

TECHNOLOGY & LEARNING

Copyright and Fair Use Guidelines for Teachers

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 Web site.
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 *Reading Rainbow*, 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."