

## GUIDELINES FOR FAIR USE OF COPYRIGHTED MATERIALS

### Guidelines for Fair Use of Copyrighted Materials

Under the Fair Use doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of Fair Use, these four standards must be met for any of the foregoing purposes:

- A. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship and must be nonprofit.
- B. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of the following for use in research, instruction or preparation for teaching: book chapters; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals, or newspapers in accordance with these guidelines.
- C. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. In most circumstances, copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
- D. THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

*Reproduction of Copyrighted Works by Educators and Librarians, Circular 21*, provided by the Copyright Office of the Library of Congress, provides many guidelines about the Fair Use provisions of the copyright law. This and other U.S. government publications dealing with copyright may be downloaded from: [www.copyright.gov/circs/](http://www.copyright.gov/circs/)

### Printed Materials

#### Specifics:

- Poem less than 250 words; 250-word excerpt of poem greater than 250 words
- Articles, stories, or essays less than 2,500 words
- Excerpt from a longer work (10% of work or 1,000 words, whichever is less)
- One chart, picture, diagram, or cartoon per book or per periodical issue
- Two pages (maximum) from an illustrated work less than 2,500 words, e.g., a children's book

#### What Teachers and Students Can Do:

- Teachers may make multiple copies for classroom use, and incorporate into multimedia for teaching classes.
- Students may incorporate text into multimedia projects.

#### However:

- Copies may be made only from legally acquired originals.
- Only one copy allowed per student.
- Teachers may make copies in nine instances per class per term.
- Usage must be "at the instance and inspiration of a single teacher," i.e., not a directive from the district.
- Don't create anthologies.
- "Consumables," such as workbooks, may not be copied.

## Illustrations and Photographs

### Specifics:

- Photograph
- Illustration
- Collections of photographs
- Collections of illustrations

### What Teachers and Students Can Do:

- Single works may be used in their entirety, but no more than five images by a single artist or photographer may be used.
- From a collection, not more than 15 images or 10% (whichever is less) may be used.

### However:

- Although older illustrations may be in the public domain and don't need permission to be used, sometimes they're part of a copyright collection. Copyright ownership information is available at [www.loc.gov](http://www.loc.gov) or [www.mpa.org](http://www.mpa.org)

## Video (for viewing)

### Specifics:

- Videotapes/DVDs (purchased by teacher)
- Videotapes/DVDs (rented by teacher)
- Videotapes/DVDs (obtained from AEA267)

### What Teachers and Students Can Do:

- Teachers may use these materials in the classroom.
- Copies may be made for archival purposes or to replace lost, damaged, or stolen copies.

### However:

- The material must be legitimately acquired.
- Material must be used in a classroom or nonprofit environment "dedicated to face-to-face instruction."
- Use should be instructional, not for entertainment or reward.
- Copying OK only if replacements are unavailable at a fair price or in a viable format.

## Video (for integration into multimedia or video projects)

### Specifics:

- Videotapes
- DVDs
- Multimedia encyclopedias
- QuickTime Movies
- Video clips from the Internet

### What Teachers and Students Can Do:

- Students "may use portions of lawfully acquired copyright works in their academic multimedia," defined as 10% or three minutes (whichever is less) of "motion media."
- Use "video streamed" materials as long as the license is in force.

### However:

- The material must be legitimately acquired (a legal copy, not bootleg or home recording).
- Copyright works included in multimedia projects must give proper attribution to copyright holder.

### **Music (for integration into multimedia or video projects)**

#### **Specifics:**

- Records
- Cassette tapes
- CDs
- Audio clips on the Web

#### **What Teachers and Students Can Do:**

- Up to 10% of a copyright musical composition may be reproduced, performed, and displayed as part of a multimedia program produced by an educator or students.

#### **However:**

- A maximum of 30 seconds per musical composition may be used.
- Multimedia program must have an educational purpose.

### **Music (for performances and copying)**

#### **Specifics:**

- Emergency copying
- Excerpts of works
- Editing print copies
- Recording of performances
- Copying records, cassette tapes, CDs.

#### **What Teachers and Students Can Do:**

- Emergency copying may be done to replace purchased copies, which for any reason are not available for an imminent performance.
- Single or multiple copies of excerpts of works may be made for academic purposes other than performance, provided that the excerpts do not comprise a part of the whole, which would constitute a performable unit.
- Printed copies, which have been purchased, may be edited or simplified provided that the fundamental character of the work is not distorted.
- A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
- A single copy of a sound recording (e.g., tape, CD, record) of copyrighted music may be made from sound recordings owned by an educational institution or an individual for the purpose of constructing aural exercises or examinations and may be retained by the educational institution of the individual teacher.

#### **However:**

- Emergency copies may not be retained. Purchased replacement copies should be substituted in due course.
- No more than 10% of a work can be made for academic purposes other than performance. The number of copies shall not exceed one copy per student.
- A single copy of sound recordings pertains only to the copyright of the music itself and not to any copyright, which may exist in the sound recording.

- The National Association for Music Education has prepared “The United States Copyright Law: A Guide for Music Educators.” Details can be found at [www.menc.org/my-classroom/copyright](http://www.menc.org/my-classroom/copyright).

## Computer Software

### Specifics:

- Software (purchased or licensed by school district)

### What Teachers Can Do:

- Software may be installed on multiple machines, and distributed to users via a network maintained by Technology Services.
- Technology Services provides a license so that software may be installed at home and at school.
- Technology Services may make copies for archival use or to replace lost, damaged, or stolen copies if software is unavailable at a fair price or in a viable format.

### However:

- Technology Services monitors to ensure the number of simultaneous users does not exceed the number of licenses; and the number of machines being used never exceed the number licensed.
- Take aggressive action to monitor that copying is not taking place (unless for archival purposes.)  
Details can be found at <http://www.bsa.org>

## Internet

### Specifics:

- Internet connections
- World Wide Web
- Resources through AEA267

### What Teachers and Students Can Do:

- Images may be downloaded for student projects and teacher lessons.
- Sound files and video may be downloaded for use in multimedia projects (see portion restrictions above).
- Online resources providing royalty free articles, clip art and other educational resources are available through AEA267. Contact the district’s Technology Services for student and teacher access and training information.

### However:

- Resources from the Web may not be reposted onto the Internet without permissions however, links to legitimate resources can be posted.
- Any resources downloaded must have been legitimately acquired by the Web site.
- Downloaded materials must carry appropriate citations.

## Television

### Specifics:

- Broadcast (e.g., ABC, NBC, CBS, Fox, IPTV, and local stations)
- Cable (e.g., CNN, MTV, HBO)
- Videotapes made of broadcast and cable TV programs

### What Teachers Can Do:

- Broadcasts or tapes made from broadcast may be used for instruction.
- Cable channel programs may be used with permissions.

**However:**

- Schools are allowed to show broadcast tapes within a minimum of 10 school days, unless specific permission is obtained.
- Programming from IPTV carries varied licenses. Contact the district's Technology Services for information about specific series.
- Cable programs are not covered by the same guidelines as broadcast television.

ADOPTED: 2/5/09

Reviewed: 2/5/09, 11/6/14, 9/5/19