

Copyright Policy

Fair Use of Copyrighted Print Materials

Fair use is to use “for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.”

In order to use material for classroom instruction, the following four tests must be applied:

- ♥ The purpose and character of the use, including whether such use is of a commercial nature, or is for nonprofit, educational purposes;
- ♥ The nature of the copyrighted work;
- ♥ The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- ♥ The effect of the use upon the potential market for or value of the copyrighted work.

Permissible Use of Copyrighted Print Materials

- ♥ A single copy of a/an
 - ♥ chapter from a book
 - ♥ article from a magazine or newspaper
 - ♥ short story, essay, or poem
 - ♥ chart, graph, diagram, drawing, cartoon, or picture from a book, magazine, or newspaper
- ♥ The teacher may keep these single copies for teaching purposes.
- ♥ The teacher may read these to the class or copy or project onto the board.
- ♥ The teacher may make exactly the number of copies per students
- ♥ The copies must be used for a discussion or activity, not just as a supplement or ‘extra’.
- ♥ The copyright notice must be included (e.g. Copyright 2008, Angela Tarr)

The following three guidelines must be met:

- ♥ Brevity
- ♥ Spontaneity
- ♥ Cumulative effect

Brevity

- ♥ Illustrations: one drawing, chart, cartoon, etc.
- ♥ Poems: less than 250 words or two printed pages
- ♥ Prose: less than 2,500 words for a complete story or article
 - Less than 1,000 words or 10% of the entire work for letters, plays, novels
 - 500 words no matter how short something is, even if that is more than 10%
- ♥ An exception for picture books – only two pages

Spontaneity

It must be the teacher's own idea to make copies. No one in a higher position may dictate that he or she make them for students. The idea to use the material must happen very quickly before using the copies. It must be a short enough time that the teacher couldn't write to the copyright holder for permission to use it. If you know at least three weeks ahead of time when you will use a copyrighted work, you must write for permission. If you do not hear back from the copyright holder when that time is up you may legally use the material.

Cumulative Effect

- ♥ Copies cannot substitute for "anthologies, compilations, or collective works."
- ♥ Copies cannot be made from 'consumable' items like workbooks.
- ♥ Copies cannot:
 - "substitute for the purchase of books, publishers' reprints, or periodicals;
 - Be directed by a higher authority; or
 - Be repeated with respect to the same item by the same teacher from term to term." This also means a teacher cannot use the same copies for more than one subject.

A teacher may make class copies of one short poem, article, story, or essay or two excerpts from the same author during one term (year or semester or quarter). If the copies are taken from a collective work, the teacher is limited to three or fewer items during a class term. She or he is also limited to three or fewer items copied from one periodical volume (not issue) during one term. Current news articles from newspapers and magazines are exempt from this requirement.

Fair Use of Copyrighted Audiovisual Materials

Four requirements must be met before a performance is considered acceptable under this educational exemption to the public performance restriction:

-  The performance must be presented by teachers or pupils,
-  The performance must occur in the course of face-to-face teaching activities,
-  The performance must take place in a classroom or similar place of instruction (including the library) in a nonprofit educational institution; and
-  The performance must be of a legally acquired (or legally copied) copy of the work.

Permissible Use of Copyrighted Audiovisual Materials

You cannot make backup or archival copies of video material. You may use the video media as long as it works. If it breaks or wears out you must buy a new copy.

Never can you:

-  Make a recording of excerpts from several works.
-  Make a copy of a work to a different medium.
-  Show a work to students as a reward.

Permissible Use of Off-air Recordings

- ♥ Teachers can use material recorded from broadcast television, so long as the relevant ERA licence is valid
- ♥ This does not include cable or satellite programs
- ♥ In order to use things from channels like the Discovery Channel or History Channel, you must have the legal right to do so. Educational guides for shows on these channels usually have this type of information in them
- ♥ You may keep a recorded programme for 45 consecutive days.
- ♥ Students may only be shown the programme twice in the first 10 school days of those 45 days
- ♥ After the first 10 days only the teacher may view the programme
- ♥ After the 45 days recorded must be deleted

Permissible Use of Computer Software

You may only have software loaded on the number of machines that the license permits. If it is a single-use copy of software, it means one user, one machine. If it is a multiple loading copy you may only load it on the number of machines stated in the license. Do not load software from home onto school computers. Do not load software from school onto your home computer unless the school has the legal right to do so.

Consult with the school's IT department or The Education Fellowship IT Director for guidelines on specific software products.

Guidelines for Permissible Use of Copyrighted Materials in Multimedia Presentations (like PowerPoints)

You must apply the fair use guidelines of each type of material in the presentation.

Teachers may create a multimedia presentation with copyrighted materials in it as long as all of the guidelines for fair use are followed. They may use the presentation for two years. After two years fair use no longer applies and the teacher must request permission to use all of the copyrighted materials.

Students may create a multimedia presentation with copyrighted materials in it as long as all of the guidelines for fair use are followed. Students may keep their works indefinitely.

Only two copies may be made of a presentation. If more than one person helped create it, they may each have a copy; they may keep it two years if a teacher, forever if a student.

Digital media guidelines

- 📄 Film clips – no more than 10% or three minutes, whichever is less
- 📄 Text – no more than 10% or 1,000 words
- 📄 Music video, lyrics or music – no more than 10% or 30 seconds
- 📄 Photos, cartoons, or illustrations – no more than 10% or 15 images from one work or no more than five from one artist or photographer
- 📄 Sets of numerical data – no more than 10% or 2,500 cells or fields, whichever is less

It is recommended that individual teachers who frequently use multimedia presentations purchase clips of works created for this purpose or consider creating their own original material.