



# Copyright and Fair Use Guidelines for Teachers

## TECHNOLOGY & LEARNING

This chart was designed to inform teachers of what they may do under the law. Feel free to make copies for teachers in your school or district, or download a PDF version at [www.halldavidson.net](http://www.halldavidson.net)

More detailed information about fair use guidelines and copyright resources is available at [www.techlearning.com](http://www.techlearning.com).

Medium	Specifics	What you can do	The Fine Print
<p><b>Printed Material</b> (short)</p>	<ul style="list-style-type: none"> <li>Poem less than 250 words; 250-word excerpt of poem greater than 250 words</li> <li>Articles, stories, or essays less than 2,500 words</li> <li>Excerpt from a longer work (10 percent of work or 1,000 words, whichever is less)</li> <li>One chart, picture, diagram, or cartoon per book or per periodical issue</li> <li>Two pages (maximum) from an illustrated work less than 2,500 words, e.g., a children's book</li> </ul>	<ul style="list-style-type: none"> <li>Teachers may make multiple copies for classroom use, and incorporate into multimedia for teaching classes.</li> <li>Students may incorporate text into multimedia projects.</li> </ul>	<ul style="list-style-type: none"> <li>Copies may be made only from legally acquired originals.</li> <li>Only one copy allowed per student.</li> <li>Teachers may make copies in nine instances per class per term.</li> <li>Usage must be "at the instance and inspiration of a single teacher," i.e., not a directive from the district.</li> <li>Don't create anthologies.</li> <li>"Consumables," such as workbooks, may not be copied.</li> </ul>
<p><b>Printed Material</b> (archives)</p>	<ul style="list-style-type: none"> <li>An entire work</li> <li>Portions of a work</li> <li>A work in which the existing format has become obsolete, e.g., a document stored on a Wang computer</li> </ul>	<ul style="list-style-type: none"> <li>A librarian may make up to three copies "solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen."</li> </ul>	<ul style="list-style-type: none"> <li>Copies must contain copyright information.</li> <li>Archiving rights are designed to allow libraries to share with other libraries one-of-a-kind and out-of-print books.</li> </ul>
<p><b>Illustrations and Photographs</b></p>	<ul style="list-style-type: none"> <li>Photograph</li> <li>Illustration</li> <li>Collections of photographs</li> <li>Collections of illustrations</li> </ul>	<ul style="list-style-type: none"> <li>Single works may be used in their entirety, but no more than five images by a single artist or photographer may be used.</li> <li>From a collection, not more than 15 images or 10 percent (whichever is less) may be used.</li> </ul>	<ul style="list-style-type: none"> <li>Although older illustrations may be in the public domain and don't need permission to be used, sometimes they're part of a copyright collection. Copyright ownership information is available at <a href="http://www.loc.gov">www.loc.gov</a> or <a href="http://www.mpa.org">www.mpa.org</a>.</li> </ul>
<p><b>Video</b> (for viewing)</p>	<ul style="list-style-type: none"> <li>Videotapes (purchased)</li> <li>Videotapes (rented)</li> <li>DVDs</li> <li>Laserdiscs</li> </ul>	<ul style="list-style-type: none"> <li>Teachers may use these materials in the classroom.</li> <li>Copies may be made for archival purposes or to replace lost, damaged, or stolen copies.</li> </ul>	<ul style="list-style-type: none"> <li>The material must be legitimately acquired.</li> <li>Material must be used in a classroom or nonprofit environment "dedicated to face-to-face instruction."</li> <li>Use should be instructional, not for entertainment or reward.</li> <li>Copying OK only if replacements are</li> </ul>

<p><b>Video</b> (for integration into multimedia or video projects)</p>	<ul style="list-style-type: none"> <li>• Videotapes</li> <li>• DVDs</li> <li>• Laserdiscs</li> <li>• Multimedia encyclopedias</li> <li>• QuickTime Movies</li> <li>• Video clips from the Internet</li> </ul>	<ul style="list-style-type: none"> <li>• Students “may use portions of lawfully acquired copyright works in their academic multimedia,” defined as 10 percent or three minutes (whichever is less) of “motion media.”</li> </ul>	<p>unavailable at a fair price or in a viable format.</p> <ul style="list-style-type: none"> <li>• The material must be legitimately acquired (a legal copy, not bootleg or home recording).</li> <li>• Copyright works included in multimedia projects must give proper attribution to copyright holder.</li> </ul>
<p><b>Music</b> (for integration into multimedia or video projects)</p>	<ul style="list-style-type: none"> <li>• Records</li> <li>• Cassette tapes</li> <li>• CDs</li> <li>• Audio clips on the Web</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 10 percent of a copyright musical composition may be reproduced, performed, and displayed as part of a multimedia program produced by an educator or students.</li> </ul>	<ul style="list-style-type: none"> <li>• A maximum of 30 seconds per musical composition may be used.</li> <li>• Multimedia program must have an educational purpose.</li> </ul>
<p><b>Computer Software</b></p>	<ul style="list-style-type: none"> <li>• Software (purchased)</li> <li>• Software (licensed)</li> </ul>	<ul style="list-style-type: none"> <li>• Library may lend software to patrons.</li> <li>• Software may be installed on multiple machines, and distributed to users via a network.</li> <li>• Software may be installed at home and at school.</li> <li>• Libraries may make copies for archival use or to replace lost, damaged, or stolen copies if software is unavailable at a fair price or in a viable format.</li> </ul>	<ul style="list-style-type: none"> <li>• Only one machine at a time may use the program.</li> <li>• The number of simultaneous users must not exceed the number of licenses; and the number of machines being used must never exceed the number licensed. A network license may be required for multiple users.</li> <li>• Take aggressive action to monitor that copying is not taking place (unless for archival purposes).</li> </ul>
<p><b>Internet</b></p>	<ul style="list-style-type: none"> <li>• Internet connections</li> <li>• World Wide Web</li> </ul>	<ul style="list-style-type: none"> <li>• Images may be downloaded for student projects and teacher lessons.</li> <li>• Sound files and video may be downloaded for use in multimedia projects (see portion restrictions above).</li> </ul>	<ul style="list-style-type: none"> <li>• Resources from the Web may not be reposted onto the Internet without permission. However, links to legitimate resources can be posted.</li> <li>• Any resources you download must have been legitimately acquired by the Web site.</li> </ul>
<p><b>Television</b></p>	<ul style="list-style-type: none"> <li>• Broadcast (e.g., ABC, NBC, CBS, UPN, PBS, and local stations)</li> <li>• Cable (e.g., CNN, MTV, HBO)</li> <li>• Videotapes made of broadcast and cable TV programs</li> </ul>	<ul style="list-style-type: none"> <li>• Broadcasts or tapes made from broadcast may be used for instruction.</li> <li>• Cable channel programs may be used with permission. Many programs may be retained by teachers for years—see Cable in the Classroom (<a href="http://www.ciconline.org">www.ciconline.org</a>) for details.</li> </ul>	<ul style="list-style-type: none"> <li>• Schools are allowed to retain broadcast tapes for a minimum of 10 school days. (Enlightened rights holders, such as PBS’s <i>Reading Rainbow</i>, allow for much more.)</li> <li>• Cable programs are technically not covered by the same guidelines as broadcast television.</li> </ul>

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

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

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