyrighted material for teaching purposes up to two years after the first instructional use with a class.
- Use beyond two years requires obtaining permission for each copyrighted portion incorporated in the production.
- If at any time the educator wants to commercially reproduce or distribute the work, he or she must obtain copyright permission for all copyrighted material.

Creating Multimedia – Students

- Students may perform and display their own multimedia projects in the course for which they were created.
- Students may use their multimedia presentations in their own portfolios as examples of their academic work for later personal issues.

Using Software

- Standalone software can be installed on only one computer. Disks and manuals for that software must be present in the classroom.
- Software for multiple users (lab packs, site licenses, network versions) may only be installed on the number of computers specified in the license.
- Shareware copies are only legal for 30 days. After that, they must be purchased.
- When using clip art from any source, please refer to the software documentation or usage guidelines on the website. Acceptable usage varies.
- Whenever possible, use royalty-free and public domain graphics.

Copyright Resources:

Copyright Act – 17 USCS s 107: U.S. Copyright Act, as Amended, Chapter 1. Subject Matter and Scope of Copyright, Limitations on Exclusive Rights: Fair Use. [Online] Available <http://www.law.cornell.edu/usca/17/107.html>, Jan. 13, 2000.

Copyright and Fair Use: Stanford University Libraries. [Online] Available <http://fairuse.stanford.edu>, Aug. 2, 1999.

Harper, Georgia. A Crash Course in Copyright. [Online] Available <http://www.utsystem.edu/OGC/IntellectualProperty/l-resele.htm>, Jan 14, 2000.

Simpson, Carol Mann. Copyright for School Libraries: A Practical Guide. Worthington, OH: Linworth Publishing, Inc., 1994.

Visit to Copyright Bay, A. [Online] Available <http://www.nmjc.cc.nm.us/copyrightbay/coprby.htm>, Jan. 19, 2000.