

COPYRIGHT POLICY PROPOSAL FOR CORNERSTONE UNIVERSITY

SECOND DRAFT, 8/11/04: The following document is NOT OFFICIAL POLICY for CU at this time. It is only a temporary guide for Miller Library use to answer copyright questions until such policy is adopted.

TABLE OF CONTENTS:

Purpose of handbook	1	Microforms	16
Rights of creators	2	Non-music recordings	16
Fair use	3	Art works	17
Material in public domain	4	Internet	17
Student use for class	5	Multimedia	17
Photocopying	6	Computer software	18
Photocopying: class use	7	Educom/software	19
Photocopying: library	7	Scanning	19
Photocopying: reserves	8	Database downloading	20
Photocopying: ILL	9	Requesting permission	20
Copyright notice	10	Appendix A: Sample Permission Letter	22
Copying course packs	10	Appendix B: Guidelines for classroom copying	23
Unpublished works	11	Definitions	24
Copying music	11	Appendix C: Guidelines for Library reserves	26
Live performance	12	Guidelines e-reserves	27
Music & fair use	13	Appendix D: CONTU guidelines	28
Music prohibitions	14	Appendix E: Fair Use Guidelines-multimedia	30
Classroom films	14	Appendix F: Guidelines for off-air recording	36
Films outside class	15	Appendix G: Distance Ed. TEACH Act	39
Copying films	15	Appendix H: Faculty/CU-Owned Copyright	39
Copying TV shows	16	Appendix J: Recommended Reading/ Websites	40

PURPOSE OF THIS HANDBOOK

This handbook of information, guidelines and procedures has been compiled as a reference guide for Cornerstone University faculty, staff and students to help answer everyday questions about the use and reproduction of copyrighted materials and to provide information about University policy regarding the reproduction of copyrighted materials in various formats. It has been developed to guide faculty and staff by setting

out their rights to copy and distribute material under fair use guidelines, specifying the exemptions granted to educators, and clarifying the responsibilities of faculty and staff for understanding the restrictions on copying and the need to obtain permissions.

In light of the many questions which are arising with the proliferation of information in electronic form, we urge all members of the community to familiarize themselves with this handbook. It is far too brief to encompass the law, and it should not be used as a substitute for sound legal advice, but it provides a brief summary of the points most likely to concern faculty and staff at Cornerstone University.

Much of the text of this handbook is taken with permission from Albion College which, in turn, borrowed (with permission) from Bucknell University, Mercer University and the *Copyright Sampler*, and from copyright legislation and legislative guidelines. Some of the text has been adapted from policies and guidelines such as The Association of Research Libraries' *Briefing Paper on Copyright* and the American Library Association's *Model Policy Concerning College and University Photocopying*. These documents address copyright issues of interest to institutions of higher education with a clear and balanced approach.

Copyright exists for three basic reasons:

1. to reward authors for their original works;
2. to encourage availability of the works to the public; and
3. to facilitate access and use of copyrighted works by the public in certain circumstances.

The copyright statute balances the creator's interests against the public interest in the dissemination of information and ideas. As educators, we must maintain the fair and proper balance between owners' rights and public rights that copyright law is intended to embody.

The first copyright law was enacted in 1790, and four major revisions have followed. The 1976 revision of the 1909 law itself has been substantially amended in 1998 by the Sonny Bono Copyright Term Extension Act and the Digital Copyright Millennium Act, which attempts to address technological advances. Copyright law is constantly changing, so be aware that details in this handbook could quickly become outdated.

Further information, including the full text of the laws, is available in Miller Library together with numerous other materials which provide more specificity. Routine inquiries may be channeled through the Library Director, Information Systems, and other department heads as appropriate. Complex questions will be referred to University Counsel.

PROPOSED COPYRIGHT POLICY OF CORNERSTONE UNIVERSITY

In the context of higher education, there are many circumstances in which such uses of copyrighted material as duplication, distribution of copies, public display or performance, and preparation of derivative works, are perfectly appropriate. However, as we exercise our rights to fair use as individual members of the public, or as educators using materials in the classroom, we need to be sure that we are not violating the rights of authors and/or distributors or the privacy rights of individuals.

Members of the Cornerstone community are prohibited from using copyrighted works in any way that is not authorized by (a) specific exemptions in the copyright law, (b) fair-use guidelines, including those specifically granted to educators in classroom settings, or (c) licenses or written permission from the copyright owner.

Faculty and staff are reminded that it is unlawful for staff members (e.g., secretarial staff and student assistants) to copy material for which necessary written permission to copy has not been obtained. Both the individual requesting such services and the individual performing them may be liable for copyright infringement.

Members of the Cornerstone community who willfully disregard the institution's Copyright Policy do so at their own risk and assume all liability, including the possibility of disciplinary actions for copyright infringement.

RIGHTS OF CREATORS: COPYRIGHT

Copyright is a form of legal protection for authors of original works, including literary, dramatic, musical, artistic, and other intellectual property. **Publication is not essential for copyright protection, nor is the well-known symbol of the encircled ©.** Section 106 of the Copyright Act (90 Stat 2541) generally gives the owner of copyright the exclusive right to do, and to authorize others to do, the following:

- Reproduce copies of the work.
- Prepare derivative works based on the copyrighted work.
- Distribute copies of the work by sale, rental, lease, or lending.
- Publicly perform the work (if it is a literary, musical, dramatic, or choreographic work or a pantomime, motion picture or audiovisual work).
- Publicly display the work (if it is a literary, musical, dramatic, choreographic, sculptural, graphic, or pictorial work--including the individual images of a film--or a pantomime).

The rights to reproduce the work in copies and to distribute the work refer to the act of copying the work into material objects and to distribute copies publicly. The most common manifestation of the reproduction and distribution rights occurs when an author transfers to a publisher the right to reproduce a novel in book copies and to distribute the copies through sale to bookstores and libraries. The adaptation right is the right to prepare derivative works, i.e., works that are derived from an existing copyrighted work. Common examples of derivative works are new editions, translations and condensations. The adaptation right also involves the right to create new arrangements of

copyrighted musical compositions, the right to prepare the motion picture script from a novel and the right to transform the format of an audiovisual work such as converting a phonorecord to audiotape, a 16mm film to videotape or 3/4-inch videotape to 1/2-inch format.

The right to perform the work publicly means to recite, render, play or dance the work. The definition covers performance whether done directly or by means of a machine or device. For motion pictures or other audiovisual works, performance means to show its images sequentially or to make its sounds audible. Display is defined as the showing of a copy of a work either directly or by means of a television image, slide, etc., or if the work is a motion picture or other audiovisual work, to show the images nonsequentially. The performance and display right is limited to *public* performance or display which is defined as a performance or display in a place either open to the public or at any place where a substantial number of persons outside the normal circle of family and friends might be gathered. Transmission or other communication to the public of a performance or display also is included in the definition. These rights together encompass all economically significant uses of copyrighted works.¹

The copyright owner retains these rights even when the physical manifestation of the work itself belongs to someone else. **However, these rights are not absolute.** The public in general and scholars in particular have the right to copy under Fair Use guidelines which apply to all media, and under guidelines which apply to a specific medium.

RIGHTS OF USERS: FAIR USE

The doctrine of fair use, embedded in section 107 of the Copyright Act of 1976, addresses the needs of scholars and students by limiting the rights of copyright ownership. The statute specifies these purposes as acceptable for fair use: criticism, comment, news reporting, teaching, scholarship, or research. However, what constitutes fair use is expressed in the form of guidelines rather than explicit rules. To determine fair use, you will need to consider the following four factors [reprinted with permission from *What Educators Should Know About Copyright*, Virginia Helm (Bloomington, IN: Phi Delta Kappa Educational Foundation, 1986)]:

1. The **purpose and character of the use**, including whether the copied material will be for nonprofit, educational, or commercial use. This factor at first seems reassuring; but unfortunately for educators, several courts have held that absence of financial gain is insufficient for a finding of fair use.
2. The **nature** of the copyrighted work, with special consideration given to the distinction between a creative work and an informational work. For example, photocopies made of a newspaper or newsmagazine column are more likely to be considered a fair use than copies made of a musical score or a short story. Duplication of material originally developed for classroom consumption is less likely to be a fair use than is the duplication of

materials prepared for public consumption. For example, a teacher who photocopies a workbook page or a textbook chapter is depriving the copyright owner of profits more directly than in copying one page from the daily paper.

3. The **amount, substantiality, or portion** used in relation to the copyrighted work as a whole. This factor requires consideration of 1) the proportion of the larger work that is copied and used, and 2) the significance of the copied portion.
4. The effect of the use on the **potential market** of the copyrighted work. This factor is regarded as the most critical one in determining fair use; and it serves as the basic principle from which the other three factors are derived and to which they are related. If the reproduction of a copyrighted work reduces the potential market sales and, therefore, the potential profits of the copyright owner, that use is unlikely to be found a fair use.

MATERIALS IN THE PUBLIC DOMAIN

Some categories of publications are in the public domain; that is, their use is not protected by copyright law. The following types of material may be freely copied:

- U. S. publications more than 75 years old.
- Works published in the U. S. that a) were first published before January 1, 1978 and b) do not include a copyright notice.
- United States government documents issued by the Superintendent of Documents.

Once a work has acquired public domain status it is no longer eligible for copyright protection. Occasionally, scholarly publications such as journal articles include a note offering the right to copy for educational purposes.

WHEN WORKS PASS INTO THE PUBLIC DOMAIN

Date of Work	Protection in Effect from	Term
Created 1-1-78 or after	When work is fixed in tangible medium of expression	Life + 70 years (or if work of corporate authorship, 95 years from publication, or 120 years from creation, whichever is first)
Published 1922 or earlier	Now in public domain	None

Published between 1923-1963	When published with notice	28 years + could be renewed for 67 years; if not so renewed, now in public domain
Published 1964-77	When published with notice	28 years for first term; now automatic extension of 67 years for second term
Created before 1-1-78 but not published	1-1-78, the effective date of the 1976 Act which eliminated common law copyright	Life + 70 years or 12-31-2002, whichever is greater
Created before 1-1-78 but published between then and 12-31-2002	1-1-78, the effective date of the 1976 Act which eliminated common law copyright	Life + 70 years or 12-31-2047, whichever is greater

[Adapted, on the basis of 1998 amendments to 1976 copyright law, from *Libraries and Copyright: A Guide to Copyright Law in the 1990s*, Laura N. Gasaway and Sarah K. Wiant (Washington, D.C.: Special Libraries Association, © 1994).]

STUDENT USE OF COPYRIGHTED MATERIALS FOR CLASS PROJECTS

While the law does not specifically address student uses of copyrighted works, the Senate Report accompanying the Copyright Revision Act of 1976 identifies "special uses" by students:

"There are certain classroom uses which, because of their special nature, would not be considered an infringement in the ordinary case. For example, copying of extracts by pupils as exercises in a shorthand or typing class or for foreign language study . . . Likewise, a single reproduction of excerpts from a copyrighted work by a student calligrapher . . . in a learning situation would be a fair use of the copyrighted work." (Senate Report No. 94-473)

Based upon that statement, a consensus has developed in higher education that students may copy copyrighted works as a learning exercise (see Appendix E: Fair Use Guidelines for Educational Multimedia). This suggests that students can integrate all types of materials into sound/slide, film, or television productions and other multimedia products. Programs made under this exemption may be submitted to the teacher for a grade and may be shown to the other students in the class, including distance learning transmission over the college's secure electronic network in real time as well as for after-class review or directed self-study. However, the paper or product must remain the property of the student. Copies may not be retained by the teacher or the institution; it may not be shown, transmitted, or broadcast outside the classroom; and no copies may be sold or given away. Students may perform and display their own educational multimedia projects created under Section 2 of the Fair Use Guidelines (see Appendix E) 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. Students who wish to make copies beyond these narrow constraints, or who wish to make additional uses of their student projects, must get permission for all elements used.

PRINTED MATERIALS

MAKING PHOTOCOPIES OF COPYRIGHTED MATERIAL

Copyright law applies to all forms of photocopying, whether it is undertaken at a commercial copying center, at departmental copying facilities, or at a self-service machine such as those in the Library. Guidelines in this handbook aim to give faculty members an appreciation of the factors which weigh for and against fair use. The University does not condone a policy of photocopying instead of purchasing copyrighted works where such photocopying would constitute an infringement under the copyright law, but it does encourage faculty members to exercise good judgment in serving the best interests of students in an efficient manner. It is the policy of this University that the user (faculty, staff, or librarian) secure permission to photocopy copyrighted works whenever it is legally necessary.

Photocopying and Duplication which Require Permission:

1. Repetitive Copying: The classroom or reserve use of photocopied materials in multiple courses or successive years will normally require advance permission from the copyright owner;
2. Consumable Works: The duplication of works that are consumed in the classroom, such as standardized tests, exercises, and workbooks, normally requires permission from the copyright owner;
3. Creation of Anthologies as Basic Text Material for a Course: Creation of a collective work or anthology by photocopying a number of copyrighted articles and excerpts to be purchased and used together as the basic text for a course will, in most instances, require the permission of the copyright holders. Such photocopying is more likely to be considered as a substitute for purchase of a book and thus less likely to be deemed fair use. See the section "Course Packs and Customized Anthologies" below.

Copying for Classroom Use

Copying for classroom use is governed by the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" (see Appendix B). Although the guidelines refer to teachers, they are also applicable to librarians and other instructional specialists working with teachers. The guidelines provide a *minimum*, based on three standards: brevity, spontaneity, and cumulative effect. Copying for classroom use that exceeds the guidelines may also be justified in special circumstances under the rubric of fair use.

The negotiated safe-harbor guidelines for classroom uses spelled out in Appendix B are in many ways inappropriate for the college level. "Brevity" simply cannot mean the same thing in terms of grade-school readings as it does for more advanced research. Because university professors were not specifically represented in the negotiation of the classroom

guidelines, in 1982 the American Library Association published a *Model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use*. In general, the *Model Policy* with respect to classroom uses suggests following the standard guidelines, recommending that

1. the distribution of the same photocopied material does not occur every semester;
2. only one copy is distributed for each student;
3. the material includes a copyright notice on the first page of the portion of material photocopied;
4. the students are not assessed any fee beyond the actual cost of photocopying.

The photocopying practices of an instructor should not have a significant detrimental impact on the market for the copyrighted work. To guard against this effect, the professor should usually restrict use of an item of photocopied material to one course and should not repeatedly photocopy excerpts from one periodical or author without the permission of the copyright owner. It is reasonable to believe that fair use should apply to library reserves to the extent that it functions as an extension of classroom readings; see the section "Copying for Library Reserve Use" below.

Copying for Library Archives and Collections

In addition to exercising fair use rights as listed in Section 107 of the Copyright Act, non-profit libraries and archives are authorized to reproduce copyrighted works without permission under the circumstances indicated in Section 108 of the law and according to provisions of the Copyright Term Extension Act of 1998.

Under the following circumstances, the copyright law allows a library to make or request a copy of an entire copyrighted work:

- the library has determined that an unused copy cannot be obtained at a fair price from the usual trade sources, the publisher, copyright owner or authorized reproducing service, [17 U.S.C. Section 108(c)].
- a copy for the library's collection must be made or requested for the purpose of replacing a damaged, deteriorating, lost, or stolen copy [17 U.S.C. Section 108(c)].

Single copies of works or portions of works may be reproduced and distributed by a library employee:

- if there is no direct or indirect commercial advantage;
- if the library or archive is open to the public or available to researchers working in a specific field;
- if the copy contains a notice of copyright.

Library rights under Section 108 are for isolated and unrelated reproduction or distribution, e.g., a single copy of the same work may be distributed on separate occasions. Libraries may not engage in or knowingly be a party to the systematic reproduction or distribution of single or multiple copies of copyrighted material. Libraries

may, however, participate in interlibrary loan arrangements under certain conditions. These conditions are outlined in the section of this handbook entitled "Copying for Interlibrary Loan."

Copying for Library Reserve Use

Photocopying for library reserve use is not mentioned specifically in the Copyright Act. In an attempt to offer guidance to faculty and libraries, the American Library Association issued a recommendation to libraries regarding photocopying for reserve shelf activities. This model policy has been adapted for use by Miller Library and is reproduced below. See also Appendix C.

At the request of a faculty member, the library may place on reserve photocopied excerpts from copyrighted works in its collection in accordance with guidelines similar to the guidelines for classroom copying for face-to-face teaching found in Appendix B. The University believes that these guidelines apply to the library reserve shelf to the extent that it functions as an extension of classroom readings or reflects an individual student's right to photocopy for his/her personal scholastic use under the doctrine of fair use. In general, the library may use photocopied materials for reserve shelf use for the convenience of students both in preparing class assignments and in pursuing informal educational activities which higher education requires, such as advanced independent study and research.

If the faculty request asks for only **one copy** to be placed on reserve, the library may place a photocopy of an entire article, an entire chapter from a book, or an entire poem. Requests for **multiple copies** on reserve should meet the following guidelines:

- 1) the amount of material should be reasonable in relation to the total amount of material assigned for one term, taking into account the nature of the course, its subject matter and level;
- 2) the number of copies should be reasonable in light of the number of students enrolled, the difficulty and timing of assignments, and the number of other courses which may assign the same material;
- 3) the material should contain a notice of copyright;
- 4) the effect of photocopying the material should not be detrimental to the market for the work. (In general, the library should own at least one copy of the work.)

For example, a faculty member may place on reserve, as a supplement to the course textbook, a reasonable number of copies of articles from academic periodicals or chapters from books. A reasonable number of copies will in most instances be less than six, but factors such as the length or difficulty of the assignment, the number of enrolled students, and the length of time allowed for completion of the assignment may permit more in unusual circumstances.

In addition, a faculty member may also request that multiple copies of photocopied copyrighted material be placed on the reserve shelf if there is insufficient time to obtain permission from the copyright owner. For example, a professor may place on reserve several photocopies of an entire article from a recent issue of *Time* or *The New York Times* in lieu of distributing a copy to each member of the class.

Please keep in mind: if there is any doubt as to whether a particular instance of photocopying can be considered fair use in the reserve shelf context, the copyright owner's permission should be sought. Materials placed on reserve will be returned to the faculty member at the end of each semester.

Copying for Interlibrary Loan

The sections of the 1976 copyright law especially pertinent to reproductions that may be requested or supplied through interlibrary arrangements are sections 107 and 108. Section 108(d) specifies that a library may copy "no more than one article or other contribution to a copyrighted collection or periodical issue, or . . . a small part of any other copyrighted work." The copy must become the property of the requester, and its use is limited to "private study, scholarship, or research."

The Library must have an Interlibrary Loan request form completed by the requester for each photocopy to be requested from another library. The Interlibrary Loan office is legally obligated to display prominently the following notice, and to include the same text on all request forms:

WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy is not to be "*used for any purpose other than private study, scholarship, or research.*" If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copyright order if, in its judgment, fulfillment of the order would involve violation of copyright law.

Under the 1976 CONTU guidelines (see Appendix D), systematic photocopying of copyrighted materials is not permitted, but certain copying may be considered fair if there is no intent to avoid purchasing or subscribing to a publication. Some of the important elements of the CONTU guidelines may be summarized as follows:

- The guidelines apply to periodicals published within five years of the interlibrary loan request. (Copying from periodicals older than five years is not unlimited; it remains subject to the provisions of Sections 107-108 of the copyright law.)
- Filled requests from any single periodical title (not single issue), or from any other material described in 108(d), including poetry and fiction anthologies, may not exceed six copies within a calendar year.
- The library may request a loan if an item that it owns is currently unavailable or if a periodical is currently on order.
- Unless the library requesting a photocopy acknowledges COPYRIGHT COMPLIANCE on the request by indicating either CCG (conforms to the copyright guidelines) or CCL (conforms to the copyright law), the supplying library may refuse to fill the request.

When research needs require copying beyond the limits of fair use, permission to copy must be obtained from the copyright owner and/or payment of royalties may be necessary. Examples of copies requiring permission are:

- the reproduction of several articles from a recent issue of a journal;
- the duplication of a substantial portion of a copyrighted work that is available for purchase at a reasonable price.

Copying for Course Packs and Customized Anthologies

Copyright litigation involving academic users has focused on this type of "anthologies" (collections of articles, or chapters bound together), which are perceived as substituting for textbooks and thus as reducing the potential market for copyrighted publications. The Courts' decisions in the 1989 lawsuit against Kinko's and the 1992 lawsuit against Michigan Document Services and James M. Smith clearly reinforce the necessity of obtaining copyright owners' permission before producing such customized anthologies. This holds true whether the course pack is produced by an individual or by a copying service.

Some basic guidelines are as follows:

- Every article or chapter in a course pack, if derived from copyrighted material, requires permission, either from the copyright owner (usually the publisher) or through a royalty fee paid to the Copyright Clearance Center. Each item in the packet also must include a notice of copyright--e.g., "Copyright 1990 by Academic Books, Inc." **Permission needs to be requested for each semester in which the course pack is assigned.**
- Adequate time (6 to 8 weeks at a minimum) should be allowed for obtaining copyright permissions. The campus bookstore, through its contracted printing center, is able to obtain the necessary permissions on behalf of the faculty or staff member. Whether a bookstore, copy center, or an individual handles requesting permissions from copyright holders, these must be obtained before proceeding with the compilation.
- Course packs must be sold to students at or below cost. Under no circumstances can a faculty member, bookstore, or institution make a profit by selling them. The

cost of a course pack includes the cost of processing copyright permissions, any royalty fees required by the copyright holder, and actual photocopying charges.

UNPUBLISHED WORKS

Manuscripts, letters, and other unpublished materials are likely to be protected by copyright regardless of age, even if they lack a notice of copyright. Unpublished works created before January 1, 1978 are protected through December 31, 2002, or life plus 70 years, whichever is greater. But, if the unpublished work is published before December 31, 2002, then it will be protected for life plus 70 years or until December 31, 2047, whichever is greater.

Unpublished works that belong to the Library Archives may be reproduced in facsimile format for preservation purposes or for deposit for research use in another library or archives. Copies may usually be made for individual researchers under the law's Fair Use provisions. Ownership of the physical object does not signify ownership of intellectual property rights. **Beyond individual fair use, permission must be granted.**

COPYING MUSIC FOR EDUCATIONAL PURPOSES

Separate copyrights usually exist for sheet music and recordings of musical performances. Additional copyrights may exist for the lyrics. Music dealers usually sell sheet music in sets (e.g., band sets, chorus sets, etc.); hence, single copies may not be available, but can be ordered directly from the publisher. Copying sheet music without permission deprives the composers of royalties.

Fair use guidelines authorize limited copying and altering of sheet music. They also authorize recording student performances. What can be copied varies in accordance with circumstance as follows:

For a Performance:

Emergency copying is permitted so long as replacement copies are subsequently purchased.

Academic Purposes Other than Performance (single copies for personal or library reserve use):

An entire performable unit (section, movement, aria, etc.) if the unit is out of print or available only in a larger work.

Multiple Copies for Classroom (Non-performance) Use:

Excerpts may comprise no more than 10% of a whole work and may not constitute a performable unit.

Music Recordings:

A single copy may be made for the purpose of constructing aural exercises or examinations. Otherwise, the restrictions on copying non-music recordings apply. [See the section in this handbook on Sound Recordings (Other than Musical).]

LIVE PERFORMANCE AND MEDIA PERFORMANCES

Public performance of a copyrighted work may also constitute copyright infringement. A performance that takes place at the University will generally be considered a public performance. Cornerstone has performance agreements for music and dramatic

performances with ASCAP and BMI. Any music or dramatic work not covered by these agreements requires permission from the copyright owner, and individuals or groups desiring to use such works must seek permission of the copyright owner. Public performances of copyrighted works, however, are permitted under certain circumstances. The statute distinguishes between dramatic works and nondramatic works, grouping musical performances (but not musicals) with the latter. The University has determined that the following activities are permitted without first obtaining copyright permission:

Dramatic Works:

- when a performance takes place in the course of a face-to-face teaching activity (i.e. instructional performances and displays that are not transmitted); and
- when it is conducted in a classroom or similar place (such as a library) devoted to instruction; and
- in the case of an audiovisual work, when the copy (e.g., film or videotape) has been lawfully made. (See also the section in this handbook on Audiovisual Works.)

Performances of dramatic works at the University must meet the above three criteria. If in doubt, you should seek permission from the copyright holder. If the three criteria of this exception are not met, performance of a dramatic work will constitute copyright infringement.

Permission to perform a dramatic work does not automatically give license to video-record the performance and add that video-recording to Miller Library or the drama department collection. If the dramatic work is protected by copyright, permission is required to video-record a performance as well as to retain and distribute that video-recording.

Nondramatic Works:

In addition to the exemptions discussed above, performances of nondramatic works at nonprofit educational institutions may be:

- transmitted to other classrooms and to handicapped persons unable to be present in the classrooms, if the performance and the transmission are part of the instructional program; or
- open to the public if the performance is not broadcast, the performers are not compensated, there is no admission charge, any proceeds go to educational purposes, and the copyright owner does not object in writing at least seven days before the performance.

MUSIC

The use of music raises several issues under copyright law. First of all, when music is performed live, the performance will be governed by the rules discussed in the preceding section. When pre-recorded music is played before a group, there is not only a performance of the musical work but also of the particular recording. Under copyright law, however, the owner of a copyright in a musical recording, as distinct from the underlying composition, does not have the exclusive right to perform the record publicly.

Therefore, when pre-recorded music is performed, only the performance of the underlying composition need be analyzed under the statutory provisions governing performances to ensure compliance with copyright law.

On the other hand, the owner of a copyright in a musical recording does have the exclusive right to reproduce the recording. Therefore, when pre-recorded music is copied, for example by making a tape of a song on a compact disc, the exclusive rights of both the owner of the copyright in the recording and the owner of the copyright in the composition may be infringed.

Fair Use Rules Governing Music:

1. Emergency copying is permitted to replace purchased copies that for any reason are not available for an imminent performance, provided that 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 ten percent of the whole work. The number of copies shall not exceed one copy per pupil.
3. Printed copies that have been purchased may be edited or simplified, provided that the fundamental character of the work is not distorted and that the lyrics, if any, are not altered, or lyrics added if none exist.
4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the college or individual professor.
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 the college or an individual professor for the purpose of constructing aural exercises or examinations and may be retained by the University or professor.

Special Fair Use Prohibitions:

- Copying to create or replace or substitute for anthologies, compilations or collective works.
- 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 materials.
- Copying for the use of performance, except as in "Emergency Copying" above.
- Copying for the purpose of substituting for the purchase of music, except as in "Emergency Copying" and "Academic Purposes" above.
- Copying without inclusion of the copyright notice that appears on the printed copy.

AUDIOVISUAL MATERIALS

Classroom Use of Films and Video-recordings:

Possession of a film or video does not confer the right to show the work. The copyright owner specifies, at the time of purchase or rental, the circumstances in which a film or video may be "performed." For example, videocassettes from a video rental outlet usually bear a label that specifies "Home Use Only." However, whatever their labeling or licensing, use of these media is permitted in an educational institution so long as certain conditions are met. Section 110(1) of the Copyright Act of 1976 specifies that the following is permitted:

Performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance or the display of individual images is given by means of a copy that was not lawfully made . . . and that the person responsible for the performance knew or had reason to believe was not lawfully made.

Additional text of the Copyright Act and portions of the House Report (94-1476) combine to provide the following, more detailed list of conditions [from Virginia M. Helm, *What Educators Should Know about Copyright* (Bloomington, IN: Phi Delta Kappa Educational Foundation, 1986)]:

1. They must be shown as part of the instructional program.
2. They must be shown by students, instructors, or guest lecturers.
3. They must be shown either in a classroom or other school location devoted to instruction such as a studio, workshop, library, gymnasium, or auditorium if it is used for instruction.
4. They must be shown either in a face-to-face setting or where students and teacher(s) are in the same building or general area.
5. They must be shown only to students and educators.
6. They must be shown using a legitimate (that is, not illegally reproduced) copy with the copyright notice included.

Further, the relationship between the film or video and the course must be explicit. Films or videos, even in a face-to-face classroom setting, may not be used for entertainment or recreation, whatever the work's intellectual content.

Use Outside the Classroom:

The Library has a license from the Motion Picture Licensing Corporation (MPLC) which permits videocassettes/DVDs in its collection which are covered under that license to be viewed by students, faculty or staff at workstations or in small-group rooms inside the Library. These videos may also be viewed at home (e.g., in a dorm room), so long as no

more than a few friends are involved. Larger audiences, such as groups that might assemble in a residence hall living room, require explicit permission from the copyright owner for public performance rights. No fees for viewing a video are permitted even when public performance rights are obtained.

Copying Films or Videos:

Permission from the copyright holder must be obtained prior to copying any copyrighted film or video. University departments will not duplicate any film or video without written authorization indicating that the copyright holder possesses all applicable rights to the work, including literary rights upon which the work is based; music rights (composition and performance); rights to all visual and graphic elements (slides, graphs, still photographs) contained in the work; and performing artists' releases. When you obtain written authorization, make sure that the number of copies of the work that can be made and the length of time they can be retained is indicated. You should also request that the copyright holder indemnify the University against any infringement actions pertaining to the work.

One copy of a purchased foreign-standard video may be made to transfer the program to NTSC (U.S.) format. One copy of a purchased U.S. format video may be made for use by Cornerstone faculty use while teaching in a foreign country.

Copying Television Programming Off the Air for Classroom Use:

In 1981, an Ad Hoc Committee on Copyright Law negotiated guidelines for off-air recording of broadcast programming for educational purposes. These guidelines represent the 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."² These guidelines are not embedded in the Copyright Act and it is unclear how courts may choose to apply them. In the absence of explicit legislative or judicial acts, **strict adherence** to the guidelines may serve as some protection should the issue of infringement arise. See Appendix F, "Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes."

Filmstrips and Slide Sets:

Copying filmstrips and slide sets in their entirety, or altering a program, requires written permission. Transferring a program to another format (e.g., filmstrip to video, filmstrip to slides) also requires permission. Copying a few frames or slides may be a fair use, if the four fair use criteria are met.

MICROFORMS

Microforms (microfilms, microfiche, etc.) are protected under the copyright act. The rules governing microforms are determined by the nature of the work contained therein (e.g., a literary work, graphic work, etc.). Microform copies of old books, periodicals, and manuscripts may be copied freely if the original works are in the public domain. If the original publication is copyrighted, copies may be made using the rules that apply to books and periodicals.

SOUND RECORDINGS (OTHER THAN MUSICAL)

Cassettes or disks may not be copied unless all of the following conditions are met:

- the library currently has or had the item in the library's collection;
- the library's copy is lost, damaged, deteriorating, stolen, or its current format is obsolete;
- a replacement recording from a commercial source cannot be obtained at a fair price.

For example, the fact that a replacement cannot be obtained at a fair price does not entitle students and faculty to make copies of copyrighted audiotapes in the Library's collection. Recording brief excerpts is considered fair use, however. For guidelines applicable to musical recordings, see the section "Copying Music for Educational Purposes."

ART WORKS

Art works are subject to copyright. The duplication of such works in their entirety by photography, sketching, rendering, casting, or printing is a violation of the copyright law. The only exception is for copying illustrations in a book or periodical under the terms of the "Agreement on Guidelines for Classroom Copying" (see Appendix B) or the library photocopying section of the law.

ELECTRONIC INFORMATION AND COMPUTER SOFTWARE INTERNET USE AND THE WEB

Internet use and intellectual property rights are the subject of current intense debate, and there are no guidelines other than those we may infer from the use of other media. Use of the Internet, specifically the ease with which data can be transmitted to others and/or altered without permission, gives rise to concerns regarding intellectual property in the global information infrastructure. If you send a message on the Internet you hold the copyright, but realistically you must expect that others will forward it to other users. Material copyrighted to others should not be used other than under fair use, nor should Internet users forward information that they suspect is copyrighted. When creating home pages on the Web, care should be taken not to incorporate copyrighted material, because mounting on the Web is often interpreted as providing multiple copies, not the single copy allowed under fair use. Privacy rights of individuals, e.g., subjects of photographs, must be observed.

MULTIMEDIA

We define multimedia as a computerized format which combines various types of media, including but not limited to graphics, film, sound, television, and text. Some see it as a newly emerging format, but the combining of media in multimedia's predecessor, audiovisual presentation, is not new (see the section "Student Use of Copyrighted Materials for Class Projects"). How copyright and intellectual property rights are defined in this format, however, is currently a matter of intense discussion. There is little, if any, case law providing definitive parameters. In addition, we must be aware of other

pertinent concepts, such as privacy rights and complex contracts, which protect individuals.

For use in a class as part of a syllabus, you will be relying on precedents in copyright established for other formats (see the section "Audiovisual Materials" as well as Appendix E). They require that the multimedia be presented only in the classroom setting to class members and the instructor. If you are planning to use the multimedia package in other settings, you need to be aware of the need to get permission for all clips of any kind that you are using. You may be taking profit away from those who own the intellectual property and distribution rights. Furthermore, as with all graphics, especially photographs, you must respect privacy rights of individuals portrayed, and permissions must be gained.

COMPUTER SOFTWARE

Cornerstone negotiates site licenses with software vendors whenever possible for software products that are selected for extensive use. These arrangements provide the college community with efficient access to computer programs that support the curriculum while assuring the copyright owner a fair royalty. Check with Information Systems to determine the availability of particular software and the license restrictions that apply.

Other products may be licensed on an individual or limited basis. However, copying is strictly limited except for backup purposes. The Copyright Act allows the purchaser of software to:

- make one and only one copy of software for solely archival purposes in case the original is destroyed or damaged through mechanical failure of a computer. However, if the original is sold or given away, the archival copy must be destroyed.
- make necessary adaptations to use the program.
- add features to the program for specific applications. These improvements may not be sold or given away without the copyright owner's permission.

Printed documentation is covered by copyright as indicated inside each volume of documentation.

In many cases, software may be lent but only for temporary use, not for copying. If the borrower transfers the software to a hard disk, the program must be deleted when the borrowed item is returned. Check the software license for restrictions. Circulating software in the Library's collection must include, and computer labs and other public facilities must post, the following warning to caution against illegal copying of software:

SOFTWARE COPYRIGHT WARNING

Software is protected by the copyright law. In general, software may not be copied without the copyright owner's permission. Read the software license for further restrictions that may apply.

Cornerstone University strictly prohibits the illegal copying of software. You will be held liable for damages from the illegal duplication of software. Violators will be referred to the school's judicial process.

Copyright law presently is acknowledged to be inadequate in relation to the complexities of software use. EDUCAUSE, a nonprofit organization that supports the use of technology in education, launched the EDUCOM Software Initiative, which developed a statement of principle intended for use by individual colleges and universities and which is endorsed by Cornerstone University.

The EDUCOM Code

Software and Intellectual Rights

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution.

Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community.

Software Classifications:

The EDUCOM Code defines four broad classifications of software and applies different principles to each classification as follows:

1. **COMMERCIAL SOFTWARE** - software for which a license has been purchased allowing use. Minimally, the license will stipulate that the software is covered by copyright; one backup copy of the software may be made, although it cannot be used unless the original package fails or is destroyed; and modifications to the software are not allowed. Other restrictions may apply; read the license for specific limitations.
2. **SHAREWARE** - the copyright holder specifically allows you to make and distribute copies of the software, but demands payment if, after testing the software, you adopt it for use. In general, all license restrictions for commercial software apply. Selling software as shareware is a marketing decision and does not change the legal requirements with respect to copyright.
3. **FREWARE** - the conditions for freeware are in direct contrast to generally understood copyright restrictions. Although the software is covered by copyright, the license allows for free use, modification, and distribution of the software as

- long as the purposes are not for profit and credit for the original work is given to the copyright holder.
4. PUBLIC DOMAIN - software for which the copyright holder has explicitly relinquished all rights to the software. It must be clearly marked as "Public Domain." Since March 1, 1989, all works assume copyright protection unless the "Public Domain" notification is stated.

COMPUTER SCANNING

Computer scanning is the process of entering books, periodicals, art works, etc., into a computer by means of an optical scanner. Once a work is entered in the computer, it can be edited, manipulated, and reproduced. Scanning a text may be a fair use if it is used only for research (e.g., for textual analysis). **Except for research uses, any other scanning of copyrighted texts requires the permission of the copyright holder.** The Library will not put scanned text on electronic reserve without permission. Faculty should not scan text and mount it on their Web pages without permission unless the material is in the public domain. Art works should not be scanned without permission unless they are in the public domain. Scanning by students as a learning exercise may be permissible, but the copies should be promptly erased.

DATABASE DOWNLOADING

Downloading involves copying a data transmission from a database utility to a user's computer. This shortens the "connect time," which is the basis for most user fees. It also enables the searcher to clean up the data before printing a copy. Databases are copyrightable, and copying from a database to a computer appears to be a copyright infringement. The copyright owners generally accept temporary downloading as a fair use as long as only one report is printed and the data is erased after printing the report. The problem centers on long-term retention of data to reuse or to combine to create a local database. Long-term retention for any purpose requires a downloading license. These licenses are offered by most database utilities.

"Most commercial databases, whether available on-line electronically or on CD-ROM, include a copyright notice on the terminal screen and on printouts and downloaded files. Further, license agreements include a notice of copyright and usually refer to the fair use provisions of the copyright law. **Virtually all of the basic license agreements forbid resale of data retrieved from on-line searching or any kind of commercial use without permission from the on-line vendor. Most on-line databases permit a disk copy to be made for a user, although some are beginning to restrict how many lines or entries can be downloaded.** Under the statute, if it is permissible to print information from the database for the user, it is permissible to give the user a disk containing the information unless the license agreement specifically prohibits downloading. There generally seems to be some understanding on the part of vendors that users can download 'insubstantial portions' of the database, but there is little information as to what particular vendors believe constitutes an insubstantial portion of a database. Virtually all vendors say that the data is for personal use only and may not be transmitted or sold." [Reprinted from *Libraries and Copyright: a Guide to Copyright Law in the 1990s*, Laura N. Gasaway and Sarah K. Wiant (Special Libraries Association, © 1994).]

REQUESTING PERMISSION TO USE COPYRIGHTED MATERIAL IN EXCESS OF FAIR USE

It is not difficult to request permission to duplicate, adapt, or perform copyrighted materials. Well-established procedures are available (see Appendix A for a sample letter). Email has made asking for permission incredibly easy and is often the fastest and surest way of getting a response. A letter requesting permission may be expedited by (1) enclosing a self-addressed, stamped envelope, (2) including lines at the bottom of the letter for the copyright owner to date, sign, and grant/deny permission (see Appendix A), and (3) mailing two copies of the letter so that the copyright owner can keep one and mail the other signed copy back to you in the self-addressed stamped envelope. It is important to maintain orderly records of permissions sought, denied, or granted. Faculty and staff should keep copies of permission letters "forever" to defend against claims of infringement. In some cases royalty or copyright fees must be paid to agencies such as Copyright Clearance Center, ASCAP, BMI, Motion Picture Licensing Corporation, etc.

CONCLUSION

Keep in mind: the law provides for fair use; educators should exercise these rights. The law also guarantees owners' right; educators, many of whom are also creators and owners, must respect these rights. Individuals who disregard copyright law put themselves legally and financially at risk. For more information about topics in this handbook, please refer to the appendices and the complete copyright law, which may be consulted in the Library.

¹ Gasaway, Laura N., and Sarah K. Wiant, *Libraries and Copyright: A Guide to Copyright Law in the 1990s* (Washington, D.C.: Special Libraries Association, © 1994), p. 20, p. 239.

APPENDIX A
SAMPLE PERMISSION LETTER

Material Permission Department
Hypothetical Book Company
500 East Avenue
Chicago, Illinois 60601

Dear Madam or Sir:

I am requesting permission to copy the following for continued use in my classes in future semesters:

Title: *Learning Is Good*, Fourth Edition

Copyright: Hypothetical Book Co., 1989, 1994

Author: Frank Jones

Material to be duplicated: Chapters 10, 11, and 14

Number of Copies: 50

Distribution: The material will be distributed to students in my classes, and they will pay only the cost of photocopying.

Type of reprint: Photocopy

Use: Supplementary teaching materials.

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

Sincerely,

Faculty Member

Permission is granted ____ denied ____ with these conditions (if any):

Signature(s)

Date

APPENDIX B
AGREEMENT ON GUIDELINES
FOR CLASSROOM COPYING IN NOT-FOR PROFIT
EDUCATIONAL INSTITUTIONS
With Respect to Books and Periodicals

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines. Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

GUIDELINES

I. 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 his or her scholarly research or 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, periodicals, or newspaper.

II. 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 teacher giving the course for classroom use or discussion, provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below; and
- B. The copying meets the cumulative effect test as defined below; and
- C. Each copy includes a notice of copyright.

DEFINITIONS

Brevity

(i) 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.

(ii) Prose: 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 percent of the work, whichever is less, but in any event a minimum of 500 words.

[The numerical limits stated in (i) and (ii) above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

(iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

(iv) "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. Paragraph (ii) above notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of a special work and containing not more than 10 percent of the words found in the text thereof may be reproduced.

Spontaneity

(i) The copying is at the instance and inspiration of the individual teacher, and

(ii) 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.

Cumulative Effect

(i) The copying of the material is for only one course in the school in which the copies are made.

(ii) 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 periodicals volume during one class term.

(iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in (ii) and (iii) above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

III. Notwithstanding I and II 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. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

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:

(a) substitute for the purchase of books, publishers' reprints and periodicals;

(b) be directed by higher authority;

(c) be repeated with respect to the same item by the same teacher from term to term.

D. No charge shall be made to the student beyond the actual cost of the photocopying.

[Back to Table of Contents](#)

APPENDIX C
AMERICAN LIBRARY ASSOCIATION LIBRARY
RESERVE GUIDELINES:
SECTIONS A & B

LIBRARY RESERVES

A. American Library Association Reserve Guidelines

Although there are no congressional guidelines on library reserves, the American Library Association (ALA) has promulgated suggestions for libraries regarding photocopying for library reserve as a part of a model policy for colleges and universities. Since the reserve area is an extension of the classroom, the ALA views copying for reserve as permissible under conditions similar to the classroom guidelines, a position supported by the Association of American Law Schools but rejected by the Register of Copyrights. In particular, the Register maintains that since the guidelines require spontaneity, libraries may not place material on reserve for consecutive terms. Nonetheless, the reserve guidelines enjoy wide acceptance among libraries and presumably among publishers since they have not been litigated.

Single copies may be made for reserve use, the ALA believes, so long as the standards of the classroom guidelines are observed. When multiple copies are requested for reserve by a faculty member, the ALA makes the following recommendations.

1. The amount of material should be reasonable in relation to the total amount of material assigned for one term of a course. Matters such as the nature of the course, its subject matter and level should be taken into account. This statement makes it clear that library reserves are not to take the place of a purchased textbook or course pack on which royalties have been paid to the copyright holder. Materials photocopied for reserve generally are intended to supplement the other materials assigned for the course and not to serve in lieu of any other materials.
2. The number of copies should be reasonable in light of the number of students enrolled, the difficulty and timing of assignments, and the number of other courses which may assign the same materials. This likely means that the library rather than the faculty member should determine what number of copies is reasonable.
3. The material should contain a notice of copyright. If the article contains the notice of copyright on the first page of the article, the library need do nothing more than ensure that the notice is legible. If the notice is not printed on the article, then the library must write or stamp the notice.
4. The effect of photocopying the material should not be detrimental to the market for the work.
5. In general, the library should own at least one copy of the work. This does not mean that occasionally a library could not place on reserve a photocopy that belongs to a faculty member or one the library obtained through interlibrary loan. The library should not make a general practice of this, however, if it is to comply with the ALA model policy.

Some writers have said that a reasonable number of copies would be six, although other factors may permit more copies to be made, including the difficulty of the assignment,

the number of students in the class and the length of time the students have to complete the assignment. If there is too little time for the professor to request permission from the copyright holder to make the copies, more copies may be placed on reserve than in the normal situation. A faculty member who is uncertain about placing copies on reserve should defer to the library's policy or obtain the copyright holder's permission.

6. The distribution of the same material should not occur every semester. Libraries have struggled with the meaning of this as it applies to reserve copying. Some libraries apply the requirement as if it were mandated by the law itself. Other libraries take a more liberal view and believe that when the model policy says that in general the classroom guidelines should be followed, that is what it means. Libraries that follow a strict interpretation vary in whether they handle permission requests or whether they require faculty members who want the items placed on reserve to contact the copyright holder for permission. Some libraries go so far as to refuse a request to put an item on reserve the second semester without written permission from the owner which the faculty member must submit along with the request.

Among the libraries that apply a more liberal view of the policy, some encourage faculty to obtain permission to use photocopied material on reserve the second semester but stop short of an absolute requirement. Others take the tack of removing from reserve all materials each semester and returning them to the faculty member in the hopes that over time he will pare down the amount of material placed on reserve.

In light of the above, Miller Library has adopted the following guidelines;

1. Instructors who wish to place a photocopy on reserve must include the copyright notice of the photocopied material along with the copies.
2. "The number of copies should be reasonable in light of the number of students enrolled, the difficulty and timing of the assignments, and the number of other courses which may assign the same materials."
3. Either the library or the instructor needs to own an original copy of the material that is photocopied for reserve. If neither owns an original, copyright permission must be submitted along with the article for reserve. Information from the Internet will only be permitted if copyright permission is also provided.
4. Instructors who wish to use the same material for more than one semester must obtain copyright permission and include it with the material submitted for reserve.

(See "How to Request Copyright Permission" in the Recommended Sources at end of this policy.)

B. ELECTRONIC RESERVES

Some libraries have substituted electronic copies for traditional photocopy reserve collections and many others are considering doing so. Electronic reserves could solve space and staffing problems currently associated with reserve collections of photocopies of copyrighted articles, chapters, etc. Is it possible to comply with the ALA Reserve Guidelines and still develop and maintain an electronic reserve system? Perhaps, but the publisher community is very concerned about retention and repeated use of electronically stored copies. The *ALA Reserve Guidelines* state that the amount of material a faculty member requests be placed on reserve as well as the number of copies should be reasonable. In the photocopy reserve situation, the library determines what number of copies is reasonable based on the number of students in the class, level of the class,

length of the assignment, length of time before the assigned material must be read and the like. For example, based on these factors, a college library might decide that eight copies on reserve are sufficient for a class of 25 students.

When one thinks of an electronic reserve collection, the usual situation envisioned is that materials would be scanned and stored on a central library computer which students could access from terminals in the library or even from remote locations. There are other ways this could be done. For example, the library could scan the items and put them on a floppy disk that is circulated just as hard copies are circulated. Another method is to put the scanned copies onto the central computer and then make a "copy" for each user by putting the copies into the electronic mailboxes for each student. For purposes of this chapter, however, assume that scanned copies are stored on a central computer in the library and that users access the material through terminals within the library and from remote locations.

Where libraries have initiated electronic reserves, there is no uniformity in what types of materials are available and whether the library considers the activity to be fair use or one on which royalties should be paid. Both Rice and Duke universities have experimental electronic reserve collections of copyrighted materials. Rice is paying royalties on every copy made (i.e., for every use) of material in the electronic reserve collection; Duke believes an electronic reserve collection is fair use and is not paying royalties.

Electronic reserve collections present several copyright concerns. First, what is the number of copies that are made and does the number raise fair use concerns? Instead of any reserve collection photocopy that might be read by several students, one electronic copy is made includes whenever a copy is displayed on the screen in addition to when a copy is printed from the screen or downloaded to a disk. Second, will the library erase the scanned copy at the end of the class term? Third, is it necessary for the library to restrict access to the electronic copies to students enrolled in particular classes? If so, will it be done through access codes or some other mechanism? Fourth, must the library require the professor to obtain permission to place the item on reserve for subsequent terms? For the present, these and other considerations have meant that few libraries actually have created electronic reserve collections, although the numbers seem to be increasing. It is possible that because of these concerns electronic reserve collections are more closely akin to course packets than to traditional reserve collections. If they are analogous to course packets, then the *Guidelines on Multiple Copying for Classroom Use* must be met and royalties paid for copying in excess of fair use. The question then for the calculation of royalties becomes how many copies were made. For the library, an important question follows: who pays the royalty, the library or the student? Since the Copyright Clearance Center has not been authorized to collect royalties for electronic copies, if royalties are due, they must be paid directly to the publisher or copyright holder. This alone may discourage some libraries from converting traditional reserve collections to electronic format.

Another important concern arises under section 108(g) which states that the exemptions for the library copying extend to isolated and unrelated reproduction of a single copy. This applies to the reproduction of the same material on separate occasions but does not extend where the library engages in related or concrete reproduction and distribution of multiple copies of the same material, on one occasion or over a period of time. Section

108(g) applies whether the multiple copying is by aggregate use by one or more individuals or for separate use by the individual members of a group. The publisher community apparently does not object to reserve collections that carefully adhere to the ALA guidelines for photocopies as evidenced by the lack of complaints, articles challenging the guidelines, or litigation. Why the same acquiescence is not present for electronic reserve collections appears somewhat inconsistent to many in the library community.

APPENDIX D CONTU GUIDELINES ON PHOTOCOPYING AND INTERLIBRARY ARRANGEMENTS

As part of the effort to revise the copyright laws, the U.S. National Commission on New Technological Uses of Copyrighted Works (CONTU) was created to provide recommendations on copyright law and procedure. The guidelines in the Commission's 1978 final report address section §108(g)(2) and attempt to clarify what was meant by "systematic reproduction." Libraries, in general, follow these guidelines:¹

1. As used in the proviso of subsection 108(g)(2), the words "such aggregated quantities as to substitute for a subscription to or purchase of such work" shall mean:
 - (a) with respect to any given periodical (as opposed to any given issue of a periodical), filled requests of a library or archives (a "requesting entity") within any calendar year for a total of six or more copies of an article or articles published within five years prior to the date of the request. These guidelines specifically shall not apply, directly or indirectly, to any request of a requesting entity for a copy or copies of an article or articles published in any issue of a periodical, the publication date of which is more than five years prior to the date when the request is made. These guidelines do not define the meaning, with respect to such a request, of "such aggregate quantities as to substitute for a subscription to [such periodical]."
 - (b) with respect to any other material described in subsection 108(d) (including fiction and poetry), filled requests of a requesting entity within any calendar year for a total of six or more copies or phonorecords of or from any given work (including a collective work) during the entire period when such material shall be protected by copyright.
2. In the event that a requesting entity:
 - (a) shall have in force or shall have entered an order for a subscription to a periodical, or

(b) has within its collection, or shall have entered an order for, a copy or phonorecord of any other copyrighted work, material from either category of which it desires to obtain by copy from another library or archives (the "supplying entity"), because the material to be copied is not reasonably available for use by the requesting entity itself, then the fulfillment of such request shall be treated as though the requesting entity made such copy from its own collection. A library or archives may request a copy or phonorecord from a supplying entity only under those circumstances where the requesting entity would have been able, under the provisions of section 108, to supply such copy from materials in its own collection.

3. No request for a copy or phonorecord of any material to which these guidelines apply may be fulfilled by the supplying entity unless such request is accompanied by a representation by the requesting entity that the request was made in conformity with these guidelines.
4. The requesting entity shall maintain records of all requests made by it for copies or phonorecords of any materials to which these guidelines apply and shall maintain records of the fulfillment of such requests, which records shall be retained until the end of third complete calendar year after the end of the calendar year in which the respective request shall have been made.
5. As part of the review provided for in subsection 108(i), these guidelines shall be reviewed not later than five years from the effective date of this bill.
- 6.

¹ Reprinted from Virginia Boucher, *Interlibrary Loan Practices Handbook*, 2nd ed. (Chicago and London: American Library Association, © 1997).

APPENDIX E

FAIR USE GUIDELINES FOR EDUCATIONAL MULTIMEDIA

TABLE OF CONTENTS

1. Introduction
2. Preparation of Educational Multimedia Projects Under These Guidelines
3. Permitted Educational Uses for Multimedia Projects Under These Guidelines
4. Limitations
5. Examples of When Permission is Required
6. Important Reminders

1. INTRODUCTION

1.1 Preamble

Fair use is a legal principle that defines the limitations of 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 non-commercial 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 which 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 the endorsers' 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 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.

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.

* 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. guidelines and clearly indicates the variety of interest groups involved, both from the standpoint of the users of copyrighted material and also from the standpoint of the copyright owners.

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 which 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 which 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 the 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 or 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.

2. 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 programs for their own teaching tools in support of curriculum-based instructional activities at educational institutions.

3. PERMITTED USES OF EDUCATIONAL MULTIMEDIA PROGRAMS 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 assigned to 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 used 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 multimedia project.

3.3 Educator Use for Peer Conferences:

Educators may perform or display their own 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.

4. 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 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.

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 limits 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 3 minutes, whichever is less, in the aggregate of a copyrighted motion media work may be reproduced or otherwise incorporated as part of a 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 a 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 to 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 5 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 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 used 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 used 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 Section 3.1 for students.

5. 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.

6. 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 the 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 (©, year of first publication and name of the copyright holder).

The credit and copyright notice information may be combined and shown in a separate credit section of the educational multimedia project 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.

6.3 Notice of Use Restrictions

Educators and students are advised that they must include on the opening screen of their multimedia program 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 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 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, such as the transfer of underlying

code or control mechanisms, even for educational uses, is outside the scope of the guidelines.

6.7 Licenses and Contracts

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

APPENDIX F GUIDELINES FOR OFF-AIR RECORDINGS OF BROADCAST PROGRAMMING FOR EDUCATIONAL PURPOSES

1. The guidelines were developed to apply only to off-air recording by non-profit educational institutions.
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 forty-five (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.
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 ten (10) consecutive school days in the forty-five (45) day calendar day retention period. "School days" are school session days--not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions--within the forty-five (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 ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher

evaluation purposes, i.e., 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 non-evaluation purposes without authorization.

7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their 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 as recorded.
9. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

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[Back to Table of Contents](#)

APPENDIX G
COPYRIGHT LAW FOR DISTANCE EDUCATION
THE TEACH ACT OF 2002

Since the passage of the TEACH Act in October 2002 (“Technology, Education, and Copyright Harmonization Act”) the impact on Cornerstone University’s developing Distance Education program will be far-reaching. Rather than attempting to summarize and interpret this act for Cornerstone, we have referenced here the article by copyright lawyer and library specialist, Kenneth Crews—“New Copyright Law for Distance Education: The Meaning and Importance of the TEACH Act,” found online at: http://www.copyright.iupui.edu/teach_summary.htm

There is also a Checklist for Compliance with the TEACH Act” created by the Copyright Management Center at Indiana University, found at: <http://www.copyright.iupui.edu/teachlist.htm>

For Frequently Asked Questions concerning the TEACH Act, see the American Library Association website at: <http://www.ala.org/ala/washoff/WOissues/copyrightb/distanceed/teachfaq.htm>

APPENDIX H
FACULTY AND UNIVERSITY-OWNED COPYRIGHT

The following is taken from the Cornerstone University Faculty Handbook 2003 (p25), from the section entitled “Copyrights/Royalties.”

“Cornerstone University encourages and supports research, development, and innovation related to improving the educational process. Ownership of materials produced for classes, seminars, etc. will depend upon the circumstances of development. If faculty members are specifically compensated for producing materials for Cornerstone University, all rights to such material (including rights to copyright or patent) will belong to the university. In all other cases, the faculty member(s) who produce the material(s) will be considered its owner(s). However, the university will maintain a “shop right” to utilize the material if the materials resulted from work for Cornerstone University or if the university provided any form of assistance (e.g., clerical help, equipment, research assistance, etc.). Aside from the university’s “shop right,” the faculty member is free to copyright and publish original materials in suitable form (and is free, indeed encouraged, to indicate on the materials the faculty member’s connection with Cornerstone University). Faculty members will not receive compensation for internal use of materials at Cornerstone University but may retain compensation received from external use of materials owned by the faculty member.”

APPENDIX J
RECOMMENDED READING AND WEBSITES RE: COPYRIGHT

How to Request Copyright Permission:

See Appendix A of Bruwelheide, Janis. *The Copyright primer for Librarians and Educators*. Washington, D.C. National Education Association, 1995.

Books in Miller Library:

Bielefield, Arlene. *Libraries and Copyright Law*. New York: Neal-Schuman, 1993

Dukelow, Ruth. *The Library Copyright Guide*. Washington, D.C.:

Copyright Information Services, 1992

Patry, William. *Latman's The Copyright Law*. 6th ed. Washington, D.C.:

Bureau of National Affairs, 1986

Talab, R.S. *Commonsense Copyright*. Jefferson, NC: McFarland & Co. 1986

Websites:

Copyright Clearance Center: <http://www.copyright.com/>

Copyright Crash Course; <http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm>

TEACH Act: search for at: <http://www.ala.org>

U.S. Copyright Office: <http://www.copyright.gov/>