

## Copyright F.A.Q.

Q. Can I project and enlarge images or text from a book or magazine in my classroom using a document camera?

A. Yes.

Q. Can I scan the pages of a picture book to create a PowerPoint or PDF version of the book to share with my class?

A. No. Reproducing the entire creative work and putting it into a highly distributable format would weigh against fair use. Purchasable or licensable electronic editions of picture books are becoming increasingly available and are also more time effective than manually scanning an entire book, so you should seek out these options. Work with your school librarian to find these types of resources.

Q. Can I or my students scan a single page from a picture book to incorporate into a multimedia classroom presentation?

A. Yes. This would be a more reasonable application of fair use, as the amount in relation to the entire work is small and the use is likely transformative.

Q. Can I photocopy an article, story, poem, or other small amount of content from a book or magazine and distribute it to my students?

A. Yes, if you determine in good faith that your use falls within the four factors of fair use. The Fair Use section of the Copyright Act specifically and approvingly mentions the practice of reproducing materials for purposes of teaching, including creating multiple copies for classroom use.

In 1976, concurrent to the passage of the Copyright Act, a committee comprised of representatives from various groups— authors, publishers, educators, librarians, and other stakeholders—negotiated an “Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals.” The guidelines suggested minimum size amounts for reproduction of printed materials that in the committee’s view constituted fair use. They also set suggested prohibitions on certain types or frequencies of uses, and set up additional tests in an attempt to aid educators in determining fair use: brevity, spontaneity, and cumulative effect. These guidelines and tests do not hold the force of law, but they can sometimes be useful in helping educators determine whether their use of copyrighted content is fair. As an example, the guidelines provide the following length recommendations for making multiple copies of printed content for classroom use:

- i. Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- ii. Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.
- iii. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- iv. "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text thereof, may be reproduced.

Further details about these guidelines can be found in [Circular 21: Reproduction of Copyrighted Works by Educators and Librarians](#) published by the U.S. Copyright Office.

Q. Can I photocopy the same article each year or semester for a new group of students?

A. If you intend to continue using a piece of copyrighted material on a consistent basis with future classes you should make good faith attempts to purchase the resource or otherwise obtain permission from the copyright holder before continuing to reproduce the resource. In many cases, permissions can be purchased without undue effort through the [Copyright Clearance Center](#).

Q. Can I photocopy numerous pages from a textbook, workbook, or other educational "consumable" and distribute to my students?

A. No, unless you obtain permission from the copyright holder. As the primary market for these types of copyrighted works is the educational market, such use is likely not transformative. Copying significant amounts without permission or payment and distributing them to students would have an adverse effect upon the potential market for the materials, and would weigh against a finding of fair use.

Q. Can I make photocopies of sheet music for my students?

A. No, unless you have obtained permission or the work has fallen out of copyright protection. Photocopying an entire piece for student use creates an adverse effect on the potential market, since music education is the primary market for these materials.

Q. Can I digitize a printed resource and make it available on a public web page?

A. No, unless you have obtained permission from the copyright holder.

Q. Can I digitize a portion of a resource and make it available via Canvas or some other secured location that only my current students can access?

A. Yes, if you use only the portion of the work necessary to achieve your transformative purpose (i.e. teaching, comment, parody, etc.) The closed and secure system provided by Canvas can constitute “classroom use,” similar to face-to-face instruction in a physical classroom. Materials should only be made available to current students and should be directly related to instructional and learning goals. Efforts must be made to ensure that students know the material is copyrighted and that it should not be copied or distributed to anyone not currently in the class. Making the material available to students only for a limited time also weighs in favor of “fair use.”

Q. Can I digitize a videotape (or “rip” content from a DVD) and upload it to Safari Montage for my students to access?

A. No, unless you have obtained permission from the copyright holder to do so. Owning a physical copy of the work does not provide rights to copy or redistribute that work in another format. Efforts should be made to purchase or license a digital version of the resource. If a digital version is not available, perhaps a more recently created resource that is available digitally should be chosen to fill the instructional need.

Q. Can I digitize a videotape for archival purposes?

A. Yes, a backup for archival purposes is allowed, but the original, legally purchased videotape must be retained, and multiple copies cannot be made and distributed, nor should the archived copy be uploaded to Safari Montage or a shared server.

Q. Can I record a student musical or theatrical performance and distribute it publicly?

A. No, unless you have obtained broadcasting or distribution rights from the copyright holder of the musical or dramatic work. Public performance rights do not include permission to record and redistribute the performed work. A recording of the performance could be kept for future instructional use or for a student or teacher’s portfolio, but it should not be copied and distributed publicly. It should not be shared digitally or burned to physical CDs and DVDs and sold to the public.

Q. Can I make an audio or video recording of myself or a student reading the text of an entire book and distribute the recording?

A. No, unless you have obtained permission from the copyright holder or the work is in the public domain.

Q. Can I make an audio or video recording of myself or a student reading a portion of the text of a book and incorporate it into a lesson or multimedia presentation that is not publicly distributed?

A. Yes.

Q. Can I project the content of a publicly available webpage in my classroom?

A. Yes, provided that you have previewed its contents and it is tied to your lesson and curriculum.

Q. Can I share a link to a web page with my students?

A. Yes, provided that you have previewed its contents and it is tied to your lesson and curriculum.

Q. Can I project the content of a school, district, or state-licensed resource in my classroom (such as content found on Granite's SAFARI Montage site, a school-purchased e-book or other digital resource, UEN's Pioneer, eMedia, etc.)?

A. Yes, provided that you have previewed its contents and it is tied to your lesson and curriculum.

Q. Can I stream a video from YouTube or a similar service in my classroom?

A. Yes, provided that you have previewed its contents and it is tied to your lesson and curriculum.

Q. Can I download or capture a video file from YouTube and distribute the file to my students?

A. No, unless you have obtained permission from the copyright holder to do so. Even though the video is stream-able and appears to be "free," the copyright holder has given YouTube permission to distribute their video, not you. Linking or embedding is also easier and does not take up school or personal storage space.

Q. Can I print off multiple copies of an online article or webpage and distribute it to my students?

A. Yes, if you determine that your use of the article falls within the four factors of fair use. See the “Printed Materials” questions above for more details and suggested length limitations.

Q. Can I show a clip or clips of a major motion picture as part of my face-to-face instruction with students?

A. Yes, provided you have weighed your intended usage against the four factors of fair use and judged your use to be fair. The clips must be shown from a legally obtained source.

Q. Can I show a motion picture to my class as a reward or incentive?

A. No. Since the purpose of this use would be entertainment rather than instruction this would weigh against a finding of fair use. However, if your school has purchased a public performance license for the movie it would be allowable as far as copyright law is concerned. Movie Licensing USA (<http://www.movlic.com/k12/license.html>) and Motion Picture Licensing Corporation (<http://www.mplc.org>) are examples of vendors that provide public performance rights for schools. Such licensed use, even if legal, may still violate Granite School District’s Good Practice guidelines for classroom video usage if shown during intended instructional time.