

## What is copyright law?

Copyright law protects producers of intellectual property from having their material copied or used by others. This law essentially prohibits the reproduction, distribution, performance or display of print, video, audio and electronic expressions without the owner of the materials expressed permission or compensation.

## PSD's policy on copyright

District Policy EGAD defines the district's intent to follow copyright law and to discipline and assume no liability for an employee who disregards copyright law or the district's copyright guidelines.

## Fair-use and public domain

**Fair Use:** This "fair use" provision of copyright law doesn't provide hard and fast rules to tell you whether a use qualifies as fair. Instead, the unique facts regarding a use lead you to a reasoned conclusion.

Your evaluation should weigh four factors:

1. **Purpose and character:** If your use is for teaching at a nonprofit educational institution, this is a factor favoring fair use. The scale tips further in favor of fair use if access is restricted to your students.
2. **Nature of copyrighted work:** Is the work fact based, published, or out-of-print? These factors weigh in favor of fair use.
3. **Amount used:** Using a small portion of a whole work would weigh toward fairness. But sometimes it may be fair to use an entire work (such as an image) if it is needed for your instructional purpose.
4. **Market effect:** A use is more likely to be fair if it does not harm the potential market for or value of the copyrighted work. But if it does, this could weigh more heavily against fair use than the other factors.<sup>1</sup>

**Public Domain:** Generally, works published 75 years ago or 75 years after the death of the producer are within the public domain.

## For more information...

Access the following web sites for more detailed information about copyright:

*Copyright Information from the US Copyright Office* ([www.copyright.gov](http://www.copyright.gov)):

**Basics:**

[www.copyright.gov/circs/circ1.pdf](http://www.copyright.gov/circs/circ1.pdf)

**Fair Use:**

[www.copyright.gov/fls/fl102.html](http://www.copyright.gov/fls/fl102.html)

**Digital Millennium Copyright Act of 1988:**

[www.copyright.gov/legislation/dmca.pdf](http://www.copyright.gov/legislation/dmca.pdf)

**Association of Research Libraries:**

[www.knowyourcopyrights.org](http://www.knowyourcopyrights.org)

**The TEACH Tool kit:**

[www.lib.ncsu.edu/dspc/legislative/teachkit/](http://www.lib.ncsu.edu/dspc/legislative/teachkit/)

**Teaching Copyright Curriculum:**

[www.teachingcopyright.org/](http://www.teachingcopyright.org/)

**Copyright Basics – The Video**

<http://66.151.191.157>

**Copyright Clearance Center:**

[www.copyright.com](http://www.copyright.com)

More specific and complete guidelines including the district policy and permission forms requesting duplication rights are available in your school library and on the internet at:

[www.psdschools.org](http://www.psdschools.org) (In the blue bar at top, choose *Schools > Media Centers and Libraries*. On left navigation bar, choose *Resources*.)

If you have questions, please call 490-3631.



Media & Instructional Technology  
Information Technology Center  
2413 LaPorte Avenue  
Fort Collins, CO 80521  
970-490-3631  
[www.psdschools.org](http://www.psdschools.org)



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It's the law!

A Guide  
for Poudre  
School  
District  
Employees

1. Association of Research Libraries (c) 2007.

## Photocopying

A teacher may make one copy of an article, chapter, chart or picture from a book or one short story, poem or essay from an anthology or collection for his/her own research or for preparation for or use in teaching. (That one copy may be a transparency.) All sources must be credited and display the copyright notice.

*Music may only be copied in an emergency* when not available for an eminent performance. A section or movement may be copied for practice purposes, but in no case more than 10 percent of the work.

Multiple copies for a class may only be made if you can answer yes to **all** of the following three tests:

### 1. Is it a brief part of the work? *Test for brevity:*

**Book:** 1,000 words or 10% of the book, whichever is less

**Short story, essay:** 2,500-word excerpt or one story from an anthology or collection

**Poetry:** 250-word excerpt or one poem

**Periodicals:** 2,500-word excerpt or one poem

**Cartoons, charts, pictures:** one per book

**Speeches:** one per book

### 2. Is the copying spontaneous? *Test for spontaneity:*

- The teacher's inspiration/decision to use the work or the moment of its use for maximum teaching effectiveness would not allow him/her time to request permission or purchase the material.

- The copying is only for that individual teacher.

### 3. Is the copying limited (has no cumulative effect)?

*Test for cumulative effect:*

- Copies are made for only one course in the school.
- The works of one author are copied only once during the term.
- The works from the same collection or periodical are copied only three times during the term.
- There are no more than nine instances of multiple copying for one course during one class term.

## Video and Off-Air Recording

Off-air recordings may not be altered or electronically combined and may only be retained for 45 days from the recording date. They may be used once by the teacher and

repeated once for instructional reinforcement during the first 10 school days in the 45-day retention period.

Unless rated and labeled unrestricted for educational use, broadcasts cannot be recorded more than once for the same teacher, regardless of the number of times the program is broadcast. A limited number of copies from each off-air recording may be provided to other teachers making the request. However, requesting teachers must meet the same restrictions of retention and use.

Discs labeled "For Home Use Only" may be used if part of face-to-face teaching activities but may not be used for entertainment or reward purposes.

## Downloaded Digital Media

Purchased media (i.e., iTunes including podcasts) is licensed for individual use only, however playback of media in the classroom falls within Fair Use. Do not assume that purchased media or even "free" podcasts can be reused, remixed or reposted online without restrictions. Also, do not "republish" copyrighted music/vidoes in their entirety on the internet.

As many online video sites contain a mixture of copyrighted and non-copyrighted materials, it is up to the teacher to determine if and what kind of use is permitted.

Many forms of data and media can be legally exchanged but downloading/uploading copyrighted materials using Peer-to-Peer (P2P) file-sharing software is not permitted.

## Computer Software

A person may make a backup copy of a program (that he or she owns) for archival purposes only, but may only use the program if the original is destroyed and only until it can be replaced. A program intended for single use may only be loaded on a single computer. Contracts that come with CDs and downloaded software must be adhered to.

## Multimedia/Online Instruction

Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia and online programs for their own teaching tools in support of curriculum-based instructional activities. These multimedia materials may be used:

- in face-to-face instruction
- for assignment to students for directed self-study
- for remote instruction to students over a secure electronic network provided there are technological limits such as password or PIN to access the materials
- for presentation to peers at workshops or conferences

These multimedia productions may be used for up to two years after the first instructional use with a class. After two years, permission is required for each copyrighted portion incorporated in the production. Only a limited number of copies may be made of a multimedia project (generally two). Sources must be credited on the opening screen of the production.

The limitation for the amount of materials used in multimedia include:

**Text material:** up to 10% or 1,000 words, whichever is less of prose

**Motion media:** up to 10% or 3 minutes of a work, whichever is less

**Music, lyrics and music video:** up to 10% but no more than 30 seconds from an individual work

**Illustrations and photographs:** No more than 5 images by an artist or photographer and no more than 10% or 15 images from a collective work

**Numerical data sets:** up to 10% or 2,500 fields or cell entries, whichever is less

In 2002, the Technology, Education and Copyright Harmonization Law allowed the use of copyrighted materials in digital distance courses. Materials used in distances education must be lawfully made or acquired:

- be an integral part of the class session directly related to the teaching
- have notice accompanying the work notifying the students that the work may be protected by copyright

Materials used under TEACH online instruction may not be copies of commercial works that are sold or licensed for purpose of digital distance education.