

Lake-Sumter Community College Libraries Fair Use Guidelines

Medium	Specifics	What You Can Do	The Fine Print
Printed Material Single Copies	<ul style="list-style-type: none"> ▪ Book chapter, article from periodical or newspaper ▪ Short story, short essay, short poem, ▪ Chart, diagram, drawing, cartoon, or picture from a book 	<ul style="list-style-type: none"> ▪ Instructors and students can make single copies 	<ul style="list-style-type: none"> ▪ For scholarly research or teaching, or to prepare for teaching
Printed Material Multiple Copies	<ul style="list-style-type: none"> ▪ Poem less than 250 words ▪ Excerpt of 250 words from a poem greater than 250 words ▪ Articles, stories, or essays less than 2,500 words ▪ Excerpt from a longer work (10% of work or 1,000 words, whichever is less) ▪ One chart, picture, diagram, graph, cartoon or picture per book or per periodical issue ▪ Two pages (max) from an illustrated work less than 2,500 words (like children's books) ▪ Not more than one short poem, article, story, essay, or two excerpts from the same author, nor more than three from the same collective work or periodical volume during one class term (does not apply to current periodicals). 	<ul style="list-style-type: none"> ▪ Instructors may make multiple copies for classroom use and incorporate into multimedia for teaching classes. ▪ Students may incorporate text into multimedia projects. 	<ul style="list-style-type: none"> ▪ Copies may be made only from legally acquired originals. ▪ Only one copy per student. ▪ Usage must be "at the instance and inspiration of a single instructor. ▪ The inspiration and decision to use the work and the moment of its use are so close in time it would be unreasonable to expect a timely reply to a request for permission. ▪ The copying of the material is for only one course. ▪ "Consumables," such as workbooks, may not be copied. ▪ No more than nine instances of such multiple copying for one course during one class term (does not apply to current periodicals).
Printed Material (archives)	<ul style="list-style-type: none"> ▪ An entire work ▪ Portions of a work ▪ A work in which the existing format has become obsolete, e.g., a document stored on a Wang computer 	<ul style="list-style-type: none"> ▪ A librarian may make up to three copies "solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen." 	<ul style="list-style-type: none"> ▪ Copies must contain copyright information. ▪ Archiving rights are designed to allow libraries to share with other libraries one-of-a-kind and out-of-print books

Illustrations and Photographs	<ul style="list-style-type: none"> ▪ Photograph ▪ Illustration ▪ Collections of photographs ▪ Collections of illustrations 	<ul style="list-style-type: none"> ▪ Single works may be used in their entirety, but no more than five images by a single artist or photographer may be used. ▪ From a collection, not more than 15 images or 10 percent (whichever is less) may be used. 	<ul style="list-style-type: none"> ▪ Although older illustrations may be in the public domain and don't need permission to be used, sometimes they're part of a copyrighted collection.
Video (for viewing)	<ul style="list-style-type: none"> ▪ Videotape (purchased or rented) ▪ DVD 	<ul style="list-style-type: none"> ▪ Instructors may use these materials in the classroom without restrictions of length, percentage, or multiple use ▪ Copies may be made for archival purposes or to replace lost, damaged, or stolen copies. 	<ul style="list-style-type: none"> ▪ The material must legitimately acquired (a legal copy). ▪ Material must be used in a classroom or nonprofit environment "dedicated to face-to-face instruction". ▪ The use should be instructional, not for entertainment or reward. ▪ Copying OK only if replacements are unavailable at a fair price or in a viable format.
Video (for integration into multimedia or video projects)	<ul style="list-style-type: none"> ▪ Videotapes ▪ DVD ▪ QuickTime Movies ▪ Encyclopedias (CD ROM or online) 	<ul style="list-style-type: none"> ▪ Students "may use portions of lawfully acquired copyrighted works in their academic multimedia", defined as 10% or three minutes (whichever is less) of "motion media" 	<ul style="list-style-type: none"> ▪ The material must be legitimately acquired (legal copy, not bootleg or home recording). ▪ Copyrighted works included in multimedia projects must give proper attribution to copyright holder. ▪ Multimedia program may be used only 2 years from completion of work ▪ Only 2 copies of multimedia programs may be retained (joint creators may each retain one copy)
Music (for integration into multimedia or video projects)	<ul style="list-style-type: none"> ▪ Records ▪ Cassette tapes ▪ CDs, DVDs ▪ Audio clips on the Web 	<ul style="list-style-type: none"> ▪ Up to 10% or 30 seconds, whichever is less, of a copyrighted musical composition may be reproduced, performed and displayed in a multimedia program produced for educational purposes. 	<ul style="list-style-type: none"> ▪ A maximum of 30 seconds per musical composition may be used. ▪ Multimedia program must have an educational purpose.

Database Information	<ul style="list-style-type: none"> ▪ Database ▪ Data table 	<ul style="list-style-type: none"> ▪ Up to 10% or 2500 fields or cell entries, whichever is less 	<ul style="list-style-type: none"> ▪ A field entry is defined as a specific item of information, such as a name or Social Security number, in a record of a database file. ▪ A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.
Computer Software	<ul style="list-style-type: none"> ▪ Software (purchased) ▪ Software (licensed) 	<ul style="list-style-type: none"> ▪ Libraries may lend software to patrons. ▪ Software may be installed on multiple machines, and distributed to users via a network. ▪ Software may be installed at home and at school. ▪ Libraries may make copies for archival use or to replace lost, damaged, or stolen copies if software is unavailable at a fair price or in a viable format. 	<ul style="list-style-type: none"> ▪ Only one machine at a time may use the program. ▪ The number of simultaneous users must not exceed the number of licenses; and the number of machines being used must never exceed the number licensed. A network license may be required for multiple users. ▪ Take aggressive action to monitor that copying is not taking place (unless for archival purposes).
Internet	<ul style="list-style-type: none"> ▪ Internet (USENET, etc.) ▪ World Wide Web 	<ul style="list-style-type: none"> ▪ Images may be downloaded for student projects. ▪ Sound files may be downloaded for use in projects (<i>see portion restrictions above</i>) 	<ul style="list-style-type: none"> ▪ Resources from the Web may not be reposted onto the Internet without permission. However, links to legitimate resources can be posted. ▪ Any resources you download must have been legitimately acquired by the Web site.
Television	<ul style="list-style-type: none"> ▪ Broadcast (e.g.,ABC,NBC, CBS, UPN, PBS, local television stations) ▪ Cable (e.g., CNN,MTV, HBO) ▪ Videotapes made of broadcast and cable TV programs 	<ul style="list-style-type: none"> ▪ Broadcasts or tapes made from broadcast may be used for instruction. ▪ Cable channel programs may be used with permission. Some programs may be retained by Instructors for variable periods. 	<ul style="list-style-type: none"> ▪ Schools and colleges may retain broadcast tapes for a minimum of 10 school days, must destroy after 45 calendar days. ▪ Cable programs are technically not covered by the guidelines but may not be permissible if a violation of fair use guidelines.

The following uses are prohibited:

A. An instructor may not copy to create, replace or substitute for;

- anthologies,
- compilations, or
- collective works.

B. An instructor may not copy from works intended to be "consumable" in the course of study or of teaching. These include:

- workbooks,
- exercises,
- standardized tests,
- test booklets,
- answers sheets, and
- like consumable material.

C. Copying shall not:

- substitute for the purchase of books, publishers' reprints or periodicals;
- be directed by higher authority (must be at the inspiration and direction of the individual instructor);
- be repeated with respect to the same item by the same teacher from term to term, and
- no charge shall be made to the student beyond the actual cost of the photocopying.

Adapted, with permission, from Hall Davidson's *Copyright and Fair Use Guidelines for Instructors* <http://www.halldavidson.net/copyright_chart.pdf>.

The Fair Use doctrine allows limited use of copyrighted material without requiring permission from the copyright holder. Section 107 of the Copyright Law includes a list of the conditions under which reproduction of copyrighted works may be considered "fair", including criticism, comment, news reporting, teaching, scholarship, and research. Four factors are used in determining "Fair Use":

1. the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

The distinction between Fair Use and infringement is not easily determined. Over the years, libraries, educators, and publishers have developed guidelines to clarify the ambiguity in copyright law, though these guidelines do not carry the force of law. An extended national Conference on Fair Use (CONFU) held from 1994-1998 produced draft guidelines but failed to produce consensus in developing official guidelines for libraries and schools. Although the guidelines produced by CONFU do not have legal weight, many institutions support them as reasonable.

Acknowledging the source does not substitute for obtaining permission. To be safe, permission should always be requested from the copyright holder.