

Use of Copyrighted Educational Materials

Scenarios for Faculty

Generally, for items you wish to use for commercial or non-educational purposes, copyright permission must be obtained from the rights holder.

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Audio/Visual Materials

Music

May I set a PowerPoint presentation to music from a CD I purchased?

Yes, provided said use adheres to the four criteria of Fair Use. In the case of copyrighted music, up to 10%, but in no event more than 30 seconds of an individual musical arrangement may be used.

Images, Slides and Cartoons

The "Agreement of Guidelines for Classroom Copying in Not for Profit Educational Institutions," often referred to as the "Classroom Guidelines" uses the concepts of brevity, spontaneity and cumulative effect to illustrate a fair use. They suggest numerical limits as the minimum standards of educational fair use. Guidelines for illustrations or photographs state that for scholarly research or use in teaching or preparation to teach a class:

- No more than five images from one artist or photographer
- No more than 10% or 15 images, whichever is less, from a collection

It's also wise to cite and link to the original source.

Distance Education Caveat: Under the TEACH Act an educator may show images related to the curriculum as they would in a face-to-face classroom.

Can I use a photo from the National Library of Medicine web site, in a PowerPoint that I show to my biomedical students during class?

Some web sites have copyright statements or explanations how their images may be used, it is wise to seek out and review this information for each site that you choose to borrow images from. For instance, the National Library of Medicine allows use of many of their images, because they are in the public domain.

I photocopied a great New Yorker cartoon that I'd like to use in a conference presentation, is this okay to just scan and use?

For a conference or business presentation, permission should be obtained and/or purchased from the copyright owner.

See [The New Yorker's Site](#) devoted to licensing its cartoons

I have been using these slides for years in my class and would like to digitize them to upload to myWPI for my students.

Proposed guidelines state that educators may digitize lawfully acquired images (printed photo, slide, photographic prints) for viewing by students enrolled in a course unless a digital version is available for purchase at a fair price.

Movies, Television Programs, Online Multimedia & Music

May I show a movie in its entirety to my class?

Yes, if the following criteria are met:

- The film must be shown in a classroom or library by a non-profit institution
- The film must be shown by an instructor or student
- The film must be relevant to the course and part of a learning activity
- No admission fee may be charged
- The film must be a legally acquired copy

Distance Education Caveat: No, but you may show "limited and reasonable portions," of the film if the following criteria from Section 110(2) of the TEACH Act are met:

- The performance must be in "limited an reasonable portions," using only an amount comparable to that which is shared in a class session

- The instructor must ensure that only students enrolled in the course would have access to the copy
- The instructor must ensure that students could not make additional copies of the film
- The digitized film must be clearly labeled with a notice of copyright
- The digitized film must be made unavailable after the course concludes

I teach a class on the Vietnam War and would like to create an anthology of short, digital clips from several different movies of the time period of the war. May I do so?

No. The digitization of film and music clips to form an anthology for use in a course is a violation of Fair Use legislation. Posting the clips to a course website is also a violation of Fair Use legislation.

Distance Education Caveat: You may digitize "limited and reasonable portions" of a video or series of videos for distance learning students to view. The exact amount of material which may be digitized will vary depending upon the degree to which the intended use adheres to several conditions identified in Section 110(2) of the TEACH Act.

May I download an interactive simulation I saw online and post it to my course website for use by my students?

No, this would be a violation of criterion 2 and 3 of Fair Use legislation. Permission from the copyright owner should be sought. A safe solution would be to point students to the specific URL where the original simulation was found, provided it is on a public website.

May I tape and display a television program for students in class?

Yes, you may make limited use of a copyrighted work without permission for purposes of teaching and research, provided the program in question meets the following criteria:

- Only programs freely broadcast to the general public may be taped. This includes all programs broadcast to homes and schools. The guidelines do not apply to programs available only from cable television services such as Showtime, HBO, The Disney Channel, C-Span and ESPN
- The tape may be shown only during the first ten consecutive school days after it is made, and only in a classroom or similar place devoted to instruction
- The tape may not be altered in any way. For example, tapes may not be edited to create an anthology or compilation
- The tape must be destroyed within 45 days

May I put a dvd of a film that I copied on Reserve at the Library for the students in my class to view as an assignment?

Yes, but only if it is a legally produced copy. If copyright permission is required, it is your responsibility to obtain permission from the copyright owner.

Course Readings

Online Content, Discussion Boards

May I use archived comments posted by students to a discussion board as a model for new students taking the same course?

Maybe. No case law has been tested on this matter as of yet, but it is always advisable to ask permission from students to use their discussion board posts. Many faculty members choose to write a statement into the class syllabus addressing the issue of work ownership; such a statement may take a form comparable to this: "I, [student name], agree to assign the copyright in anything I produce whilst a student in [class name], to [university name]."

Online Content, Blogs/Wikis

May I reproduce comments posted to a blog for my students?

No. Ideas posted to a blog are considered to be a "collective work" in a tangible form, and are thus protected under copyright legislation. You should seek the express consent of the individual who posted the comments.

Books & Journal/Magazine Articles

Yes, single copies can be made, and multiple copies for students if they meet the tests of brevity and spontaneity outlined in the classroom guidelines.

For example, for 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.

Spontaneity means that the use of the item is so close in time that it would be unreasonable to expect a timely reply to a request permission. If you plan to reuse the item every semester however it is wise to begin the process of requesting copyright permission.

The library does subscribe to numerous databases with full text articles and electronic book repositories which can be linked to from myWPI course sites Full text articles from library databases should not be either copy & pasted or saved into myWPI course sites unless they meet tests of brevity and spontaneous use.

Guidelines also suggest including a copyright statement with information on the copy with information on the copyright owner. A full bibliographic citation is suggested.

Distance Education Caveat: Under the TEACH Act an educator should follow the same guidelines as they would in a face-to-face classroom.

Can I post a chapter of a textbook on my own web site or myWPI?

No, generally professors using textbook materials should request that the bookstore create a coursepack for students to purchase prior to the term. According to Circular 21: Reproductions of Copyrighted Works by Educators and Librarians:

1. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately.
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 and like consumable material.

Can I photocopy a book chapter from a book I decided to use this week for my students and hand them out in class?

Yes, it meets the spontaneity test (using it this week or too soon to obtain permission) and as long as it meets the tests of brevity, no more than 10% of the book. If you are reusing this content every term request permission.

Can I link to the full text of a book from myWPI?

Yes, if the book is purchased and available thru Netlibrary, ebrary, books24X7 or other online vendors, which WPI Gordon Library has paid subscriptions fees for accessing. Also, if the book is freely

accessible on the web.

If you are scanning or copying a portion of a book to post onto myWPI, it must meet the tests of brevity and spontaneity outlined in the classroom guidelines.

Articles

What do I do if I find an online reading during the semester that I want to give to my students?

Consider linking to the article in myWPI. See the library's guide to creating e-reading links, this way copyright is already addressed via our contract with database vendors that provide full text content. If it's a web site, check the web sites linking policy, you may be able to create a link directly to the reading from your myWPI course site.

Alternately, you could print the item and hand one copy to each student in your course if it meets the spontaneity test. If the item is on a web site where the content may not be accessible for more than a day (many web newspapers for instance) you could save it into your myWPI course site for the term. If you plan to reuse the item just found in future courses, request permission from the copyright holder.

I have a number of full text article readings that I want to give to my students instead of a textbook; can I just copy this and charge the students?

Guidelines indicate that this is not an acceptable practice, see Circular 21: Reproductions of Copyrighted Works by Educators and Librarians as it may have impact on copyright holders. If you are creating an anthology of self selected materials and listing the works on your syllabus, the general idea is that you would have time to at least initiate requesting copyright permission. The bookstore does this for you and passes the charges along to your students.

Fair use, however allows use of a various readings if they meet tests of brevity and spontaneity outlined in the classroom guidelines.

Can I post .pdf files of articles from websites and/or Library databases onto myWPI or my personal website?

For web sites, if usage meets the spontaneity test, you can save an article on your myWPI course site. If you plan to reuse next term, request permission.

Library databases are different, and it is suggested that you link to the article, see the guide on Creating Linked e-readings. However, since you are an educator, fair use guidelines apply to any legally obtained item.

Computer Software

I purchased a copy of a software package that several colleagues have expressed an interest in using. May I burn copies of the CD for them, or may I allow the software to be distributed over the University's network so that they may benefit from the application?

No. Freely distributing commercial software is detrimental to the financial standing of the copyright holder, and is thus a violation of Fair Use legislation. Permission should be sought from the copyright holder, or a personal copy of the software should be purchased. Freeware, however, may be freely distributed.