

Fair Use Policy

Print Materials

You may not photocopy materials that are protected by copyright law without permission of the copyright owner. Exceptions to this are outlined in the discussion of "Fair Use" below. "Fair Use" exceptions allow an instructor in a non-profit educational institution to make copies for use in teaching, research, or scholarship.

You may:

1. Make a single copy of a book chapter, journal article, short story, essay, short poem, or a chart, graph, diagram, drawing, cartoon, or picture from a book, journal, or newspaper for research or in preparation for teaching a class.
2. Make multiple copies of a journal article, book chapter, short story, essay, or poem for classroom or reserve room use, if
 - a. The item copied does not exceed 2500 words.
 - b. The decision to use the copyrighted material for a particular class is spontaneous and would not allow time to obtain permission from the copyright owner.
 - c. The copies are made for only one course in the College.
 - d. There are no more than two excerpts from one author.
 - e. There are not more than three copies made from the same book or journal volume.
 - f. There are not more than nine instances of multiple copying for one course during one semester.

You may not:

1. Use copies to take the place of purchases of anthologies, compilations, or collections of readings.
2. Make copies from consumable works, such as workbooks, exercises, or standardized tests.
3. Make or use copies from the same copyrighted material from semester to semester.
4. Charge the student more than the actual cost of the photocopying.

Audiovisual Materials

Copyright protects the format in which the producer expresses an idea, since ideas themselves are not protected. Making copies or changes from one format to another are not allowed. The following applies to educational use of audiovisual materials protected by copyright, unless you have obtained permission to do otherwise.

You may:

1. Use a program taped off broadcast television (not subscription cable television) if you show it within 10 school days of the original broadcast and erase it within 45 calendar days.
2. Show the above tape in several classes within the 10 school day period.
3. Make multiple copies of locally produced, non-copyrighted materials.

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4. Show lawfully purchased materials owned by the College.
5. Show videotapes purchased, rented, or borrowed from outside entities (video stores, public libraries, colleagues, etc.)
6. Make a single slide or transparency from a book

You may not:

1. Record subscription/cable programs for later off-air use.
2. Make duplicates of audio or video tapes (without obtaining permission).
3. Use off-air tapes of broadcast television after 10 school days.
4. Transfer one format to another, e.g. $\frac{3}{4}$ in to $\frac{1}{2}$ in video, film to video, etc.
5. Edit or combine off-air recording to create a new work.
6. Make duplicates of slide sets.
7. Use College equipment to show or play unlawfully obtained audiovisual material.
8. Use copyright music as part of a video or multimedia presentation.
9. Instruct someone else to make unlawful copies.

Computer Software

Purchase of a software package grants you a license from the copyright holder to use that software under certain restrictive conditions. All documentation and licensing agreements must be available in the department for possible review by Computer Services or outside parties. Unless specifically stated otherwise on the license agreement of the package, the following restrictions apply on all software purchased for use on College computer equipment. Failure to follow licensing agreement provisions may result in disciplinary actions, fines, and possible imprisonment.

You may:

1. Make a single backup copy of original disks.
2. Use the software on only one machine at a time.
3. Transfer the package to another person or department provided all original materials plus backups accompany the transfer.

You may not:

1. Install the product on more than one machine at a time.
2. Install the product on your home computer (unless specifically allowed by license agreement).
3. Allow copies of the product to be distributed to other departments.
4. Make copies of documentation manuals (unless specifically allowed by license agreement).
5. Change the software in anyway with permission of the copyright holder.

Music

Copyrighted music may not be copied or performed without permission. Additional information about "Fair Use" of copyrighted music by educational institutions is available on the Web and in campus libraries. All photocopies of music must display a copyright notice.

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Multimedia Presentations

Copyright Law covers all copying, digitalizing, or scanning of copyrighted materials into multimedia products (PowerPoint, web pages, etc.). When multimedia creations are used in support of educational goals, “fair use” exceptions may apply. When in doubt, request permission from the copyright owner.

“Fair Use” and Copyright

A fair use of a copyrighted work may include reproduction for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research. The “fair use” limitation found at 17 USC § 107, is not defined in the statute and does not provide specifics as to what is or is not a fair use. Rather it identifies four factors that should be evaluated on a case-by-case basis in order to determine if a specific use is “fair.” These factors, which should be considered together when determining fair use, are:

1. **Purpose** and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. **Nature** of the copyrighted work;
3. **Amount** and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. **Effect** of the use upon the potential market for or value of the copyrighted work.

The distinction between “fair use” and infringement can be unclear. Unfortunately, there is no invariant formula available to help you determine “fair use.” Keep these four factors and the general considerations below in mind as you make your decisions.

Generally considered Fair Use

PURPOSE

Teaching
 Research
 Scholarship
 Nonprofit educational institution
 Criticism, comment, or parody
 News reporting
 Transformative use (work changed for new use)

NATURE

Published work
 Factual/nonfiction work
 Supports stated educational goals/outcomes

Generally considered Infringement

Commercial activity
 Profiting from use of material
 Entertainment
 Bad faith activity
 Plagiarism

Unpublished work
 Creative work (art, music, novels, films, plays)
 Fiction

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Generally considered Fair Use

Generally considered Infringement

AMOUNT

Small Quantity
Excerpted portion not significant to entire work
Quantity used appropriate to stated education goals/outcomes

Large part of work or entire work
Excerpted portion is central to work

EFFECT

User owns lawfully acquired or purchased copy
One or few copies made
No significant effect on market or potential market
No licensing mechanism available
No similar product marketed by copyright holder

Replaces sale of copyrighted work
Substantially impacts market or potential market for work
Permission/licensing available for using work
Numerous copies
Made available on Web or other public forum
Repeated or long term use

For More Information

Consult the copyright materials available in campus libraries. Use the College web page (Gadsden State Community College Legal Services button) to link to resources such as the United States Copyright Office, the Digital Millennium Copyright Act, and the TEACH Act. Information regarding obtaining permission from copyright owners is also available.

(See Form I/1.2-A - Request for Permitted Use of Copyrighted Material - Sample Letter)