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## CONTENTS

Introduction . . . . .	4
Tutorial: Copyright On Campus . . . . .	6
Copyright Myth Versus Fact. . . . .	11
CCC's Compliance Solutions . . . . .	13



## Introduction

## Introduction

Do you use articles from journals and other publications to create coursepacks? Do you ever download articles from the Internet for classroom use? Do you post information online for distance learning or electronic reserves?

If you answered “yes” to any of these questions, this CD is for you.

CopyRight! Academic Permissions explains how copyright law affects you, and how to make sure that you are lawfully reproducing copyrighted materials.

Contents include:

- ▶ Tutorial: Copyright on Campus - Take a quick look at copyright and how it affects the academic community.
- ▶ Copyright Myth versus Fact - Explore four common misconceptions about using copyrighted information for educational purposes.
- ▶ CCC’s Compliance Solutions - Need permission to use copyrighted material in coursepacks, e-reserves or distance learning? Use the Permissions Grid to get permission online at *copyright.com*, the website of Copyright Clearance Center (CCC).

For More Information

If you have any questions about CCC or this CD, please e-mail us at *info@copyright.com* or call 978-646-2600 and ask to speak to a Customer Relations Representative.

About Copyright Clearance Center, Inc.

CCC, the largest licensor of text reproduction rights in the world, is a not-for-profit organization formed in 1978 to facilitate compliance with U.S. copyright law. CCC provides licensing systems for the reproduction and distribution of copyrighted materials in print and electronic formats throughout the world.

The company currently manages rights relating to over 1.75 million works and represents more than 9,600 publishers and hundreds of thousands of authors and other creators, directly or through their representatives. CCC-licensed customers in the U.S. number over 10,000 corporations and subsidiaries (including 92 of the Fortune 100 companies), as well as thousands of government agencies, law firms, document suppliers, libraries, academic institutions, copy shops and bookstores.



## Tutorial: Copyright On Campus



Whether you are a faculty member, academic librarian or campus store professional, chances are you need to ...

- ▶ Photocopy articles or other copyrighted materials for coursepacks, class handouts, library reserves or inter-library loans.
- ▶ Electronically reproduce materials for distance learning, electronic coursepacks or e-reserves.
- ▶ Republish other's copyrighted materials in your own books, newsletters, CDs, etc.

But did you know that doing so without permission from the copyright owner is under many circumstances copyright infringement? Instructors, colleges, universities, bookstores and copy shops (and their owners) that reproduce copyrighted material can all be held liable for contributory infringement. Such is the case when they distribute, or direct a copy shop to distribute, multiple copies of course materials without permission from the copyright owner.

The risk of being found guilty of copyright infringement is real. There are at least 10,000 infringement suits filed every year in the United States. Most of these are settled out of court to avoid embarrassment to the organizations, institutions or individuals involved. With the heightened awareness of copyright law in the wake of recent high-visibility law suits, more infringement litigation is sure to follow. Some copyright infringement cases are classified as criminal violations and can result in possible enhanced damages and prison penalties.

Is it worth the risk to distribute copies, or direct others to distribute copies, on campus without making sure that you are complying with copyright law?



**W**hy does copyright law exist? To encourage, support and protect your creativity and the creativity of your colleagues. The law does this by providing financial incentives to creators, including a right to sue infringers.

As an educator, you have probably written and published materials such as technical articles, books or short stories. You understand the time invested to write, rewrite, edit, find an agent and find a publisher. What would happen if you and others who research, invent, write and create could not be compensated for your labors? Royalty fees on course materials may seem like too much money for students to pay, but without compensation there would be no incentive to create new materials.

- ▶ It is the copyright owner who determines the royalty fees to be charged when their works are reproduced by others. Just as you probably do if you own copyrights, the majority of copyright owners set reasonable fees for academic use.

Some people say that it takes too long to get permission from the rightsholder (copyright owner). Planning ahead and leaving some time for the permissioning process can solve this issue. So can CCC's centralized service, which was created by rightsholders to speed up the process.

- ▶ However, in some smaller number of cases, it can take time for a rightsholder to research the request to ensure he or she is entitled to convey the permission you are asking for. The rights may belong to the author, the publisher or a combination of both, or even to another person (author, publisher, estate, etc.) if the material has changed owners.



The Classroom Guidelines on the following page were created to address the use of photocopies of copyrighted material in the academic environment within the scope of the United States Copyright Act. The Classroom Guidelines describe the types of copying that are lawful without first obtaining permission. Representatives of authors, publishers and universities worked together to develop the Classroom Guidelines, which, while not “the law,” were agreed to by the involved parties and publicly acknowledged by Congress.

You may want to save the Classroom Guidelines onto your desktop for future reference. The following link will open the Classroom Guidelines alone for easy saving on to your desktop.\*

▶ [Open the Guidelines: Macintosh: option + click • Windows: control + click](#)

If you have further questions about copyright, you can ...

- ▶ [Contact a CCC Customer Relations Representative at 978-646-2600 or at \*info@copyright.com\*.](#)
- ▶ [Contact your librarian.](#)
- ▶ [Ask at your campus store.](#)
- ▶ [Consult your campus copyright policy.](#)

\*Only available when using Acrobat Reader version 5.

## Classroom Guidelines in General

### A Single Copy Is Permitted Without First Obtaining Permission ...

... of the following materials for research or teaching purposes (though subject to certain “prohibitions”):

- ▶ Chapter from a book;
- ▶ Article from a periodical or newspaper;
- ▶ Short story, short essay or short poem, whether or not from a collective work;
- ▶ Chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

### Multiple Copies Are Permitted Without First Obtaining Permission ...

... up to the number of students, for classroom use, without first obtaining permission from the copyright owner, if the copying meets certain tests of brevity, spontaneity and cumulative effect. Each copy must also include a notice of copyright.\*

Brevity definition:

- ▶ Poetry: Complete poem if less than 250 words and if printed on no more than two pages; Excerpt of not more than 250 words;
- ▶ Prose: Complete article, story or essay of fewer than 2,500 words; Excerpt of not more than 1,000 words or 10 percent of work, whichever is less, but in any event a minimum of 500 words;
- ▶ Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue;
- ▶ Special works: Excerpt of not more than two published pages and not more than 10 percent of words found in text.

Spontaneity definition:

- ▶ The copying must be at the instance and inspiration of the individual teacher; and
- ▶ The inspiration and decision to use the work and the maximum teaching effectiveness must be so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative effect definition:

- ▶ The copying is only for one course in the school;
- ▶ Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term (other than certain news items);
- ▶ Multiple copying is limited to no more than nine instances for one course during one class term (other than certain news items).

\*When planning in advance to distribute a number of different works in an anthology, compilation or collective work (that is, in the form of a coursepack or course reader), permission must **always** be obtained prior to producing, selling or distributing such material in the classroom.

### Copying Never Permitted

It is never permissible to make copies of consumable materials such as workbooks, tests and answer sheets.



## Copyright Myth Versus Fact



As an academic professional, you know the value of having quality learning material available for your students. You also know the value of having information that is timely and relevant. When you see an article online that would enhance your lesson plan, you know how easy it is to download and print it for the class. But did you know that information that is freely available on the Internet or even in print is probably protected by federal copyright law and requires the copyright owner's permission for reuse? The following are a few misconceptions about material on the Internet and the use of materials in a classroom setting:

**Myth:** Material on the Internet is free for you to use however you want.

**Fact:** In most cases, material on the Internet is protected by copyright, requiring permission for reuse.

**Myth:** If a book is out of print, you don't need permission to reproduce its content.

**Fact:** Out-of-print books are covered by copyright. Copyright does not end when a book is out of print.

**Myth:** You don't need to get permission to reuse articles that you use in class year after year.

**Fact:** Articles that you use in class year after year become part of course work and require permission each time you use them for a new class.

**Myth:** Copyrighted material compiled into a course packet or course reader and sold in the bookstore does not require permission from the copyright owner. It is "fair use."

**Fact:** Copyrighted material compiled into a course packet (whether in photocopy or electronic format) almost always requires the permission of the copyright owner. Just because it's educational doesn't mean it's fair use.

Students face serious consequences for engaging in activities considered to be plagiarism, such as reproducing other people's materials without their permission or not giving credit to the original author. As an academic professional, you should set the example and reinforce this concept by seeking permission to use material for class.



## CCC's Compliance Solutions



CCC makes compliance easier with its online permission request services. The Permissions Grid on the following page will help you determine which CCC service best meets your needs.

1. Choose the type of permission you or your client needs.
2. Click the corresponding bullet on the grid.
3. You will be taken to *copyright.com*, CCC's Web site.
4. Follow the instructions on the screen.

You may want to save the Permissions Grid onto your desktop for instant access, 24/7! The following link will open the Permissions Grid alone for easy saving on to your desktop.\*

▶ [Open the Grid: Macintosh: option + click • Windows: control + click](#)

\*Only available when using Acrobat Reader version 5.

I need permission to use copyrighted content in this form ▼

Electronic Course Content Service    Digital Permissions Service    Academic Permissions Service    Transactional Reporting Service    Republication Licensing Service

**Electronic Uses**

Develop a course packet - electronic, CD-ROM					
Post an article online for students					
Post material online for distance learning					
Reproduce from an out-of-print book - digital					
Post an article on e-reserve					
Digital transmission for inter-library loan					
Post material on the Internet for the public					

**Photocopy & Republication Uses**

Develop a course packet - photocopy					
Prepare classroom handouts - photocopy					
Reproduce from an out-of-print book - photocopy					
Distribute a cartoon to students					
Distribute an article in student orientation packets					
Distribute an article to faculty					
Distribute an article to members of administration					
Inter-library loan of an article					
Reproduce an article for traditional library reserve					
Republish material in a textbook					
Republish material in a newsletter					
Republish material in an article					
Republish material in a dissertation					

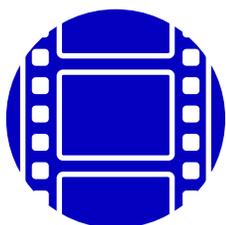
For questions about other usage not shown here

 Contact CCC

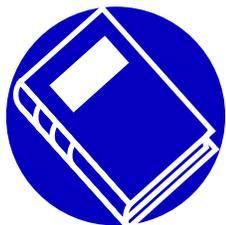
## Q. & A. Other copyright resources:



- Q. Are there tools available for students to learn about copyright?
- A. For information about K-12, high school and higher education, see the materials available from the Copyright Society of the USA at [www.csusa.org](http://www.csusa.org)



- Q. We would like to show movies to students in the student center or in the residence halls. Can we just do this?
- A. Licenses for movie use in an academic setting are available from the Motion Picture Licensing Corporation at [www.mplc.com](http://www.mplc.com)



- Q. One of our professors is publishing a book. How can he/she protect that work?
- A. Information on how to register a copyright is available at:  
[www.copyright.com/CopyrightResources/CopyrightRegistration.asp](http://www.copyright.com/CopyrightResources/CopyrightRegistration.asp)



- Q. Our students would like to perform live or recorded music in a public forum. Where can we get permission to do this?
- A. For further information please visit one of these sites:  
Broadcast Music, Inc. at [www.bmi.com/licensing](http://www.bmi.com/licensing)  
American Society of Composers, Authors and Publishers at [www.ascap.com](http://www.ascap.com)  
Sesac, Inc. at [www.sesac.com](http://www.sesac.com)



- Q. We purchased additional computers for our students and do not have enough software for each PC. Can we just copy the software we have?
- A. For additional information about the use of software by schools, please see the materials available from the Software & Information Industry Association at [www.spa.org/piracy/copyright/law.asp#schools](http://www.spa.org/piracy/copyright/law.asp#schools)