

What can I copy?

A **single copy** of a chapter from a book, a newspaper or magazine article, a short story, short essay, or short poem, or a single chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper may be made for personal or research use, or for use in teaching a class.

Multiple copies for classroom use?

Yes, but copy length is limited: you may copy a whole poem only if it is under 250 words (or a 250 word excerpt from a longer poem); a whole article, story or essay only if it is less than 2500 words (or an excerpt if it is less than 1000 words or 10% of a work, whichever is less); a single chart, graph, diagram, drawing, cartoon, or picture per book or magazine; and only two pages of a picture book (as long as the two pages don't contain more than 10% of the total text of the book.).

How many copies may I make?

You may make a single copy of the items listed above if the copy is for personal use, research or to teach a class. For multiple copies for classroom use you can make only enough copies for each pupil enrolled in the course, i.e., no "extra" copies. You may not copy more than one entire item (or two excerpts) from a single author, or three articles from a single book or periodical volume during one class term (semester or year, depending on the course). You can not have more than nine instances of multiple copying per course during a class term.

When and how may I use the copies?

You, the teacher, must make the decision to make the copies. (Your principal or supervisor is not allowed to tell you to make copies of copyrighted material.) You must decide to make the copies so close to the time you would need them in class that writing for permission would be unreasonable. (Two weeks would be a reasonable time.) You can only copy the item for one course (all your English I classes, for example.) Each item copied must have a notice of copyright.

This sounds hard! Why don't you just tell me what I can't copy?

You can never copy, in any form, items intended to be consumable. That includes workbook pages, standardized tests, coloring books, answer sheets, test booklets, etc. You also can't make so many different copies that you are, in effect, creating your own textbook. Copying can not take the place of books, publisher's reprints or magazine subscriptions. You can't charge students for copying above the actual cost of the copies. And **you can't copy the same materials from semester to semester.** In other words, if you copied it last semester,

you can't copy it again without getting permission from the copyright owner.

AUDIOVISUAL

How can I use a radio or television program in class?

You may record a program as it is broadcast by a local radio or television station; you may, within ten school days of recording the program, use it once with each class for instructional purposes and once again for reinforcement. From the 11th day through the 45th calendar day after the broadcast, it may be used only for evaluation purposes; after that period of time, the recording must be erased unless permission (from the copyright holder) to keep it has been obtained.

Copies of the recording may be made to meet the needs of other teachers, but all copies share the same time restrictions as the original. Unless specific permission is granted (such as with National Geographic specials and some Project Discovery programs) you may not use recordings made from cable-only television channels. See *Cable in the Classroom* Website for permissions.

I have a VHS video; it would be easier to use on DVD. Can I have it transferred?

To make a copy of an audiovisual work other than one recorded under the off-air recording guidelines (above) requires permission of the copyright holder. Works that are in an obsolete format may be transferred to other formats if that work is not available for sale in an updated format, but to be considered "obsolete" the equipment to play the medium must not be available for purchase at a reasonable price. VHS machines are still available, so you would need permission to make this transfer.

We have a video program that was very expensive to purchase and I'm worried that it might be destroyed by accident. Since it's OK to make a backup of computer software, isn't it OK to make a backup copy of a tape or DVD?

No. In order to make a backup copy of a video program, you must have purchased "archival rights" from the copyright holder or receive written permission prior to making the copy.

May I show rented tapes in class?

Yes – if you rent a tape that applies to your instructional needs and use it in "face-to-face" instruction, and the showing occurs in a classroom or other instructional place, and only teachers and students in the class view the showing. In such a situation, the showing would fall under the AV Fair Use Guidelines.

No – if the tape is to be shown as a reward, enrichment, or entertainment, it cannot be used. Rental stores do not ordinarily purchase the public performance rights required for a reward or entertainment showing to a public group (a class constitutes a public group and therefore doesn't qualify for a Fair Use exemption without meeting the AV guideline requirements). Many libraries purchase or receive public performance rights, but you should ask.

I wish to remove an objectionable scene from a movie I plan to show. May I edit the scene out?

You aren't required to show an entire video, but you may not edit the program. If you wish to skip the objectionable scene, you can fast forward past it.

MUSIC

What can I copy?

You may make emergency copies of music for an immediate performance, provided replacement copies have been ordered.

You may copy excerpts (not to exceed 10% of a work) provided they do not constitute a performable unit, and provided you make no more than one copy per student.

For evaluation purposes, you may make a single recording of a performance by students of copyrighted music; it may be retained, but copies of it may not be made.

I have an old record. May I copy it to cassette and use that instead?

For personal use, yes. For school, if the format of the record is obsolete (78 rpm, for example) and no other version is available, you may transfer the recording to a usable format. If the format is still available (33 1/3 rpm or 45 rpm) the transfer would require permission of the copyright holder. An exception would allow a teacher to make a single copy for the purpose of auditory exercises or examinations. The single copy made for such use may be retained by the teacher.

My students are preparing a presentation for class and want to use parts of popular songs. Is this permissible?

If the presentation is created with multimedia software, the students may use up to 30 seconds of a popular song. If the presentation is anything other than multimedia, such use falls into a gray area. Use by students is permitted if the students instigate the performance themselves (i.e., the students must decide on their own to use a specific song; the teacher may determine the suitability of the material, but may not tell the students

to use a specific song). The music students use should be played from legitimately purchased or borrowed recordings, or recorded off the air.

I found the parts for a musical. Can we stage the musical for the community to earn money?

Putting on a public performance of dramatic music (musicals, operettas and operas) always requires a license if the work is still protected by copyright. You could still use the music in class in the normal way for sheet music, however.

COMPUTER SOFTWARE

How may I use computer software?

Use of a computer program is usually governed by a license agreement, so it depends... Some licenses say you may freely make copies, others say you must pay a fee to use the software, or to install the software onto multiple machines. This is a contractual agreement and it supersedes the copyright restrictions.

You **may not** decompile a program and use program instructions in new programs. You **may not** defeat any form of copy protection built into the program. You **may not** use a single user version of software on a network. You **may not** install a program on more than one computer at a time without express, written permission from the copyright owner. This means that you cannot install the program on your computer at home and your computer at school unless you own two copies of the program or have permission to do so from the copyright owner or the software license. Depending on the program, you may also be limited in what you can do with the output of the program. Some educational licenses restrict what you can do with computer output, or mark the output as educational material. You may not defeat these copy restrictions.

What about printed materials that come with software?

Computer manuals and documentation are covered in the same manner as computer programs. You may not make multiple copies of computer documentation for classes. Copying a computer program intended for a single user onto a network is the same as making multiple copies of the program. It's a no-no. A network license is required to load a computer program onto a network, despite the fact that the program may, indeed, work in a network environment. So don't do it.

How long can I keep it?

As long as you own the program, you may keep a copy of a computer program on your hard drive and a backup copy in

addition to the original diskettes or CD. If you should lose the copy on the hard drive, you may reload the program from the original or backup disks. If you sell or transfer the program to another person, you must transfer all diskettes and documentation to the new owner, and you must remove all copies of the program from your computer's hard drive and memory.

INTERNET

What can I copy?

There are no specific rules for the Web. Nevertheless, most Web applications have analogs in the print world that you can use to guide your activities.

How many copies may I make?

Consider what it is you are copying. For example, a blog entry is very much like an essay, so use the print guidelines that cover essays to guide you. An email message is very much like an unpublished letter. Letters are highly protected by copyright unless the author publishes the letter. You can probably let someone see your copy of an email, just like a letter, but you would likely not be able to forward that email or publish it in substantial part without permission.

What about Web 2.0 applications like YouTube and Twitter?

Copyright law has not caught up to these newer technologies, so you should probably apply the four tests of fair use when you wish to copy, adapt, or redistribute material from those applications. Of course, if they are similar to non-Web material, use the guidelines for those.

Administrative note:

The advice above is based on copyright guidelines that give convenient quantitative guideposts to educators. Educators may always apply the four statutory factors of fair use to any assessment of use if the guideline limits are too restrictive.



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Copyright Responsibilities for Educators

A Quick Pocket Guide

Second Edition

Carol Simpson



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