

COPYRIGHT OVERVIEW, 3rd Revision

Classroom Multiple Copying of Print Materials	
Medium	You Can
Print Materials	Make handouts for classroom discussion or use.
	Make multiple copies from books, periodicals, and newspapers as handouts for students in course
	Copy poetry when it meets the test of brevity
	Copy prose when it meets the test of brevity
	Copy one chart, graph, diagram, drawing, cartoon, or picture.
	Certain works in poetry, prose, or “poetic prose” which often combine language and 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.
	Copy when it is at the instance and inspiration of the individual faculty member.
	Copy when 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 to use.
	Copy material for one course in the College.
	Copy not more than one short poem, article, essay or two excerpts from the same author.
	Copy not more than three short poems, articles, or essays from the same collective work or periodical volume during one semester.
	Use public domain works freely
	Use many government documents freely.
Permissible Copying Examples	
	A faculty member may request 27 copies of a one-page excerpt (approximately 450 words) of a book to distribute to students in a class.
	A faculty member may requests 23 copies of a diagram in a book.
	A faculty member may copy and distribute to students articles from current news periodicals, newspapers, and current news sections of other periodicals.
Notice of Copyright	Place the copyright notice on the first page of the material being copied
	Place the copyright notice on a chapter from a book in which the chapters do not include a copyright notice
	Place the copyright notice on a journal article in a journal issue or an article in a volume of separately authored essays in which the article/essay does not include a copyright notice
AVOID:	
	Copying that creates, replaces, or substitutes for anthologies, compilations, or collective works.
	Copying of consumables – workbooks, etc.
	Copying to substitute for the purchase of books, publishers’ reprints, or periodicals.
	Repeat the copying of the same item from term to term.
	More than nine instances of multiply copying for one course during the semester.
	Using the same materials in more than one class in one semester.
	Using the material next semester until you have contacted the publisher for permission.

COURSE PREPARATION GUIDELINES

Medium	You Can
Books, Periodicals, & Newspapers	Use a single copy from these printed materials for your scholarly research or use in preparing to teach a class, or preparing for a class (student).
	Use the single copy in following semesters or years.
Examples	One chapter from a book
	One article from on issue of a periodical or newspaper
	One short story, short essay, or short poem from a book, whether or not from a collective work
	A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical issue, or newspaper issue.
	A photocopy of a short editorial from the newspaper for use in class.
	Scan a photograph from a periodical to show a class how an earthquake is located by triangulation.
	Scan one picture of a furniture style from a book containing some 200 pictures of furniture through the ages.

CLASSROOM SINGLE COPY GUIDELINES

Medium	You Can
Use a single copy of	A chapter from a book.
	An article from a periodical or newspaper.
	A short story, short essay, or short poem.
	This single copy may be used in following semesters or years.
Examples	A photocopy of a short editorial from a newspaper.
	Scan a photograph from a periodical to show a volcano eruption.
	Scan one picture of a dress style from a book containing 200 pictures of dresses through the ages.

MUSIC

Medium	You Can
Printed Music and Sound Recordings	Make emergency copies of sheet music to replaced purchased copies that are not available for an imminent performance.
	Make single or multiple copies of excerpts of works for academic purposes, not to exceed 10% of the whole work.
	Make one copy per student, not to exceed 10% of the whole work.
	Edit or simplify purchased printed copies of music.
	Make a single copy of recordings of student performances for evaluation or rehearsal purposes. This single copy may be retained by the College or the instructor.
	Make a single copy from music recordings (non vocal) owned by the College or the instructor for the purpose of constructing aural exercises or examinations. The single copy may be maintained by the College or the instructor.
Avoid:	
	Making excerpts that comprise a part of the whole of a selection, movement, or aria, which would constitute a performable unit.
	Making more than one copy of works per student.
	Distorting the fundamental character of the work.
	Using recordings that are not legal copies.
	Using music copies that are both music and sound recordings.
	Copying to create, replace, or substitute for anthologies, compilations, or collective works.
	Copying of or from "consumable" works in the course of study or teaching.
	Copying without including the copyright notice that appears on the printed copy.

CLASSROOM USE OF RECORDINGS

	"Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
Medium	You Can
Off Air Recordings	Record off air simultaneously with broadcast transmission. This includes simultaneous cable transmission.
	Retain the recording for 45 consecutive calendar days. Erase recording after 45 day retention period. "School days" are school session days – not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions – within the 45 calendar day retention period.
	Use the recording once in classrooms during the first 10 consecutive days after recording May be used in classroom a second time <i>when instructional reinforcement is needed.</i>
	Use the recording in classrooms and similar places devoted to instruction.
	Use the recording for instructor evaluation purposes. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for you to determine whether or not to include the broadcast program in the teaching curriculum.
	Use off-air recordings in their entirety.
	Use a recording when you do not have a reason to believe that the recording was unlawfully made.
Avoid	
	Physically or electronically combining or merging off-air recordings to constitute teaching anthologies or compilations.
	Using recordings that are readily available by rental, lease, or license duplicating agreement.
	Altering recorded programs from their original content.
	Showing a recording for reward or entertainment.
	Showing only a portion of an off-air recording.
	Using the recording for student exhibition or any other non-evaluation purpose.
	Copying "Pay for View" movies and bringing them to class to show.
	Should information regarding distribution and/or purchase of a program be included in the broadcast, the program should be purchased and the copy destroyed.

PODCASTING

Components	You Can	
Audio	Create an audio or audio/visual record of information to provide to students.	
	Use performances, scripts, interviews, musical works, and sound recordings.	
	Use anything online that you use in the classroom WHEN... You podcast and post your lecture on a password protected website that may only be accessed by students in your class for a limited time and the resource was obtained legally and used according to copyright laws of the United States. Any material you created yourself. Others' materials up to 10% or 1,000 words, whichever is less.	
	Use music in a podcast under certain conditions. Do not exceed 10% of the work AND no more than 30 seconds.	
	Use public domain sheet music (anything written before 1922).	
Avoid		
	Downloading to a MP3 file, burning to a CD, or transferring to an iPod any copyrighted materials that are not legal copies.	
	Using copyrighted music for intros and outros of a podcast. The podcast has nothing to do with commenting or critiquing the music played.	
Resources:	The Choral Public Domain Library, http://www.CPDL.org provides free sheet music.	
	The Library of Congress, http://memory.loc.gov/ammem/award97/ncdhtml/ , provides free sheet music. The LOC site requires that the source be cited.	
	Use purchased or public domain sheet music and a MIDI to create your music. Use free MIDI songs. Free MIDI, http://www.freemidi.org , offers free songs for downloading.	
	Use music for which rights have been purchased. PD Info, http://pdinfo.com , provides sheet music with use rights at \$4-5/title.	
	Amazon: http://www.amazon.com/MP3-Music-Download/b?ie=UTF8&node=163856011	
	Best Buy: http://www.bestbuy.com/	
	Apple: http://www.apple.com/itunes/	
	Zune: http://www.zune.net/en-US/	
	Rhapsody: http://www.rhapsody.com/home.html	
	A Creative Commons Licensed or "Podsafe" content.	
	PCC Production Works' copyrighted music. There is a nominal fee.	
	Interviews	There are two copyright owners – the interviewer and the interviewee
The interviewer likely owns copyright to his/her questions and commentary.		
The interviewee likely owns copyright to his/her verbatim responses.		
Have the interviewee sign a release form that he/she agrees to the interview, any adaptation of responses, and permission to include responses in podcast, circulation of podcast, and use in future years.		
Vlogging	Using music with images in a podcast. Referred to as video podcasting or vlogging.	
	Two mediums are involved – music and images. Refer to the music and audiovisual sections.	
Videogram	An audiovisual work in any currently known or future video format.	
	You Can	
	Copy protected material (texts, sounds, images, etc.) for a limited and "transformative" purpose, like criticizing, commenting, parodying, news reporting, or teaching the copyrighted work.	
Avoid	Using copyrighted materials specifically marketed for digital education. The instructor is prohibited from taking a resource and making it freely available to the students so the students don't have to purchase the resource.	
	Using E-packs that have not been purchased or paid for prior to use.	
	Using materials illegally obtained. Don't use Peer-to-Peer downloads or cracked software.	
Resources	NetFlix: http://www.netflix.com/Signin?nextpage=http%3A%2F%2Fwww.netflix.com%2FMemberHome	
	CBS: http://www.cbs.com/video/	
	NBC: http://www.nbc.com/video/	
	ABC: http://abc.go.com/watch	
	NASA: http://www.nasa.gov/multimedia/index.html	

VISUAL ARTS

Work of Visual Art	A painting, drawing, print, a still photographic image, or sculpture -- multiple casts, carved, or fabricated.
	The rights of the artist as to works created on or after the effective date of the VARA exist until the end of the calendar year in which the artist dies. Works created prior to 1990 and when the title has not passed from the artist prior to that date, the rights last for the duration of copyright.
	The rights to works created by joint artists expire at the end of the calendar year of the death of the last surviving artist.
	Not all art is a work of visual art - Posters, maps, globes, charts, technical drawings, diagrams, models, applied art, motion pictures or other audiovisual works, books, magazines, newspapers, periodicals, databases, electronic information services, electronic publications, or similar publications; any merchandising items or advertising, promotional, descriptive, covering, or packaging material or container; any portion or part of any item described above; any work made for hire; or any work not subject to copyright protection under VARA.
Medium	You Can
Illustrations & Images	Use five or less images by one artist or photographer in the classroom.
	Use publisher provided e-resources that accompanied the adopted textbook for the online class.
	Use 10% or 15 images, whichever is less, from a single published work.
Collage	Use the original image from a magazine for personal use or as a demonstration for educational purposes one time and for a limited audience.
	Is the artwork transformative? - The image or its context must be significantly altered. For example, the image is used for texture as background (with other items on top) or only the line or shape so that the original artwork is no longer recognizable.
	Would the audience recognize items in the collage and think another artist produced the work? If yes, then the collage items must not be used.
	Create your own images or photographs for your collage. You are then the copyright holder.
Commentary and Parody	The image must make a comment about or parody the original artwork. For example, an image of Barbie may be used to parody Barbie. If any doll's image would do for a societal parody, then using a Barbie image is not fair use.
Avoid	
	Attaching an artist's name as the author of any work of visual art which he or she did not create;
	Changing an author's work of visual art by distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation;
	Destruction of a work of recognized stature through intentional or grossly negligent destruction of that work.
	A collage that could be seen as a derivative work. Only the owner of copyright in a work has the right to prepare or authorize another person to create a new version of the work.

Distance Education	
Medium	You May
Digital Transmissions	Engage in mediated instructional activities (digital transmission) that use qualified works as an integral part of the class experience. Use is restricted to accredited, nonprofit educational institutions and government bodies.
	Use non-dramatic literary and musical works.
	Use reasonable and limited portions of dramatic works--audiovisual works and dramatic, musical works. Think "snips and clips".
	Use materials that the performance or display is directly related and of material assistance to the teaching content of the transmission.
	Use thumbnail images (200 x 200 or smaller with a file size less than 3 - 10k).
	Use digital materials provided by the publisher for distance education course use.
	Perform or display materials made by, at the direction of, or under the supervision of an instructor.
	Perform or display reasonable and limited portions of any work not addressed above.
	Display a work in an amount comparable to that which is typically displayed in the course of a live classroom session.
	Perform or display materials that are directly related and of material assistance to the teaching content of the transmission session.
	Perform or display materials that are offered as a regular part of the systematic, mediated, instructional activities.
	Link to a web site as a resource.
	Provide transmissions when their reception is, to the extent technologically feasible, limited to students officially enrolled in the course for which the transmission is made.
	The College Will
	Apply technological measures that reasonably prevent retention of the work in accessible form by recipients of the transmission from the transmitting body or institution for longer than the class session.
Apply technological measures that reasonably prevent unauthorized further dissemination of the work in accessible form by such recipients to others.	
Not engage in conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent such retention or unauthorized further dissemination.	
Avoid:	
Distribute textbooks, course packs, workbooks and materials specifically developed and marketed for distance learning to students in order to replace purchasing of materials.	
Using PBS videos or other commercially produced products without purchasing a license.	
Taking a web page and using it in your distance education course without permission.	
Taking items from an illegal site and using them in your distance education course. Napster falls in this category.	
Transmitting a copy or recording that was not lawfully made.	
Transmitting a performance as a reward.	
Transmitting material over a channel that is open to anyone.	

The Copyright statements contained in this document relate ONLY to Not-for-Profit Educational Institutions.

Be Copyright not Copywrong.

Review Copyright on the PCC Library web site for the fine print:

<http://www.pueblocc.edu/CampusResources/Library/Copyright.htm>

Contact your department chair or the library director for more information.

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