



# COPYRIGHT GUIDELINES

IN PLAIN ENGLISH



**COLLIN COLLEGE**

*Library*

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, distribute, 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.

Library staff will use the guidelines and opinions in this brochure to assist faculty members in determining if materials placed in Library distribution systems require permission from copyright holders. This brochure contains general information and is not a substitute for obtaining legal advice from a licensed attorney.

## SOFTWARE FAIR USE

- Unauthorized copying or redistribution of software may be a copyright infringement.
- The Library 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 face-to-face instruction.
- Students retain their copyright to such creations, and faculty must obtain written permission from the student to display such works beyond the classroom.
- Neither students nor faculty may make multiple copies of such multimedia works or distribute them electronically.

## DISTANCE LEARNING

- TEACH Act of 2002 allows the display of “reasonable and limited portions” of any work if...
- The display is made under the supervision of an instructor as an integral part of a class session.
- The display is limited to the students enrolled in the course.
- Technological measures prevent retention of the work by recipients.

- Copyright protections of materials are not interfered with.
- The materials were not marketed for use in the distance education market.

## VIDEO FAIR USE

- Students or instructors may display lawfully made videos in a non-profit educational setting in face-to-face teaching activities in a classroom or similar place devoted to instruction.
- Public Performance Rights are required for all screenings of copyrighted media to audiences outside of a regular curriculum. Examples: student club events, extracurricular sponsored events such as general lectures and film series.
- 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 Library collection unless they are copies of news programs.
- Duplication of videos is not permitted without the written permission of the copyright holder.

## PRINT MATERIAL: CLASSROOM FAIR USE

• A teacher may make 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 copying is spontaneous, and 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.

## 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 a reasonable amount of copyrighted material at the request of a course instructor if the instructor or the library possesses a lawful copy.
- The source of the item, a 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 duplicated materials to be on reserve for more than one semester.

## 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 or multimedia may not be digitized and placed on Collin's electronic reserves system without permission.

