

AUDIO-VISUAL MATERIALS

COPYING AUDIO-VISUAL MATERIALS:

Only computer software may be copied—a single copy for backup reasons. Without a multi-user software license, single-user copies may not be installed on multiple machines, including a network.

No other audio-visual materials may have copies made. The only exception is that copies may be made when the original is in an “obsolete” format—such as an 8 mm film, Beta VHS tape or a 78 record.

PUBLIC PERFORMANCE DEFINITION:

Copyright law states:

“A place open to the public or at any place where a substantial numbers of persons outside of a normal circle of family or its social acquaintances is gathered...”

Materials used in schools are considered by law to be public performances.

FAIR USE GUIDELINES FOR AUDIOVISUAL:

- material must have been purchased or legally acquired.
- material to be used must occur in the context of a face-to-face teaching activity and be directly related to the curriculum.
- material must be presented by either the teacher or students in the class.
- the performance must take place in a classroom (this includes the library).

OFF-AIR RECORDING:

Programs may be taped from broadcast channels providing:

- the copy include all copyright information and is not altered from its original content.
- the same program is not taped multiple times.
- the tape is erased within 45 days.
- the tape is not shown more than 2 times to the same class.



GRAPHICS

This includes maps, charts, cartoons, paintings, illustrations, photos, posters, etc.



A teacher may make one copy for one class or course provided that:

- there is no time to request permission.
- the original is not altered or adapted in any way (this includes enlarging the image).
- no more than one graphic is copied from any one magazine or book.

MULTIMEDIA

To use copyrighted materials in a multimedia presentation there are special “Fair Use” restrictions that apply to presentations created by either a teacher or student:

- they may only be used in the classroom for which they were created and with face-to-face teaching.
- the opening screen must include a copyright statement.
- a teacher created multimedia presentation may only be kept for two years.
- only two copies may be made.

Specific limits exist for the amount of:

Text: same as copying text in print materials.

Music: up to 10% but no more than 30 seconds.

Video or film: up to 10% but no more than 3 minutes.

Illustrations: no more than 5 images from a single artist.

“You don’t take what isn’t yours
without asking first.”

Dr. Carol Simpson

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COPYRIGHT: WHAT SHOULD I KNOW?

The United States Copyright Laws (US Code, Title 17) apply to anyone, even a teacher, who uses or copies copyrighted materials. This brochure is intended to give teachers an overview of the major points as they apply in an educational setting.

REMEMBER:

Even if you don’t see notice of copyright, no publication or registration or other action in the Copyright Office is required to secure copyright for anything created after January 1, 1978.

Prior to 1978, items must have been registered with the copyright office and published with a copyright symbol ©.

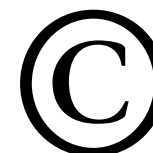
For more specific copyright information, these web sites are recommended:

US Copyright Office:
www.copyright.gov

Copyright for Educators:
falcon.jmu.edu/~ramseyil/copy.htm

Educational Fair Use Guidelines:
www.education-world.com/a_curr/curr280.shtml

Educational Multimedia Fair Use Guidelines:
<http://www.utsystem.edu/OGC/IntellectualProperty/ccmcguid.htm>



WHAT IS PROTECTED?

Copyright protects "original works of authorship" that are fixed in a tangible form of expression and includes the following categories:

- 1) literary works (including computer programs)
- 2) musical works, including any accompanying words
- 3) dramatic works, including any accompanying music
- 4) pantomimes and choreographic works
- 5) pictorial, graphic, and sculptural works (including maps)
- 6) motion pictures and other audiovisual works
- 7) sound recordings (in any format)
- 8) architectural works

WHAT IS NOT PROTECTED?

- works that have **not** been fixed in a tangible form of expression (choreographic works that have not been notated or recorded).
- titles, names, short phrases, slogans; familiar symbols or designs; listings of ingredients or contents.
- ideas, procedures, methods, systems, processes, concepts, principles.
- works consisting **entirely** of information that is common property (standard calendars, height & weight charts, tape rulers & measures, lists or tables taken from public documents).

WHAT IS "FAIR USE"?

Section 107 of the Federal Copyright law states:

"Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords, or by any other means specified by that section, for purposes such as criticism, comments, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include:

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."

PRINT MATERIALS

A teacher may make a single copy of:

- an article from a newspaper or magazine.
- a drawing, graph, chart, cartoon, diagram or picture.
- a chapter from a book.
- a short story, essay or poem from a collection.

and may keep the single copy in their file for use in teaching or research.

However ...

- copies may not be made to create or replace a collective work or anthology; i.e. you can't create your own book.
- no copies may be made of "consumables"; i.e. workbooks, test books and answer sheets.
- the same materials may not be copied from term to term.
- may not be directed by a higher authority; i.e. an administrator can not require a teacher to make photocopies.

A teacher may make multiple copies provided:

- no more than one copy per pupil is made.
- no extra copies are made.
- each copy includes a copyright notice.
- copies are used for a specific lesson, not just as extra credit.
- no charge is made to the student more than the actual cost of photocopying.
- the copies are not used from term to term without writing to obtain permission from copyright holder.

SPONTANEITY:

This assumes that a teacher finds material to photocopy less than 3 weeks from when they want to use it in the classroom. Otherwise they should write for permission.

BREVITY: How much may be copied?

Picture books: only two pages or no more than 10% of the whole work may be copied.

Prose: stories or essays less than 2500 words may be copied. Otherwise no more than 1000 words or 10% of the work may be copied.

Poetry: less than 250 words & printed on 2 or less pages may be copied. For poems longer than 250 words, only 250 words may be copied.

CUMULATIVE EFFECT:

Making copies should not preclude purchasing copyrighted materials.

Making copies should not be done:

- to create a collective work or anthology.
- to avoid purchasing workbooks.
- for repeat use in more than one class or course.