

A Summary of Copyright and Fair Use Guidelines for Educators

This page is intended to introduce teachers, aides, administrators and other school personnel to the laws of Copyright and Fair Use, as they pertain to education. It is important that educators model legal and ethical copyright practices, and promote legal and ethical use of technology and other resources with their students.

Included below is a summary of the fundamental principles of Copyright and Fair Use for eight types of materials often used in classrooms.

As used below, "spontaneously copied" generally means that the decision to make copies is made by the teacher or student who is going to use the material and the decision is made so close in time to its actual use in the classroom that asking permission of the copyright owner is not practical. The "cumulative effect test" generally consists of the following elements:

- (1) the material can only be used for one course in the school;
- (2) not more than one excerpt can be copied from the same author;
- (3) not more than three excerpts can be taken from the same collective work; and
- (4) not more than nine instances of such multiple copying can occur for any one class during the same semester

Artwork or Graphics

- Single copy for teacher for research, teaching, or class preparation.
- Multiple copies (one per student per class) okay if material is (a) adequately brief, (b) spontaneously copied, (c) in compliance with cumulative effect test.
- Copyright notice and attribution required.
- No more than 5 images of an artist or photographer may be used
- From a collection, no more than 15 images or 10%, whichever is less, may be used

Permission needed ~~for using multiple again and again to repeatedly use copies~~ in the classroom, using multiple copies to create an anthology, and using copies to avoid purchasing a textbook or other consumable material.

Book Chapter

- Single copy for teacher for research, teaching, or class preparation
- Multiple copies (one per student per class) okay if material is (a) adequately brief, (b) spontaneously copied, (c) in compliance with cumulative effect test
- Copyright notice and attribution required

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Broadcasts

- Single copy or off-air simultaneous broadcast may be used for a period not to exceed the first 45 consecutive calendar days after recording date
- Used only by individual teachers for instructional purposes only
- Copyright notice required

Multiple copies prohibited. Incorporation or alteration into another form as embellishment for artistic purposes for other than temporary purposes prohibited. Copy may not be altered.

Motion Media

- Single copy of up to 3 minutes or 10% of the whole, whichever is less
- Spontaneity required

Multiple copies prohibited. Incorporation or alteration into another form as embellishment for artistic purposes for other than temporary purposes prohibited.

Music

- ~~Single copy of up to 10% of a musical composition in print, sound, or multimedia form~~
- ~~A maximum of 30 seconds per musical composition may be used~~
- Multimedia program must have an educational purpose

Commented [MSR1]: No longer the law.

Multiple copies prohibited. Incorporation or alteration into another form as embellishment for artistic purposes for other than temporary purposes prohibited.

Periodicals

- Single copy for teacher for research, teaching, or class preparation
- Multiple copies (one per student per class) okay if material is (a) adequately brief, (b) spontaneously copied, (c) in compliance with cumulative effect test
- Copyright notice and attribution required

Permission needed ~~for using multiple again and again to repeatedly use copies~~ in the classroom, using multiple copies to create an anthology, and using copies to avoid purchasing a textbook or other consumable material.

Poetry

- Single copy for teacher for research, teaching, or class preparation
- Multiple copies (one per student per class) okay if material is (a) adequately brief, (b) spontaneously copied, (c) in compliance with cumulative effect test
- Copyright notice and attribution required
- Multiple copies of a complete poem up to 250 words, but no more than 2 printed pages
- Multiple copies of up to 250 words from longer poems

Permission needed ~~for using multiple again and again to repeatedly use copies~~ in the classroom, using multiple copies to create an anthology, and using copies to avoid purchasing a textbook or other consumable material.

Prose

- ~~Single copy of up to 10% of a musical composition in print, sound, or multimedia form~~
- ~~A maximum of 30 seconds per musical composition may be used~~
- ~~Multimedia program must have an educational purpose~~
- ~~Multiple copies of a complete work of less than 2,500 words, or excerpts from a longer work up to 1,000 words or 10% of work, whichever is less~~

~~Permission needed for using multiple copies and for incorporation or alteration into another form as embellishment for artistic purposes for other than temporary purposes.~~

Resources Used:

A Teacher's Guide to Fair Use and Copyright Modeling Honesty and Resourcefulness

Technology & Learning Copyright and FairUse Guidelines