

Copyright Quick Reference

This reference guide is only intended as a day to day reference and does not cover all aspects of the copyright law. For further clarification see your media specialist or call the media supervisor.

School Board Policy - School Board employees may reproduce copyrighted materials under the copyright provisions of the United States Code, Title XVII. Any reproduction of copyrighted materials shall be done either with the written permission of the copyright holder or within the bounds of the Congressional "Fair Use" guidelines; otherwise, the individual responsible for reproduction may be liable for breach of copyright under existing laws.

Willful infringement may result in disciplinary action. In the case of a court action for damages, a finding of willful infringement would preclude the Board paying any judgment rendered against the employee or paying any attorney's fees or costs incurred by the employee in conjunction with a lawsuit, and may render the employee liable to the Board for any damages the Board is deemed liable to pay. (See Board Policy 3.33)

Copyright Definition: Copyright is a property right granted to authors, the purpose of which is to advance the public welfare by promoting artistic and scientific progress.

Length of Time Protected:

Works copyrighted prior to 1978: 28 years annual renewal of 47 years. (This means in 2003 works copyrighted before 1928 are fair game.)

Works copyrighted in and after 1978: Life of the author plus 70 years. (If joint authors, life + 70 years of surviving author.)

Works Eligible for Protection: Any tangible medium of expression, now known or later developed, which can be perceived, reproduced, or otherwise communicated, either with the aid of a machine or device....

Author's Rights Protected:

Author has exclusive rights to do and authorize:

1. Reproduction of work
2. Prepare a derivative work based on copyrighted work
3. Distribution of the work by sale, transfer of ownership or by rental lease or lending
4. Performance of the work publicly
5. Display of the work publicly

Liability: \$ 750.00 to \$ 30,000 per infringement. If proven law broken by willful intent, statutory penalty may be raised to \$ 150,000; 500.00 to \$ 250,000 per infringement and/or 1-5 years imprisonment if found guilty of willfully infringing the law for private or commercial gain. Note: Court must waive statutory penalty of employee of a nonprofit educational institution or library where infringer can prove they believed they were operating under Fair Use interpretation. Does not eliminate possibility of a civil suit.

Photocopying:

Teacher/Classroom Use (one copy)

1. A chapter of a book
 2. An article from a periodical or newspaper
 3. A short story, short essay or short poem
 4. A chart, diagram, *cartoon or picture from a book, periodical or newspaper
- Copyrighted, syndicated cartoon characters are not permitted to be copied

Teacher/Classroom Photocopying: (Multiple Copies)

1. A complete poem if less than 250 words
 2. An excerpt from a longer poem, not to exceed 250 words
 3. A complete article, story or essay of less than 2500 words
 4. Excerpt from a larger article, story or essay not to exceed 1,000 words or 10% of the whole, whichever is less
 5. One chart, graph, diagram, *cartoon or picture per book or periodical issue
 6. Special works containing prose, poetry and illustrations, but limited to no more than 10% of the total
- Copyrighted, syndicated cartoon characters are not permitted to be copied

Limits to Preceding

Photocopying: 1. Copying is made for one course only

2. One work from a single author
3. No more than 3 authors from a collective work
4. No more than 9 instances of multiple copying in one term
5. Copying does not replace or substitute for anthologies
6. Same item not reproduced term to term
7. No charge made to students beyond actual photocopy cost
8. Copying of "consumable" works is absolutely prohibited.

Photocopying of Out-of-Print Material: Out of print is not necessarily out of copyright. If copyright is still in effect, you must request permission.

Off-Air Videotaping for Classroom Use:

1. Privilege only for nonprofit educational institutions
2. Programs taped must be used directly for instruction and not for entertainment
3. Programs may only be taped from open-air broadcast stations for which no payment is made to receive programs
4. Program taped may be kept 45 calendar days after taping, then must be erased
5. During 45 day period, may only be used with students during first 10 consecutive school days
6. Recordings may only be made at the request of teachers
7. No broadcast program may be recorded off-air more than once for the same teacher, no matter how many times broadcast
8. Limited number of copies may be made to service all teachers requesting use, but all governed by same 10 day use, 45 day erasure period
9. Program must be recorded in its entirety and may not be altered (edited)

Taping From Satellite or Cable for Classroom Use:

1. Requires permission of the copyright holder
2. Payment of appropriate fees for satellite broadcasts

3. Permissible when copyright holder offers rights without requesting (Ex. Cable in the Classroom programming; C-Span; special satellite broadcasts)
4. May tape programs from cable that may also be received on local, open air broadcast stations (Same channel you can receive with "rabbit ears" is carried on cable.)

Utilizing Videotapes With The Home Use Only Warning Label: Alachua County Media Services has purchased a public performance license for movies from the following vendors; Walt Disney, Warner Bros., Dreamworks, MGM, Hollywood Pictures, Paramount Pictures, United Artists, Columbia Pictures, TriStar Pictures, Universal Pictures, Miramax Films and Touchstone Pictures. Videos from these vendors may be shown in classrooms or on closed circuit with no restrictions. Schools, of course, should preview all films and set up guidelines as to appropriateness of all videos shown. Caution should be shown in airing anything other than G rated films.*Films from producers other than the ones listed above must follow the limitations below.

***Using videos from vendors not licensed with Home Use Statement (See above)**

1. Purchased videos may be used for direct instruction only and may not be used for entertainment
2. Rental videos may be used for direct instruction only and may not be used for entertainment. However, if a school or individual signs a membership form or rental agreement limiting the use of the videos to "Home Use Only", this constitutes a contract and the video would not be able to be used in the classroom
3. Libraries may acquire and loan videos
4. Libraries wishing to make videos available for public viewing in the library would need to obtain public performance rights

***Using Videos On Closed Circuit Systems:** It would be permissible to show the following types of video programs on a CCTV system within a single institution. All programs may only be used for direct instruction, not entertainment.

1. Videos purchased by the educational institution with closed circuit rights
2. Videos for which the copyright holder has granted closed circuit use rights :(Ex. Cable In The Classroom Programming)
3. Videos produced by the institution and not containing copyrighted material (unless permission has been obtained)
4. Simultaneous transmission of live broadcasts
5. In general, most instructional programs purchased from instructional production companies. However, some may charge for closed circuit rights or may permit CCTV use (read literature carefully)
6. In general, most programs provided by state departments of education, higher education governing boards or state library systems. (Check to verify)

The following programs remain questionable as to whether they may be used on closed circuit systems: (Current legal interpretations lean more toward the not permissible side)

1. Programs taped off-air under the 10 day use, 45 day erasure guidelines
2. Purchased or rental videos with the "Home Use Only" label

Making Copies of Computer Software:

By law, the legitimate owner of a legitimate copy of the software may:

1. make a copy or adaptation of the program in order to be able to use the program with the machine
2. make a copy for archival (preservation) purposes (cannot be used as another working copy)

Copying from CD ROM Sources:

In general, may copy information from CD-ROM periodicals, encyclopedias and other printed works, applying the photocopying guidelines

Copying from the Internet:

Unless otherwise stated, one should assume that all materials on the Internet, including web sites, are copyrighted and that existing copyright guidelines apply. When in doubt, permission should be secured from the copyright holder.

Using Copyrighted Material in Multi-Media Productions

User Limitations:

1. Students may create, perform and display multimedia productions, for educational uses, only in the course for which it was created and may retain for portfolio use
2. Educators may create, perform and display multimedia productions for educational uses, for the purposes of face to-face instruction, assigning students to self-study, for remote instruction to students, at peer conferences and may retain for their professional portfolio

Time Limitations:

1. Students may only use their productions for and during the course for which it was prepared. However, they may retain, indefinitely, for their personal portfolio.
2. Educators may use their productions up to two years after the first instructional use with a class. It may be retained indefinitely for portfolio use

Portion Limitations Motion Media:

1. May take up to 10% or 3 minutes, whichever is less, in the aggregate, of a copyrighted motion media work

Portion Limitations Text Material:

1. May take up to 10% or 1,000 words, whichever is less, in the aggregate, from a copyrighted work consisting of text material
2. May use an entire poem of 250 words or less; no more than three poems from one poet or five poems from different poets from an anthology
3. Poems longer than 250 words, may use 250 words, but no more than 3 excerpts by a poet, or 5 excerpts from different poets from a single anthology

Portion Limitations Music, Lyrics, Music Video:

1. May use up to 10% or a maximum of 30 seconds of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work)
2. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work

Portion Limitations Illustrations & Photographs:

1. When using photographs or illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be used
2. No more than 5 images by an artist or photographer may be used

Portion Limitations Numerical Data Sets:

1. May take up to 10% or 2500 fields, whichever is less, from a copyrighted database or data table

Copy Limits:

1. Educators may make two use copies of the work they produced, only one of which may be placed on reserve.
2. One additional, preservation copy may be made which may be used to generate replacement copies in the event a use copy is lost, stolen or damaged.

Using Copyrighted Materials In Distance Learning; In general, this requires prior permission from the copyright holder(s) in order to convert from one format to another and to transmit such materials, with exception of the following, TEACH Act privileges.

TEACH Act and Distance Learning- Provides educators and government employees limited privileges in using copyrighted materials, without requiring prior permission.

Activities Permitted:

1. Analog or digital transmissions
2. Delivery of "mediated instruction" within a finite amount of time, comparable to teaching a specific class session.,
3. The performance of any form of copyrighted work, but only in "reasonable and limited portions.
4. Displays of copyrighted works comparable to that used in a regular class session, i.e. pictures, photographs, charts, diagrams, sculpture.
5. Temporary transmission copies of the copyrighted works may be made. Also permits the conversion of "portions" of works from analog to digital, solely for the purpose of the transmission.

Activities Which are Restricted/Not Permitted:

1. Converting complete works from analog to digital.
2. Converting videotapes or other analog sources to digital format for the purpose of video streaming or to set up on demand video servers, when the purpose and use of the materials would extend beyond the time of a normal, class period or session.
3. Transmission restricted to students/government employees enrolled in course.
4. All performances and displays must be at the direction or under direct supervision of the teacher/instructor.
5. Copyrighted material transmitted must be an integral part of the class session and not supplemental or an enhancement.
6. Copyrighted works marketed for use specifically in distance learning may not be used under the TEACH Act. Use would be governed by contract or license agreement.
7. Performance and displays may only be made from copies lawfully made or acquired.

Copyright Office Address Telephone Numbers and Web Site:

1. Copyright Office, Library of Congress, Washington, DC, 20559-6000
2. To speak to an information specialist, M-F. 8:30-5:00, call 202-707-3000 (They do not interpret the law)
3. To request publications or applications forms, 24hrs/day, call 202-707-9100
4. Web site: <http://lcweb.loc.gov/copyright/>

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