

Copyright/Fair Use Guidelines

Key points of the JCPS interpretation of The Copyright Act of 1976 as contained in
A Guide to the Use of Copyrighted Materials, 2002

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The **Copyright Act** protects the copyright owner against the **theft of intellectual property**.

- The copyright owner (usually the creator) has the exclusive rights of adaptation, reproduction, publication, performance or display of the work.
- Copyright protection applies to any type of creative expression, including but not limited to: books, articles, sheet music, computer software (CDs or floppy disks), video recordings, audio recordings, recordings of TV or radio broadcasts, Internet publications, films, illustrations, artwork.

Even though there may be no © symbol, if you can read it . . . play it . . . watch it . . . or dance to it, assume that it is protected by Copyright Law.

Good News . . . The Fair Use Exemption allows limited use and reproduction of the work under certain circumstances. The U.S. Congress has established several broad factors in copyright law that determine "fair use." ALL must apply.

1. Use is for nonprofit educational purposes.
2. Contains a limited portion of the original (see explanation for each format below).
3. The copying/display will not cause the owner the loss of a sale.
4. Nature of work:
 - Facts (e.g., Top Ten Movies), instruction guides - **No restrictions**
 - Published creative, imaginative works - **Fair Use Exemption applies**
 - Unpublished works (writings, letters, diaries photos) - **MUST have owner's permission**

Each copy must show a copyright notice that includes the date of copyright and the copyright holder, for example, "Copyright 2001, Simon & Schuster."

Books and Periodicals

Permitted:



- **Single Copies for Teachers** - A single copy may be made of any of the following for scholarly research or use in teaching a class:
 - Chapter from a book, or article from a periodical or newspaper
 - Short story, essay or poem
 - Chart, graph, diagram, drawing, cartoon or picture
- **Multiple Copies for Classroom Use** - Requires meeting ALL of the following tests:
 1. Brevity: Poem = 250 words or less.
Prose = 10% of work or 1,000 words, whichever is less (Complete item may be printed if less than 2,500 words.).
Illustrations = one per book/periodical issue.
 2. Spontaneity: There is not sufficient time to request permission from the owner.
 3. Cumulative Effect: Copying of the material is for only a single course.
Only one piece by a single author may be copied.

Current news publications are exempt from requirements 2 & 3.

("Reproduction of Copyrighted Works by Educators and Librarians," p. 8. <www.copyright.gov/circs/circ21.pdf>)

Prohibited:

- Copying to avoid purchase.
- Copying from consumables such as **workbooks**.
- Creating anthologies from multiple sources.
- Scanning copyrighted illustrations for school publications, multimedia work, or web pages.

Printed Music

Permitted for multiple copies:



- Emergency copying to substitute for purchased copies that are not available for imminent performance.
- Excerpts of 10%, or less, of the whole may be made for use in class instruction.
- Each copy **MUST** include a copyright notice, such as, "Copyright 1997, Boston Music Co."

Prohibited:

- Copying to avoid purchase
- Creating anthologies or compilations.

Video/Sound Recordings



Classroom use permitted if the following requirements are met:

- They must be shown/played by the teacher (or student as part of a class assignment).
- They must be used during face-to-face instruction as part of a lesson plan.
- They must be legally acquired copies of the work.

Videos from rental centers, such as Blockbuster, may be shown to your class as long as they are PART OF A LESSON PLAN, even though the label may say "for home viewing only." (This is a more liberal interpretation than in the past when they were prohibited regardless of purpose for use.)

NOTE: Viewing "R" rated films requires parental permission for any student under the age of 17. An alternate activity must be available for those not permitted to watch. (Consult school policy before showing.)

Prohibited:

- Making copies, or creating an anthology or collection from clips or excerpts.
- Showing videos for **recreational** use, as a **reward**, or as a **time-filler**.

Teachers are asked to not put themselves in a difficult position by showing videos to classes for other than face-to-face instructional purposes. IT IS ILLEGAL.

Computer Software



Prohibited:

- Copying software, except for one archival copy (for back-up, not for use).
- Running a program on more than one computer at a time unless such use is covered by the license.

Internet



Observe the "Fair Use Factors" and the requirements for copying books and periodicals on Page 1.

- Factual information (e.g., "movies with highest box office receipts for 2003") **is not** copyright protected.
- Text and creative material, such as artwork/graphics and Web page design, **is** copyrighted.

E-mail: The author of an e-mail message is the copyright owner of the message. The recipient should not make copies or forward the message without written consent of the author.

Multimedia Project Limitations (video, PowerPoint, HyperStudio, etc.):

Motion Media (film, video, TV) - Up to 10% or 3 minutes, whichever is less, of an individual program.

Text (prose, poetry, drama) - Up to 10% or 1,000 words, whichever is less. Poems of less than 250 words may be used in their entirety.

Music, Lyrics, and Music Video - Up to 10% or 30 seconds of a single work, whichever is less.

Illustrations, Cartoons and Photographs - Up to 5 images from a single artist/photographer.

Must include the following documentation:

1. At the beginning (or on 1st slide) - "This presentation contains copyrighted material used under the educational Fair Use Exemption to U.S. Copyright Law."
2. At the end - A mediagraphy that includes the copyright date and copyright holder for each piece of copyrighted material used in the presentation (for example, "Seas." Copyright 2002, Warner Bros").

(Simpson, Carol. Copyright for Schools. Worthington, OH: Linworth Publishing, Inc., 70.)

A THOUGHT . . . This is society's attempt to be fair to those creative folks whose work lends a higher quality to our students' lives and ours. We benefit by being able to use **THEIR INTELLECTUAL PROPERTY** under the provisions of the Fair Use Exemption in that we don't have to start from scratch every time we want to do something creative. Remember that if you need items or quantities not covered by this exemption, you may request permission from the copyright holder to copy what you need. Also, these materials may usually be purchased.

Please see your school library media specialist if you have questions.

Clip art licensed from the Clip Art Gallery on DiscoverySchool.com <school.discovery.com>

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