



COPYRIGHT MANUAL

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COPYRIGHT MANUAL

Statement of Purpose

The *Lafayette Parish School Board* recognizes the fluidity existing between the tenets of copyright and its academic mission. The introduction of the Fair Use Guidelines for Educational Multimedia further defines that relationship in specific instructional circumstances. This Copyright Handbook attempts to do three things: Articulate the *LPSS's* continuing copyright policy, amplify fair use in an educational setting, and introduce the new Fair Use Guidelines for Educational Multimedia.

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This copyright manual was prepared with the assistance of the University of Southwestern Louisiana's *Copyright Handbook* which was the guiding source for its adoption.

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Table of Contents

Statement of Purpose		1
Committee Members		1
I. Policy Statement		3
II. Fair Use		3
III. Guidelines for Copying of Print		
A. Copying of Published Materials		4
B. Other Types of Materials		5
IV. Guidelines for Copying of Music		
A. Permissible Uses		5
B. Prohibitions		5
V. Guidelines for Videotaping		
A. Home Use Only Videotapes		6
B. Instructional Television		6
C. Off-Air Recording		6
VI. Guidelines for Software		7
VII. Guidelines for the Internet		
A. Internet Acceptable Use Policy		8
B. Guidelines for Use of the Internet		8
VIII. Guidelines for Use of Copyrighted Material in Computer Labs and Web Page Application		
A. Obtain Permission		8
B. Release Form		8
C. Lab/Website Usage		9
IX. Fair Use Guidelines for Educational Multimedia Projects		
A. Introduction		9
B. Preparation of Educational Multimedia Projects		
Using Portions of Copyrighted Works		10
C. Permitted Uses of Educational Multimedia Projects		
Created Under these Guidelines		11
D. Limitations - Time, Portion, Copying and Distribution		11
E. Examples of When Permission is Required		13
F. Important Reminders		13
X. TEACH Act. (Technology, Education, and Copyright Harmonization Act. H.R.2215)		14
XI. Appendices		
A. Glossary		15
B. How to Obtain Permission		17
C. Copyright and Video		18
D. End Notes		19



Copyright Manual

POLICY FOR REPRODUCING COPYRIGHTED MATERIAL

I Policy Statement

The philosophy underlying any copyright procedure is the protection of an individual's creative, original work and the right of an author to determine uses of that work.

Copyright protects all original works, regardless of the media in which they are preserved or the reproduction technology used. Thus to copy, distribute, perform, display, sell, or create derivative works, for example, a drawing, photo, painting, sound recording, musical score, video production, dramatic presentation, computer software product, or any work that is closely derivative of an original work, can also infringe on the copyright, unless specifically allowed in writing by the copyright holder.

II Fair Use¹

The exception to the general prohibition of copying creative works is the doctrine of fair use (Section 107 of the Copyright Act). Neither the law nor jurisprudence has set specific guidelines for fair use. The following is the full text of that section:¹

*Section 107 of the Copyright Act of 1976
Limitations on Exclusive Rights: Fair Use*

Notwithstanding the provisions of the Sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phono records or by any other means specified in that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

In determining whether the use made of a work in any particular case is fair use the factors to be considered shall include:

1. *The **purpose and character** of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;*
2. *The **nature** of the copyrighted work;*
3. *The **amount and substantiality** of the portion used in relation to the copyrighted work as a whole; and*
4. *The **effect of the use** upon the potential market or value of the copyrighted work.*

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors. [Emphasis added]

Determination of whether fair use applies in a particular case is the responsibility of the individual school employee. If permission is sought from the authors/publishers, and is refused, and the school employee believes fair use should apply, he or she should seek advice from the appropriate LPSB liaison officer. If it is determined that fair use does apply and the school employee is later sued, the District will provide counsel and indemnity. If it is determined that fair use does not apply and the school employee proceeds with the copying on his/her own, then, the District will not provide counsel or indemnity if the employee is sued.



Copyright Manual

III Guidelines for Copying of Print ²

A. Copying of Published Materials

1. Single Copying for Teachers--a single copy may be made of any of the following by or for a teacher at his or her individual request for use in teaching or preparation to teach a class:
 - a. A chapter from a book;
 - b. An article from a periodical or newspaper;
 - c. A short story, short essay, or short poem, whether or not from a collective work;
 - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.
2. 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 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.
3. Definitions
 - a. 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 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.
 - 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. As stated in above section, *Prose*, 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:
 1. The copying is at the instance and inspiration of the individual teacher, and
 2. 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 to copy.
 - c. Cumulative Effect:
 1. The copying of the material is for only one course in the school in which the copies are made
 2. 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.
 3. There shall not be more than nine instances of such multiple copying for one



Copyright Manual

course during one academic year.

[The limitations stated in above section on Cumulative Effect shall not apply to current news sections of other periodicals.]

4. **Prohibitions** as to above examples of this section Cumulative Effect:

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.
- b. 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.
- c. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals.
- d. Copying shall not be directed by higher authority.
- e. Copying shall not be repeated with respect to the same item by the same teacher from year to year.
- f. Copying shall not result in a charge to the student beyond the actual cost of the copying.

B. Other Types of Materials

These guidelines have dealt particularly with copies of published materials, the most common application for copyright procedures, but permission to copy other types of original works, regardless of the means of reproduction or distribution of these works, must also be obtained from the copyright holder. Questions concerning copyright policies for the District should be referred to the appropriate LPSB liaison officer.

IV Guidelines for Copying of Music²

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, single or 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 percent 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 exists.
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.
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 that may exist in the sound recording.)
6. The making of a single copy or phonorecord by an individual as a free service for blind persons would properly be considered a fair use under Section 107.

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 of teaching such as workbooks, exercises, standardized tests and answer sheets, and like material.
3. Copying for the purpose of performance, except as in A1 above.



Copyright Manual

4. Copying for the purpose of substituting for the purchase of music, except as in A 1 and A 2 above.
5. Copying without inclusion of the copyright notice, which appears on the printed copy.

V Guidelines for Videotaping

A. Home Use Only Videotapes

Under certain conditions, purchased or rented pre-recorded video programs may be used in the classroom. See **Statute Title 17, U.S. Code, Section 110**. This section allows teachers to use (perform) such a video without a public performance license (which is normally required whenever a video is shown outside the home). The conditions that must be satisfied are:

1. The use must take place in a non-profit educational institution.
2. The use must occur in a classroom or similar place devoted to instruction.
3. The use must be part of a regularly scheduled course (thus ruling out extra curricular or recreational use).
4. The use must be exclusively by the instructor and the students in the classroom, in the course of face-to-face teaching activities.
5. The video must be a lawfully made copy.
6. There is no charge for viewing the video, unless specifically allowed through contractual agreement negotiated through the Lafayette Parish School Board legal counsel.

B. Instructional Television (ITV)

Louisiana Public Broadcasting (LPB) funds the airing, unless otherwise noted, of instructional television series (ITV) to supplement the K-12 curriculum. All series have school year taping rights, unless otherwise noted, and a complete listing of titles and descriptions can be found in the *LPB Directory of Educational Services* under the section: **Instructional Television**.

Additionally, each instructor is responsible for noting the terms of copyright for each series contained in the *LPB Directory of Educational Services*. LPB airs other programs that adhere to other terms of copyright. Teachers are responsible for the guidelines in the *LPB Directory of Educational Services*.

C. Off-Air Recording ⁴

GUIDELINES FOR OFF-AIR RECORDING OF BROADCAST PROGRAMMING FOR EDUCATIONAL PURPOSES

In March of 1979, Congressman Robert Kastenmeier, Chairman of the House Subcommittee on Courts, Civil Liberties and the Administration of Justice, appointed a Negotiating Committee consisting of representatives of education organizations, copyright proprietors, and creative guides and unions.

The following guidelines reflect the Negotiating Committee's consensus as to the application of fair use to the recording, retention, and use of television broadcast programs for educational purposes. They specify periods of retention and use of such off-air recordings in classrooms and similar places devoted to instruction and for homebound instruction. The purpose of establishing these guidelines is to provide standards for both owners and users of copyrighted television programs.

1. The guidelines were developed to apply only to off-air recording by non-profit educational institutions.



Copyright Manual

2. 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 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. (This includes the re-broadcast of television programs by the cable company. It does *not* include the pay-for-view channels such as HBO, Showtime, Cinemax, etc.)
3. 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 10 consecutive school days in the 45 calendar day retention period. School days are school session days--not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions--within the 45 calendar day retention period.
4. 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.
5. 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.
6. After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes, ie., 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 nonevaluation purpose without authorization.
7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from the original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
8. All copies of off-air recordings must include the copyright notice on the broadcast program recorded.
9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

VI Guidelines for Software⁴

Reproduction or Decompilation of Copyrighted Computer Programs

Educators and students should be aware that making fair use copies of computer software is permissible if:

1. Such a copy is for archival purposes only, unless otherwise specified.
2. Such a copy is created as an exclusive and essential step in the installation of the computer program and is used in no other manner.

Additionally, the decompilation of copyrighted computer programs and portions thereof, for example, the transfer of underlying code or control mechanisms, even for educational uses, is outside the scope of these guidelines.



Copyright Manual

VII Guidelines for the Internet

A. Internet Acceptable Use Policy

The policy of the Lafayette Parish School Board is to encourage use of the Internet to enhance learning and teaching activities. Teachers and systems administrators have the responsibility to monitor student use of this vast resource. Students must assume the responsibility for using Internet resources in accordance with parish guidelines. Such use shall be consistent with the philosophy, goals, and objectives of the Lafayette Parish Schools.

B. Guidelines for Use of the Internet

1. Statement of Purpose

The Internet is a vast global computer network that provides access to major universities around the world, government agencies, other school systems, and commercial providers of data banks. Acceptable use of these resources shall be consistent with the philosophy, goals, and objectives of the Lafayette Parish Schools.

Exploration of the Internet is encouraged, but with rights and privileges come responsibility. Any use of the network that adversely affects its operation in pursuit of teaching and learning or jeopardizes its use or performance for other community members is prohibited and may result in loss of network privileges.

2. User Responsibilities

- a. Adhere to federal statutes on intellectual property for all agreements and copyright matters when accessing material.
- b. Any use of the Internet for personal profit or any illegal activities is prohibited.

VIII Guidelines for Use of Copyrighted Material in Computer Labs and for Web Page Applications

The legal logic underlying copyright applications for educational purposes for traditional print and non print are the same for applications pertaining to the educational use of copyrighted materials in computer labs and for web page applications. The exclusive rights of the copyright holder protect all original works, regardless of the media in which works were created, preserved and reproduced. The exclusive rights include the copying, distribution, sale or rental, performance, display, and creation of derivative works. As examples, a drawing, photograph, painting, sound recording, musical score, video production, dramatic presentation, photocopy, computer software product, or any similar medium that is closely derivative of the original work may also infringe on the copyright, unless specifically allowed, in writing, by the copyright holder. The following guidelines are provided for use when needs arise pertaining to copyrighted materials to be used in computer labs and/or use in web page applications.

A. Obtain Permission

Faculty and staff, making the request for use of copyrighted materials for use in computer labs and/or for web site distribution, must obtain written permission for the copyright holder, for the use intended, or must obtain, through appropriate School System channels, licensing agreements For this use. The faculty member is responsible for maintaining the written permissions, unless specified by one's department head, director of dean. Licensing agreements should be kept and maintained by the appropriate department head, director or dean.

B. Release Form

Faculty or staff, wishing to have copyrighted material included for distribution within a computer lab and/or for web site distribution, must sign in full signature a Release Form, and have the appropriate department, director, or dean, also with full signature, sign the same form.



Copyright Manual

C. Lab/Web Site Usage

Materials which are copyrighted, may be included for computer lab and/or web site distribution, only if they are accompanied by a fully completed Release Form, the original, signed and completed copy of the Release Form shall remain with the appropriated administrative or supervisory person, administering the computer lab and/or the course of activity sponsoring the web site.

IX. Fair Use Guidelines for Educational Multimedia

A. Introduction

1.1 Preamble

Fair use is a legal principle that provides certain limitations on the exclusive rights** of copyright holders. The purpose of these guidelines is to provide guidance on the application of fair use principles by educators, scholars and students who develop multimedia projects using portions of copyrighted works under fair use rather than by seeking authorization for noncommercial educational uses. These guidelines apply only to fair use in the context of copyright and to no other rights.

There is no simple test to determine what is fair use. Section 107 of the Copyright Act sets forth the four fair use factors that should be considered in each instance, based on particular facts of a given case, to determine whether a use is a fair use: (1) the purpose and character of use, including whether such use is of a commercial nature or is for nonprofit educational purposes, (2) the nature of the copyrighted work, (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole, and (4) the effect of the use upon the potential market for or value of the copyrighted work.

While only the courts can authoritatively determine whether a particular use is fair use, these guidelines represent a consensus of conditions, under which fair use should generally apply, and examples of when permission is required. Uses that exceed these guidelines may or may not be fair use. The participants in creating these Guidelines also agree that the more one exceeds these guidelines, the greater the risk that fair use does not apply.

The limitations and conditions set forth in these guidelines do not apply to works in the public domain -- such as U.S. Government works or works on which copyright has expired, for which there are no copyright restrictions -- or to works for which the individual or institution has obtained permission for the particular use. Also, license agreements may govern the uses of some works, and users should refer to the applicable license terms for guidance.

*These Guidelines shall not be read to supersede other preexisting education fair use guidelines that deal with the Copyright Act of 1976.

**See Section 106 of the Copyright Act.

***The Copyright Act of 1976, as amended, is codified at 17 U.S.C. Sec.101 et seq. the users of copyrighted material and also from the standpoint of copyright owners.

The participants who developed these guidelines met for an extended period of time and the result represents their collective understanding in this complex area. Because digital technology is in a dynamic phase, there may come a time when it is necessary to review the guidelines. Nothing in these guidelines shall be construed to apply to the fair use privilege in any context outside of educational and scholarly uses of educational multimedia projects.

This Preamble is an integral part of these guidelines and should be included whenever the guidelines are reprinted or adopted by organizations and educational institutions. Users are encouraged to reproduce and distribute these guidelines freely without permission; no copyright protection of these guidelines is claimed by any person or entity.



Copyright Manual

1.2 Background

These guidelines clarify the application of fair use of copyrighted works as teaching methods are adapted to new learning environments. Educators have traditionally brought copyrighted books, videos, slides, sound recordings, and other media into the classroom, along with accompanying projection and playback equipment. Multimedia creators integrated these individual instructional resources with their own original works in a meaningful way, providing compact educational tools that allow great flexibility in teaching and learning. Material is stored so that it may be retrieved in a nonlinear fashion, depending on the needs or interests of learners. Educators can use multimedia projects to respond spontaneously to students' questions by referring quickly to relevant portions. In addition, students can use multimedia projects to pursue independent study according to their needs or at a pace appropriate to their capabilities. Educators and students want guidance about the application of fair use principles when creating their own multimedia projects to meet specific instructional objectives.

1.3 Applicability of These Guidelines

(Certain basic terms used throughout these guidelines are identified in bold and defined in this section.)

These guidelines apply to the use, without permission, of portions of lawfully acquired copyrighted works in educational multimedia projects that are created by educators or students as part of a systematic learning activity by nonprofit educational institutions. **Educational multimedia projects**, created under these guidelines, incorporate students' or educators' original material, such as course notes or commentary, together with various copyrighted media formats including but not limited to, motion media, music, text material, graphics, illustrations, photographs, and digital software that are combined into an integrated presentation. **Educational institutions** are defined as nonprofit organizations whose primary focus is supporting research and instructional activities of educators and students for noncommercial purposes.

For the purposes of these guidelines **educators include** faculty, teachers, instructors, and others who engage in scholarly, research and instructional activities for educational institutions. The copyrighted works used under these guidelines are **lawfully acquired** if obtained by the institution or individual through lawful means such as purchase, gift, or license agreement, but not pirated copies. Educational multimedia projects, which incorporate portions of copyrighted works, under these guidelines may be used only for **educational purposes** in systematic learning activities, including use in connection with non-commercial curriculum-based learning and teaching activities by educators to students enrolled in courses at nonprofit educational institutions or otherwise permitted under Section 3. While these guidelines refer to the creation and use of educational multimedia projects, readers are advised that in some instances other fair use guidelines, such as those for off-air taping, may be relevant.

B. PREPARATION OF EDUCATIONAL MULTIMEDIA PROJECTS USING PORTIONS OF COPYRIGHTED WORKS

These uses are subject to the Portion Limitations listed in Section 4. They should include proper attribution and citation as defined in Sections 6.2

2.1 By Students

Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.

2.2 By Educators for Curriculum-Based Instruction

Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for their own teaching tools in support of curriculum-based instructional activities at educational institutions.



Copyright Manual

C. PERMITTED USES OF EDUCATIONAL MULTIMEDIA PROJECTS CREATED UNDER THESE GUIDELINES.

Uses of educational multimedia projects created under these guidelines are subject to the Time, Portion, Copying, and Distribution Limitations listed in Section 4.

3.1 Student Use

Students may perform and display their own educational multimedia projects created under Section 2 of these guidelines for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.

3.2 Educator Use for Curriculum-Based Instruction

Educators may perform and display their own educational multimedia projects created under Section 2 for curriculum-based instruction to students in the following situations:

3.2.1 for face-to-face instruction,

3.2.2 for assignments for students' for directed self-study,

3.2.3 for remote instruction to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution's secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material.

If the educational institution's network or technology used to access the educational multimedia project created under Section 2 of these guidelines cannot prevent duplication of copyrighted material, students or educators may use the multimedia educational projects over an otherwise secure network for a period of only 15 days after its initial real-time remote use in the course of instruction or 15 days after its assignment for directed self-study. After that period, one of the two use copies of the educational multimedia project may be placed on reserve in a learning resource center, library, or similar facility for on-site use by students enrolled in the course. Students shall be advised that they are not permitted to make their own copies of the educational multimedia project.

3.3 Educator Use for Peer Conferences

Educators may perform or display their own educational multimedia projects created under Section 2 of these guidelines in presentations to their peers, for example, at workshops and conferences.

3.4 Educator Use for Professional Portfolio

Educators may retain educational multimedia projects created under Section 2 of these guidelines in their personal portfolios for later personal uses, such as tenure review or job interviews.

D. LIMITATIONS - TIME, PORTION, COPYING, AND DISTRIBUTION

The preparation of educational multimedia projects incorporating copyrighted works under Section 2, and the use of such projects under Section 3, are subject to the limitations noted below.

4.1 Time Limitations

Educators may use their educational multimedia projects created for educational purposes under Section 2 of these guidelines for teaching courses, for a period of up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated in the production. Students may use their educational multimedia projects as noted in Section 3.1.



Copyright Manual

4.2 Portion Limitations

Portion limitations mean the amount of a copyrighted work that can reasonably be used in educational multimedia projects under these guidelines regardless of the original medium from which the copyrighted works are taken. **In the aggregate** means the total amount of copyrighted material from a single copyrighted work that is permitted to be used in an educational multimedia project without permission under these guidelines. These limitations apply cumulatively to each educator's or student's multimedia project(s) for the same academic semester, cycle, or term. All students should be instructed about the reasons for copyright protection and the need to follow these guidelines. It is understood, however, that students in kindergarten through grade six may not be able to adhere rigidly to the portion limitations in this section in their independent development of educational multimedia projects. In any event, each such project retained under Sections 3.1 and 4.3 should comply with the portion limitations in this section.

4.2.1 Motion Media

Up to 10% or three minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 2 of these guidelines.

4.2.2 Text Material

Up to 10% or 1000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 2 of these guidelines. An entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used, but no more than three excerpts by a poet, or five excerpts by different poets from a single anthology may be used.

4.2.3 Music, Lyrics, and Music Video

Up to 10%, but in no event more than 30 seconds, of the music and lyrics from an individual musical work (or in the aggregate of extracts from an individual work), whether the musical work is embodied in copies, or audio, or audiovisual works, may be reproduced or otherwise incorporated as a part of a multimedia project created under Section 2. Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

4.2.4 Illustrations and Photographs

The reproduction or incorporation of photographs and illustrations is more difficult to define with regard Fair use because fair use usually precludes the use of an entire work. Under these guidelines a photograph or illustration may be used in its entirety, but no more than five images by an artist or photographer may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 2. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 2.

4.2.5 Numerical Data Sets

Up to 10% or 2500 fields or cell entries, whichever is less, from a copyrighted database or data table may be reproduced or otherwise incorporated as part of an educational multimedia project created under Section 2 of these guidelines. A field entry is defined as a specific item of information, such as a name or Social Security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

4.3 Copying and Distribution Limitations

Only a limited number of copies, including the original, may be made of an educator's educational multimedia project. For all of the uses permitted by Section 3, there may be no more than two use copies, only one of which may be placed on reserve as described in Section 3.2.3.

An additional copy may be made for preservation purposes, but may only be used or copied to replace a use



Copyright Manual

copy that has been lost, stolen, or damaged. In the case of a jointly created educational multimedia project, each principal creator may retain one copy, but only for the purposes described in Sections 3.3 and 3.4 for educators and in Section 3.1 for students.

E. EXAMPLES OF WHEN PERMISSION IS REQUIRED

5.1 Using Multimedia Projects for Non-Educational or Commercial Purposes

Educators and students must seek individual permissions (licenses) before using copyrighted works in educational multimedia projects for commercial reproduction and distribution.

5.2 Duplication of Multimedia Projects Beyond Limitations Listed in These Guidelines

Even for educational uses, educators and students must seek individual permissions for all copyrighted works incorporated in their personally created educational multimedia projects before replicating or distributing beyond the limitations listed in Section 4.3.

5.3 Distribution of Multimedia Projects Beyond Limitations Listed in These Guidelines

Educators and students may not use their personally created educational multimedia projects over electronic networks, except for uses as described in Section 3.2.3, without obtaining permissions for all copyrighted works incorporated in the program.

F. IMPORTANT REMINDERS

6.1 Caution in Downloading Material from the Internet

Educators and students are advised to exercise caution in using digital material downloaded from the Internet in producing their own educational multimedia projects, because there is a mix of works protected by copyright and works in the public domain on the network. Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment and, furthermore, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

6.2 Attribution and Acknowledgment

Educators and students are reminded to credit the sources and display the copyright notice and copyright ownership information if this is shown in the original source, for all works incorporated as part of educational multimedia projects prepared by educators and students, including those prepared under fair use. Crediting the source must adequately identify the source of the work, giving a full bibliographic description where available (including author, title, publisher, and place and date of publication). The copyright ownership information includes the copyright notice (c), year of first publication, and name of the copyright holder.

The credit and copyright notice information may be combined and shown in a separate section of the educational multimedia project, (e.g. credit section) except for images incorporated into the project for the uses described in Section 3.2.3. In such cases, the copyright notice and the name of the creator of the image must be incorporated into the image when and to the extent such information is reasonably available; credit and copyright notice information is considered "incorporated" if it is attached to the image file and appears on the screen when the image is viewed. In those cases when displaying source credits and copyright ownership information on the screen with the image would be mutually exclusive with an instructional objective (e.g. during examinations in which the source credits and/or copyright information would be relevant to the examination questions), those images may be displayed without such information being simultaneously displayed on the screen. In such cases, this information should be linked to the image in a manner compatible with such instructional objectives.



Copyright Manual

6.3 Notice of Use Restrictions

Educators and students are advised that they must include on the opening screen of their multimedia project and any accompanying print material a notice that certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the educational multimedia fair use guidelines and are restricted from further use.

6.4 Future Uses Beyond Fair Use

Educators and students are advised to note that if there is a possibility that their own educational multimedia project incorporating copyrighted works under fair use could later result in broader dissemination, whether or not as a commercial product, it is strongly recommended that they take steps to obtain permissions during the development process for all copyrighted portions rather than waiting until after completion of the project.

6.5 Integrity of Copyrighted Works: Alterations

Educators and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Educators and students are advised to note that alterations have been made.

6.6 Reproduction or Decompilation of Copyrighted Computer Programs

Educators and students should be aware that reproduction or decompilation of copyrighted computer programs and portions thereof, for example the transfer of underlying code or control mechanisms, even for educational uses, are outside the scope of these guidelines.

6.7 Licenses and Contracts

Educators and students should determine whether specific copyrighted works, or other data or information, are subject to a license or contract. Fair use and these guidelines shall not preempt or supersede licenses and contractual obligations.

X. TEACH Act (Technology, Education, and Copyright Harmonization Act, H.R. 2215)

All employees are strongly encouraged to limit the amounts of analog materials they convert to digital formats for all Learning Management Systems (BlackBoard). Employees are cautioned to ascertain that digital versions of these materials are not readily available, prior to conversion.

All employees who are Learning Management System Administrators (BlackBoard Administrators), are hereby directed that a statement should appear on the home page of each course. This statement should caution students that materials contained in the course might be subject to copyright protection.

XI. Appendices

Appendix A

GLOSSARY

<i>Aria</i>	An accompanied extended and usually elaborate melody sung by a single voice (as in an opera or oratorio).
<i>Broadcast programs</i>	Television programs transmitted by television stations for reception by the general public without charge. These may include some cable programming that is retransmitted, but not pay-for-view programs such as HBO, Showtime, Cinemax, etc.
<i>Cell entry</i>	The intersection where a row and a column meet on a spreadsheet.
<i>Consumable</i>	Those educational products that are intended to be used completely during one course of study or teaching, such as workbooks, exercise sheets, standardized tests and answer sheets and like materials.
<i>Decompilation</i>	The transfer, alteration, and/or unauthorized use of a computer code--the program instruction encoded in a particular programming language.
<i>Download</i>	Copy data from a remote computer to a local computer.
<i>Education al institutions</i>	Nonprofit organization whose primary focus is supporting research and instructional activities of educators and students for noncommercial purposes.
<i>Educational multimedia</i>	Projects created by educators or students as part of a systematic <i>projects</i> learning activity by nonprofit educational institutions. These may incorporate students' or educators' original materials, such as course notes or commentary, together with various copyrighted media formats, including but not limited to, motion media, text materials, graphics, illustrations, photographs, and digital software, combined into an integrated presentation.
<i>Educators</i>	Faculty, teachers, instructors, and others who engage in scholarly research and instructional activities for educational institutions.
<i>Face-to-face instruction</i>	Instruction between educator(s) and student(s) in the same building or general area, including remote instruction to students enrolled in curriculum-based courses and located at remote sites.
<i>Field entry</i>	A specific item of information, such as a name, in a record of a database file.
<i>Higher authority</i>	In an educational setting, a supervisor, principal, assistant principal, or any person in authority.
<i>Home-use only</i>	Use of a commercially prepared video only in a home setting.
<i>In the aggregate</i>	The total amount of copyrighted material from a single copyrighted work that is permitted to be used without permission under <i>Fair Use Guidelines for Educational Multimedia</i> .
<i>Lawfully acquired</i>	Works obtained by institutions or individuals through lawful means such as purchase, gift, or license agreement.

<i>Off-air recording</i>	Those programs recorded from television transmission intended for the general public without charge.
<i>Pay-for-view</i>	Television broadcasts intended for use by the paying public only.
<i>Royalty payment</i>	A payment to the owner for permitting another to use a property (such as a play or other copyrighted work).
<i>Supersede</i>	To take the place of.
<i>Tenet</i>	Principle, belief, or doctrine generally held to be true.
<i>Use copies</i>	Those copies that were allowed to be made and then used.

APPENDIX B

HOW TO OBTAIN PERMISSION

(This is a sample for use of copyrighted print material, but the same guidelines apply to other types of media.)

When a proposed use of photocopied material requires a school employee to request permission, communication of complete and accurate information to the copyright owner will facilitate the request. The Association of American Publishers suggests that the following information be included to expedite the process:

1. title, author and/or editor, and edition of materials to be duplicated;
2. exact material to be used, giving amount, page numbers, chapters and, if possible, a photocopy of the materials;
3. number of copies to be made;
4. use to be made of duplicated materials;
5. form of distribution (classroom, newsletter, etc.);
6. whether or not the materials are to be sold; and
7. type of reprint (ditto, photocopy, offset, typeset).

The request should be sent, together with a self-addressed return envelope, to the permission's department of the publisher in question. If the address of the publisher does not appear at the front of the material, it may be obtained from The Literacy Marketplace (for Books) or Ulrich's International Periodicals (for Journals), both published by the R. R. Bowker Company. For purposes of proof, and to define the scope of the permission, it is important that the permission be in writing.

The process of considering permission requests requires time for the publisher to check the status and ownership of rights and related matters, and to evaluate the request. It is advisable, therefore, to allow sufficient lead time. In some instances, the publisher may assess a fee for permission, which may be passed on to students who receive copies of the photocopied material.

The following is a sample letter to a copyright owner (usually a publisher) requesting permission to **copy**:

Material Permission's Department
Hypothetical Book Company
500 East Avenue
Chicago, IL 60601

Dear Sir/Madam:

I would like permission to copy the following for use in my class next semester:

Title:	Knowledge is Good, Second Edition. Author: Frances Jones.
Copyright:	Hypothetical Book Co., 1965, 1971.
Material to be duplicated:	Chapter 10 (photocopy enclosed). Number of copies: 50
Distribution:	The material will be distributed to students in my class, and they will pay only the cost of the photocopying.
Type of reprint:	Photocopy
Use:	The chapter will be used as supplementary teaching materials.

I have enclosed a self-addressed envelope for your convenience in replying to this request.

Sincerely,

School employee

Appendix C

COPYRIGHT AND VIDEO

INSTRUCTIONAL TELEVISION (ITV)

Louisiana Public Broadcasting (LPB) funds the airing of more than one hundred ITV programs in many subject areas, Monday through Friday. A complete listing of programs is available in the LPB *Directory of Educational Services*. Every teacher should have received a copy of this booklet from the librarian.

Librarians may tape the ITV programs, schedule their use and abide by the taping rights (copyright) as outlined by Louisiana Public Broadcasting. All instructional television series have school year taping rights.

OFF-AIR TAPING

Whenever a television program which is NOT on the ITV schedule is taped (for example: channel 2, 5, 11, etc.), it falls under the "Guidelines on Fair Use of Off-Air Recording." In brief:

- ⊖ The recordings must be made by non-profit educational institutions (schools) and must be used for instructional purposes only, not entertainment.
- ^ The tapes may be shown to students up to ten school days after the date of recording. This means a school may not retain indefinitely such programs as NOVA, Masterpiece Theater, National Geographic Specials, after school specials, etc.
- ∨ Schools may not show tapes of programs recorded from Showtime, Cinemax, Movie Channel, HBO, or Disney Channel as these are considered "PAY-FOR-VIEW."

"HOME USE ONLY" TAPES"

If a school shows a video (purchased, rented, borrowed) bearing the warning label "For Home Use Only," according to Statute Title 17, U.S. Code section 110, *it is permissible* to use the tape if it's for *face-to-face instruction* with students and *not for entertainment*.

Additionally, please observe these guidelines when using "Home Use Only" tapes:

- ⊖ Be conscious of "rating"
- ^ Do not charge admission
- ∨ Do not make a copy

Appendix D

End Notes

1. 17 USC: 107.
2. Circular 21, *Reproduction of Copyrighted Works by Educators*. Washington: Copyright Office, Library of Congress, 1992, pp. 10-12.
3. *Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes*, Congressional Record, October 14, 1981, Vol. 127, No. 145, p. E4751.
4. Copyright Act of 1976, as amended by the Computer Software Copyright Act of 1980, 17 USC: 101, et seq.
5. See Nonlegislative report of the subcommittee on Courts and Intellectual Property Committee of the Judiciary, United States House of Representatives, Sept. 27, 1996.
6. Crews, K.D. (2003). New copyright law for distance education: the meaning and importance of the teach acts. Retrieved 05 16, 2005 from American Library Association Web site:
<http://www.ala.org/ala/washoff/WOissues/copyrightb/distanced/Default3685.htm>.

