



Antioch Community Consolidated School District 34

Dr. Gregory Buchanan, Superintendent

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Date: January 8, 2014
To: All District 34 Staff
From: Adam Sax, Director of Instructional Technology, Data & Assessment
Re: FAQ on Copyright Compliance in the Classroom Setting

[NOTE: You should include an introductory sentence or two or a brief paragraph explaining why this memo is being issued at this time. Was there something that prompted this discussion of copyright? It would be helpful to your staff to have a sense of why they're being reminded of this issue. If it's purely a reminder, just write that.]

The federal Copyright Act protects the creative works of authors who produce written, musical, dramatic, or other pictorial or graphic works. This is true even if the author or creator never applied for a copyright or if the work does not bear any indication that it is protected by copyright (*e.g.*, no © insignia). The purpose is to give the author the right to establish ownership of a creative work and prevent others from copying it or using it in any other way without the author's permission.

Is it ever possible for teachers to make copies of an author's copyrighted work without first securing permission?

Yes. Under the doctrine of "fair use," copyrighted works are allowed to be used without the copyright owner's permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research, but only under certain conditions. To determine whether a particular use of copyrighted material is fair use, courts consider the purpose of the fair use doctrine and the following statutory factors:

- The purpose and character of the use, including whether such use is of a commercial nature or is for a nonprofit educational purpose;
- The nature of the copyrighted work;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole (*i.e.*, you can't copy everything but the last page); and
- The effect of the use upon the potential market for or value of the copyrighted work.

As a teacher, can I make a copy of copyrighted works for myself?

Teachers are permitted to make *single* copies for their own use (scholarly research, use in teaching, or classroom preparation):

- A chapter from a book;
- An article from a periodical or newspaper;
- A short story, short essay, or short poem; and
- A chart, graph, diagram, drawing, cartoon, or picture from a book, newspaper, or periodical.

As a teacher, can I make a copy of copyrighted works for my students?

Teachers are permitted to make multiple copies (but not more than one per student in the class) for classroom use or discussion, but only if all the copies include a copyright notice and the copying meets the factors outlined below::

- **Brevity**
 - For poetry, you can copy (a) a complete poem if it's less than 250 words and fits on two pages or less or (b) an excerpt of 250 words or less from a longer poem.
 - For prose, you can copy (a) a complete work of less than 2,500 words or (b) an excerpt of 1,000 words or less or 10% of the work, whichever is less (or 500 words, if 10% of the work is less than that). However, in “special works” in which text and illustrations are combined and that are less than 2,500 words in their entirety—children’s books are a good example—cannot be copied in their entirety. You can only copy two pages from these “special works” and only 10% of the words on those pages.
 - For illustrations, you can copy one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

- **Spontaneity**
 - Copying is at the instance and inspiration of the teacher; and
 - The timing between the inspiration and decision to use the work and its actual use makes it unreasonable to expect a timely reply to a request for permission.
 - Works that are used by teachers in class after class, year after year likely do not meet this test.

- **Cumulative Effect**
 - Copying is for only one course in the school;
 - Not more than one short poem, article, story, essay, or two excerpts are copied from the same author, nor more than three from the same collective work or periodical volume during one class term; and
 - There are not more than 9 instances of such multiple copying for one course during one class term.
 - Also, you cannot make copies of copyrighted workbooks, exercises, standardized tests, etc.

Is it enough to acknowledge the source of copyrighted material?

Unless your use of the material clearly falls under “fair use,” no. The copyright law requires you to get actual permission from the author or creator.

Are there any other helpful resources on copyright’s impact on the classroom?

Yes. There are many, but the Copyright Office produces a helpful guide, entitled “Reproduction of Copyrighted Works by Educators and Librarians.” It can be accessed online at: <http://www.copyright.gov/circs/circ21.pdf>.