

Teacher and Copyright

The **COPYRIGHT LAW** and the various guidelines are interpreted below as they apply to various teaching/learning situations:

A teacher **MAY**:

Single photocopies:

- Copy a single chapter of a book
- Copy 1 article from a magazine or newspaper
- Make 1 copy of a short story, short essay, or short poem
- Make 1 copy of a chart, diagram, graph, picture or non-syndicated, non-copyrighted cartoon

Multiple photocopies for classroom use:

- Copy a complete poem of less than 250 words (not more than 2 pages)
- Copy an excerpt from a long poem not to exceed 250 words
- Copy an article, story, essay less than 2,500 words

Multiple copying allowed if:

- Copying is done for 1 course;
- There is insufficient time to request permission;
- Only copy of one work from a single author or less than 3 authors from collective work;
- Only 9 or less instances of multiple copying per academic term (semester);
- Copying not used to create or replace anthologies;
- Same copying not repeated next academic term (semester);
- And students are not charged beyond photocopying fees.

Big Books

- Copy 1 illustration per book
- Copy less than 10% of text per book

Audiovisual materials:

- Create a series of slides from multiple sources such as magazines, books, encyclopedias, etc. as long as a teacher does not exceed 10% of the photographs in any one source and unless the source specifically prohibits any photographic reproduction.
- Create a single overhead transparency from a single page of a consumable workbook
- Create multiple overhead transparencies from a variety of sources, not exceeding 10% of the total content of any one source, unless this type of reproduction is specifically prohibited
- Convert a damaged filmstrip to a slide set, keeping same order minus damaged frames
- Enlarge a map with an opaque projector for tracing but not duplicating color-scheme, symbols, etc.
- Verify that an item is out-of-print in order to justify duplicating excerpt sections from a filmstrip to create slides as long as this does not exceed 10% of the entire work or does not excerpt the very creative essence of the work
- Reproduce selective slides from a series as long as this does not exceed 10% of the entire production, excerpt the very creative essence of the work, or violate a specific prohibition
- Audiotape or videotape the portions of a TV news broadcast
- Project a film or videotape through a film chain on closed-circuit television within the building
- Display a copy of a copyrighted work on the opaque projector

- Excerpt sections of a 16-mm film to be included in a locally produced videotape but not to be shown over cable TV, not to exceed 10% of the whole and not to excerpt the essence of the work
- Duplicate visual or audio materials of a non-dramatic literary work in order to provide materials for the blind or deaf. These may be legally transmitted to blind or deaf persons via cable systems.
- Make an audio cassette tape copy of one selection from a record album for use one time as background recording

Internet

- Download public domain software
- Get permission from copyright holder before using Internet materials

Multimedia program production:

- Create, perform, and display multimedia programs for educational uses, for direct instruction, assigning students to self-study, for remote instruction, to present at peer conference and for teacher portfolios (Notice that work contains copyrighted materials should be placed on first screen)
- Use their multimedia productions for up to 2 years after the first instructional use with a class
- Keep their multimedia production indefinitely in a personal portfolio
- Without seeking prior permission, use up to 10% or 3 minutes, whichever is less, of an individual film, video, or TV program
- Without seeking prior permission, use up to 10% of text of 1,000 words, whichever is less, of a novel, story, play, or long poem – short poems (250 words or less) may be used in their entirety
- Without seeking prior permission, use up to 10% but not more than 30 seconds of music, lyrics, and music video
- Without seeking prior permission, use no more than 5 images (illustration, cartoons, and photographs) from a single artist – if multiple images needed from a single work, no more than 10% or 15 images may be used
- Without seeking prior permission, use up to 10% of 2,500 fields or cells, whichever is less, from a copyrighted database

Music:

- Make emergency copies for performance provided copies are later purchased
- Make single or multiple copies of excerpts for study or teaching

Software (including CD-ROM):

- Copy a software program into RAM if copying is necessary to use the program
- Copy from CD-ROM periodicals and encyclopedias using guidelines for photocopying
- Make 1 copy of a software program for archival purposes only
- Back-up copies of hard drives as long as they are not used to run another drive
- May print out pages from reference CD_ROM for study or teaching

Video:

- **Use in face-to-face classroom instruction a videocassette purchased by the school even though it bears a warning label FOR HOME USE ONLY. The key is that the videotape is incorporated as part of the systematic teaching activities of the program in which it is being used.**
- Use for instructional purposes a rental videocassette bearing the FOR HOME USE ONLY label
- May record a program “Off-Air” if taped program is used for instructional purposes; program is erased at end of 45 days, program is recorded in its entirety
- May record program at home and bring to school, but all guidelines must be followed
- Tape off-air video programs cleared for copyright use (**Cable in the Classroom, etc.**)
- Receive satellite signals into the classroom in a planned teaching situation

A teacher **MAY NOT** (without express written consent of the copyright holder):

Single photocopies:

- Copy several chapters from a book
- Copy several articles from a magazine
- Copy from works intended to be “consumable: such as workbooks, exercises, standardized tests, and test booklets and answer sheets, etc.
- Photocopy worn ditto masters
- Copy without including copyright notice
- Charge a student beyond the actual cost of the photocopying

Multiple copies for classroom use:

- Copy to create or to substitute for anthologies, compilations, or collective works
- Copy more than one or two excerpts from a single author during one class term
- Copy more than three authors from a collective work
- Copy in order to avoid purchase of books, reprints, music, or periodicals
- Be directed by higher authority to make illegal copies
- Have more than nine instance of multiple copying in one class term
- Make copies of same materials semester after semester

Big Books:

- Copy just the text from a big book or picture book
- Make an audiotape of someone narrating a big book or picture book

Audiovisual materials:

- Duplicate a copyrighted film, videotape, phonograph record, audiotape, etc. for any commercial or money-making purpose such as PTA carnivals, class fund raisers, or shows for which an admission fee is charged.
- Make archival or back-up copies of copyrighted films, videotapes, phonograph records, filmstrips, or any other audiovisual medium except computer software
- Project a film or video through a film chain or close circuit television (or cable) to another school in the school system
- Tape the audio or video portion of a TV documentary for use in the classroom
- Read a story from a book onto cassette tape for reading motivation (An exception if made for a blind student, however).
- Use of outside the school copies of videotapes, phonographs records, audiotapes, slide sets, etc. made from copyrighted originals
- Make a copy of the copyrighted originals owned by some other school, whether within or outside the school system
- Duplicate a copyrighted work for the purpose of avoiding the purchase of the copyrighted work

Digital

- Digitize a copyrighted slide collection
- Scan copyrighted materials, magazine photographs, cartoon illustrations, etc. for school newspaper

Internet:

- Upload copyrighted software to the Internet
- Collect materials off the Internet and compile into new work

Multimedia:

- Use teacher or student developed multimedia programs of copyrighted works for use in displays, festivals, parent meetings or other public events

Music:

- Copy music for any kind of performance (Exception: a lost part may be copied in an emergency if it is replaced with a purchase part in due course).

Software:

- Circulate an archival copy of a software program
- Network software without a license
- Load a single copy of a software program onto several computers for simultaneous use
- Make copies of software for student use

Video:

- Retain a copy of videotaped off-the-air indefinitely. If the copy is intended for long-term use, the copyright owner should be contact for permission
- Duplicate copyrighted video materials on hand from a manufacturer or vendor for preview and evaluation
- Use either a purchased or rental video program FOR HOME USE ONLY in other than planned, direct, instructional activities. The program may not be used for entertainment or fundraisers or as a time filler.

STUDENTS AND COPYRIGHT

Students have additional privileges that others do not.

A Student MAY:

- Create, perform, and display multimedia production (using multimedia Guidelines) for educational purposes only in the course for which the production was created. They may keep the copy for their portfolio indefinitely.
- Tape a recording to use as background music for a slide production to be used in a class. (Because a class effort might be appropriate at a later time as a media fair project or as a part of a public display, either inside or outside the classroom, the student is advised to develop an original composition or to use music from a production library or other sources from which the school has obtained a license and copyright permissions).
- Tape a song from a record owned by the student in order to provide music for class photography project. The program may be shown at no charge to a parent group. However, if the record is owned by a parent, or if admission will be charged, taping the song would be an infringement.
- Use an opaque projector to enlarge a visual from a book or magazine onto a poster. (An outline map of the U.S., the states, and rivers cannot be copyrighted. These are considered public domain. The colors and details are copyrighted, however. Any commercial map may be used merely to generate an outline map).

A Student MAY NOT:

- Be directed to violate copyright on behalf of a teacher
- Donate student photocopies (that incorporate copyrighted materials) to become part of a school's collection

LIBRARIES AND COPYRIGHT

A library **MAY**:

- Copy unpublished works (print and phonorecords) for a purpose of preservation and security
- Copy print materials or phonorecords to replace damaged, deteriorating, lost, or stolen copies if replacements cannot be obtained at a fair price. A music teacher may preserve or replace library copies when not available for purchase
- Reproduce for a patron (student, staff, or member of the community) a single copy of one article or small part of a work to become the property of the patron for the purpose of study or research. (In an effort to promote material, the library may also reproduce a single copy of an article or page of a book for all teachers). The copy must display the copyright warning.
- Photocopy for the purpose of interlibrary loan. However, the following interlibrary loan restriction applies: more than 6 copies of an article from a periodical (not a single issue but over a year) shall be considered excessive and interpreted as an evasion of purchase of said periodical.
- May digitize other media in formats that are not useable because the equipment to use it is not manufactured. The digital copy should be for archival/research use, not for classroom use.

The media specialist and the media staff are protected from copyright infringement violation by users of equipment under their jurisdiction if every piece of equipment is posted with a copyright warnings as follows: (must use 18 pt. font)

NOTICE

Copyright law (Title 17, U.S. Code) protects computer, CD-ROM, laserdisc and videocassette programs. Unauthorized use or copying may be prohibited by law.

NOTICE

The copyright law (Title 17, U.S. Code) governs the reproduction of copyrighted material. The person using this equipment is liable for infringement.