

## **Center for Continuing Professional Development**

### **Copyright Law: "Fair Use" Authorization and Liability Written Materials**

Listed below are guidelines to provide directions on photocopying copyrighted materials for teaching. Under the "fair use" provision of the Copyright Act of 1976, you are permitted to photocopy and distribute portions of copyrighted works for educational use without securing permission from the owner or paying royalties. The law in this area is quite general, however, the conditions listed below must be met.

Teachers may reproduce copyrighted works for classroom use under the following University of California guidelines determining "fair use":

- 1) **One copy for a teacher** may be made of a book chapter; an article from a periodical or newspaper; a short story, short essay, or short poem; a chart, diagram, cartoon, or picture from a book, periodical, or newspaper.
- 2) **One copy per student** in the course may be made by or for the instructor if it meets the tests of:
  - a. **Brevity:** a complete poem of fewer than 250 words or an excerpt of not more than 250 words from a longer poem; either a complete piece of less than 2500 words or an excerpt of not more than 2500 words from any prose work; one chart, diagram, drawing, cartoon, or picture per book or per periodical issue.
  - b. **Spontaneity:** the instructor may make such copies if there is insufficient time to contact the copyright holder for permission under the circumstances.
  - c. **Cumulative Effect:** except for news periodicals or newspapers, multiple copying can only be done 9 times during a class term.
- 3) Consumable material such as test sheets, answer booklets, and workbooks may not be copied.
- 4) **Copying is not permitted to create anthologies or similar collections of material from a variety of copyrighted works.**

If the material in question does not meet these tests, there is another way to legally reproduce copyrighted materials: by obtaining permission from the copyright holder. In most cases, a letter to the copyright holder is necessary. In the letter, the instructor should include the title, author, and edition of the materials, the number of copies to be made, the page numbers to be reproduced, the intended use of the material, the method of distribution (classroom, etc.), whether the material is to be sold, and the method of reprinting (ditto, photocopy, etc.).

Additionally, the following guidelines define unrestricted works:

- 1) Anyone may reproduce without restriction works that entered the public domain. Any work published in the U.S. before January 1, 1978, entered the public domain if it was published without a copyright notice.
- 2) Anyone may reproduce without constraint published works whose copyrights have expired. All U.S. copyrights dated earlier than 75 years ago have expired. Copyrights dated after 75 years ago may also have expired if they have not been renewed because the initial period of copyright protection prior to 1978 was 28 years.
- 3) U.S. Government Publications may be reproduced freely because they are not copyrightable.

### **Off-Air Recordings**

Unless used within ten days of recording, it is recommended that instructors who wish to videotape excerpts of off-air broadcasts for use in the classroom, contact the program producer.