Copyright and Fair Use Guidelines for Teachers

TECHNOLOGY & LEARNING

This chart was designed to inform teachers of what they may do under the law. Feel free to make copies for teachers in your school or district, or download a PDF version at www.techlearning.com. More detailed information about fair use guidelines and copyright resources is available at www.halldavidson.net.

Medium	Specifics	What you can do	The Fine Print
Printed Material (short)	• 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 percent 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	• Teachers may make multiple copies for classroom use, and incorporate into multimedia for teaching classes. • Students may incorporate text into multimedia projects.	• 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.
Printed Material (archives)	• An entire work • Portions of a work • A work in which the existing format has become obsolete, e.g., a document stored on a Wang computer	• A librarian may make up to three copies "solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen."	• Copies must contain copyright information. • Archiving rights are designed to allow libraries to share with other libraries one-of-a-kind and out-of-print books.
Illustrations and Photographs	• Photograph • Illustration • Collections of photographs • Collections of illustrations	• 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 percent (whichever is less) may be used.	• 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 or www.mpa.org.
Video (for viewing)	• Videotapes (purchased) • Videotapes (rented) • DVDs • Laserdiscs	• Teachers may use these materials in the classroom. • Copies may be made for archival purposes or to replace lost, damaged, or stolen copies.	• 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)	• Videotapes • DVDs • Laserdiscs • Multimedia encyclopedias • QuickTime Movies • Video clips from the Internet	• Students "may use portions of lawfully acquired copyright works in their academic multimedia," defined as 10 percent or three minutes (whichever is less) of "motion media."	• 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)	• Records • Cassette tapes • CDs • Audio clips on the Web	• Up to 10 percent of a copyright musical composition may be reproduced, performed, and displayed as part of a multimedia program produced by an educator or students.	• A maximum of 30 seconds per musical composition may be used. • Multimedia program must have an educational purpose.
Computer Software	• Software (purchased) • Software (licensed)	• Library may lend software to patrons. • Software may be installed on multiple machines, and distributed to users via a network. • Software may be installed at home and at school. • Libraries 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.	• Only one machine at a time may use the program. • The number of simultaneous users must not exceed the number of licenses; and the number of machines being used must never exceed the number licensed. A network license may be required for multiple users. • Take aggressive action to monitor that copying is not taking place (unless for archival purposes).
Internet	• Internet connections • World Wide Web	• 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).	• Resources from the Web may not be reposted onto the Internet without permission. However, links to legitimate resources can be posted. • Any resources you download must have been legitimately acquired by the Website.
Television	• Broadcast (e.g., ABC, NBC, CBS, UPN, PBS, and local stations) • Cable (e.g., CNN,MTV, HBO) • Videotapes made of broadcast and cable TV programs	• Broadcasts or tapes made from broadcast may be used for instruction. • Cable channel programs may be used with permission. Many programs may be retained by teachers for years— see Cable in the Classroom (www.ciconline.org) for details.	• Schools are allowed to retain broadcast tapes for a minimum of 10 school days. (Enlightened rights holders,such as PBS's ReadingRainbow, allow for much more.) • Cable programs are technically not covered by the same guidelines as broadcast television.

Sources: United States Copyright Office Circular 21; Sections 107, 108, and 110 of the Copyright Act (1976) and subsequent amendments, including the Digital Millennium Copyright Act; Fair Use Guidelines for Educational Multimedia; cable systems (and their associations); and Copyright Policy and Guidelines for California's School Districts, California Department of Education. Note: Representatives of the institutions and associations who helped to draw up many of the above guidelines wrote a letter to Congress dated March 19,1976,stating: "There may be instances in which copying that does not fall within the guidelines stated [above] may nonetheless be permitted under the criterion of fair use."