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# *Overview of the Fair Use Guidelines for Educational Multimedia*

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***Presented by:** Insert your name here  
Insert your institution name and date here*

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## Materials in this presentation:

- are included under the fair use exemption of the U.S. Copyright Law
- are included in accordance with the Fair Use Guidelines for Educational Multimedia
- are restricted from further use

# Intent of this presentation

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- Introduce the guidelines
- Provide basic background information on their development
- Briefly identify permissible uses by students and educators
- Outline portion limitations by format

# Introduction

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The Guidelines provide a roadmap for developing and using educational multimedia projects under fair use rather than by seeking permission

# Educational use within copyright

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- Face-to-face teaching
- Off-air taping guidelines
- Other rights specifically accorded to libraries, i.e., duplication
- Fair use

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# Fair Use

# Definition of Fair Use

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A legal principle that defines the limitations on exclusive rights of copyright holders.

# Determining Fair Use

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- There is no simple test to determine what is fair use.
- Section 107 of the Copyright Act sets forth four factors to determine whether a use is a "fair use":

# Fair Use Factors #1

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The purpose and character of use -  
including whether such use is of a commercial  
nature or is for nonprofit educational purposes.

# Fair Use Factors #2

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The nature of the copyrighted work.

## Fair Use Factors #3

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The amount and substantiality of the portion used in relation to the copyrighted work as a whole.

## Fair Use Factors #4

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The effect of the use upon the potential market for or value of the copyrighted work.

# The Fair Use Guidelines for Educational Multimedia represent:

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a consensus of how to extend the scope of Fair Use to allow the creation of educational multimedia projects.

## It is important to understand that:

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- these guidelines are not *law*, but represent a *consensus* of fair use.
- uses that *exceed* these guidelines may or may not be fair use.
- the more one exceeds these guidelines, the greater the risk that fair use does *not* apply.
- only the courts can determine whether any particular use falls within fair use.

# Participants and Endorsement

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- **Association of American Publishers (AAP)**  
200 publishers
- **American Society of Composers, Authors, and Publishers (ASCAP)**
- **Broadcast Music, Inc. (BMI)**
- **MPAA - Motion Picture Association of America**
- **Software Publishers Association (SPA)**  
1200 Publishers
- **Time-Warner**

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# **Background on the Development of the Guidelines**

# Background

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- Developed from concerns of the membership of the Consortium of College and University Media Centers (CCUMC)
- 1992 Spring CCUMC Conference debate in Colorado
- 1994 Educational Fair Use & the New Media Conference - American University, Washington, D.C.

# Background

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- July 1994 - CCUMC convened a multimedia working group
- September 1994 - Conference on Fair Use (CONFU) convened its first plenary session
- Early in 1995 - CCUMC multimedia working group efforts recognized and formally wrapped into the CONFU drafting and approval processes

# Background

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- August 1996 - Multimedia working group completed negotiations on the Guidelines document.
- September 27, 1996 - Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, United States House of Representatives issued a non-legislative report acknowledging the Guidelines.

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# **Applicability of the Guidelines**

# The Guidelines apply to use:

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- ...without permission,
- ...of portions,
- ...of lawfully acquired copyrighted works,
- ...in educational multimedia projects,
- ...created by educators or students,
- ...as part of a systematic learning activity,
- ...by nonprofit educational institutions.

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**Preparation of  
Educational Multimedia  
Using Portions  
of Copyrighted Works**

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The Guidelines recognize different needs for students and educators.

# Students

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- May incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a *specific course*.

# Students

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- May perform and display their own projects in the course for which they were created.
- May retain these projects indefinitely in their own portfolios as examples of their academic work for later personal uses such as job and school interviews.

# Educators

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- May incorporate portions of lawfully acquired copyrighted works when producing educational multimedia projects to support their teaching needs.

# Educators may present their projects:

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...face-to-face instruction

...assigned to students for directed self-study

...remote instruction (with limitations)

for a period of up to two years after the first instructional use with a class.

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Instructional use beyond two years requires permission for each copyrighted portion incorporated in the production.

## Educators may retain projects indefinitely:

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- for presentations to peers, for example, at workshops and conferences.
- to retain in portfolios for personal uses such as promotion or job interviews.

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# Other Limitations

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Preparation and Use of projects created under these Guidelines are subject to limitations of

- ◆ Portion
- ◆ Copying
- ◆ Distribution

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# Portion Limitations

## Portion Limitations:

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- The amount of a copyrighted work that reasonably can be used in a project regardless of the original medium from which the copyrighted works are taken.

# Portion Limitations, Continued

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- Limits apply cumulatively to each project
- Students in K through 6 may not be able to adhere rigidly to the portion limitations in their independent development of projects.

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# Portion Limitations by Media Type

# Text Material

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Up to 10% or 1000 words, whichever is less, of a single copyrighted work of text.

# Text Sample (10%)

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Insert a text sample here

Cite and provide copyright information on sample here

Note length of original source here

# Text Material - Poems

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An entire poem of less than 250 words.

# Text Sample - Poem less than 250 words

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Enter poem of less than 250 words here

Cite and provide copyright information on sample here

## Text Material - Poems < 250 Words

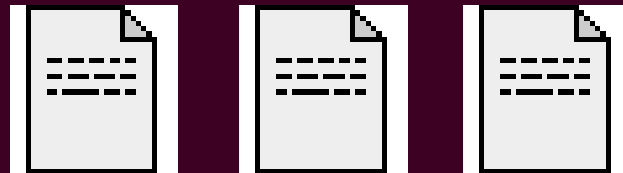
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- No more than three poems by one poet

# Text Material - Poems < 250 Words

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- No more than three poems by one poet



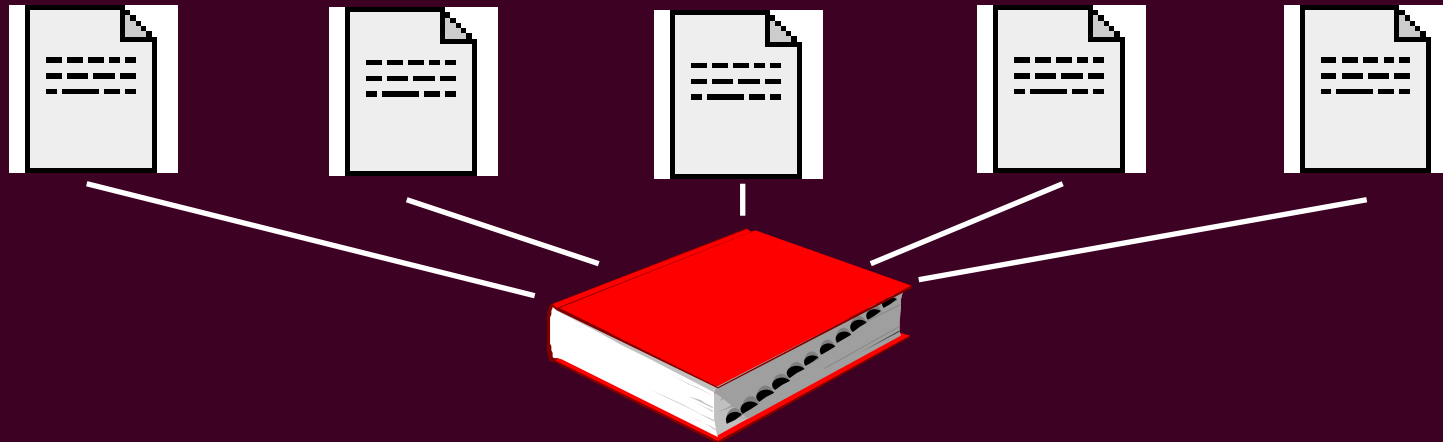
## Text Material - Poems < 250 Words

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- or five poems by different poets from any single anthology.

# Text Material - Poems < 250 Words

- or five poems by different poets from any single anthology.



# Text Material - Poems, Continued

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In poems of greater length:

- up to 250 words

# Text Sample - Poem more than 250 words

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Enter excerpt from poem of more than 250 words  
here

Cite and provide copyright information on sample here

Note length of original source here

# Text Material - Poems, Continued

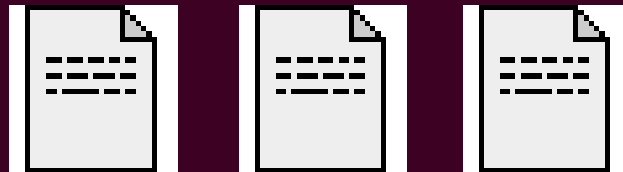
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- but no more than three excerpts by a single poet

# Text Material - Poems, Continued

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- but no more than three excerpts by a single poet



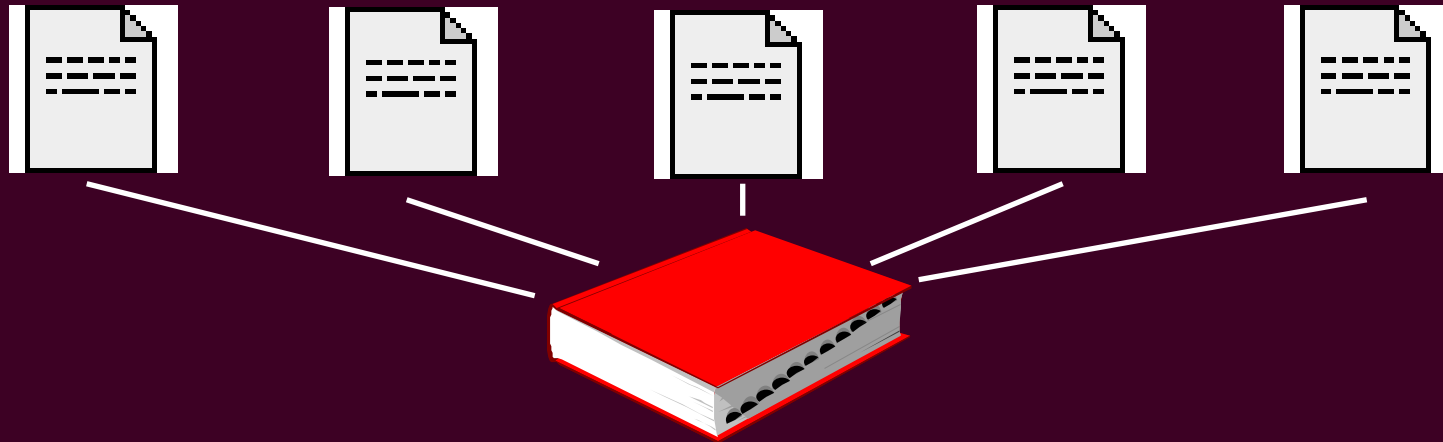
# Text Material - Poems, Continued

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- or five excerpts by different poets from a single anthology.

# Text Material - Poems, Continued

- or five excerpts by different poets from a single anthology.



# Motion Media

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Up to 10% or 3 minutes, whichever is less,  
of a single copyrighted motion media work

# Motion Media Sample

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Insert a 3 minute film or video clip here  
(From a work longer than 30 minutes)

Cite and provide copyright information on sample here

Note length of clip and original source here

# Motion Media Sample 2

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Insert a 10% film or video clip from a work shorter than 30 minutes here

Cite and provide copyright information on sample here

Note length of clip and original source here

# Music, Lyrics, and Music Video

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- Up to 10%
- but no more than 30 seconds of music and lyrics from a single musical work
- Any alterations to a musical work shall not change the basic melody or the fundamental character of the work.

# Music Sample

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Insert a 10% (up to 30 seconds) audio clip  
here

Cite and provide copyright information on sample here

Note length of clip and original source here

# Illustrations and Photographs

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Use of photographs or illustrations is more difficult to define with regard to fair use because fair use usually precludes the use of an *entire* work.

# Illustrations and Photographs, Continued

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- A photograph or illustration may be used in its entirety.

# Illustration / Photograph Sample

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Insert a sample illustration or photograph here

Cite and provide copyright information on sample here

# Illustrations and Photographs, Continued

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- No more than 5 images by an artist or photographer.

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Insert 5 sample illustrations by the same artist  
or photographer here

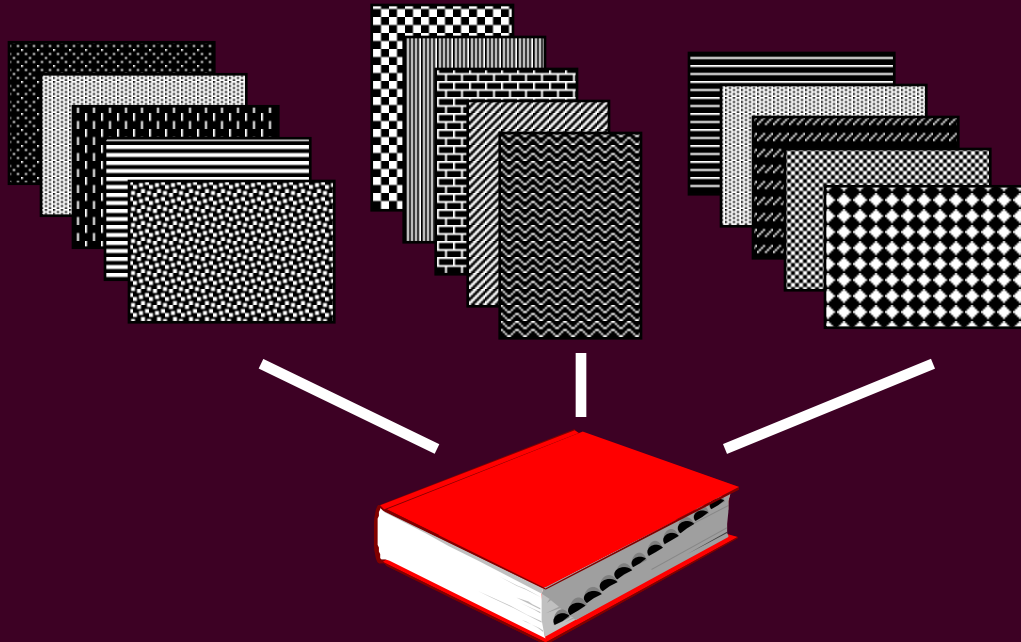
# Illustrations and Photographs, Continued

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- Not more than 10% or 15 images, whichever is less, from a single published collected work.

# Illustrations and Photographs, Continued

- Not more than 10% or 15 images, whichever is less, from a single published collected work.



# Numerical Data Sets

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- Up to 10% or 2500 fields or cell entries, whichever is less, from a database or data table.

# Sample Data Set

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Enter 10% sample data table here

Cite and provide copyright information on sample here

Note size of original source here

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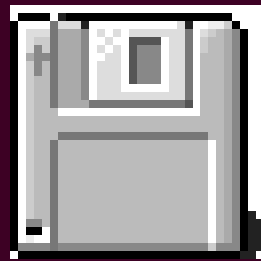
# **Copying and Distribution Limitations**

# Copying and Distribution Limitations

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Including the original, only a limited number of copies may be made of a project.

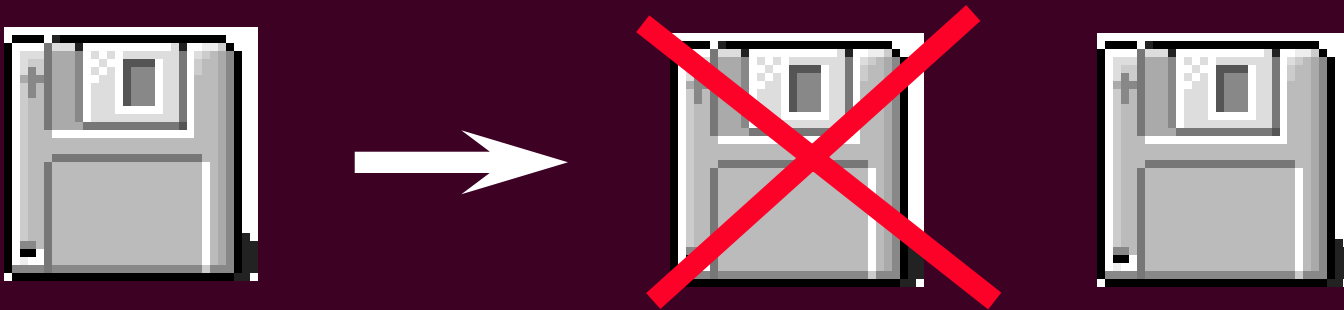
- Two use copies, one of which may be placed on reserve.



# Copying and Distribution Limitations

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- An additional copy for preservation to be used or copied only to replace a use copy that has been lost, stolen, or damaged.



# Copying and Distribution Limitations

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- For jointly created projects, each principal creator may retain one copy but only as permitted by use and time restraints previously outlined.

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# Important Reminders

# The Guidelines recommend caution:

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- Downloading
- Attribution and acknowledgement
- Notice of use restrictions
- Future use beyond Fair Use
- Alterations to copyrighted works

# Downloading from the Internet

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Caution is advised in using digital material downloaded from the Internet:

- ◆ Internet access does not automatically mean that works can be reproduced and reused without permission or license.
- ◆ Some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

# Attribution & Acknowledgement

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Attribution and acknowledgement requires:

- Crediting copyright ownership
- Identifying the source
- Including the copyright notice
- Special provisions for remote use

## Attribution & Acknowledgement, Cont'd.

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Credit the sources and display the copyright notice © and copyright ownership information for all incorporated works including those prepared under fair use.

# Attribution & Acknowledgement, Cont'd.

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Copyright ownership information includes the copyright notice:

- ©
- year of first publication
- name of the copyright holder

## Attribution & Acknowledgement, Cont'd.

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Credit and copyright notice information may be combined and shown in a separate section of the project (e.g. credit section) except for images incorporated into the project for remote use.

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Insert photo credits and copyright information  
for 5 artist/photographer images used earlier  
here

# Notice of Use Restrictions

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The opening screen of a program and any accompanying print material must include a notice that:

- certain materials are included under the fair use exemption of the U.S. Copyright Law
- materials are included in accordance with the Fair Use Guidelines for Educational Multimedia, and
- materials are restricted from further use.

# Future Uses Beyond Fair Use

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If there is a possibility that a project could result in broader dissemination, whether or not as a commercial product, individuals should take steps to obtain permissions during the development process rather than waiting until after completion of the project.

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# **Additional Information**

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*Fair Use Guidelines  
for Educational Multimedia*

Full text of Guidelines and other information:

<http://www.indiana.edu/~ccumc/mmfairuse.html>

***Fair Use Guidelines  
for Educational Multimedia***

*Tapes of the Videoconference*

Presented by:

**CCUMC and PBS - ALSS**

**\$275 per tape, postage & handling included**

# Contact Information

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*CCUMC Executive Office*

*Iowa State University*

*1200 Communications Building - ITC*

*Ames, Iowa 50011-3243*

*E-Mail: [ccumc@ccumc.org](mailto:ccumc@ccumc.org)*

*Phone: 515.294.1811*

*Fax: 515.294.8089*

# Other Copyright Resources on the Web

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- **U.S. Copyright Office**  
<http://lcweb.loc.gov/copyright/>
- **CONFU**  
<http://www.uspto.gov/web/offices/dcom/olia/confu/index.html>
- **Copyright Management Center**  
University of Texas System  
<http://www.utsystem.edu/ogc/intellectualproperty/>
- **Copyright and Fair Use - Stanford University**  
<http://fairuse.stanford.edu/>

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# Credits and Copyright

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If necessary, insert credit/copyright information for images, audio, text, motion media clips, etc. used in the presentation here

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The following information pertains primarily to institutional personnel and staff responsible for local enforcement of copyright.

It is included here for use in staff training, if desired.

# Institutional & Individual Protection

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- Create an Institutional Policy
- Have a place where questions are answered
- Develop a Local Clearinghouse
- Provide for information flow and development
- Use Institutional Legal Counsel and Information Technologists

# Attribution and Acknowledgments

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- Credit all sources for safety & information sake
- Note all use restrictions
- Copyright your institutional & individual work
- Maintain integrity of incorporated works
- Follow ethical standards and practices

# Your Best Copyright Safety Net

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- Stay informed
- Do not harm copyright holders - **ignorance is not an excuse.**
- Know if your use is instructional
- Do not trust to chance - seek guidance - **Mistakes can be expensive & embarrassing!**
- Be smart - Share liability

# Why Comply with Copyright?

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- It is the Law!
- Impact on future creative development
- Personal ethics
- Social modeling for students and clients
- Potential embarrassment or legal actions