



Copy Service

Guidelines for Providing
Copyright and Original
Materials to Your Students

ORIGINAL MATERIALS

Copy requests for your original materials are handled by the Instructional Media Center (IMC) located in the basement of the library. For best results, please observe the following procedures:

- Up to 100 pages per instructor per day can be made on a first come, first served basis.
- Present larger copy requests at least 3 days in advance of when needed. Appropriate forms are available at the IMC counter.
- When possible, accumulate all course supplemental handouts into a Course Packet before the beginning of the semester to be purchased by the student.
 - Submit to the bookstore for production and sale to the students. (They will coordinate production with the IMC.) Or
 - Contact an area copy center for production and direct sale to students. **If you use an outside copy center, see below.**
- When the library and IMC departments are closed, forms for copy requests are available in the Tower lobby and may be left in the IMC mailbox. Jobs will be available for pickup at the beginning of the semester. If your class starts before the opening of the library, indicate that you need the copies placed in your mailbox.

COPYRIGHT MATERIALS

To use copyright materials in your classroom you must obtain permission from the holder of the copyright - or - qualify under "Fair Use" provisions.

What is copyright?

Copyright gives the owner exclusive authority to:

- reproduce the work in copies
- adapt the work
- distribute the work to the public
- perform or display the work publicly
- authorize others to do any of the above

What is covered?

Original works that are fixed in a tangible form of expression, including: Literary works; Musical works, including accompanying songs; Dramatic works, include accompanying music; Pantomimes and choreographic works; Pictorial, graphic, and sculptural works; Motion pictures and other audiovisual works; Sound recordings; Architectural works; Computer software.

How is a copyright obtained?

- Protection exists *immediately*, from the moment the work is created in a fixed form. You *do not* need to publish, register, or perform any other action in the Copyright Office.

How long are copyrights valid?

- Created on or after January 1, 1978
 - Author's life plus 50 years
 - Works for hire, anonymous and pseudonymous: 95 years from publication date or, 120 years from creation date, whichever is shorter.
- Created before January 1, 1978 - not published or registered: Author's life plus 60 years or 95/120 year term; published or registered: 95 years

What can I copy?

- Works for specific use with *permission* from the holder of the copyright.
- Works that have entered *public domain* (never copyrighted, expired copyright)
- US Government Publications
- *Single copies* for teachers
- Copyrighted materials that fall under the guidelines of *Fair Use*

How do I obtain permission to copy?

If you wish to obtain permission yourself:

- Contact the copyright holder directly.
(Note: This may not be the author.)
- Contact: www.copyright.com or
- Contact: www.literarymarketplace.com
- Contact: *Ulrich's International Periodicals*
www.ulrichsweb.com

-or-

- Collect all copyright materials with complete bibliographic information into a Course Reader and submit it to the bookstore or any copy center** that specializes in obtaining duplication permission from the copyright holder.

** Use of off-campus copy centers.**

You may use any service you choose as long as the Course Reader or Packet is made available at a site that accepts student financial aid vouchers. Vouchers are accepted at the campus bookstore. Regardless of who is producing your reader, include the Reader name and vendor information on your campus bookstore order for that course so the bookstore may purchase copies as needed for sale to students with vouchers. This also helps the bookstore provide students with full information regarding required books.

Fair Use Guidelines

Under certain conditions, copies may be made under the *Fair Use* provisions of copyright law without obtaining permission.

What is Fair Use?

- ▣ Copying of works not considered an infringement of copyright protection.
- ▣ Limited reproduction for purposes of criticism, reporting, teaching, scholarship, research.

Fair Use Restrictions

- ▣ Character of use: nonprofit, educational
- ▣ Nature of work: factual
- ▣ Portion of the work to be used: small
- ▣ Effect use would have on the market if use was widespread. Is the item out of print or would copying compete with sales?

Multiple copies can be made for *one event, with one copy per pupil, for one course* if:

- ▣ Copying meets the test of:
brevity, spontaneity, cumulative effect
- ▣ Each copy includes notice of copyright including: Author's name, Title, Date, Source

Brevity Condition:

- ▣ Complete poem if less than 250 words and fits on 2 pages.
- ▣ Excerpt from a long poem, not to exceed 250 words.
- ▣ Complete article, story or essay fewer than 2500 words.
- ▣ Excerpt from a larger work not to exceed 10% of the whole or 1000 words, whichever is less.
- ▣ One chart, graph, diagram, cartoon or picture per book or per issue of a periodical.

Spontaneity Condition:

- ▣ The copying is at the instance and inspiration of the individual teacher.
- ▣ The decision to use the work does not allow time to request permission.

Cumulative Effect Condition:

- ▣ The material copied is for only one course.
- ▣ Only 1 short poem, article, story or essay or 2 excerpts from the same author, or 3 from the same collective work or periodical.
- ▣ Up to 9 instances of multiple copying for one course during one class term.

Prohibitions

- ▣ Copying cannot be used to create, replace or substitute for anthologies, compilations or collective works.
- ▣ Cannot copy "consumable" works such as workbooks, exercises, standardized tests, test booklets, answer sheets, etc.
- ▣ Cannot substitute for the purchase of books, reprints or periodicals.
- ▣ Cannot be directed by a higher authority.
- ▣ Teacher cannot repeat use from term to term.
- ▣ Cannot be charged beyond the cost of photocopying.

Penalties for Copyright Infringement

Civil and criminal penalties apply.

Up to \$100,000 per work infringed or actual damages & attorneys fees.

Anyone who violates the law may be sued, including the institution and the instructor.