
INSTRUCTIONAL RESOURCES:
COPYRIGHTED MATERIAL

EFE
(REGULATIONS)

EXCLUSIVE RIGHTS

Employees of the District shall comply with the provisions of the United States Copyright Law. Subject to certain specific exceptions, as stated below, the owner of a copyright has the exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance, or display by others.

FAIR USE

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use:

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

SINGLE COPYING
FOR TEACHERS

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

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

MULTIPLE COPIES
FOR CLASSROOM USE

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

1. The copying meets the tests of brevity and spontaneity as defined below.
2. The copying meets the cumulative effect test as defined below.
3. Each copy includes a notice of copyright.

DEFINITIONS

Brevity

Poetry – A complete poem if less than 250 words and if printed on not more than two pages or from a longer poem, an excerpt of not more than 250 words.

Prose – Either a complete article, story, or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words.

Illustration – One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

“Special” works – Certain works in poetry, prose, or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. An excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text may be reproduced.

Spontaneity

The copying is at the instance and inspiration of the individual teacher, and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

The copying of the material is for only one course in the school in which copies are made. 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 during one class term. There shall not be more than nine instances of such multiple copying for one course during one class term.

MUSIC

Printed Copies

Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

Multiple copies of excerpts of works may be made, provided that the excerpts do not compromise 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 percent of the whole work. The number of copies shall not exceed one copy per student.

A single copy of an entire performable unit (section, movement, aria, etc.) that is confirmed by the copyright proprietor to be out of print or unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

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.

Recordings

A single copy of recordings of performances by audiences may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher. A single copy of a sound recording of copyrighted music may be made from sound recordings owned by an educational institution 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.

TEACHER AND STUDENT CREATED MULTIMEDIA

Teacher and student created multimedia shall abide by the “Fair Use Guidelines for Educational Multimedia” as recommended at the 1996 Conference on Fair Use. Briefly, this includes but is not limited to the following:

1. Motion media (video clips): 10% or 3 minutes, whichever is less
2. Text: 10% or 1,000 words, whichever is less
3. Poems:
 - A poem of 250 words or less
 - Three poem limit per poet
 - Five poem limit by different poets in an anthology
4. Music: 10% or 30 seconds, whichever is less
5. Photos/Images:
 - No more than five works from one author
 - 10% or 15 works from a collection, whichever is less
6. Database info: 10% or 2500 field or cell entries, whichever is less

Under the “Fair Use Guidelines for Educational Multimedia” <http://www.cetus.org/fairindex.html> :

Students may perform and display their own educational multimedia projects created under Section 2 of these guidelines 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

Educators may perform and display their own educational multimedia projects created under Section 2 for curriculum-based instruction to students as outlined in the guidelines.

Educators may use their educational multimedia projects created for educational purposes under Section 2 of 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 projects as noted in Section 3.1.