



Instructional Media and Technology Services

Copyright Policy and Procedures

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Introduction to Copyright

Traditionally, school districts have encouraged their staff members to enrich teaching and learning by making proper use of instructional resources. Coupled with this encouragement, leaders in education have also carried the tremendous responsibility of compliance with the Copyright Revision Act of 1976 and its subsequent revisions.

To assist Northwest Tri-County Intermediate Unit educators with this responsibility, the Instructional Media and Technology Services (IMTS) has developed this resource handbook. This document is intended to be used as a tool by local administrators working in concert with library media personnel and school boards in determining policies and procedures for compliance.

This publication represents a sincere effort to help you operate legally and maintain the highest possible ethical standards in the use of copyrighted materials for both administrative and instructional purposes. Though interpretation of the copyright law continues to evolve, understanding the current law and its subsequent guidelines shall be the basic first step for all school personnel. Continuous reading in professional journals is necessary to keep abreast of this constantly changing topic. The IMTS shall periodically distribute additional information, updating you on copyright issues.

This handbook includes a sample policy, references, sample forms, labels and procedures. If local boards of education presently have policies and procedures for complying with the copyright law, they may need only to review or revise the present policy to determine its appropriateness and the degree to which it addresses the law, particularly in areas of off-air recording, use of prerecorded videocassettes, and computer software.

THE MATERIAL CONTAINED IN THIS DOCUMENT IS BASED ON A PROFESSIONAL INTERPRETATION OF THE COPYRIGHT LAW AS IT PERTAINS TO EDUCATION, BUT SHOULD NOT BE A SUBSTITUTE FOR LEGAL ADVICE. WHENEVER SCHOOL BOARD POLICY RELATING TO COPYRIGHT IS PLANNED, THE ATTORNEY FOR THE BOARD SHOULD BE CONSULTED TO ENSURE THAT THE POLICY REFLECTS THE LATEST AND MOST PRECISE UNDERSTANDING OF THE LAW.

The logo for Instructional Media and Technology Services (IMTS) at IU#5. The letters 'IMTS' are written in a large, bold, black, stylized font. Below the 'IMTS' text, the words 'at IU#5' are written in a smaller, black, sans-serif font.

Sample District Copyright Policy

On January 1, 1978, Public Law 94-533, the new Copyright Law, went into effect in the United States. It is the intent of the Board of Education to adhere to the provisions of this law. The Board recognizes that unlawful copying is a major problem for the instructional materials industry and that violations of copyright law contribute to higher costs and/or lessen incentives for the development of good instructional materials. Though there continues to be controversy regarding interpretation of copyright law, this policy represents a sincere effort to operate legally and to maintain the highest possible ethical standard in our use of copyrighted materials for administrative and instructional purposes.

While the District encourages its staff to enrich learning programs by making proper use of instructional materials, it is the responsibility of all District personnel to abide by the District's copying procedures and obey the requirements of the law. Under no circumstances shall it be necessary for employees of the District to violate copyright requirements in order to perform their duties properly. Therefore, the Board shall not be responsible for or provide legal support for any violations of the copyright law by its employees. The Board does not sanction nor condone illegal duplication in any form and any employee violating the school district's copyright position does so at his/her own risk and assumes all liability and responsibilities.

In an effort to discourage violation of the copyright law and to prevent such illegal activities from occurring in facilities utilizing equipment under the Board's control, the following policy shall be applied:

1. The Superintendent, working through the appropriate administrators, has the responsibility of informing district employees that the copyright law, subsequent Congressional amendments, "fair use" clarified by case law, and the district policy and procedures herein outlined, shall guide employee use of copyrighted material. Employees shall also be informed that violation of copyright may be a felony and that the law allows a court to hold individuals personally responsible for infringing the law.
2. Administrators with responsibility for equipment such as photocopier machines, audio and videotape recorders, computers with CD-R or CD-RW drives, Firewire-capable equipment, and any other technology capable of reproducing copyrighted material shall take responsible steps to inform staff of the appropriate and legal applications of their use. Appropriate copyright notices shall be placed on or near all district equipment capable of making copies.
3. Information about copyright law and policies shall be distributed to all employees through a printed publication, which addresses all issues of copyright law. Ignorance of the law is no excuse for violation. All employees are responsible for reading and complying with the printed policies.
4. No District hardware, software or facilities may be used to violate copyright laws, regulations, or guidelines.
5. Willful infringement of the law by an employee may result in disciplinary action.
6. Legal or insurance protection shall not be extended to employees who shall willfully violate copyright law and policies.
7. Appropriate copyright records shall be developed and retained by district staff designated by the Superintendent.
8. Board Policy shall be reviewed for possible revision as legislation may warrant.

9. The Superintendent shall appoint a district copyright officer who shall act, in consort with the district's legal counsel, as a resource to staff in matters relating to copyright policy.

Sole Rights of Copyright Owners

The Board recognizes that Section 106 of the Copyright Law grants solely to the copyright owner the following rights:

- to reproduce the copyrighted work
- to prepare derivative works based upon the copyrighted work
- to distribute copies of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease or lending
- in the case of a literary, musical, dramatic, choreographic, pantomime, motion picture, or other audio visual work to perform the copyrighted work publicly
- in the case of a literary, musical, dramatic, choreographic, pantomime, motion picture, sculptural, graphic, pictorial, or other audio visual work to display the copyrighted work publicly
- in the case of digital audio transmission of sound recordings (such as music on Web pages and radio station simultaneous transmissions on the Internet) to perform the recording publicly by means of digital audio transmission.

Fair Use

The Board recognizes that the copyright law makes it illegal for anyone to duplicate copyrighted materials without permission. The Board further realizes that severe penalties are provided for unauthorized copying of audio, visual or printed materials unless the copying falls within the bounds of the "fair use" doctrine.

Notwithstanding the provisions of Title 17 of the U. S. Code, the Copyright Act, Section 106 (sole rights of copyright owners) the Board recognizes that the "fair use" (as defined in Section 107) of a copyrighted work, for purposes such as criticism, comment, news reporting, teaching, 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, all of the following factors must be considered:

- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes. The use must be for such purposes as teaching or scholarship and must be nonprofit.
- the nature of the copyrighted work
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole. Copying the whole of a work cannot be considered fair use; copying a small portion may be if the guidelines below are followed.
- the effect of the use upon the potential market for or value of the copyrighted work. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

Under this fair use provision District staff may make copies of copyrighted District materials that fall within the following guidelines. Where there is reason to believe the material to be copied does not fall within these guidelines, teachers shall consult the district copyright officer.

Reproduction or Use of Copyrighted Materials in Print

(Includes books, workbooks, dramatic scripts, periodicals, poems, articles, microforms, charts, graphs, diagrams, drawings, cartoons, photographs, paintings, and maps.)

Permissible Uses:

The following are guidelines, not laws. Their purpose is to set the minimum, not maximum, standards of fair use.

The Board recognizes the following permissible uses as endorsed in House Report No. 94-1476, pp. 68-70. A teacher may make:

1. **Single copies** – In preparing for scholarly research, instruction or lesson planning a teacher may make or have made from legally acquired originals a single copy of:
 - a) a chapter from a book;
 - b) an article from a newspaper or periodical;
 - c) a short story, short essay, or short poem, whether or not from a collective work;
 - d) a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper.

2. **Multiple copies** – A teacher may make or have made from legally acquired originals multiple copies of the following for classroom use (never to exceed more than one copy per pupil in a course), if it meets the requirements of a - d below, except as prohibited by:
 - a) **Brevity** – The following limits are to be observed:
 - 1) Poetry: If less than 250 words and if printed on not more than 2 pages, a poem may be copied in its entirety. If the poem is longer than 250 words, only 250 words may be copied. (The law does allow an unfinished line to be included if the 250 word limit should happen to fall in the middle of a line.)
 - 2) Prose: If a complete article, story, or essay is less than 2,500 words it may be copied in its entirety. For longer works, including plays, novels, or letters, a copy must not be more than 1000 words or 10% of the whole, whichever is less. No matter how short the work, one may legitimately copy an excerpt of 500 words. No matter how short/long the work, one may legitimately copy an excerpt of 500 words, even though that amount exceeds the 10% limit.
 - 3) Exception: “Picture Books” are generally much shorter than the 2,500 word limit for complete copying. The law is specific in prohibiting the complete copying of these works. It also prohibits the complete copying of similar works intended for adults, like comic books. Only TWO pages of a picture book may be copied as long as those two pages do not comprise more than 10% of the text of the book.
 - 4) Illustration: One chart, graph, drawing, cartoon, diagram or picture may be copied per book or periodical issue. These copies must be photocopies or other EXACT copies. Enlarging or modifying the illustration in any way violates the author’s right of adaptation and display IF the enlargement is for multiple copies.

(Special Note: Employees may NOT record a picture book and allow students to listen to the story on tape while looking at the book. Recording a book is the same as photocopying it. The 2-page, 10% rule is still in effect.)

- b) **Spontaneity** – The copying must be at the instance and inspiration of the individual teacher and the inspiration/decision to use the work and the moment of its use for maximum teaching effectiveness must be so close in time that it would be unreasonable to expect a timely reply to a request for permission.
- c) **Cumulative Effect** – The copying of the material must be for only one course in the school. It may not be used by the same teacher in a different course. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume (not issue) during one class term. There shall not be more than 9 instances of such multiple copying for one course during one class term. (The restrictions stated in the last two sentences shall not apply to current news periodicals and newspapers, and current news sections of other periodicals.)
- d) **Copyright Notice** – Each copy made for classroom use must include the original notice of copyright, if possible and a correct citation.

Prohibitions:

Even if copying would otherwise meet the requirements stated above, it shall be prohibited or restricted as follows:

1. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacements or substitutions may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately.
2. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. These include workbooks, exercises, standardized tests, test booklets, answer sheets, and other consumable materials.
3. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals.
4. Copying must be self-initiated. It shall not be directed from a higher authority. The same copied items may not be used by the same teacher from term to term.
5. No charge shall be made to the student beyond the actual cost of the photocopying. This means that copying charges made to the student for profit are strictly forbidden.

Reproduction or Use of Copyrighted Music

The following guidelines are accepted as the intent of the Fair Use (Section 107) of the Copyright Act and incorporated into the House Report of the 94th Congress.

Permissible Uses:

1. Emergency copying to replace purchased copies that for any reason are not available for an imminent performance provided that purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole, which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per pupil.
3. For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (a) confirmed by the copyright proprietor to be out of print or (b) unavailable except in a larger work, may be made by or for a teacher solely for the purposes of his or her scholarly research or in preparation to teach class.
4. Printed copies, which have been purchased, may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
5. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the school or individual teacher.
6. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by a school or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

Prohibitions:

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be “consumable” in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
3. Copying for the purpose of performance, except as in (*Permissible Uses 1*) above.
4. Copying for the purpose of substituting for the purchase of music, except as in (*Permissible Uses 1 and 2*) above.
5. Copying without inclusion of the original copyright notice, which appears on the printed page.

Copying by Library Staff

In addition to the provisions above, Section 108 grants libraries and archives the right to make and distribute a single copy of a work under certain conditions.

Permissible Single Photocopies:

1. The copy is made without commercial advantage.
2. The copy includes the notice of copyright that appears on the work. If the original copyright statement is unavailable, the following (or similar) statement may be used:

“This work may be protected by copyright; further reproduction and distribution in violation of United States copyright law is prohibited.”
3. The copy is made at the individual user’s request.
4. The copy is made from the collection of the library where the individual makes the request or from that of another library.
5. The copy is no more than one article or other contribution to a copyright collection or periodical or a small part of any other copyrighted work.
6. An individual may request no more than five articles in one year from any periodical title from issues published within the past five years.
7. If the entire work or a substantial part of it is requested, the library must first determine if a copy cannot be obtained at a fair price.
8. The copy becomes the property of the individual user. The individual shall be notified that the copy is to be used only for private study, scholarship, or research.
9. A copyright warning must be prominently displayed at the place orders are accepted and on order forms.

Single Digital Copies:

1. To satisfy an individual’s request, a library may scan an article from a periodical issue, a chapter, or portions of other copyrighted works and provide an electronic copy to the user in lieu of a photocopy. Because the copy becomes the property of the individual, the library may not retain the scanned image. A copy may be faxed or otherwise transmitted electronically to the individual, but the library should destroy any temporary copy made incidental to the transmission. In other words, an incidental copy made to facilitate transmission is a fair use, as long as that copy is not retained.
2. If the work is protected by a license agreement the terms of that agreement must be followed.

Archival copies:

1. Libraries may make three archival copies of an unpublished work if the copies are made “solely for purposes of preservation and security or for deposit for research use in another library”. The unpublished work must be part of the library collection. If the copies are reproduced in a digital format they may not be distributed or made available outside the premises of the library.
2. Libraries may make three replacement copies of a published work if the copies are made “solely for the purpose of replacement” of a copy that is damaged, deteriorating, lost or stolen, or if the existing format in which the work is stored has become obsolete and an unused replacement cannot be obtained as a fair price. Copies reproduced in a digital format may not be used in that format outside the premises of the library.

Copying Rights of Libraries:

1. Extend to the “isolated and unrelated reproduction or distribution” of a single copy of the same material on separate occasions;
2. Do not extend to cases where the library is aware, or has strong reason to believe, that it is engaging in the “related or concerted reproduction or distribution of multiple copies” of the same material;
3. Do not extend to the systematic reproduction or distribution of single or multiple copies. This does not prevent a library from participating in interlibrary loan arrangements as long as the quantity of copies received does not substitute for a subscription or purchase of a work;
4. 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 AS DEFINED BELOW.

Under specific circumstances, libraries may reproduce, distribute, or perform a published work during the last 20 years of its copyright term. To do so the following conditions must be met:

1. The use must be for purposes of preservation, scholarship or research.
2. The “user” must be a library.
3. The work is no longer subject to normal commercial exploitation.
4. A copy of the work cannot be obtained at a reasonable price.

Copyrighted Audio Visual Works

(Excluding videotapes, which are addressed in the next section)

The following unofficial guidelines have been accepted in practice and are based upon Fair Use criteria, legal opinions, court cases and suggestions of producers and educators.

Permissible Uses By or For a Teacher

1. Creating a series of slides from multiple sources, such as magazines, books, encyclopedias, etc., as long as one does not exceeds 10% of the photographs in any one source, unless the source specifically prohibits any photographic reproduction.
2. Creating a single overhead transparency from a single page of a consumable workbook.
3. Creating 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.
4. Excerpting sections from a filmstrip to create slides as long as one does not exceed 10% of the entire work or excerpt the very creative essence of the work.
5. Reproducing selective slides from a slide series as long as one does not exceed 10% of the entire production, excerpt the very creative essence of the work or violate a specific prohibition for this type of reproduction.
6. Excerpting sections of a videotape to be included in a locally produced videotape, not to be shown over cable television, not to exceed 10% of the whole and not excerpting the essence of the work.
7. Duplication of visual or audio materials of a non-dramatic literary work in order to provide materials for the blind or deaf and to transmit these and other copyrighted materials to blind or deaf individuals via cable systems.

Prohibitions:

1. Duplicating cassette tapes unless reproduction rights were given at time of purchase.
2. Reproducing musical works (i.e. records, CD-ROMs, DVDs) or conversion into another form for use (i.e. audiotapes).
3. Reproducing "ditto masters" produced commercially, individually, in sets or as part of multimedia kits if they are available for sale separately.
4. Reproducing any audiovisual work in its entirety.
5. Conversion of one media format into another, i.e., videotape to CD-ROM.
6. Narration of entire stories onto audiotape.

Off-Air Recording of Broadcast Programming

The following unofficial guidelines have been accepted in practice and are based upon Fair Use criteria, legal opinions, court cases and suggestions of producers and educators.

Permissible Uses:

1. School employees at school or at home may record off-air a broadcast program simultaneously with broadcast transmission (including simultaneous cable retransmission). The program may be retained by the District or a school building for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are defined as television programs transmitted by television stations for reception by the general public without charge and do not include cable or satellite broadcasts unless prior permission has been granted by the copyright holder."
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) calendar day retention period. "School days" are school session days – not counting weekends, holidays, vacation, examination periods, or other scheduled interruptions – within the forty-five (45) calendar day retention period.
3. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
4. For schools without a centralized video distribution system a limited number of copies (one for each classroom that needs to view the program at the same time) may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
5. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used for student exhibition or any other non-evaluation purpose without authorization from the copyright holder.
6. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
7. Off-air recordings done in a staff member's home may be used in the classroom, provided that all of the above criteria and all district procedures for off-air recordings are followed.
8. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

(NOTE: Numbers 1-8 above are from the Congressional Record, 10/14/81, ratified by the House Subcommittee on the Courts, Civil Liberties, and the Administration of Justice. These Guidelines are considered a retroactive part of the legislative history of the Copyright Act. Although these do not have the force of law, they can be expected to serve as primary criteria when courts assess fair use in any future cases involving off-air taping for educational purposes.)

9. Local, regional and network newscasts and coverage of news events are an exception to these guidelines and may be reproduced and retained by libraries as long as no charge is assessed and a notice of copyright is included. Documentaries do not qualify in this exempt category.

(NOTE: The guidelines above apply to all commercial television broadcasts and to some public television broadcasts. Educators shall also remember that these guidelines are operative only in the absence of other negotiated rights or licensing agreements, which themselves may be either more or less restrictive than these guidelines.)

Cable in the Classroom

Commercial-free CIC video programs grant educators taping rights that *exceed* Fair Use. Cable in the Classroom programs:

- 1) may be taped by anyone, at home or at school without request*
- 2) may be used for education purposes only
- 3) allow education use for a minimum of one year
- 4) can be used as many times as desired

*Under Fair Use guidelines, a program may not be taped unless a teacher specifically requests it. A library media specialist cannot, for example, tape shows *in anticipation of need*. CIC clearances allow the media specialist, without prior requests, to tape programs in which teachers *may* be interested.

Cable in the classroom networks include, but are not limited to A&E, Discovery Channel, The Learning Channel, Biography, The History Channel, The Travel Channel, and The Weather Channel.

Other cable programs

Each cable network has its own set of guidelines for non-CIC programs. See the specific program detail for specific information. Guidelines for the use of television programs in multimedia projects are still being developed

Satellite Receptions

1. School district staff must obtain permission/purchase rights before employees or students may view the program as it is transmitted or taped for later use.
2. Once permission is secured to record a satellite transmission, staff shall adhere to the conditions agreed upon when the rights were purchased or permission was granted. (Rights to retain, duplicate, and/or further transmit a tape of a satellite transmission shall vary depending upon the program source.)
3. District employees must keep written documentation of permission secured from the program distributor when permission is secured over the phone. Written permission is preferred.

Pre-recorded Videotapes

The guidelines in this section apply to commercially-produced videocassettes which have been purchased or rented by the school district or an employee of the district. Use of videocassettes obtained from a

regional service center, such as an Intermediate Unit, or as a result of its licensing arrangements is outlined in the next section.

The Board recognizes that copyright owners have the sole right to public performance of their work and that performance of an audiovisual work in the classroom is a public performance.

The Board also recognizes that teachers and pupils are permitted under Title 17, Section 110(1) of the Copyright Law to perform copyrighted works in face-to-face instruction, with the following limitations:

1. The performance is a part of a systematic course of instruction and not for entertainment, recreation, or cultural value.
2. Attendance at performances is strictly limited to the pupils enrolled in the course, and to their teacher(s).
3. The performance is given in a classroom or a similar place devoted to instruction, including libraries and gymnasiums if they are being used for instruction.
4. The performance is given from a legitimately-made copy, which was not sold under a license or contract restricting school performances.
5. The performance must be given by the instructor, pupil, or guest lecturer.
6. The performance may not be transmitted to the classroom by radio or television broadcast or cablecast. Closed circuit delivery of the performance within one building is permitted.

Permissible Uses of Licensed Materials From IU #5

Videos

The guidelines in this section apply to videocassettes, CD-ROMs, laser videodiscs, and DVDs which are made available through IMTS.

1. Rights expiration dates shall be indicated on videotapes received from IU #5. The District shall erase all video tapes when retention rights have expired.
2. Videotapes received from the Northwest Tri-County Intermediate Unit for use and return shall not be copied within the District unless such copying is authorized by the Intermediate Unit.

Computer Software

The guidelines in this section apply to copyrighted commercially-produced computer programs which have been leased or purchased by the District or a District employee where the actual program itself is protected by copyright. On December 12, 1980, Section 117 of the Copyright Law was amended by Public Law 96-517, Section 7(b). The policy below reflects this amendment and the recommendation of the International Council for Computers in Education.

1. The ethical and practical problems caused by software piracy shall be taught in all schools in the District.
2. District employees shall be expected to adhere to the provisions of Public Law 96-517, Section 7(b) which amends Section 117 of Title 17 of the United States Code to allow for the making of a back-up copy of computer programs. This states that it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:
 - a. that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
 - b. that such a new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program shall cease to be rightful.
3. If a master program is damaged and thus the archival copy put into use, a replacement copy shall be ordered.
4. Staff and students are prohibited from making any further duplicates of copyrighted computer programs, unless the District is provided with written permission authorizing such action from the holder of the copyright.
5. Any copies prepared or adapted may not be leased, sold, or otherwise transferred without the authorization of the copyright holder.
6. When software is to be used on a disc sharing system, efforts shall be made to secure this software from copying.
7. Illegal copies of copyrighted programs may not be made or used on school equipment.
8. The Superintendent or his/her designee is designated as the only individual who may sign license agreements for software for schools in the District. Each school using the software also shall have a signature on a copy of the software agreement for local control.
9. The principal of each school site is responsible for establishing practices which shall enforce this policy at the building level.
10. A program purchased for one type of computer (e.g. Apple Macintosh) may not be transferred to work on another type of computer (e.g. Windows) unless the program was purchased as dual-platform, which should be stated on the purchase order.
11. Staff and students are prohibited from making multiple copies for a lab situation. Employees may not load a program into a computer and then move the program disc or CD to another computer while the first computer is running the same program unless this practice is specifically permitted under the terms of the contract.
12. In order to download to other computers in a network situation, one must have either purchased enough copies of the program or paid for the right to do so.
13. District employees are prohibited from making a copy of software acquired for preview.

14. District employees are prohibited from developing or distributing databases from copyrighted sources in print, computer, microfiche, video, laser disc or other technologies without first receiving permission from the author(s).

Sonny Bono Copyright Term Extension Act

The Sonny Bono Copyright Term Extension Act, October 1998, amends the duration of copyright protection.

Generally, copyright protection extends for the life of the author plus 70 years and 95 year for works made for hire. For anonymous and pseudonymous works, the term will be 95 years from the first publication or 120 years from the year of creation, whichever expires first. The Act does not restore copyright protection to any works that are in the public domain.

Copyrightable works include the following categories:

- Literary works
- Musical works, including any accompanying words
- Dramatic works, including any accompanying music
- Pantomimes and choreographic works
- Pictorial, graphic, and sculptural works
- Motion pictures and other audiovisual works
- Sound recordings

To be copyrightable, a work must be original in the sense that the author has created it by his or her own skill, labor, and judgment; creativity, novelty, or originality is not necessary.

Copying parts of or entire works cannot be done simply because the purpose is educational. The Fair Use statute is used to determine the legality of copying when the instance of copying is not addressed in the other sections of the Copyright Act. In other words, first look to the Copyright Act and the accompanying guidelines for the permission to copy. If the copying is not specifically prohibited, it MAY be allowed under Fair Use.

Fair Use Guidelines for Educational Multi-Media

The following is the actual text of the guidelines as adopted:

On September 27, 1996, the Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, U. S. House of Representatives, adopted a set of fair use guidelines for the production and use of multimedia in educational settings.

As indicated in the cover letter from the Subcommittee on Courts and Intellectual Property, "These guidelines do not represent a legal document, nor are they legally binding. They do represent agreed upon interpretation of the fair use provision of the Copyright Act.... The specific portion and time limitation will help educators, scholars, and students more easily identify whether using a portion of a certain copyrighted work in their multimedia program constitutes a fair use of that work. They grant a relative degree of certainty that a use within the guidelines will not be perceived as an infringement of the Copyright Act by the endorsing copyright owners, and that permission for such use will not be required.

The more one exceeds these guidelines, the greater the risk that the use of a work is not fair use, and that permission must be sought.”

Preparation of Educational Multimedia Projects Using Portions of Copyrighted Works

By Students:

Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.

By Educators for Curriculum-Based Instruction:

Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia programs for their own teaching tools in support of curriculum-based instructional activities at educational institutions.

Permitted Uses of Educational Multimedia Programs Created Under These Guidelines

Student Use:

Students may perform and display their own educational multimedia projects created for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.

Educator Use for Curriculum-Based Instruction:

Educators may perform and display their own educational multimedia projects created under section 2 of these fair use guidelines for curriculum-based instruction to students in the following situations:

- ❑ for face-to-face instruction
- ❑ assigned to students for directed self-study
- ❑ for remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution’s secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material.

If the educational institution’s network or technology used to access the educational multimedia project created under these guidelines cannot prevent duplication of copyrighted material, students or educators may use the multimedia educational projects over an otherwise secure network for a period of only 15 days after its initial real-time remote use in the course of instruction or 15 days after its assignment for directed self-study. After that period, one of the two copies of the educational multimedia project may be placed on reserve in a learning resource, center, library or similar facility for on-site use by students

enrolled in the course. Students shall be advised that they are not permitted to make their own copies of the multimedia project.

Educator Use for Peer Conferences:

Educators may perform or display their own multimedia projects created under these guidelines in presentations to their peers, for example, at workshops and conferences.

Educator Use for Professional Portfolio:

Educators may indefinitely retain educational multimedia projects created under these guidelines in their personal portfolios for later personal uses such as tenure review or job interviews.

Limitations – Time, Portion, Copying and Distribution

Time Limitations

Educators may use their educational multimedia projects created for educational purposes under these guidelines for teaching courses, for a period of up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production. Students may use their educational multimedia production projects only for the duration of the course for which it was prepared. After that, time the presentation should only be retained and used for personal portfolio purposes.

Portion Limitations

Portion limitations mean the amount of a copyrighted work that reasonably can be used in educational multimedia projects under these guidelines regardless of the original medium from which the copyrighted works are taken. These limits apply cumulatively to each educator's or student's multimedia project(s) for the same academic semester, cycle or term. All students should be instructed about the reasons for copyright protection and the need to follow these guidelines. It is understood, however, that students in kindergarten through grade six may not be able to adhere rigidly to the portion limitations in this section in their independent development of educational multimedia projects. In any event, each such project retained under the terms of these guidelines should comply with the portion limitations in this section.

Motion Media

Up to 10% or 3 minutes, whichever is less, in the total amount of copyrighted material in a copyrighted motion media work may be reproduced or otherwise incorporated as part of a multimedia project created under these guidelines.

Text Media

Up to 10% or 1000 words, whichever is less, in the total amount of copyrighted material in a copyrighted work consisting of text material may be reproduced or otherwise incorporated as part of a multimedia project created under these guidelines. An entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from a single anthology may be used. For poems of greater length, 250 words may be used but no more than three excerpts by a poet, or five excerpts by different poets from a single anthology may be used.

Music, Lyrics, and Music Video

Up to 10%, but never more than 30 seconds, of the music and lyrics from an individual musical work in the total amount of copyrighted extracts from that work, whether the musical work is embodied in copies, or audio or audiovisual works, may be reproduced or otherwise incorporated as a part of a multimedia project created under these guidelines. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

Illustrations and Photographs

The reproduction or incorporation of photographs and illustrations is more difficult to define with regard to fair use because fair use usually precludes the use of an entire work. Under these guidelines a photograph or illustration may be used in its entirety but no more than 5 images by an artist or photographer may be reproduced or otherwise incorporated as part of an educational multimedia project created under these guidelines. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or otherwise incorporated as part of an educational multimedia project created under these guidelines.

Numerical Data Sets

Up to 10% or 2500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project created under these guidelines. A field entry is defined as a specific item of information, such as a name or Social Security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

Copying and Distribution Limitations

Only a limited number of copies, including the original, may be made of an educator's educational multimedia project. For all of the uses permitted, there may be no more than two use copies, only one of which may be placed on reserve.

An additional copy may be made for preservation purposes but may only be used or copied to replace a use copy that has been lost, stolen, or damaged. In the case of a jointly created educational multimedia project, each principal creator may retain one copy; educators for the purposes of peer conferences and professional portfolio and students for performance and display in the course for which it was created and for personal portfolio.

Examples of When Permission Is Required

Using Multimedia Projects for Non-Educational or Commercial Purposes

Educators and students must seek individual permissions (licenses) before using copyrighted works in educational multimedia projects for commercial reproduction and distribution.

Duplication of Multimedia Projects Beyond Limitations Listed in These Guidelines

Even for educational uses, educators and students must seek individual permissions for all copyrighted works incorporated in their personally-created educational multimedia projects before replicating or distributing beyond the limitations listed in the guidelines.

Distribution of Multimedia Projects Beyond Limitations Listed in These Guidelines

Educators and students may not use their personally-created educational multimedia projects over electronic networks, except for uses as described, without obtaining permissions for all copyrighted works incorporated in the program.

Important Reminders

Caution in Downloading Material from the Internet

Educators and students are advised to exercise caution in using digital material downloaded from the Internet in producing their own educational multimedia projects, because there is a mix of works protected by copyright and works in the public domain on the Internet. Access to works on the Internet does not automatically mean that they can be reproduced and reused without permission or royalty payment. Furthermore, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

The District is responsible for discussing with users issues of privacy, copyright infringement, e-mail etiquette, computer viruses, and intended use of the Internet resources.

Users have the responsibility to keep copyrighted software of any kind from entering the school via the Internet.

Because the Copyright Act and related guidelines have not completely addressed this new technology, the best strategy is to apply the existing law (and especially the fair use doctrine) to the Internet:

- Copyright protection extends to the Internet. In general, treat on-line materials (including e-mail and newsgroup postings) as you would any copyrighted materials.
- Copying Internet materials to paste onto a school Web page or incorporate into a multimedia project requires obtaining permission if the intended use exceeds fair use guidelines. Obtain permission by e-mailing the site's Webmaster. Be sure to save a record of your e-mail correspondence.
- Face-to-face teaching permit the display of copyrighted works, including Web pages, in classrooms and similar places devoted to instruction. Downloading a Web page and storing it for use offline, however, requires obtaining permission from the site's Webmaster.
- Properly credit your Internet fair use.

Attribution and Acknowledgment

Educators and students are reminded to credit the sources and display the copyright notice © and copyright ownership information if this is shown in the original source, for all works incorporated as part of the educational multimedia projects prepared by educators and students, including those prepared under fair use. Crediting the source must adequately identify the source of the work, giving a full bibliographic description where available (including author, title, publisher, and place and date of publications). The copyright ownership information includes the copyright notice (©, year of first publication and name of the copyright holder).

The credit and copyright notice information may be combined and shown in a separate section of the educational multimedia project (e.g. credit section) except for images incorporated into the project. In such cases, the copyright notice and the name of the creator of the image must be incorporated into the image when, and to the extent, such information is reasonably available; credit and copyright notice information is considered “incorporated” if it is attached to the image file and appears on the screen when the image is viewed. In those cases when displaying source credits and copyright ownership information on the screen with the image would be mutually exclusive with an instructional objective (e.g. during examinations in which the source credits and/or copyright information would be relevant to the examination questions), those images may be displayed without such information being simultaneously displayed on the screen. In such cases, this information should be linked to the image in a manner compatible with such instructional objectives.

Notice of Use Restrictions

Educators and students are advised that they must include on the opening screen of their multimedia program and any accompanying print material a notice that certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the multimedia fair use guidelines and are restricted from further use.

Future Uses Beyond Fair Use

Educators and students are advised to note that if there is a possibility that their own educational multimedia project incorporating copyrighted works under fair use could later result in broader dissemination, whether or not as a commercial product, it is strongly recommended that they take steps to obtain permissions during the development process for all copyrighted portions rather than waiting until after completion of the project.

Integrity of Copyrighted Works: Alterations

Educators and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Educators and students are advised to note that alterations have been made.

Reproduction or Decompilation of Copyrighted Computer Programs

Educators and students should be aware that reproduction or decompilation of copyrighted computer programs and portions thereof, for example the transfer of underlying code or control mechanisms, even for educational uses, are outside the scope of these guidelines.

Licenses and Contracts

Educators and students should determine whether specific copyrighted works, or other data or information are subject to a license or contract. Fair use and these guidelines shall not preempt or supersede licenses and contractual obligations.

Appendix A

Recent Updates to the Copyright Law

The TEACH (Technology, Education and Copyright Harmonization) Act

Signed into law on November 2, 2002, the TEACH Act amends the copyright law by expanding exemptions to the digital distance education classroom. The law does not specifically define distance education, but states, “digital distance education...whether in the traditional sense, when instructor and student are separated in place and perhaps time, or in the new hybrids of traditional classroom education combined with online components...” The new law offers many improvements over the previous version, which basically dealt with distance education in the context of closed circuit TV transmissions. In order to enjoy its advantages, qualified educational institutions will need to meet the law’s rigorous requirements. The institutions are probably at greater risk than are individuals of facing infringement liability. Consequently, the institution must impose meticulous restrictions on access, develop new policy, and disseminate copyright information to all employees and students. Stated in blunt terms, this law is not intended to permit scanning and uploading of full or lengthy works, stored on a Web site, for students to access throughout the semester – even for private study in connection with a formal course.

Only accredited, non-profit educational institutions may take advantage of the new exemptions. Most of the requirements listed below are designed to allow transmission of copyrighted works, or parts of works, to a legitimate student audience for a limited time, without permission or license fees, while preventing dissemination that could undermine the market for the works.

In considering the TEACH Act, districts must weigh the advantages against the policy and technological requirement imposed by the Act. Some districts may choose to rely on other copyright exemptions, such as Fair Use, rather than the TEACH Act. They may decide that the requirements are too costly or may not be compatible with district technology strategies. The requirements may be too complex or place an unreasonable burden on instructors and students.

TEACH is not necessarily appropriate for all distance learning uses. However, TEACH should be assessed by all educational institutions as an important new instrument in implementing copyright law, one tailored to the needs of distance education in the new digital environment.

Districts might want to ask the following questions during their considerations:

Questions to ask to determine eligibility:

1. Are you an accredited nonprofit educational institutional or governmental body?
2. Do you have an institutional policy that addresses the use of copyrighted materials and promoted compliance with U.S. copyright law?
3. Do you provide educational resources to your district that accurately describe copyright rights and responsibilities?

If you answered “yes” to all of the above questions, your district is eligible for TEACH Act exemptions.

To determine what types of works are eligible and what technical restrictions must be in place, ask the following questions:

1. Is the work a digital educational work, a work produced or marketed primarily for performance/display as part of mediated instructional activities transmitted via digital networks? (TEACH does not apply generally to all educational materials, all materials with educational value, or those developed and marketed for use in the physical classroom.)
2. Is the work lawfully made and acquired? (Lawfully made includes not only materials made with the permission or under the authority of the copyright holder but also those made under the authority of the copyright act, such as “Fair Use”. If a reasonable evaluation would indicate the work is of a questionable origin, DO NOT USE IT!)
3. Is the work:
 - a. an integral part of the class session?
 - b. part of systematic mediated instructional activities ?*
 - c. directly related to the teaching content?

*Mediated instructional activities are activities that use such [permitted] works:

- as an integral part of the class experience
- under the control or actual supervision of the instructor
- in a manner comparable to performances and displays in live classroom settings

(Such activities must use the works as part of the course rather than as an addition to it. Thus, the TEACH exemption would not include uses of textbooks and other materials which are typically purchased or acquired by the students, or supplemental reading such as coursepack materials. Occasional, brief handouts, including entire short works, may be permitted in distance education, while reserves and other outside reading may not be proper material to scan and display under the auspices of the new law. The statute mandates the instructor’s participation in the planning and conduct of the distance education program and the educational experience as transmitted.

4. Does the amount of the work used fall into one of the following categories:
 - a. Nondramatic literary work? (May use all of the work.)
 - b. Nondramatic musical work? (May use all of the work.)
 - c. Any other works?
 - 1) Performance (May use reasonable portions in an amount comparable to that performed in live classroom.)
 - 2) Displays (May use an amount comparable to that performed in live classroom.)

(Fundamentally, there seem to be but two essential elements for a dramatic composition: (1) that it relate a story, and (2) that it provide directions whereby a substantial portion of the story may be visually or audibly represented to an audience as actually occurring, rather than merely being narrated or described. Thus, performances of a nondramatic literary work would include readings from textbooks, novels, and poetry. Dramatic works would be exemplified by stage plays.)

5. Is the transmission of the work limited, as technically feasible, to students enrolled in the course? (Some of the limitations that a district might reasonably employ would include password-only

access, the use of PINs (Personal Identification Numbers), making copyrighted materials available only during the class session, and using streaming media.)

6. Have reasonable measures been implemented to prevent retention of the works for longer than the actual class session?

(The statute offers no clarification about the meaning of a “class session,” but language suggests that any given transmission would require a finite amount of time, and students would be unable to access it after a designated time. The statute explicitly exonerates educational institutions from liability that may result from most “transient or temporary storage of material.” On the other hand, the statute does not allow anyone to maintain the copyrighted content “on the system or network” for availability to the students “for a longer period than is reasonably necessary to facilitate the transmissions for which it was made.” Moreover, the institution may not store or maintain the material on a system or network where it may be accessed by anyone other than the “anticipated recipients.” Congress seems to have envisioned distance education as a process of installments, each requiring a specified time period, and the content may thereafter be placed in storage and outside the reach of students. The institution may, however, retrieve that content for future uses consistent with the new law. Incidentally, the TEACH Act did not repeal the earlier language that generally allowed educational institutions to keep some copies, such as videotapes, or educational transmissions for a limited period of time.)

7. Have reasonable measures been implemented to prevent unauthorized further dissemination (downstream copying) in accessible form by the recipients?
8. Is there a digital version of the work available to the institution with no technological protections to prevent TEACH uses?

(If specific materials are available through an online database, or marketed in a format that may be delivered for educational purposes through “digital” systems, the TEACH Act generally steers users to those sources, rather than allowing educators to digitize and upload their own copies.)

9. If no digital version of the work is available, is conversion to digital format permitted?

(These requirements generally mean that educators must take two steps before digitizing an analog work. First, they need to confirm that the exact material converted to digital format is within the scope of materials and “portion” limitations permitted under the new law. Second, educators need to check for digital versions of the work available from alternative sources and assess the implications of access restrictions, if any.)

10. Is there a notice accompanying the work notifying students that the work may be protected by copyright?

If you answered “yes” to all of the above questions, you are probably permitted to use the work in a distance education class. If you have any concerns or questions, seek permission from the copyright holder before proceeding with transmission.

There will be many instances where the TEACH Act requirements cannot be met for one reason or another. This does not mean that the proposed use of the work is prohibited absent permission of the copyright holder. Nothing in the TEACH Act is intended to limit or alter the scope of the Fair Use doctrine. Fair Use is a critical part of distance education.

Educators should seek to implement the TEACH Act, but they should also be prepared for exploring alternatives when the new law does not yield a satisfactory result. Among those alternatives:

- Employing alternative methods for delivering materials to students, including the expansion of diverse library services, as noted above.
- Securing permission from the copyright owners for the use of materials beyond the limits of the law.
- Applying the law of fair use, which may allow uses beyond those detailed in the TEACH Act.

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TEACH Checklist (short form)

1. Are you an accredited nonprofit educational institutional or governmental body?
Yes _____
No _____
2. Do you have an institutional policy that addresses the use of copyrighted materials and promotes compliance with U.S. copyright law?
Yes _____
No _____
3. Do you provide educational resources to your district that accurately describe copyright rights and responsibilities?
Yes _____
No _____
4. Is the work a digital education work, produced or marketed primarily for performance/display of mediated instructional activities transmitted via digital networks?
Yes _____
No _____
5. Is the work lawfully made and acquired?
Yes _____
No _____
6. Is the work
 - an integral part of the class session? Yes _____ No _____
 - part of systematic mediated instructional activities? Yes _____ No _____
 - directly related to the teaching content? Yes _____ No _____
7. Does the amount of the work used fall into one of the following categories:
 - a. Nondramatic literary work? (May use all of the work.)
 - b. Nondramatic musical work (May use all of the work.)
 - c. Any other works?
 - 1) Performances (May use reasonable portions in an amount comparable to that performed in live classroom.)
 - 2) Displays (May use an amount comparable to that performed in live classroom)Yes _____
No _____
8. Is the transmission of the work limited, as technically feasible, to students enrolled in the course?
Yes _____
No _____
9. Have reasonable measures been implemented to prevent retention of the works for longer than the class session?
Yes _____
No _____

10. Have reasonable measures been implemented to prevent unauthorized further Dissemination (downstream copying) in accessible form by recipients?
Yes _____
No _____
11. Is there a digital version of the work available to the institution with no technological protections to prevent TEACH uses?
Yes _____
No _____
12. If no digital version of the work is available, is conversion to digital format permitted?
Yes _____
No _____
13. Is there a notice accompanying the work notifying students that the work may be protected by copyright?
Yes _____
No _____

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The TEACH Act copyright notice

The materials on this course Web site are only for the use of students enrolled in this course for purposes associated with this course and may not be retained or further distributed.

Appendix B

Sample Forms and Labels

Requesting Permission to Copy – Sample Letter

(Place on School Stationery)

Permissions Department
Company
Street Address
City, State ZIP

To: Permission Department _____ Date: _____

Dear Permission Department:

I would like to request permission to copy the following copyrighted materials:

Materials to be copied: _____

Number of copies to be made: _____

Copy medium: _____

Use of copy: _____

Anticipated date of first use: _____ Last Use: _____

Distribution of copies: _____

Please note that these materials will not be sold. Thank you for your cooperation. I am enclosing a copy of this request for your files, signed by me, and a self-addressed envelope for the return of this request.

Sincerely,

Name _____

Producer's Reply:

Title: _____ Date: _____

Permission granted: _____ Permission denied: _____

Conditions or details: _____

Teacher Request for Off-Air Recording

(Place on School Stationery)

I hereby request that the following television program be videotaped for my class use and/or evaluation.

Name of Program: _____

Date: _____

Channel: _____

Length: _____

This program is applicable to the following Course of Study: _____

1. After a satisfactory videotape has been made of the requested program, it will be retained for a period of not to exceed 45 days unless proper licensing agreement is being pursued.
2. This recording will be used once in the course of a relevant teaching activity and repeated only once for instructional reinforcement during the first ten (10) days after recording.
3. Following the first ten (10) consecutive school days, this program shall be used for teacher evaluation purposes only.
4. The recording shall not be altered from its original content.
5. These guidelines apply to off-air recording not covered under agreements between _____ School and other sources.

I, the undersigned, have read the above and agree to its restrictions. I, furthermore, agree to abide by the Fair Use Doctrine as applied to the 1978 Copyright Act.

Note: This recording cannot be used after _____.
(date)

Signature _____

Date _____

Letter Given to Teachers with Videotape Recorded Off-Air

(Place on School Stationery)

I hereby request to use the school's video equipment for the purpose of showing a pre-recorded video cassette to my students.

Program Title: _____

Program Rating: _____

Pre-recorded video cassettes and video tapes can be used in classrooms and libraries as follows:

Teachers and pupils are exempt under Title 17, U.S. Code, Section 110 (1) to perform copyrighted works in face-to-face instruction, with the following limitations:

- The performance is part of a systematic course of instruction and not for entertainment, recreation, or cultural value.
- Attendance at performances is limited to the pupils enrolled in the course, and to their teacher(s).
- The performance is given in a classroom or similar place devoted to instruction, including libraries and gymnasiums, so long as the attendance limitation is satisfied.
- The performance is given from a legitimately made copy, which was not sold under a license or contract restricting school performances.

I, the undersigned, have read the above and agree to its restrictions.

Signature

Date

Labels for Videotapes Recorded Off-Air

IMPORTANT COPYRIGHT NOTICE

This program was copied under the guidelines established by the Negotiating Committee of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, U. S. House of Representatives. In accordance with those guidelines this tape:

1. May be used once by a teacher with one class (with one follow-up permitted for reinforcement) within the first ten (10) consecutive school days.
2. May be retained for 45 calendar days for evaluation purposes.
3. **MUST BE ERASED BY** _____.

Computer Warning Label – Sample Label

**JCCC Policy
On Software Copying**

Proprietary software packages
are protected by copyright laws.
DO NOT COPY without authorization.
To do so will make YOU liable for damages.
THINK BEFORE YOU COPY!

(Adhesive label attached to computers at
Johnson County [Kansas] Community College)

Sample Labels

Warning Concerning
Copyright Restrictions

The Copyright Code of the United States
(Title 17, U. S. Code) governs the making
of photocopies or other reproductions of
copyrighted material.

_____ School District Equipment

May not be used to record or play
illegal materials.

_____ School District Equipment

May not be used to duplicate or run
illegal materials.

Appendix C

Explanation of Library Photocopying Guidelines

You are entitled to receive within a calendar year five photocopied articles published in the last five years from any one journal title.

For example:

In January 2003 you request and receive an article from 2001 Teacher Viewpoints

√ *count 1*

In February 2003 you request but do not receive an article from 2000 Teacher Viewpoints

√ *does not count: count only what you receive*

In March 2003 you request and receive an article from 1999 Teacher Viewpoints

√ *count 2*

In May 2003 you request and receive an article from 2002 Teacher Viewpoints

√ *count 3*

In May 2003 you request and receive an article from 1995 Teacher Viewpoints

√ *does not count; was not published within the last five years*

In July 2003 you request and receive an article from 2003 Teacher Viewpoints

√ *count 4*

In August 2003 you request and receive an article from 2001 Teacher Viewpoints

√ *count 5*

You have reached the maximum number of requests; in the rest of 2003 you may not request more articles from Teacher Viewpoints 1998-2003 without making some special arrangement regarding permission or royalty.

The rationale is that if you use recent issues of a journal more than five times a year you should be subscribing to that journal.

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IMTS Resources

VIDEOTAPES AND KITS

COPYRIGHT AND PRIVACY ISSUES INVOLVING THE USE OF THE INTERNET

VT0C-32381 COLOR 90 mins 1999

Distributor: PENNSYLVANIA DEPARTMENT OF EDUCATION

Grades: T

This teleconference will focus on copyrighting and privacy issues. An overview of; copyright update, 1999, issues and concerns, major IP issues, privacy issues and resources will take place.

COPYRIGHT IN THE AGE OF TECHNOLOGY

K-0006138 **NEW** COLOR 80 mins 2003

Distributor: Gary H. Becker, Consultant

Grades: T

Each of the four programs in this kit consists of information presented by the author, Gary Becker, interspersed with questions/answers based on real life scenarios. Part 1) Topics include: Purpose of the Copyright Law, rights of authors, how long copyright protection lasts, penalties, special privileges for educators, Fair Use and the photocopying guidelines. Part 2) Topics include: Off-air videotaping, use of "Home-Use-Only" video programs, rights of guests and invited presenters, video program use on closed circuit TV systems and videotaping students performing copyrighted works. Part 3) Topics include: Making copies of computer software, loading institutionally owned software on home computers, use of personally owned and institutionally owned software, utilizing scanners and digitizers, copying from CD/DVD-ROM sources and the Fair Use guidelines for producing multimedia productions. Part 4) Topics include: Guidelines for use of the Internet, linking to sites, web site creation, use of copyrighted materials in distance learning and how to keep up-to-date with changes in the Copyright Law.

COPYRIGHT LAW: WHAT EVERY SCHOOL, COLLEGE AND PUBLIC LIBRARY SHOULD KNOW (1986) AND NEW ISSUES (1994)

VT0C-05965

COLOR 39 mins 1994

Distributor: ASSOCIATION FOR INFORMATION MEDIA AND EQUIPMENT

Grades: A T

This video contains two programs. Program 1 "Copyright Law: What Every School, College and Public Library Should Know" of 1986, 21 minutes, addresses what copyright is, fair use, face-to-face teaching exemption, off-air videotaping guidelines, and situations and questions. Program 2 "Copyright: New Issues" of 1994, 18 minutes, adds explanations of copyright concerns in distance education, computers and multimedia authoring programs.

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COPYRIGHT: THE INTERNET, MULTIMEDIA, AND THE LAW

VT0C-32354

COLOR 20 mins 1996

Distributor: CHIP TAYLOR COMMUNICATIONS

Grades: J S C T

In this video program, Attorney Arnold Lutzker, a copyright expert, answers the most frequently asked questions about copyright, multimedia, and fair use put to him by educators, administrators, librarians, and parents from across the United States. (The Technology Series) From the [Technology](#) series.

THE MULTIMEDIA DESIGN TEAM

VT0C-36413 **NEW!**

COLOR 30 mins 1995

Distributor: Great Plains National

Grades: T

How to identify members of a design team to help educators develop multimedia curriculum materials is discussed. The issue of copyright is examined along with companies which produce multimedia works. Includes guide. From the [Multimedia Technology Video](#) series.

SPINNIN' THE WEB AND BEYOND: EXPANDING YOUR INTERNET SKILLS

VT0C-30762

COLOR 20 mins 1995Distributor: RMI MEDIA PRODUCTIONS

Grades: T

Considerations for using Internet in the library or classroom, such as scheduling, access, information storage, downloading, and copyright, are discussed. This video will help identify new and emerging resources available on the Internet, identify information resources and connections related to educational technology, and help teachers manage telecommunications resources. (Internet Video Series) From the [Internet Video](#) series.

BOOKS

Becker, Gary H. Copyright: A Guide to Information and Resources. Lake Mary, FL: Gary H. Becker, 1997.

Becker, Gary H. The Copyright Game: Resource Guide. FL: Gary H. Becker, 1986.

Purpose of this guide is to provide a day-to-day copyright reference for educators, librarians and media staffs.

Bollinger, Dorothy. The Law of Cyberspace: E-business, Privacy, Censorship, Copyright, Security, and Crimes. Pennsylvania, Fox

This outline contains references to specific court cases and the law of cyberspace.

Bruwelheide, Janis H. The Copyright Primer for Librarians and Educators. Chicago, IL, 1995.

Commentary has been included on critical developments from 1988 through 1995, especially those related to video, digitization, electronic communications, and emerging technologies of the Global Information Infrastructure and guidance on the complexities of copyright law. Sections on the electronic environment and digital issues, multimedia, internet, distance education, Internet access to copyright office information, and sections 106-110 of the Copyright Law are also included.

Dukelow, Ruth H. Library Copyright Guide. Washington, DC: The Association for Ed. Communications and Tech., 1992.

This book was written to help librarians comply with the Copyright Act of 1976 when duplicating copyrighted materials.

Fishman, Stephen. The Public Domain: How to Find & Use Copyright-free Writings, Music, Art, & More. CA: Nolo, 2000.

This book is a definitive guide to creative works in the public domain--works that are not protected by copyright and can be copied without permission or fees. The book explains step-by-step how to recognize whether or not a work is in the public domain.

Hoffman, Gretchen McCord. Copyright in Cyberspace: Questions and Answers for Librarians. New York, NY: Neal-Schuman Publishers, Inc., 2001.

This book is designed as a basic guide for librarians who need to understand and apply copyright law to information obtained from and/or transmitted through the Internet. It attempts to provide the best answers currently available to the many complex copyright questions confronting librarians. This book is divided into the following four parts; essential background of copyright law, applying copyright to cyberspace, specific library applications, and copyright information sources.

Johnson, Beda. How to Acquire Legal Copies of Video Programs: Resource Information. San Diego, CA, Video Resources Enterprise, 1989.

This book will guide the user in obtaining legal copies of video programs at reasonable or no cost.

Minnow, Mary. The Library's Legal Answer Book. Chicago, IL: American Library Association, 2003.

Detailed and ready-to-apply answers to more than 600 legal questions will make this trouble-shooting guide a quick-reference. Coverage of all the issues of the day--filers, fair use, copyright, Web publishing, Internet use, software sharing, ADA compliance, free speech, privacy, access, and employment are just some of the topics that are covered in this guide.

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

This monography represents examples of typical public schools situations, not obscure legal cases. Conservative interpretation of the copyright law is given. From the publishers of The Book Report and Library Talk.

Simpson, Carol Mann. Copyright for Schools: A Practical Guide, 3rd Ed. Worthington, OH, Linworth Publishing, 2001.

Completely updated to include the most recent developments in copyright law that affect schools Learn how to protect yourself and your school from copyright infringement actions See concrete examples of acceptable and unacceptable practices.

Talab, R. S., Commonsense Copyright: A Guide to the New Technologies. North Carolina, McFarland & Co. 1986.

Attempts to clarify statutory law, related court cases, and legal opinion on common copyright and related legal aspects of print and nonprint acquisition and use. Its primary value is probably as a reference book.

Vlcek, Charles W. Copyright Policy Development: A Resource Book for Educators. Friday Harbor, WA, Copyright Information Service, 1987.

The purpose of this book is to provide guidelines for colleges, universities and schools to use when writing a copyright policy.