

LEARNING/INSTRUCTIONSpecific Copyright Guidelines

These guidelines define the Fair Use doctrine for six separate areas:

- I - Print
- II - Audio-visual Software
- III - Music
- IV - Off-Air Broadcasting
- V - Prerecorded Video Programs
- VI - Computer Software

I. Print

AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTE WITH RESPECT TO BOOKS AND PERIODICALS*

A. Multiple copies for classroom use:

1. Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion provided that:
 - a. The copying meets the tests of brevity and spontaneity as defined below; and
 - b. Meets the cumulative effect test as defined below; and
 - c. Each copy includes a notice of copyright.
2. Definitions:
 - a. BREVITY:

Poetry: (a) A complete poem if less than 250 words, and if printed on not more than two pages, or (b) from a longer poem, an excerpt of not more than 250 words.

Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) 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 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.

* Definitive outline of what is considered Fair Use. Agreed to by Ad Hoc Committee on Copyright Law Revision, Authors League of America, and Association of American Publishers; September 3, 1976.

"Special" works: Certain works in poetry, prose or in "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. Paragraph "I" 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 the text thereof, may be reproduced.

b. SPONTANEITY:

The copying is at the instance and inspiration of the individual teacher, and

The inspiration and decision to use the work and the amount of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

c. CUMULATIVE EFFECT:

The copying of the material is for only one course in the school in which the copies are made.

Not more than one short poem, article, story, 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.

There shall not be more than nine instances of such multiple copying for one course during one class time.

(The limitations stated above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

3. Prohibitions

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

- a. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitutions may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
- b. There shall be no copying of or from works intended to be "consumable" in the course of study of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

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- c. Copying shall not:
 - . Substitute for the purchase of books, publisher's reprints or periodicals.
 - . Be directed by higher authority;
 - . Be repeated with respect to the same item by the same teacher from term to term.
- d. No charge shall be made up to the student beyond the actual cost of the photocopying.

II. AUDIO-VISUAL SOFTWARE

A. Prohibitions

1. Changing the medium to reproduce audio or video materials to a format compatible with available equipment.
2. The duplication of a 16mm film, 8mm film, slide, transparency, transparency master, or other visual media.

III. MUSIC

Guidelines for the use of copyrighted music material

A. Permissible uses:

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
2. 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 shall not exceed one copy per pupil.
3. Printed copies which have been purchased may be edited OR simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
4. 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.

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5. 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 pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

B. Prohibitions:

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be "consumable" in the course of study or teaching such as workbooks, exercises, standard tests and answer sheets and like material.
3. Copying for the purpose of performance except as in A-1.
4. Copying for the purpose of substituting for the purchase of music except as in A-1 and 2.
5. Copying without inclusion of the copyright notice which appears on the printed copy.

IV. OFF-AIR BROADCASTING

- A. The guidelines were developed to apply only to off-air recording by nonprofit educational institutions.
- B. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a nonprofit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
- C. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) day calendar day retention period. "School days" are school session days--not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions--within the forty-five (45) calendar day retention period.

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- D. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
- E. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
- F. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluating purpose without authorization.
- G. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
- H. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
- I. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

--Congressional Record; October 14, 1981

V. PRERECORDED VIDEO CASSETTES AND VIDEO DISCS

- A. Permissible:
 - 1. Use of prerecorded video programs by teachers or pupils in the course of face-to-face teaching activities in a classroom.
 - 2. The copy was legally made or that the person responsible for the performance had no reason to believe the copy was not lawfully made.
 - 3. No admittance fee is charged.

VI. COPYRIGHTED COMPUTER SOFTWARE

- A. It is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

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1. That such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
 2. That such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.
- B. Any exact copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptations so prepared may be transferred only with the authorization of the copyright owner.

Public Law 96-517
Amended December 12, 1980

Regulation
adopted: 2/23/76
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By Deputy Superintendent
Minneapolis, Minnesota