

130.110 – COPYRIGHT & FAIR USE POLICY

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POLICY

Under the U.S. Code, Title 17, the making of photocopies or other reproduction of copyrighted materials is controlled. Under certain conditions the law provides for photocopying or reproductions if the copy is not to be “used for any purpose other than private study, scholarship, or research.” This is termed “fair use.” If for any reason the person receiving a photocopy or reproduction later uses that copy for purposes other than “fair use”, that person may be held liable for copyright infringement. These guidelines, excerpted from *The New Copyright Law: Questions and Answers Teachers and Librarians ask* (National Education Association: Washington, D.C.) are provided as a general introduction to the copyright law as it pertains to classroom use of photocopies made from books and articles.

PROCEDURE

Single Copying for Students

A single copy of any of the following, by or for a student, at their individual request for their scholarly research or use for a class:

- A Chapter from a book; or an article from a periodical or newspaper; or a short story, short essay, or short poem, whether or not from a collective work.
- A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
- Multiple copies for classroom use:
 - Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the student’s use in a class for a discussion, provided that:
 - the copying meets the tests of brevity and spontaneity defined below;
 - and meets the cumulative effect test as defined below; and each copy includes a notice of copyright.

Brevity

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

Prose: Either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or ten percent of the work, whichever is less, but in any event a minimum of 500 words.

Each of these numerical limits 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.

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. 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 ten per cent of the words found in the text thereof, may be reproduced.

Spontaneity

The copying is at the instance and inspiration of the individual teacher, and the inspiration and decision to use the work and the moment 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 from the copyright holder.

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 no 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 term.

The limitations shall not apply to current news periodicals and newspapers and current news sections of other periodicals.