

## COPYRIGHT

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**I. Policy Section**

3.0 College Operations

**II. Policy Subsection**

Grand Rapids Community College Copyright Policy

**III. Policy Statement**

**A. General Copyright Policy**

It is the policy of Grand Rapids Community College (GRCC) that all members of the College community adhere to the provisions of the U.S. Constitution, Art. 1, Sec. 8 the Copyright statute, 17 U.S.C. SS101 et seq. including the Digital Millennium Copyright Act (DMCA) of 1998 in regard to all formats, including print, digital materials, video, DVD, electronic, slides, kits, or other forms.

Copyright is a constitutionally conceived property right, which is designed to promote the progress of science and the useful arts by securing for an author the benefits of his or her original work of authorship for a limited time. This statute balances the author's interest against the public interest in dissemination and reproduction of information.

**1. Administrative Responsibility**

The GRCC Copyright Management Administrator (or Copyright Officer) shall be responsible for the implementation of GRCC copyright policies, including the policies related to the Digital Millennium Copyright Act (DMCA).

**2. Individual Responsibility**

Members of the College community who willfully disregard the copyright policy do so at their own risk and assume all liability and criminal penalties as defined in Title 17 of the U.S. Code.

**3. Copyright Notice**

All departments are responsible for posting the following notice on all devices which may be used for reproduction of copyrighted materials, e.g. departmental photocopiers, scanners, video recorders, etc.

**NOTICE: THE COPYRIGHT LAWS OF THE UNITED STATES  
(TITLE 17 U.S. CODE) GOVERNS THE MAKING OF  
PHOTOCOPIES OR OTHER REPRODUCTIONS OF**

**COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.**

**4. Fair Use**

There is no simple test to determine what is fair use. Section 107 of the Copyright Act sets forth the four fair use factors which should be considered in each instance, based on particular facts of a given case, to determine whether a use is a fair use.

- (1) the purpose and character of 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.

While only the courts can authoritatively determine whether a particular use is fair use, these guidelines represent the endorsers' consensus of conditions under which fair use should generally apply and examples of when permission is required. Uses that exceed these guidelines may not be fair use. The participants also agree that the more one exceeds these guidelines, the greater the risk that fair use does not apply.

The limitations and conditions set forth in these guidelines do not apply to works in the public domain--such as United States or Michigan State Government works or works on which copyright has expired for which there are no copyright restrictions--or to works for which the individual or institution has obtained permission for the particular use. Also, license agreements may govern the uses of some works and users should refer to the applicable license terms for guidance.

**B. Photocopying Copyright Policy**

All GRCC faculty, staff and students are required to comply with the Copyright Law as it pertains to the duplication, distribution and use of printed materials.

Only copyrighted materials are subject to the restrictions in this Policy Statement. Non- copyrighted materials may be photocopied without restriction. Note that a copyright notice is NOT required for copyright protection of works published on or after March 1, 1989. Most works **SHOULD BE PRESUMED TO BE COPYRIGHT PROTECTED**, unless

information from the copyright holder or a specific notice states that the copyright holder intends the work to be in the public domain, or is authored by the United States or Michigan State Government.

Copyrighted materials may be photocopied without the copyright owner's permission where such copying constitutes "fair use" under the Copyright Act of 1976. Copying is fair use to the extent it is permitted by the Guidelines set forth in Section VII B of this policy. In some cases, copying not within the Guidelines of Appendix A may nevertheless constitute fair use; however, before proceeding on that assumption, the appropriate administrative office should request the advice of the Copyright Clearance Center.

In order to photocopy materials where (1) copying is not fair use, (2) advice of the Copyright Clearance Center has not been sought, and (3) copying extends beyond the boundaries of the Guidelines in Appendix A, permission should be obtained from the copyright owner.

The information in Section XI, 1 of this policy may be helpful in obtaining such permission, and the Copyright Permission Request shown there should be used.

### **Inter Library Loan**

The GRCC Library Interlibrary Loan (ILL) Services may request from another library up to five copies from any one periodical title published less than five years previously, i.e., during one calendar year, five articles can be copied from one periodical title published within the last five years. When requesting further articles from that periodical published within that time period, those articles must be purchased by the library directly from the publisher or from a vendor who has copyright clearance to provide those articles. An alternative is to pay royalty fees to the Copyright Clearance Center. The ILL Office pays the fees. Written records are kept for the time period. For educational uses of copyrighted printed music material, see the Fair Use standards described in Section VII, C of this policy.

### **Library Reserves**

Copyrighted print materials may be placed on reserve in the Library in their original format. Photocopies of print materials may be placed on reserve provided that the College owns the original (e.g. a subscription, book). Permission does not need to be obtained in order to place these photocopies on reserve for successive semesters. If the Library does not own an original, a photocopy may be placed on reserve only once. Successive use of the photocopy requires permission from the copyright holder.

## **C. Audio/Visual Copyright Policy**

The Copyright Act also protects producers and distributors of motion pictures, audio recordings, DVD's and videotapes. The fair use provision in that Act resulted in a consensus among producers, distributors, educators, and lawyers concerning the recording, retention, and use of television programs by nonprofit educational institutions. GRCC adheres to the following guidelines:

### **Audio/Visual, Films, and Video**

**Off-air videotaping:** An instructor may record or request to be recorded an off-air broadcast transmission or cable retransmission (See Section XI, 4 of this policy), and retain it for 45 calendar days after the date of recording. This is to allow time to preview and consider license or purchase of rights.

1. An instructor must request that a program be recorded; programs cannot be recorded in anticipation of a request.
2. The broadcast must be taped for a specific class, not "just in case."
3. During the first ten school days of that 45 calendar-day period the program may be used once for instruction and once for instructional review or reinforcement.
4. At the end of 45 calendar days, the program must be licensed or erased.
5. An instructor may place the videotape on reserve, but only for the first 10 consecutive school days after it is taped.
6. Off-air videotapes cannot be added to the Library's collection without licensing.
7. Off-air recordings need not be used in their entirety, but they may not be altered (edited), and they must include copyright notice as recorded.
8. Off-air videotapes cannot be shared with another professor; however, a limited number of copies may be made from each off-air recording to meet legitimate teaching needs. For example, if several teachers request tapes of the same program, duplicate copies are permitted to fulfill their requests. This is not a duplication license. All copies are subject to the same restrictions as the original.

### **College Rented or Purchased Films and Video**

The law makes a distinction between classroom use and public performance. Short films, feature films, and films released on videotape may be used in the classroom or for instructional purposes. Even programs purchased or rented with the caveat "home use only," may be used in face-to-face teaching activities. Such programs may not be used as part of a public performance without licensing. College facilities and equipment cannot be used to show media that have not been legally obtained for classroom or public showings. Videos rented from a local video store do NOT constitute legally obtained copies for public performances. It is permissible to use these videos for classroom showings. A videotape may be a compilation of several different videos, not including off-air recordings, or may

contain a portion of another video; however it may only be used two times within ten days, after which copyright permission must be sought to reuse the tape.

### **Rented Media**

Media must be rented for specific purposes. If a film is to be open to more than just registered students, faculty, and professional staff, it must be rented for a public performance, which allows for advertising to the general public and an audience other than a face-to-face teaching situation.

If a second showing will be scheduled for students who are not able to attend the original showing, that second showing must be arranged when the film is ordered and made a part of the film or video rental contract. Many companies charge an extra fee to show a film or video a second time, even if it is for a student in the original class. Rented material cannot be placed on reserve at the Library.

### **Purchased Media**

In an emergency a videotape may be duplicated to replace a purchased copy which is lost or damaged. However, a purchased replacement copy must be substituted in due course. Some films and videos owned by the Library are purchased with public performance rights. Check with the Library to determine license status before planning a program.

Videos purchased by an individual may be used in a classroom, but cannot be used for a public performance unless those rights are obtained.

Off-air video taping guidelines apply to videos recorded by an individual. Archival copies cannot be made without permission.

### **Recording of Campus Events**

#### **Permissions**

Permission to record presentations by registered students, faculty, and staff is assumed if the recording is to be used for classroom use only. Written permission of the presenter or sponsor is required for presentations made by any other individual or group regardless of the recording's purpose. If a presentation by an outside individual or group contains copyrighted material, the guidelines below also apply.

#### **Archival Copies**

An Archival Copy of non-classroom events using copyrighted materials may be produced if the presenter has provided appropriate evidence that clearance to use these materials has been obtained from the copyright holder.

### **Non-Archival Copies**

Non-archival copies of presentations, whether by students, faculty, or staff, or by outside presenters may only be produced if written permission allowing the duplication of the material has been obtained in advance from all copyright holders. For example, it may be necessary to obtain permission from the author, publisher, and director of a play.

### **Audiovisual Production Work**

#### **Using existing footage**

Existing video footage may be incorporated into a video being produced by a student or faculty member for a class project or educational program if the borrowed material does not constitute more than 10% of the original or does not comprise the majority of the student's finished class project.

#### **Using pre-recorded music**

Music may be used only if a "video synchronization license" is purchased from the music publisher or owner of the copyright.

#### **Copying tapes**

No media carrying copyright will be duplicated by the Media Technologies Department without the written consent of the publisher or copyright owner.

### **D. Performed Music Copyright Policy**

#### **Use of Music**

Music encompasses a number of different licensing rights. Procedures and policies for obtaining rights to use a musical composition are well established, and it is usually clear who owns the rights being sought. However, negotiations are normally necessary with several different parties to obtain all needed rights for use as multimedia content.

**NOTE:** GRCC faculty, staff, and students should be aware that electronic sharing of copyrighted music files IS AN INFRINGEMENT of Copyright law. In addition to being a violation of the Copyright law and GRCC Policy, it is inappropriate use of the College's computers and network resources as defined by the College's Acceptable Use Agreement (AUA). A violation of the AUA may result in disciplinary action, up to and including dismissal.

A mechanical license is needed for the right to make and distribute records, tapes, compact discs, or other material objects in which a recording of a musical composition is embodied. This license is authorization only from the composer of the work, not the performer. A compulsory mechanical license is generally available under the U.S. Copyright Act.

A synchronization license is needed to authorize the synchronization of a musical composition with visual images of a multimedia work. No compulsory license is available for this right. Rights must be obtained through a music-licensing agency. Most synchronization licenses limit the number of seconds the composition can be used in a work. Because multimedia works are not sequential, a composition could be played many times in a given use.

Another exclusive right of the owner of a musical composition is to control public performances. Producers of a multimedia product should make sure that any copyrighted music included in their product is covered by those licenses, or obtain other license authority for any public performance of their work.

A master recording license is needed for the right to use a particular performance of a specific artist of the underlying composition. No compulsory license is available for this right.

Guidelines for the Fair Use of performed and printed music may be found in Section VII, C.

### **Replacement Copies**

It is GRCC policy that an immediate order for the purchase of replacement copies is to be placed on a one for one basis, and all reproduced copies of the musical work are to be destroyed upon receipt of the ordered copies. Any other method of calculating the number of replacement copies to be ordered, such as an inventory taken after the performance, is unacceptable. It is expected that staff and faculty routinely involved with performances will emphasize planning procedures so as to avoid use of emergency duplication on a routine basis.

### **E. Multimedia and Internet Copyright Policy**

All members of the GRCC community utilizing College computers and the campus network must comply with federal copyright law. These guidelines are intended to assist in understanding and complying with copyright law as it applies to the use of Multimedia and the Internet. The law and these guidelines may change as Congress, the courts, and national interest groups address these issues. As with all copyrighted materials, the principles of fair use apply. Once these tests have been satisfied, an additional set of guidelines with respect to allowances and restrictions must be met. These guidelines may be found in Section VII, B of this policy.

The Digital Millennium Copyright Act (DMCA) was signed into law on October 28, 1998 in an attempt to address copyright-related issues that were not clearly covered in the United States Copyright Act of 1976, including those related to the presentation of materials using digitally stored and produced materials and

presentations on the Internet. The DMCA did not provide clear rules on fair use other than to say that use of materials followed existing copyright law. It called for a study and recommendations to Congress by the Copyright Office within two years regarding further changes to the Copyright Act. The guidelines below are meant to assist GRCC faculty, staff and students in making responsible decisions regarding how to include various material in multimedia presentations and on the Internet. The College's Copyright Management Administrator has the responsibility of enforcing the Copyright Act as it pertains to Internet-based material and complying with mandated procedures following formal notice of infringement by copyright holders.

### **Use of Multimedia**

The use of multimedia (sounds, images, text, data, etc.) within face-to-face teaching is normally subject to all the restrictions and covenants of the copyright law. However, just as many interested parties gathered and agreed upon fair use guidelines for traditional media some years ago, a similar set of guidelines has been developed for the use of multimedia in presentations. These guidelines are presented in Section VII, B of this policy. There continues to be significant discussion regarding the restrictive nature of these guidelines and many organizations have refused to adopt them. However, extending beyond these limitations, accepted by Congress, could lead to legal challenges.

### **Use of the Internet**

Copyright law applies to materials found or posted on the Internet to the same extent that it applies to material found in more traditional formats. There are additional considerations specific to the Internet, which must be considered. Many of these considerations are provided below to assist in making prudent decisions.

### **Use of Copyrighted Material**

1. A work may be protected by copyright even if published without a copyright notice. Copyright arises automatically as soon as some aspect of a protectable work has been fixed in a tangible medium (such as an Internet server). Notice is NOT required; registration is required only if the work originates in the United States and legal action is desired.
2. Written permission must be obtained to use copyrighted material on the Internet, and the user must be able to produce a copy of that permission at the request of the GRCC Copyright Management Administrator.
3. Any media displayed on the Internet as part of a web page and accessible outside the GRCC community is considered to be a public performance except when defined as fair use.

### **Use of Links on Internet Sites**

1. A site's existence on the Internet gives implied permission to link to that site.
2. The owner of a page that is linked to has the right to demand that the link be removed.
3. A list of links created by someone else may be copyrightable under a compilation copyright; therefore, a list of links may not be copied in its entirety to an Internet site. A link, however, may be made to that list of links.

### **Use of Images**

1. Scanned or downloaded images cannot be used without written permission (see Use of Copyrighted Material, above), except as noted in fair use guidelines.
2. Computer-readable images copied from other Internet sites should be considered copyrighted.
3. Photographs taken of individuals must be accompanied by a photography release (see Appendix E and Appendix F).
4. A link may be made to an image on another site.

### **Use of Video Clips**

Films and related works are loosely divided into motion pictures and other films. Film libraries other than commercial motion pictures often have fee schedules for traditional uses of content. The problem is that multimedia products generally do not fit into traditional uses. Thus, special negotiations may be required to cover the exact usage in a multimedia product.

The use of commercial motion picture footage is more complicated and expensive, assuming that rights can be acquired at all. A film distributor probably does not have the authority to grant multimedia content rights but could be helpful in identifying who has such authority. Use of any music rights, names and likenesses of actors/actresses in such content will require separate authorizations and payment of additional fees.

Multimedia content use is not likely to be part of a normal fee schedule so fees will probably have to be individually negotiated.

## **F. Software Copyright Policy**

GRCC requires compliance with the United States Copyright Act of 1976 as amended, which pertains to computer software as well as printed materials, and the College interprets the Act in this context as follows:

1. The unauthorized duplication of any software which is licensed or protected by copyright is theft, and thus unethical.
2. Failure to observe software copyrights and/or license agreements may result in disciplinary action by this institution and/or legal action by the copyright owner.
3. No College-owned computing resources may be used for unauthorized commercial purposes.

**NOTE:** GRCC faculty, staff, and students should be aware that electronic sharing of copyrighted software files IS AN INFRINGEMENT of Copyright law. In addition to being a violation of the Copyright law and GRCC Policy, It is inappropriate use of the College's computers and network resources as defined by the College's Acceptable Use Agreement (AUA). A violation of the AUA may result in disciplinary action, up to and including dismissal.

4. Respect for the intellectual work and property of others has traditionally been essential to the mission of colleges and universities. GRCC does not tolerate plagiarism and does not condone the unauthorized duplication of software applications, databases and code.

IV. Reason for the Policy  
Required by law.

V. Entities Affected by this Policy  
Copyright holders

VI. Who Should Read this Policy  
All College Staff

Members of the College community who willfully disregard the copyright policy do so at their own risk and assume all liability and criminal penalties as defined in Title 17 of the U.S. Code.

VII. Related Documents  
**College Documents and Copyright Law**

### **A. GUIDELINES FOR CLASSROOM DUPLICATION OF BOOKS AND PERIODICALS**

These Guidelines are an adaptation of the actual duplication guidelines agreed to by the Association of American Publishers and The Author's League of America with minor editorial changes. Their purpose is to state the minimum standards of educational fair use for photocopying of written materials under Section 107 of the United States Copyright Act of 1976 as amended.

### **Single Copying for Teachers**

A single copy may be made of any of the following or any part thereof by or for any faculty or staff member at his or her individual request:

1. A chapter from a book;
2. An article from a periodical or newspaper;
3. A short story, short essay or short poem, whether or not from a collective work; or
4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

### **Multiple Copies for Classroom Use**

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the faculty giving the course for classroom use or discussion, provided that:

The copying meets the following tests of brevity and spontaneity:

#### **Brevity**

##### Poetry

1. A complete poem if less than 250 words and if printed on not more than two pages or
2. An excerpt of not more than 250 words from a longer poem.

##### Prose

1. All or any portion of a complete article, story or essay of 2,500 words or less, or
2. An excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

Each of the numerical limits stated in 1) and 2) above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.

##### Illustration

One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

### "Special" works

Certain works in poetry, prose, or "poetic prose" which often combine language with 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. The paragraph above notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in text thereof may be reproduced. Each of the numerical limits stated in a) and b) above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.

### **Spontaneity**

The copying is at the instance and inspiration of the individual teacher, and 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 timely reply to a request for permission.

### **The copying meets the following cumulative effect test:**

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, or essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
3. There should not be more than nine instances of such multiple copying for one course during one class term.
4. The limitations stated in 2 and 3 above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.
5. Each copy includes a notice of copyright.

Prohibitions as to 1 and 2 above

Notwithstanding any of the above, the following shall be prohibited:

1. Copying may not be used to create or to replace or substitute for anthologies, compilations, or collective works. Whether copies of various works or excerpts are distributed as a pack or individually throughout a class term, their duplication and distribution are still considered a prohibited replacement or substitution.
2. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises,

- standardized tests, and test booklets and answer sheets.
3. Copying may not:
    - a. substitute for the purchase of books, publisher's reprints or periodicals,
    - b. be directed by higher authority; or
    - c. be repeated with respect to the same item by the same teacher from term to term.
  4. No charge may be made to the student beyond the actual cost of duplication, which may include the cost of royalty fees and the labor, materials, and facilities utilized in the duplication and distribution of the copies.

## **B. Fair Use Guidelines for Educational Multimedia**

### TABLE OF CONTENTS

Introduction (Includes the four criteria to determine Fair Use)

Preparation of Educational Multimedia Projects Under These Guidelines

Permitted Educational Uses for Multimedia Projects Under These Guidelines

Limitations

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Important Reminders

### 1. INTRODUCTION

#### 1.1 Preamble

Fair use is a legal principle that defines the limitations on the exclusive rights of copyright holders. The purpose of these guidelines is to provide guidance on the application of fair use principles by educators, scholars and students who develop multimedia projects using portions of copyrighted works under fair use rather than by seeking authorization for non-commercial educational uses. These guidelines apply only to fair use in the context of copyright and to no other rights.

There is no simple test to determine what is fair use. Section 107 of the Copyright Act sets forth the four fair use factors, which should be considered in each instance, based on particular facts of a given case, to determine whether a use is a fair use.

- (1) the purpose and character of 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.

While only the courts can authoritatively determine whether a particular use is fair use, these guidelines represent the endorsers' consensus of conditions under which fair use should generally apply and examples of when permission is required. Uses that exceed these guidelines may or may not be fair use. The participants also agree that the more one exceeds these guidelines, the greater the risk that fair use does not apply.

The limitations and conditions set forth in these guidelines do not apply to works in the public domain--such as United States or state government works or works on which copyright has expired for which there are no copyright restrictions--or to works for which the individual or institution has obtained permission for the particular use. Also, license agreements may govern the uses of some works and users should refer to the applicable license terms for guidance.

The participants who developed these guidelines met for an extended period of time and the result represents their collective understanding in this complex area. Because digital technology is in a dynamic phase, there may come a time when it is necessary to review the guidelines. Nothing in these guidelines shall be construed to apply to the fair use privilege in any context outside of educational and scholarly uses of educational multimedia projects.

This Preamble is an integral part of these guidelines and should be included whenever the guidelines are reprinted or adopted by organizations and educational institutions. Users are encouraged to reproduce and distribute these guidelines freely without permission; no copyright protection of these guidelines is claimed by any person or entity.

These Guidelines shall not be read to supersede other preexisting education fair use guidelines that deal with the Copyright Act of 1976.

See Section 106 of the Copyright

The Copyright Act of 1976, as amended, is codified at 17 U.S.C. Sec.101 et seq. guidelines and clearly indicate the variety of interest groups involved, both from the standpoint of the users of copyrighted material and also from the standpoint of the copyright owners.

These guidelines clarify the application of fair use of copyrighted works as teaching methods are adapted to new learning environments. Educators have traditionally brought copyrighted books, videos, slides, sound recordings and other media into the classroom, along with accompanying projection and playback equipment.

Multimedia creators integrated these individual instructional resources with their own original works in a meaningful way, providing compact educational tools that allow great flexibility in teaching and learning. Material is stored so that it may be retrieved in a nonlinear fashion, depending on the needs or interests of learners. Educators can use multimedia projects to respond spontaneously to students' questions by referring

quickly to relevant portions. In addition, students can use multimedia projects to pursue independent study according to their needs or at a pace appropriate to their capabilities. Educators and students want guidance about the application of fair use principles when creating their own multimedia projects to meet specific instructional objectives.

### 1.3 Applicability of These Guidelines

These guidelines apply to the use, without permission, of portions of lawfully acquired copyrighted works in educational multimedia projects which are created by educators or students as part of a systematic learning activity by nonprofit educational institutions. Educational multimedia projects created under these guidelines incorporate students' or educators' original material, such as course notes or commentary, together with various copyrighted media formats including but not limited to, motion media, music, text material, graphics, illustrations, photographs and digital software which are combined into an integrated presentation.

Educational institutions are defined as nonprofit organizations whose primary focus is supporting research and instructional activities of educators and students for noncommercial purposes.

For the purposes of the guidelines, educators include faculty, teachers, instructors, and others who engage in scholarly, research and instructional activities for educational institutions. The copyrighted works used under these guidelines are lawfully acquired if obtained by the institution or individual through lawful means such as purchase, gift or license agreement but not pirated copies. Educational multimedia projects which incorporate portions of copyrighted works under these in systematic learning activities including use in connection with non-commercial curriculum-based learning and teaching activities by educators to students enrolled in courses at nonprofit educational institutions or otherwise permitted under Section 3. While these guidelines refer to the creation and use of educational multimedia projects, readers are advised that in some instances other fair use guidelines such as those for off-air taping may be relevant.

## 2. PREPARATION OF EDUCATIONAL MULTIMEDIA PROJECT USING PORTIONS OF COPYRIGHTED WORKS

2.1 By students: Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.

2.2 By Educators for Curriculum-Based Instruction: Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia programs for their own teaching tools in support of curriculum-based instructional activities at educational institutions.

## 3. PERMITTED USES OF EDUCATIONAL MULTIMEDIA PROGRAMS CREATED UNDER THESE GUIDELINES

3.1 Student Use: Students may perform and display their own educational

multimedia projects created under Section 2 of these guidelines for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews

3.2 Educator Use for Curriculum-Based Instruction: Educators may perform and display their own educational multimedia projects created under Section 2 for curriculum-based instruction to students in the following situations:

for face-to-face instruction,

3.2.2 assigned to students for directed self-study,

3.2.3 for remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution's secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material. If the educational institution's network or technology used to access the educational multimedia project created under Section 2 of these guidelines cannot prevent duplication of copyrighted material, students or educators may use the educational multimedia projects over an otherwise secure network for a period of only 15 days after its initial real-time remote use in the course of instruction or 15 days after its assignment for directed self-study. After that period, one of the two used copies of the educational multimedia project may be placed on reserve in a learning resource center, library or similar facility for on-site use by students enrolled in the course. Students shall be advised that they are not permitted to make their own copies of the multimedia project.

3.3 Educator Use for Peer Conferences: Educators may perform or display their own multimedia projects created under Section 2 of these guidelines in presentations to their peers, for example, at workshops and conferences.

3.4 Educator Use for Professional Portfolio: Educators may retain educational multimedia projects created under Section 2 of these guidelines in their personal portfolios for later personal uses such as tenure review or job interviews.

#### 4. LIMITATIONS: TIME, PORTION, AND COPYING AND DISTRIBUTION

The preparation of educational multimedia projects incorporating copyrighted works under Section 2, and the use of such projects under Section 3, are subject to the limitations noted below.

##### 4.1 Time Limitations

Educators may use their educational multimedia projects created for educational purposes under Section 2 of these guidelines for teaching courses, for a period of up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production. Students may use their educational multimedia projects as noted in Section 3.1.

## 4.2 Portion Limitations

Portion limitations mean the amount of a copyrighted work that can reasonably be used in educational multimedia projects under these guidelines regardless of the original medium from which the copyrighted works are taken. In the aggregate means the total amount of copyrighted material from a single copyrighted work that is permitted to be used in an educational multimedia project without permission under these guidelines. These limits apply cumulatively to each educator's or student's multimedia project(s) for the same academic semester, cycle or term. All students should be instructed about the reasons for copyright protection and the need to follow these guidelines. It is understood, however, that students in kindergarten through grade six may not be able to adhere rigidly to the portion limitations in this section in their independent development of educational multimedia projects. In any event, each such project retained under Sections 3.1 and 4.3 should comply with the portion limitations in this section.

### 4.2.1 Motion Media

Up to 10% or 3 minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of a multimedia project created under Section 2 of these guidelines.

### 4.2.2 Text Material

Up to 10% or 1,000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material may be reproduced or otherwise incorporated as part of a multimedia project created under Section 2 of these guidelines. An entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used but no more than three excerpts by a poet, or five excerpts by different poets from a single anthology may be used.

### 4.2.3 Music, Lyrics, and Music Video

Up to 10%, but in no event more than 30 seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), whether the musical work is embodied in copies, or audio or audiovisual works, may be reproduced or otherwise incorporated as a part of a multimedia project created under Section 2. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

#### 4.2.4 Illustrations and Photographs

The reproduction or incorporation of photographs and illustrations is more difficult to define with regard to fair use because fair use usually precludes the use of an entire work. Under these guidelines a photograph or illustration may be used in its entirety but no more than 5 images by an artist or photographer may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 2. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 2.

#### 4.2.5 Numerical Data Sets

Up to 10% or 2,500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 2 of these guidelines. A field entry is defined as a specific item of information, such as a name or Social Security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

#### 4.3 Copying and Distribution Limitations

Only a limited number of copies, including the original, may be made of an educator's educational multimedia project. For all of the uses permitted by Section 3, there may be no more than two use copies only one of which may be placed on reserve as described in Section 3.2.3. An additional copy may be made for preservation purposes but may only be used or copied to replace a use copy that has been lost, stolen, or damaged. In the case of a jointly created educational multimedia project, each principal creator may retain one copy but only for the purposes described in Sections 3.3 and 3.4 for educators and Section 3.1 for students.

### 5. EXAMPLES OF WHEN PERMISSION IS REQUIRED

#### 5.1 Using Multimedia Projects for Non-Educational or Commercial Purposes

Educators and students must seek individual permissions (licenses) before using copyrighted works in educational multimedia projects for commercial reproduction and distribution.

#### 5.2 Duplication of Multimedia Projects Beyond Limitations Listed in These Guidelines

Even for educational uses, educators and students must seek individual permissions for all copyrighted works incorporated in their personally created educational multimedia projects before replicating or distributing beyond the limitations listed in Section 4.3.

#### 5.3 Distribution of Multimedia Projects Beyond Limitations Listed in These Guidelines

Educators and students may not use their personally created educational multimedia projects over electronic networks, except for uses as described in Section 3.2.3, without obtaining permissions for all copyrighted works incorporated in the program.

### **C. Guidelines for Copyrighted Music**

These guidelines are an adaptation of the actual Guidelines prepared in 1975 by a task force made up of representatives of the Music Educators National Conference, the Music Publishers' Association of the United States, the Music Teachers National Association, the National Association of Schools of Music, and the National Music Publishers Association.

The purpose of the guidelines is to state the minimum and not the maximum standards of educational fair use under the Copyright Act and related judicial decisions.

#### 1. Permissible Uses

- a. Emergency duplication to replace purchased copies that for any reason are not available for an imminent performance, provided purchased replacement copies are substituted in due course.
- b. For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10% of the whole work. The number of copies may not exceed one copy per student.
- c. For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is (1) confirmed by the copyright proprietor to be out of print, or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach class.
- d. Printed copies that have been purchased may be edited or simplified, provided that the fundamental character of the work is not distorted, that the lyrics (if any) are not altered, and that no lyrics are added, if none exist.
- e. 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.
- f. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises

or examinations and may be retained by the educational institution or individual teacher (This permitted copying pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.).

## 2. Prohibitions

- a. Copying to create or to replace or substitute for anthologies, compilations or collective works
- b. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
- c. Copying for the purpose of performance, except as in above.
- d. Copying for the purpose of substituting for the purchase of music.
- e. Copying without inclusion of the copyright notice which appears on the printed copy.

## D. GUIDELINES FOR PHOTOGRAPHY REPRODUCTION

Model releases are important to avoid lawsuits. A signed photography release is needed to indicate the person being photographed has given consent to the use of the image. The purpose of the release is to protect the photographer and the College against an invasion-of-privacy lawsuit.

Permission to reproduce an individual's image in a printed or electronic medium is needed even if the subject was photographed for a very specific assignment.

[Need copy of release form here.]

## Frequently Asked Questions (FAQ)

### 1. WHAT IS COPYRIGHT?

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- **To reproduce** the work in copies or phonorecords;
- To prepare **derivative works** based upon the work;
- **To distribute copies or phonorecords** of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- **To perform the work publicly**, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;

- *To display the copyrighted work publicly*, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
- In the case of *sound recordings, to perform the work publicly* by means of a *digital audio transmission*.

In addition, certain authors of works of visual art have the rights of attribution and integrity as described in [section 106A](#) of the 1976 Copyright Act. For further information, request [Circular 40](#), "Copyright Registration for Works of the Visual Arts."

It is illegal for anyone to violate any of the rights provided by the copyright law to the owner of copyright. These rights, however, are not unlimited in scope. [Sections 107 through 121](#) of the 1976 Copyright Act establish limitations on these rights. In some cases, these limitations are specified exemptions from copyright liability. One major limitation is the doctrine of "fair use," which is given a statutory basis in [section 107](#) of the 1976 Copyright Act. In other instances, the limitation takes the form of a "compulsory license" under which certain limited uses of copyrighted works are permitted upon payment of specified royalties and compliance with statutory conditions. For further information about the limitations of any of these rights, consult the copyright law or write to the Copyright Office.

## 2. WHO CAN CLAIM COPYRIGHT?

Copyright protection subsists from the time the work is created in fixed form. The copyright in the work of authorship *immediately* becomes the property of the author who created the work. Only the author or those deriving their rights through the author can rightfully claim copyright.

In the case of works made for hire, the employer and not the employee is considered to be the author. [Section 101](#) of the copyright law defines a "work made for hire" as:

- (1) a work prepared by an employee within the scope of his or her employment; or
- (2) a work specially ordered or commissioned for use as:
  - a contribution to a collective work
  - a part of a motion picture or other audiovisual work
  - a translation
  - a supplementary work
  - a compilation
  - an instructional text
  - a test
  - answer material for a test
  - an atlas

if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire....

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary.

Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

### **Two General Principles**

- Mere ownership of a book, manuscript, painting, or any other copy or phonorecord does not give the possessor the copyright. The law provides that transfer of ownership of any material object that embodies a protected work does not of itself convey any rights in the copyright.
- Minors may claim copyright, but state laws may regulate the business dealings involving copyrights owned by minors. For information on relevant state laws, consult an attorney.

### **3. COPYRIGHT AND NATIONAL ORIGIN OF THE WORK**

Copyright protection is available for all unpublished works, regardless of the nationality or domicile of the author.

Published works are eligible for copyright protection in the United States if *any* one of the following conditions is met:

- On the date of first publication, one or more of the authors is a national or domiciliary of the United States, or is a national, domiciliary, or sovereign authority of a treaty party,\* or is a stateless person wherever that person may be domiciled; or
- The work is first published in the United States or in a foreign nation that, on the date of first publication, is a treaty party. For purposes of this condition, a work that is published in the United States or a treaty party within 30 days after publication in a foreign nation that is not a treaty party shall be considered to be first published in the United States or such treaty party, as the case may be; or
- The work is a sound recording that was first fixed in a treaty party; or
- The work is a pictorial, graphic, or sculptural work that is incorporated in a building or other structure, or an architectural work that is embodied in a building and the building or structure is located in the United States or a treaty party; or
- The work is first published by the United Nations or any of its specialized agencies, or by the Organization of American States; or
- The work is a foreign work that was in the public domain in the United States prior to 1996 and its copyright was restored under the Uruguay Round Agreements Act (URAA). Request [Circular 38b](#), "Highlights of Copyright Amendments Contained in the Uruguay Round Agreements Act (URAA-GATT)," for further information.
- The work comes within the scope of a Presidential proclamation.

#### 4. WHAT WORKS ARE PROTECTED?

Copyright protects "original works of authorship" that are fixed in a tangible form of expression. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

1. literary works;
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
6. motion pictures and other audiovisual works
7. sound recordings
8. architectural works
9. electronic or digital works (digital sound, digital video, digital graphics, digital content, blogs, software, etc.)

These categories should be viewed broadly. For example, computer programs and most "compilations" may be registered as "literary works"; maps and architectural plans may be registered as "pictorial, graphic, and sculptural works."

#### 5. WHAT IS NOT PROTECTED BY COPYRIGHT?

Several categories of material are generally not eligible for federal copyright protection. These include among others:

- Works that have *not* been fixed in a tangible form of expression (for example, choreographic works that have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded)
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration
- Works consisting *entirely* of information that is common property and containing no original authorship (for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources)
- When in doubt, assume that the material is **under copyright**.

#### 6. HOW TO SECURE A COPYRIGHT

##### **Copyright Secured Automatically upon Creation**

The way in which copyright protection is secured is frequently misunderstood. No publication or registration or other action in the Copyright Office is required to

secure copyright. (See following [Note](#).) There are, however, certain definite advantages to registration. See "[Copyright Registration](#)."

Copyright is secured *automatically* when the work is created, and a work is "created" when it is fixed in a copy or phonorecord for the first time. "Copies" are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, or microfilm. "Phonorecords" are material objects embodying fixations of sounds (excluding, by statutory definition, motion picture soundtracks), such as cassette tapes, CDs, or LPs. Thus, for example, a song (the "work") can be fixed in sheet music ("copies") or in phonograph disks ("phonorecords"), or both.

If a work is prepared over a period of time, the part of the work that is fixed on a particular date constitutes the created work as of that date.

## 7. PUBLICATION

Publication is no longer the key to obtaining federal copyright as it was under the Copyright Act of 1909. However, publication remains important to copyright owners.

The 1976 Copyright Act defines publication as follows:

"Publication" is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display constitutes publication. A public performance or display of a work does not of itself constitute publication.

**NOTE:** Before 1978, federal copyright was generally secured by the act of publication with notice of copyright, assuming compliance with all other relevant statutory conditions. U. S. works in the public domain on January 1, 1978, (for example, works published without satisfying all conditions for securing federal copyright under the Copyright Act of 1909) remain in the public domain under the 1976 Copyright Act. Certain foreign works originally published without notice had their copyrights restored under the Uruguay Round Agreements Act (URAA). Request [Circular 38b](#) and see the "[Notice of Copyright](#)" section of this publication for further information. Federal copyright could also be secured before 1978 by the act of registration in the case of certain unpublished works and works eligible for ad interim copyright. The 1976 Copyright Act automatically extends to full term ([section 304](#) sets the term) copyright for all works, including those subject to ad interim copyright if ad interim registration has been made on or before June 30, 1978.

A further discussion of the definition of "publication" can be found in the legislative history of the 1976 Copyright Act. The legislative reports define "to

the public" as distribution to persons under no explicit or implicit restrictions with respect to disclosure of the contents. The reports state that the definition makes it clear that the sale of phonorecords constitutes publication of the underlying work, for example, the musical, dramatic, or literary work embodied in a phonorecord. The reports also state that it is clear that any form of dissemination in which the material object does not change hands, for example, performances or displays on television, is *not* a publication no matter how many people are exposed to the work. However, when copies or phonorecords are offered for sale or lease to a group of wholesalers, broadcasters, or motion picture theaters, publication does take place if the purpose is further distribution, public performance, or public display.

Publication is an important concept in the copyright law for several reasons:

- Works that are published in the United States are subject to mandatory deposit with the Library of Congress. See discussion on "[Mandatory Deposit for Works Published in the United States.](#)"
- Publication of a work can affect the limitations on the exclusive rights of the copyright owner that are set forth in [sections 107 through 121](#) of the law.
- The year of publication may determine the duration of copyright protection for anonymous and pseudonymous works (when the author's identity is not revealed in the records of the Copyright Office) and for works made for hire.
- Deposit requirements for registration of published works differ from those for registration of unpublished works. See discussion on "[Registration Procedures.](#)"
- When a work is published, it may bear a notice of copyright to identify the year of publication and the name of the copyright owner and to inform the public that the work is protected by copyright. Copies of works published before March 1, 1989, must bear the notice or risk loss of copyright protection.

## 8. HOW LONG COPYRIGHT PROTECTION ENDURES

### **Works Originally Created on or after January 1, 1978**

A work that is created (fixed in tangible form for the first time) on or after January 1, 1978, is automatically protected from the moment of its creation and is ordinarily given a term enduring for the author's life plus an additional 70 years after the author's death. In the case of "a joint work prepared by two or more authors who did not work for hire," the term lasts for 70 years after the last surviving author's death. For works made for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the duration of copyright will be 95 years from publication or 120 years from creation, whichever is shorter.

### **Works Originally Created before January 1, 1978, But Not Published or Registered by That Date**

These works have been automatically brought under the statute and are now given federal copyright protection. The duration of copyright in these works will generally be computed in the same way as for works created on or after January 1, 1978: the life-plus-70 or 95/120-year terms will apply to them as well. The law provides that in no case will the term of copyright for works in this category expire before December 31, 2002, and for works published on or before December 31, 2002, the term of copyright will not expire before December 31, 2047. Works Originally Created and Published or Registered before January 1, 1978 Under the law in effect before 1978, copyright was secured either on the date a work was published with a copyright notice or on the date of registration if the work was registered in unpublished form. In either case, the copyright endured for a first term of 28 years from the date it was secured. During the last (28th) year of the first term, the copyright was eligible for renewal. The Copyright Act of 1976 extended the renewal term from 28 to 47 years for copyrights that were subsisting on January 1, 1978, or for pre-1978 copyrights restored under the Uruguay Round Agreements Act (URAA), making these works eligible for a total term of protection of 75 years. Public Law 105-298, enacted on October 27, 1998, further extended the renewal term of copyrights still subsisting on that date by an additional 20 years, providing for a renewal term of 67 years and a total term of protection of 95 years.

Public Law 102-307, enacted on June 26, 1992, amended the 1976 Copyright Act to provide for automatic renewal of the term of copyrights secured between January 1, 1964, and December 31, 1977. Although the renewal term is automatically provided, the Copyright Office does not issue a renewal certificate for these works unless a renewal application and fee are received and registered in the Copyright Office.

Public Law 102-307 makes renewal registration optional. Thus, filing for renewal registration is no longer required in order to extend the original 28-year copyright term to the full 95 years. However, some benefits accrue from making a renewal registration during the 28th year of the original term.

For more detailed information on renewal of copyright and the copyright term, request Circular 15, "Renewal of Copyright"; Circular 15a, "Duration of Copyright"; and Circular 15t, "Extension of Copyright Terms."

## **9. FAIR USE**

One of the rights accorded to the owner of copyright is the right to reproduce or to authorize others to reproduce the work in copies, digital formats, DVD's, videos, graphics, etc. This right is subject to certain limitations found in sections 107 through 118 of the copyright act (title 17, U.S. Code). One of the more important limitations is the doctrine of "fair use." Although fair use was not mentioned in the previous copyright law, the doctrine has developed through a substantial number of court decisions over the years. This doctrine has been codified in section 107 of the copyright law.

Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered “fair,” such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:

1. the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. 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.

The distinction between “fair use” and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission.

The University of Texas has a Web site that GRCC faculty, staff and students may find helpful:

Fair Use of Copyrighted Materials  
<http://www.utsystem.edu/ogc/copypol2.htm>

The 1961 Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law cites examples of activities that courts have regarded as fair use: “quotation of excerpts in a review or criticism for purposes of illustration or comment; quotation of short passages in a scholarly or technical work, for illustration or clarification of the author’s observations; use in a parody of some of the content of the work parodied; summary of an address or article, with brief quotations, in a news report; reproduction by a library of a portion of a work to replace part of a damaged copy; reproduction by a teacher or student of a small part of a work to illustrate a lesson; reproduction of a work in legislative or judicial proceedings or reports; incidental and fortuitous reproduction, in a newsreel or broadcast, of a work located in the scene of an event being reported.”

Copyright protects the particular way an author has expressed himself; it does not extend to any ideas, systems, or factual information conveyed in the work.

The safest course is always to get permission from the copyright owner before using copyrighted material. The Copyright Office cannot give this permission.

When it is impracticable to obtain permission, use of copyrighted material should be avoided unless the doctrine of “fair use” would clearly apply to the situation. The Copyright Office can neither determine if a certain use may be considered “fair” nor advise on possible copyright violations. If there is any doubt, it is advisable to consult an attorney.

a.) Other Documents and Web links that might be helpful to GRCC faculty, staff, and students:

1. U. S. Copyright Office  
<http://lcweb.loc.gov/copyright/>
2. Copyright Clearance Center  
<http://www.copyright.com/>
3. Fair Use of Copyrighted Materials  
<http://www.utsystem.edu/ogc/copypol2.htm>
4. Use of Copyrighted Materials  
<http://utsystem.edu/ogc/Intellectualproperty/copypol.htm>
5. University of Texas Crash Course in Copyright  
<http://utsystem.edu/ogc/intellectualproperty/cprindx.htm>
6. Complying with the Digital Millennium Copyright Act  
<http://ist.admin.claremontmckenna.edu/policies/html/cc.htm>
6. Software Copyright Compliance Policy  
<http://central.edu/computingservices/softpol.htm>
7. CONFU: The Conference on Fair Use  
<http://utsystem.edu/ogc/intellectualproperty.confu.htm>
8. Conference on Fair Use (CONFU): Report to the commissioner on the conclusion of the first phase of the conference on fair use  
<http://www.uspto.gov/web/offices/dcom/olia/confu/conclu1.html>
9. Copyright Manual, Le Moyne College, Syracuse, New York  
[http://www.lemoyne.edu/library/copyright\\_manual.htm](http://www.lemoyne.edu/library/copyright_manual.htm)
10. Purdue University Copyright Office  
<http://www.lib.purdue.edu/uco/>
11. Copyright Resources Online  
<http://www.library.yale.edu/~okerson/copyproj.html>

12. Circular 21: Reproduction of Copyrighted Works by Educators and Librarians  
<http://www.loc.gov/copyright>
13. Copyright Management Center, Indiana University & Purdue University, Indianapolis  
<http://www.copyright.iupui.edu/>
14. Central Michigan University Copyright Policy  
<http://www.cmich.edu/copyright/>
15. The TEACH Toolkit from North Carolina State University  
<http://www.lib.ncsu.edu/scc/legislative/teachkit/overview.html>

#### VIII. Contacts

Director of Library Services  
Copyright Manager  
Director of Printing Services

#### IX. Definitions

**Anthology / Collective Work / Compilation:** A work comprised of a number of contributors, which may be separate and independent works themselves, assembled into a whole. In the educational context, the anthology need not be bound together or distributed all at one time, but may be distributed throughout the semester.

**Archival Copy:** An original or a copy of an original, kept in a restricted area, to be used as determined by the contract or license with the copyright owner. Usually refers to computer software and audio/video recordings.

**Classroom:** A place in which teaching takes place, and by extension, the institution's library. A gymnasium, auditorium, microcomputer lab, or meeting space may be a classroom, provided the group assembled is actually for instruction and an instructor is present.

**Copyright:** Copyright is a federal right which is designed to promote the progress of science and the useful arts by securing for an author the benefits of his or her original work of authorship for a limited time. This statute balances the author's interest against the public interest in dissemination and reproduction of information.

**DMCA:** The Digital Millennium Copyright Act (DMCA) was signed into law on October 28, 1998 in an attempt to address copyright-related issues that were not clearly covered in the United States Copyright Act of 1976, including those

related to the presentation of materials using digitally stored and produced materials and presentations on the Internet. The DMCA did not provide clear rules on fair use other than to say that use of materials followed existing copyright law. It called for a study and recommendations to Congress by the Copyright Office within two years regarding further changes to the Copyright Act.

**Duplication:** Reproducing (copying) material by any means including, but not limited to, writing, typing, photocopying, scanning, facsimile, downloading, and video, DVD or audio recording.

**Face-to-Face Teaching:** An educator engaged in an instructional activity. The activity must take place in a classroom, must be part of systematic instruction, and the class must be comprised of registered students and/or faculty and professional staff.

**Fair Use:** The right to reasonably use copyrighted materials without consent of the copyright owner, usually for scholarship, teaching, research, or criticism. There are four factors to consider in determining whether a particular "use" is "fair:" "(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; and (4) the effect of the use upon the potential market for or value of the copyrighted work."

**Multimedia:** A production involving more than one medium (i.e. a combination of text, pictures, sound, graphics, film clips, etc.).

**Off-Air Videotaping:** Taping programs broadcast over channels normally received free (e.g. with a normal antenna). This does not include programs only received by cable or satellite.

**Public Domain:** Works which are not protected by copyright or works created by the federal government of a state government.

**Public Performance:** Open to the public, or open to a group outside the normal circle or family of social acquaintances. For example, a film advertised to the general public on campus is a public performance and requires licensing. Some videos and DVD's include public performance in the purchase.

**TEACH Act:** This recent distance education update of copyright law is called the Technology, Education, and Copyright Harmonization Act (TEACH Act). The TEACH Act exemption is one of several options faculty and students have when using copyrighted works in their course materials.

TEACH says it is not copyright infringement for teachers and students at an accredited, nonprofit educational institution to transmit performances and displays

of copyrighted works as part of a course if certain conditions are met. If these conditions are not or cannot be met, use of the material will have to qualify as a fair use or permission from the copyright holder(s) must be obtained.

Faculty, staff and students will find this excellent Web site to be very helpful:

The TEACH Toolkit from North Carolina State University  
<http://www.lib.ncsu.edu/scc/legislative/teachkit/overview.html>

#### X. Procedures

Not yet available

*"Please provide written documentation of any procedures required as a result of this document. Please see the procedure template. We will no longer use the term rules as in our previous policy."*

#### XI. Forms

{THESE FORMS WILL HAVE TO BE CREATED}

##### A. **Permission Request for Duplication of Print Materials**

##### **PERMISSION REQUEST FOR DUPLICATION OF PRINT MATERIAL**

When the duplication of copyrighted print material is not within the guidelines set out in the GRCC Copyright Policy or when permission has not been received from the Copyright Clearance Center, staff or faculty members must request permission using the Permission Request for Duplication of Print Material form below. Permission is usually sought each time the material is used, but the form can indicate all the times of anticipated use (e.g. every semester for the next six years). The publisher or copyright holder can reserve the right to grant permission for only one time. GRCC will not duplicate copyrighted materials unless approval has been obtained.

##### **Obtaining Permission by Mail or Fax Request**

The request should be mailed or faxed to the permissions department of the publisher in question. If the address of the publisher does not appear at the front of the material, it may be obtained from The Literary Marketplace (for books) or Ulrich's International Periodicals (for journals) both published by the R.R. Bowker Company. Additional assistance may be obtained from the Library. For purposes of proof and to define the scope of the permission, it is important that the permission be in writing.

The process of considering permission requests requires time for the publisher to check the status and ownership of rights and related matters and to evaluate the request. It is advisable, therefore, to allow sufficient lead-time. In some instances the publisher may assess a fee for permission, which may either be passed on to students who receive copies of the duplicated material or be paid by the requesting department as an ordinary expense.

### **Obtaining Permission by Telephone**

If occasional time exigencies obviate the usefulness of the prior request letter, then the infrequent use of telephone permissions is acceptable. The person receiving permission should obtain the name of the person authorizing duplication; make notes concerning the time and date of the call, the person authorizing duplication, and the extent of the permission granted; and request and obtain a follow-up permission letter from the copyright proprietor.

**B. Request for Copying**

**C. Photography release form**

**D. Request for Audio/Visual Copying**

**E. Request for Permission to Record an Event**

Grand Rapids Community College wishes to thank academic institutions, which have made their Copyright policies available on their Web pages, especially, LeMoyne College, the University of Texas System, North Carolina State University Libraries, Washington State University, and Yale University.