



COPYRIGHT GUIDELINES

IN PLAIN ENGLISH

Faculty members have the difficult responsibility of complying with copyright laws while exercising the benefits of educational fair use.

THE LETTER OF THE LAW :

Federal Law section 106, United States Code: Title 17 accords exclusive rights to the owner of copyright including rights to reproduce, prepare derivative works, distribute, perform, display, or transmit the copyrighted work.

EDUCATIONAL FAIR USE defines how copyrighted materials may be used in the classroom, for reserves, and for distance education.

LRC staff will use the guidelines in this brochure to assist faculty members in determining if materials placed in LRC distribution systems require permission from copyright holders. If questions arise, the LRC Executive Director will determine the appropriate course of action. This brochure contains general information and is not a substitute for obtaining legal advice from a licensed attorney.

WHAT IS FAIR USE?

The four factors to be considered when determining whether you may use copyrighted materials under the provisions of fair use are:

- 1.the **purpose and character** of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- 2.the **nature** of the copyrighted work;
- 3.the **amount and substantiality** of the portion used in relation to the copyrighted work as a whole; and
- 4.the **effect of the use upon the potential market** for or value of the copyrighted work.

HARD COPY RESERVES: FAIR USE

Hard copy reserve systems may include any copyrighted material at the request of a course instructor if the instructor, the library, or other unit of the college possesses a lawful copy.

The source of the item, any copyright statement, and a caution against duplication or further distribution should be written on the item placed on reserve.

Copyright permission must be obtained for materials to be on reserve for more than one semester.

PRINT MATERIAL: CLASSROOM FAIR USE

A teacher may make (or request to be made) **a single copy** of any of the following for scholarly research or for use in preparation to teach a course:

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

A teacher may make **multiple copies** for classroom use provided that:

- The copying is limited to single chapters from a book, single articles from a journal, or similarly small parts of a work.
- Permission is obtained if materials are to be copied for more than one semester.
- Each copy includes a notice of copyright and appropriate attributions.
- The teacher is not copying to substitute for students' purchasing course materials.
- The teacher's supervisor does not order the copying.
- A teacher may not copy works intended to be consumable in the course of study or teaching.

ELECTRONIC RESERVES: FAIR USE

Electronic reserve systems may include short copyrighted items such as a chapter from a book or an article from a periodical or newspaper provided that electronic redistribution is not limited by any licensing agreement.

Copyrighted print materials placed on electronic reserve must meet the four factors of the fair use provisions of the copyright law.

The source of the item, any copyright statement, and a caution against duplication or further distribution should be written on the item placed on electronic reserve.

Permission must be obtained for all copyrighted materials to be on electronic reserve for more than one semester.

Currently, copyrighted audiovisual materials such as audio or videotapes, DVDs, or multimedia software may not be digitized and placed on electronic reserves without permission, as this constitutes unauthorized copying and redistribution.

Access must be restricted to authenticated student users registered in the course for which the items have been placed on reserve.



SOFTWARE FAIR USE

- Unauthorized copying or redistribution of software may be a copyright infringement. No software may be copied except as authorized in writing by the copyright owner.
- The LRC may lend computer programs if a warning of copyright is affixed to the package containing the program.
- The LRC will not make software available that is, in its judgment, vulnerable to unauthorized copying.

MULTIMEDIA & FAIR USE

- Students and faculty may incorporate copyrighted materials into a multimedia work for class assignments or instruction.
- Students retain their copyright to such creations, and faculty must obtain written permission from the student to display such works beyond the classroom setting for which the work was prepared.
- Neither students nor faculty may make multiple copies of such multimedia works or distribute them electronically.

DISTANCE LEARNING

Many distance education faculty and students make extensive use of Internet resources. Information found on the Internet may be copyrighted. Obtain permission from the web site owner to use Internet information unless permission for educational use is explicitly granted on the site. Pay licensing fees if available at a fair price.

VIDEOTAPE FAIR USE

- Students or instructors may display lawfully made videotapes in a non-profit educational setting when the purpose of the display is educational.
- With written permission from the copyright holder, short segments of videotapes may be transmitted over any system such as cable, broadcast, or the Internet.
- Media Services may record off-air broadcast programs (programs available to the public without charge) and retain them for a period of 45 days. After 45 days they must be erased.
- Off-air recordings may be made only at the request of individual teachers, and not recorded in anticipation of such requests.
- A teacher may record an off-air program at home and bring it to school for educational use in the classroom, though subject to the same 45-day guidelines.
- No off-air recordings may be added to the LRC collection unless they are copies of news programs.
- Duplication of video tapes is not permitted without the written permission of the copyright holder.

