



# Copyright and Fair Use

## Guidelines for Schools, Teachers, and the Classroom

Medium	Specifics	What you can do	The Fine Print
Printed Material (short)	<ul style="list-style-type: none"><li>Poem less than 250 words; 250-word excerpt of poem greater than 250 words</li><li>Articles, stories, or essays less than 2,500 words</li><li>Excerpt from a longer work (10 percent of work or 1,000 words, whichever is less)</li><li>One chart, picture, diagram, or cartoon per book or per periodical issue</li><li>Two pages (maximum) from an illustrated work less than 2,500 words, e.g., a children's book</li></ul>	<ul style="list-style-type: none"><li>Teachers may make multiple copies for classroom use, and incorporate into multimedia for teaching classes.</li><li>Students may incorporate text into multimedia projects.</li></ul>	<ul style="list-style-type: none"><li>Copies may be made only from legally acquired originals.</li><li>Only one copy allowed per student.</li><li>Teachers may make copies in nine instances per class per term.</li><li>Usage must be "at the instance and inspiration of a single teacher," i.e., not a directive from the district.</li><li>Don't create anthologies.</li><li>"Consumables," such as workbooks, may not be copied.</li></ul>
Printed Material (archives)	<ul style="list-style-type: none"><li>An entire work</li><li>Portions of a work</li><li>A work in which the existing format has become obsolete, e.g., a document stored on a Wang computer</li></ul>	<ul style="list-style-type: none"><li>A librarian may make up to three copies "solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen."</li></ul>	<ul style="list-style-type: none"><li>Copies must contain copyright information.</li><li>Archiving rights are designed to allow libraries to share with other libraries one-of-a-kind and out-of-print books.</li></ul>
Illustrations and Photographs	<ul style="list-style-type: none"><li>Photograph</li><li>Illustration</li><li>Collections of photographs</li><li>Collections of illustrations</li></ul>	<ul style="list-style-type: none"><li>Single works may be used in their entirety, but no more than five images by a single artist or photographer may be used.</li><li>From a collection, not more than 15 images or 10 percent (whichever is less) may be used.</li></ul>	<ul style="list-style-type: none"><li>Although older illustrations may be in the public domain and don't need permission to be used, sometimes they're part of a copyright collection. Copyright ownership information is available at <a href="http://www.loc.gov">www.loc.gov</a> or <a href="http://www.mpa.org">www.mpa.org</a>.</li></ul>
Video (for viewing)	<ul style="list-style-type: none"><li>Videotapes (purchased)</li><li>Videotapes (rented)</li><li>DVDs</li><li>Laserdiscs</li></ul>	<ul style="list-style-type: none"><li>Teachers may use these materials in the classroom.</li><li>Copies may be made for archival purposes or to replace lost, damaged, or stolen copies.</li></ul>	<ul style="list-style-type: none"><li>The material must be legitimately acquired.</li><li>Material must be used in a classroom or nonprofit environment "dedicated to face-to-face instruction."</li><li>Use should be instructional, not for entertainment or reward.</li><li>Copying OK only if replacements are unavailable at a fair price or in a viable format.</li></ul>
Video (for integration into multimedia or video projects)	<ul style="list-style-type: none"><li>Videotapes</li><li>DVDs</li><li>Laserdiscs</li><li>Multimedia encyclopedias</li><li>QuickTime Movies</li><li>Video clips from the Internet</li></ul>	<ul style="list-style-type: none"><li>Students "may use portions of lawfully acquired copyright works in their academic multimedia," defined as 10 percent or three minutes (whichever is less) of "motion media."</li></ul>	<ul style="list-style-type: none"><li>The material must be legitimately acquired (a legal copy, not bootleg or home recording).</li><li>Copyright works included in multimedia projects must give proper attribution to copyright holder.</li></ul>
Music (for integration into multimedia or video projects)	<ul style="list-style-type: none"><li>Records</li><li>Cassette tapes</li><li>CDs</li><li>Audio clips on the Web</li></ul>	<ul style="list-style-type: none"><li>Up to 10 percent of a copyright musical composition may be reproduced, performed, and displayed as part of a multimedia program produced by an educator or students.</li></ul>	<ul style="list-style-type: none"><li>A maximum of 30 seconds per musical composition may be used.</li><li>Multimedia program must have an educational purpose.</li></ul>
Computer Software	<ul style="list-style-type: none"><li>Software (purchased)</li><li>Software (licensed)</li></ul>	<ul style="list-style-type: none"><li>Library may lend software to patrons.</li><li>Software may be installed on multiple machines, and distributed to users via a network.</li><li>Software may be installed at home and at school.</li><li>Libraries may make copies for archival use or to replace lost, damaged, or stolen copies if software is unavailable at a fair price or in a viable format.</li></ul>	<ul style="list-style-type: none"><li>Only one machine at a time may use the program.</li><li>The number of simultaneous users must not exceed the number of licenses; and the number of machines being used must never exceed the number licensed. A network license may be required for multiple users.</li><li>Take aggressive action to monitor that copying is not taking place (unless for archival purposes).</li></ul>
Internet	<ul style="list-style-type: none"><li>Internet connections</li><li>World Wide Web</li></ul>	<ul style="list-style-type: none"><li>Images may be downloaded for student projects and teacher lessons.</li><li>Sound files and video may be downloaded for use in multimedia projects (see portion restrictions above).</li></ul>	<ul style="list-style-type: none"><li>Resources from the Web may not be reposted onto the Internet without permission. However, links to legitimate resources can be posted.</li><li>Any resources you download must have been legitimately acquired by the Web site.</li></ul>
Television	<ul style="list-style-type: none"><li>Broadcast (e.g., ABC, NBC, CBS, UPN, PBS, and local stations)</li><li>Cable (e.g., CNN, MTV, HBO)</li><li>Videotapes made of broadcast and cable TV programs</li></ul>	<ul style="list-style-type: none"><li>Broadcasts or tapes made from broadcast may be used for instruction.</li><li>Cable channel programs may be used with permission. Many programs may be retained by teachers for years—see Cable in the Classroom (<a href="http://www.ciconline.org">www.ciconline.org</a>) for details.</li></ul>	<ul style="list-style-type: none"><li>Schools are allowed to retain broadcast tapes for a minimum of 10 school days. (Enlightened rights holders, such as PBS's <i>Reading Rainbow</i>, allow for much more.)</li><li>Cable programs are technically not covered by the same guidelines as broadcast television.</li></ul>

Sources: United States Copyright Office *Circular 21*; Sections 107, 108, and 110 of the Copyright Act (1976) and subsequent amendments, including the Digital Millennium Copyright Act; *Fair Use Guidelines for Educational*

*Multimedia*; cable systems (and their associations); and *Copyright Policy and Guidelines for California's School Districts*, California Department of Education.  
Note: Representatives of the institutions and associations who helped to draw up

many of the above guidelines wrote a letter to Congress dated March 19, 1976, stating: "There may be instances in which copying that does not fall within the guidelines stated [above] may nonetheless be permitted under the criterion of fair use."