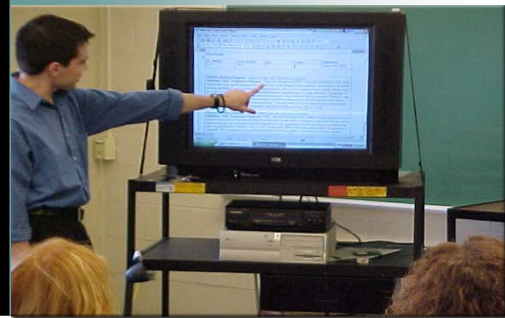


MY OBLIGATION AS AN EDUCATOR

- **Model responsible use of copyrighted material for my students.**
- **Apply the Four Fair Use Factors when considering copying anything.**
- **Get permission to use materials when Fair Use does not apply.**
- **Limit access to copyrighted materials in distance learning classes.**
- **Use Copyright Clearance Services at KSU to acquire permissions for ANY use of copyrighted materials that do not have Fair Use protection.**



WHOM TO CONTACT

COPYRIGHT CLEARANCE SERVICES

To obtain assistance securing copyright permissions for :

- Multiple copies of articles
- Course packs
- Electronic Reserves
- Protected resources to be used in books, journal articles, web sites, etc.

330 Library
Libraries & Media Services
Kent State University
Kent, OH 44242
330-672-1845

<http://www.library.kent.edu/copyright/>

Allow 3-6 weeks to process your requests.

ADDITIONAL RESOURCES

U.S. Copyright Office

To register a copyright
<http://lcweb.loc.gov/copyright/>

Copyright Information

Fair Use
<http://fairuse.stanford.edu>

Fair Use FAQ's
<http://www.copyright.gov/help/faq/faq-fairuse.html>

Fair Use Checklist
http://www.ibiblio.org/pub/electronic-publications/stay-free/ml/readings/fairuse_checklist.pdf

TEACH Act
<http://www.ala.org>
Search for the TEACH Act

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UNIVERSITY OFFICES

Instructional Resources Center
<http://www.ehhs.kent.edu/irc>

Distributed Learning
<http://www.kent.edu/dl>

Faculty Professional Development Center
<http://fpdc.kent.edu>

Human Resource Development
<http://hrd.kent.edu/>

Information Services Help Desk
<http://helpdesk.kent.edu/>

New Media Center
<http://newmedia.kent.edu/>

Office of Distance Education, EHHS
<http://www.ehhs.kent.edu/dl>

Regional Campuses
<http://www.kent.edu/campuses>

LIBRARIES & MEDIA SERVICES

Libraries
<http://www.library.kent.edu/page/10269>

Copy Center
http://www.library.kent.edu/avs/avshome/copy_ctr/

Copyright Clearance Services
<http://www.library.kent.edu/page/10269>

Student Multimedia Studio
<http://www.library.kent.edu/avs/sms/>

Teleproductions
<http://www.library.kent.edu/teleproductions>

KENT STATE UNIVERSITY
libraries&media
services



COPYRIGHT GUIDELINES

“American copyright law has always emphasized the need to balance the rights of the author with the need for a democratic society to have access to information. Authors are given protection for their works in order to encourage production, and the ability to access information is protected in order to encourage a free flow of ideas”.

Gretchen McCord Hoffman author of
Copyright in Cyberspace



www.ehhs.kent.edu/dl

BASICS OF COPYRIGHT

Copyright is the legal protection that grants to the creator a right to control the public display, reproduction, adaptation, and distribution of his or her creative product.

Anything in a fixed medium is copyrighted, even if a copyright symbol is not present one should consider the material to be protected.

Copyright does not protect ideas, but rather the products of those ideas. The enforcement of copyright laws is becoming more stringent. Understanding and application of the Fair Use and other guidelines is critical for the proper use of copyrighted materials.

FAIR USE GUIDELINES

Fair Use Guidelines are established to permit use of copyrighted work, in limited situations, without the permission of the copyright holder. There are four Fair Use Factors that must be applied when claiming that an educational use is protected by the Fair Use Guidelines. **The burden of proving fair use falls to the educator making use of the material. If in doubt, contact Copyright Clearance Services.**

FAIR USE FACTORS

1. **Is it for Education or Profit?** The purpose and character of use, including whether such use is of commercial nature or is for nonprofit educational purposes.
2. **Is it creative or informative?** The nature of the copyrighted work.
3. **How much are you using?** The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
4. **Does use prevent the copyright holder from benefiting?** The effect of the use upon the potential market for or value of the copyrighted work.

GUIDELINES PRINT

A teacher can make single copies of a book chapter, article, short story or short poem, chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

Teachers **may not** copy consumable works, and copying of the same item may not be repeated from term to term.

Copies can be made for the classroom if they include a notice of copyright and meet the tests of brevity, spontaneity and cumulative effect.

Brevity

Portion allowable is based on the type of text. Short articles or poems, may be used in entirety. 10% is the rule of thumb for longer works.

Spontaneity

If a teacher decides to use an item and if there is not enough time to expect a reply to a request for permission before using the item for teaching effectiveness, the item can be used under fair use.

Cumulative Effect

Copying is for only one course. Not more than two items from the same author or three from the same collective work during one class term.

INTERNET

All materials posted on the Internet are copyrighted. They can legally be read but not legally forwarded or reproduced for instructional purposes, except under fair use. You may make one copy for personal use. The more creative the site the less it can be used without permission. Some sites give permission for educational use. Contact the site's webmaster. Make sure you have permission to use any photos, logos or graphics on websites you create. You need permission from the photographer and identifiable people in the picture to use photos.

EMAIL, DISCUSSION LISTS

The author of an email owns the content of the message. As a recipient, you cannot make copies or distribute the message without permission of the sender. A message posted to a newsgroup or discussion list is

“published”. Fair use can be applied to use portions. Fair use would be negated if the list has a request that the material not be distributed beyond the list.

MULTIMEDIA GUIDELINES

These guidelines allow digitizing of other formats for incorporation into multimedia creations for academic assignments. Original works used for digitizing must be lawfully acquired. Portion and time limitations help identify how much is acceptable under fair use.

Portion Limitations

- Text:** up to 10% or 1,000 words whichever is less;
- Motion media:** Up to 10% or 3 minutes, whichever is less;
- Audio:** up to 10%, but not more than 30 seconds;
- Images:** an entire illustration or photo may be used but not more than five images by the same artist or photographer;
- From a published collection:** 10% or 15 images whichever is less;
- Numerical Data:** up to 10% or 2500 fields or cell entries, whichever is less.

IMPORTANT REMINDERS

Educators may use materials for up to two years after the first instructional use in class. Beyond that period they must acquire permission of the holders of each copyrighted portion.

Students and educators may retain copyrighted materials for personal portfolios, assessment of learning, tenure review, and job interviews.

Users of copyrighted material must include a notice that certain materials are included under the fair use exemption of the U.S. copyright laws. They should also extend credit for the sources of any materials used.

DISTANCE LEARNING

SYNCHRONOUS VIDEO- CONFERENCING

Transmission of copyrighted material over the Internet on the following guidelines

- The transmission must be for ongoing instructional activities related to the course content
- Any work can be displayed and transmitted once without permission;
- Transmission must be received in classroom or location controlled by the educational institution;
- Materials used must be legally acquired;
- Class may be recorded and retained 15 days with limited viewing, in a controlled environment, by students enrolled in the course.

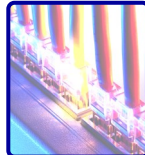


WEB-BASED

The TEACH Act was established to benefit Distance Education programs delivered over computer networks. This act updates the Copyright Act of 1976.

- Permits the display and performance of nearly all types of works;
- Allows the display of work comparable to face-to-face classroom use;
- Restricts performance to “reasonable and limited” portions of dramatic works;
- Allows you to digitize analog works as long as they are not already available in digital format or if they have protective measures that prevent transmission;
- Instruction can be received at any location;
- Allows the retention of the content and student access for a brief period of time;
- Permits copying and storage that is necessary to the technical aspects of digital transmission systems;
- Restricts access of course material to only those students enrolled in the course;
- Requires technological controls to prevent downloading, copying, and further distribution;
- Requires the Institution to be responsible for copyright information dissemination and controls for access and dissemination.

The Fair Use Guidelines can still be applied to distance learning. If the Four Fair Use Factors don't apply to the media you plan to use, then apply the TEACH Act. If neither apply, get permission from the copyright holder.



Office of Distance Education
212 White Hall
College of Education, Health and
Human Services



Faculty Professional Development
Center
217 Moulton Hall
Kent State University