

The library has developed a series of guidelines regarding copyright issues pertaining to educational materials. Read on to learn more about maintaining compliance with the laws and regulations that govern intellectual property rights.

Welcome to the Shoreline Community College Copyright Web site. This site was developed to provide the college's faculty, staff, and students with information to help them understand and comply with U.S. and international copyright laws.

Please be aware that with every court case and Congressional mandate copyright rules can change. We will do our best to keep this information updated. While we attempt to be complete and accurate this is not to be construed as legal advice. If you have real concerns about the legality of an issue it might be a good idea to consult an attorney.

### **COPYRIGHT BASICS**

Copyright is part of the United States (title 17, U.S. Code) and international law that grants rights and protection to authors and developers of creative works. Among the rights granted are the rights to:

- reproduce the work;
- prepare derivative works based upon the work;
- distribute copies of the work to the public perform the work publicly,
- display the copyrighted work publicly,
- perform the work publicly by means of a digital audio transmission and,
- assign these rights to others.

It should be clear that copyright only protects works that are "fixed in a tangible form of expression." Copyright does not protect ideas or processes (although processes can be patented).

To make use of copyright protected material without the consent of the author is a violation of the law. The exceptions to this are works that have passed into the public domain (over 70 years old) and works used in the manner prescribed under the Fair Use part of the copyright law.

For additional information on Copyright Basics, visit the U.S. Copyright Office, Copyright Basics Web site:

<http://www.copyright.gov/circs/>

## **FAIR USE**

The concept of Fair Use refers to section 107 of the copyright law. It lays out in very broad terms the conditions under which it is permissible to use copyright protected materials without getting permission from the author or creator of the work. The following is an excerpt from the copyright law.

Use of a copyrighted work for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research is not an infringement of copyright.

In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

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

All four factors must be taken into account when considering using copyright protected material and each use must be considered individually.

There is a part of the copyright law (Section 504(c)(2)) that protects people operating under the reasonable assumption that they were operating under Fair Use. In order to qualify you need to be sure that you have carefully considered the criteria for fair use. When considering using copyright protected materials there are four criteria that need to be taken into consideration.

## **FAIR USE CRITERIA**

CRITERIA 1 | What is the purpose and character of the use?

Use that is "non-profit educational" carries a lot of weight as to fair use. In addition, if the use is criticism, commentary, parody or in some other way "transformative" such as quotations used in a paper, or parts of a copyright-protected work used in a multimedia production for your teaching, it is also considered fair use.

Note: The fact that you are not charging money does not by itself constitute fair use.

CRITERIA 2 | What is the nature of the work?

This refers to the nature of the original work. Was it, for example, published or unpublished? Was it fiction, non-fiction or personal expression? Fair use favors published, factual work over dramatic works or works of personal expression. However, if the purpose and character of use is non-profit public education, even dramatic works and works of personal expression can fall into the fair use arena. In addition, the work being used must be from a legally obtained copy.

CRITERIA 3 | What is the amount and quality of the work being use?

Key to this criterion is the amount of the portion used in relation to the entire work. This is why specific numbers and percentages are difficult to assign. For example, 10 pages of a 270-page novel is far different from 10 pages of a 20-page journal article. This

criterion also considers the quality or amount of key information used. Using key plot scenes from a novel can weigh against fair use. However, as mentioned above, if the purpose is non-profit education or scholarly research, then in some cases using an entire work is considered fair use.

CRITERIA 4 | That effect does the use have on the market for the original work?

Several factors come into play here. For example, is the work available for sale? How widespread is the use? How long or how often will the work be used? Does this use affect the copyright owner's ability to collect royalties?

If the work is commercially available then it is prudent to purchase or have the school purchase a copy. Even if the work is available for sale it is permissible to use a legally obtained copy for one term. After that, an original should be purchased.

Finally, educational use should be limited to the educational community. This could include the class, parents, as well as school faculty and administrators. In some cases it is even permissible to use copyright work in conference presentations. However, the reproduction of the work should not be made available to the general public.

Thanks to Austin Community College for permission to use the information from their copyright pages.

#### **FAIR USE INFO FOR FACULTY**

The issue of just what is fair Use of copyright protected materials comes up often in education circles. The key for faculty is to apply the four-factor test set forth in the copyright law.

- Make sure that the use is for education in a non-profit educational setting. The use also has to be germane to the instruction of the topic. In other words, don't show a movie just for entertainment or as a "reward".
- Make sure that you legally obtain the copy. Even if it's used for educational purposes; a bootleg copy of a video is still illegal. When possible use factual works but when necessary, dramatic works can be used to illustrate a point or as a basis for criticism or commentary. You may also use excerpts from periodicals but make sure that a copyright notice appears on each copy. It's probably a good idea to follow the copyright print guidelines.
- Unless you're teaching a course on a specific author, it's not a good idea to use too many items from one author. Also, according to the guidelines, you need to either obtain permission or use another author after two years.
- Finally, use of copyright-protected material should not be a substitute for students purchasing textbooks or other books readily available in the market place.

One of the key components of the copyright centers is the effect of use on the marketability of the work. Does your use dilute the market or potential sales of the copyright holder? If it does then you're probably infringing on the copyright holders' rights. Limit your use of copyright protected works to those in your classes and the immediate educational community. One way to determine if you are infringing on copyright work is to ask, could anyone off the street just walk in here and use this material? If they can then you are probably in infringement.

## LICENSING

It's important to remember that any license you enter into with a publisher overrules basic copyright provisions. For example, under copyright law it is illegal to copy from tests or other "consumables". However, a textbook publisher will often grant permission to copy tests from test banks if you have adopted the textbook. Likewise, almost all computer software comes with separate licensing agreements that puts limits on uses that might have been acceptable under the Fair Use clause.

## PERMISSION

Finally, remember you can ask for (and often obtain) permission to use copyright-protected materials for your courses. It is important to first identify what material you wish to use, how much and why. Then contact the publisher and request permission for that specified use. Often this will result in no reply. Don't give up. The Copyright Clearance Center provides a service of researching and requesting permission from copyright holders. There is often a fee that accompanies the granting of permission. The fees can be negotiated through your academic department.

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## FAIR USE INFO FOR NON-FACULTY

within a non-profit educational setting does not mean that any use is fair. When applying the four factors it is important to consider:

- If the use is for news, criticism, commentary, and parody or in some other way "transformative" such as quotations used in a paper or short clips in a multimedia production?
- If the copyright protected work is fiction, non-fiction or personal expression?
- How much of the copyright protected work is to be used? Also, what portions of the work will be used?
- If the permission to use the work is available for purchase?

One of the key misconceptions concerning copyright is that of purchase. Many people believe that if they purchase a book or videotape then they have the right to do with it what they want. In one sense they are correct. They can do whatever they want with the paper and cardboard that make up the book. They can do whatever they want with the plastic case and mylar that the video is recorded on. However, buying a book, videotape, or music CD only gives the purchaser limited rights to content. Those rights are limited viewing and reproduction for archival purposes. Purchasing a book, videotape, or music CD does not give you the right to perform or display it publicly. There are separate licenses that must be obtained before a copyright-protected work can be performed or displayed for the general public.

Another consideration is the audience. If the work is performed or displayed in a public space where anyone can walk in, then the use is probably an infringement. It's a better idea to limit access to events where a copyright-protected work is to be performed or displayed to those in the immediate college community (students, faculty, staff and parents). In addition, copies of multimedia productions that make use of copyright-protected works may not be made available to the general public. It would be an infringement to sell copies of music video or interactive multimedia CD that used popular music unless you got permission through licensing.

The option for non-instructional use is to get permission from the copyright holder through licensing. There are several film companies that can grant limited use for public performance of motion pictures. This cost can run a couple of hundred dollars for a few days. In addition, there are music licensing groups that grant blanket licensing for the use of their products. For print materials the Copyright Clearance Center is always a good place to start.

## **FAIR USE AND PRINT MATERIALS**

### Guidelines

These guidelines are based upon the 1998 Conference on Fair Use (CONFU) report to congress and have their roots in the original Kastenmeier Guidelines from 1976. The AD Hoc committee that composed those guidelines clearly indicated that the guidelines were meant to be a minimum that constituted educational fair use. The guidelines have not been passed into law and represent the suggested conditions under which educators can use copyright protected materials without getting consent of the author or creator of the work. They are presented here to assist you in making decisions about whether or not your intended use of certain materials is fair or what is an infringement. Remember these are guidelines and not hard and fast rules. Use them to guide you in your selection of educational materials.

1. A teacher may make (or request to be made) a single copy of any of the following for his or her scholarly research, for use in teaching, or for preparation to teach a course.

- A chapter from a book;
- an article from a periodical or newspaper;
- a short story, short essay or short poem, whether or not from a collection work;
- a chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

2. A teacher may make (or request to be made) multiple copies for classroom use of discussions (not to exceed more than one copy per pupil) provided that:

- The copying meets the tests of brevity, spontaneity, and cumulative effect; and
- each copy includes a notice of copyright.

#### A. Test of Brevity

##### 1. Poetry

- A complete poem if less than 250 words and if printed on not more than two pages or,
- an excerpt has not more than 250 words from a longer poem.

##### 2. Prose

- A complete article, story or essay or less than 250 words or,
- An excerpt from any work of no more than 1,000 words or 10% of the work, whichever is less.

##### 3. Illustration

- One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

4. "Special" works

- Works in poetry, prose or "poetic prose" which fall short of 2,500 words in their entirety and
- which often combine language with illustrations and are intended sometimes for children and at other time for a more general audience.

B. Tests of Spontaneity

1. The copying is at the request and inspiration of the individual teacher, and
2. the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

C. Test of Cumulative Effect

1. The copying of the material is only for one course in the school in which the copies are made.
2. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collection work or periodical volume during one class term.
3. No more than nine instances of such multiple copying for one course during one class term.

3. The following uses are prohibited:

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

- anthologies,
- compilations, or
- collective works.

B. A teacher may not copy of or from works intended to be "consumable" in the course of study or of teaching. Including:

- 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;
- 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.

## **FAIR USE AND ELECTRONIC RESERVES**

These guidelines are based upon 1998 Conference on Fair Use (CONFU) report to congress and have their roots in the original Kastenmeier Guidelines from 1976. The AD Hoc committee that composed those guidelines clearly indicated that the guidelines were meant to be a minimum that constituted educational fair use. The guidelines have not been passed into law and represent the suggested conditions under which educators can use copyright protected materials without getting consent of the author or creator of the work. They are presented here to assist you in making decisions about whether or not your intended use of certain materials is fair or what is an infringement. Remember these are guidelines and not hard and fast rules. Use them to guide you in your selection of educational materials.

Electronic Reserves is an extension of traditional library reserves and is managed in accordance with fair use exclusions and the rights of copyright holders as embodied in the current copyright law. We will not place materials on electronic reserves without permission of the copyright holder if the nature, scope, or extent of copying exceeds the reasonable limits of fair use.

Which materials do not require copyright permission?

- Material in the public domain, e.g.,
  - government documents
  - works whose copyright has expired
- Material like personal lecture notes or sample exams
- Materials for which the instructor holds the copyright

Guidelines for placing copyrighted materials on E-Reserves.

- All materials placed on E-Reserves will be solely for the non-commercial, educational use of students.
- Longer works, such as complete books, will not be place on E-Reserves.
- Copyright notice will appear on the viewing screen of Library Catalog E-Reserves display.
- Appropriate copyright attribution will be entered on the material itself if it does not already appear.
- Access to E-Reserves will be limited to authenticated SCC Library users.
- Instructors will obtain copyright permission from the copyright holder if the material is to be on Reserve for more than one quarter and will provide a copy of the permission to the Library.

## **FAIR USE AND VIDEO MATERIALS**

GUIDELINES

These guidelines are based upon the 1998 Conference on Fair Use (CONFU) report to congress and have their roots in the original Kastenmeier Guidelines from 1976. The AD Hoc committee that composed those guidelines clearly indicated that the guidelines were meant to be a minimum that constituted educational fair use. The guidelines have not been passed into law and represent the suggested conditions under which educators can use copyright protected materials without getting consent of the author or creator of the work. They are presented here to assist you in making decisions about whether or not your intended use of certain materials is fair or what is an infringement. Remember these are guidelines and not hard and fast rules. Use them to guide you in your selection of educational materials.

#### Copying Video Materials

The following uses are permissible:

1. Students or instructors may perform or display lawfully made videotape in a non-profit educational setting when the purpose of the performance or display is educational. Examples of such educational settings include a classroom or similar place devoted to instruction, such as a school library, gym, auditorium, or workshop. For example, a history class may watch a videotape of the film series "The Civil War" even though the videotape is labeled "Home Use Only" as long as it is being displayed in class for educational purposes.
2. A library may charge library users for private viewing as long as such charges are nominal and are directly related to the cost of maintenance of the videotape.
3. A library may reproduce and/or distribute videotapes to replace works that are lost, stolen, or damaged and that cannot otherwise be replaced at a fair price.

The following uses are prohibited:

1. A library may not loan videotapes labeled "For Home Use Only" to groups for public performances.
2. Videotapes may not be performed in a public room for entertainment purposes (whether or not a fee is charged).
3. More than a few people or more than one family may not view a videotape on library-owned equipment.
4. Videotapes may not be transmitted from an outside location by radio or television without written permission from the copyright owner.
5. Videotapes may not be transmitted to audiences not in the same room or same general area unless written permission from the copyright owner has first been obtained.

#### **COPYING BROADCAST PROGRAMMING MATERIALS**

The following uses are permissible:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable transmission) and retained by a non-profit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive days in the forty-five (45) day calendar day retention period. Using such a recording for instructional purposes after the ten-day period of lawful use is prohibited. "School days" are school session days - not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions - within the forty-five (45) calendar day retention period.
3. Off-air recordings may be made only at the request of, and used by, individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast. Producing an off-air recording absent the request of an individual teacher is prohibited.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
5. After the first ten (10) consecutive school days, off-air recording may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization. It is not permissible to retain the recording for a longer time period than allowed by these time limits for any reason, including educational reasons.
6. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content.
7. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
8. Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.
9. A teacher or librarian may record a television program at home and bring it to school to use for educational purposes in the classroom.
10. It is acceptable to excerpt parts of a program provided that the original content of the excerpt is not altered in any way. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

## **FAIR USE AND SOFTWARE**

These guidelines are based upon the 1998 Conference on Fair Use (CONFU) report to congress and have their roots in the original Kastenmeier Guidelines from 1976. The AD Hoc committee that composed those guidelines clearly indicated that the guidelines were meant to be a minimum that constituted educational fair use. The guidelines have not been passed into law and represent the suggested conditions under which educators can use copyright protected materials without getting consent of the author or creator of the work. They are presented here to assist you in making decisions about whether or not your intended use of certain materials is fair or what is an infringement. Remember these are guidelines and not hard and fast rules. Use them to guide you in your selection of educational materials.

Anyone who purchases a computer program has the right to load the program onto a single computer and to make another copy for archival purposes only. The license agreement included with the program may give the user additional rights, therefore, the agreement should be read carefully.

Because a copyright symbol or statement of copyright ownership is not required by law as a condition of protection, one cannot assume that the absence of such a notice implies permission to copy the software. Some types of computer software have less stringent rules on copying. These types include shareware, freeware and public domain software.

### **SHAREWARE**

This type of software is try-before-you-buy software and may be copied from bulletin boards or another user's disk. Each program comes with a license agreement that specifies how long it may be retained before it must be purchased. Shareware is registered with the author or publisher by sending a fee that varies according to each shareware program's license agreement. Registering the program entitles the user to continue using the program and to receive technical support, printed documentation, bug fixes and new version updates.

### **FREWARE**

This type of software is copyrighted but can be freely copied and distributed. The copyright protection usually restricts users from selling or distributing the software for profit, altering or reverse engineering the program, or claiming the program as their own. You do not have to register freeware.

### **PUBLIC DOMAIN**

This type of software may or may not be copyrighted, and it may or may not have a listed author. Public domain means that the software costs nothing to keep and use and that it is freely distributed to the public. The main difference between public domain software and freeware is that usually there is no way to contact the author, and most likely there will be no support of any kind available for the software.

Because it is often difficult to determine whether software is in the public domain or copyrighted and, if copyrighted, whether it is shareware or freeware, the following suggestions may help users stay within the laws regarding copyright:

1. Assume all software is copyrighted even if it does not bear a copyright symbol. The only source for permission to copy copyrighted software is either a specific grant of that right in a license agreement or the express or implied (with regard to freeware) permission of the copyright holder.
2. Retain all packaging materials that contain provisions of a licensing agreement between the user and the software copyright holder. Refer to these materials for information about what copying is permissible for the particular software program. Note that most license agreements prohibit renting, leasing or lending original copies of software.

## **FAIR USE AND DIGITAL MATERIALS**

These guidelines are based upon the 1998 Conference on Fair Use (CONFU) report to congress and have their roots in the original Kastenmeier Guidelines from 1976. The AD Hoc committee that composed those guidelines clearly indicated that the guidelines were meant to be a minimum that constituted educational fair use. The guidelines have not been passed into law and represent the suggested conditions under which educators can use copyright protected materials without getting consent of the author or creator of the work. They are presented here to assist you in making decisions about whether or not your intended use of certain materials is fair or what is an infringement. Remember these are guidelines and not hard and fast rules. Use them to guide you in your selection of educational materials.

Recent innovations in computer and information technologies such as high quality graphic scanners, CD-ROMs, high speed modems, Internet, etc. have made access to, and retrieval of, all types of media very easy. However, just because these media are easily accessible and stored in digital format does not mean that they are not copyright protected! While there is still much debate on how existing copyright laws apply to these types of media, they should be treated the same as traditional media with regard to copyright and fair use.

## **FAIR USE AND MUSIC**

These guidelines are based upon the 1998 Conference on Fair Use (CONFU) report to congress and have their roots in the original Kastenmeier Guidelines from 1976. The AD Hoc committee that composed those guidelines clearly indicated that the guidelines were meant to be a minimum that constituted educational fair use. The guidelines have not been passed into law and represent the suggested conditions under which educators can use copyright protected materials without getting consent of the author or creator of the work. They are presented here to assist you in making decisions about whether or not your intended use of certain materials is fair or what is an infringement. Remember these are guidelines and not hard and fast rules. Use them to guide you in your selection of educational materials.

The following uses are permissible:

1. Emergency copying to replace purchased copies which are not available for an imminent performance, provided that purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section,

movement or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per pupil.

3. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any altered or lyrics added if none exist.
4. A single copy of a sound recording (such as a tape, disc, or cassette) of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher.

*Note: Including a sound file on a Web page violates the single copy rule for sound recording. Each time a WWW page is viewed and sounds included in it are played, it is considered a copy of the sound recording.*

The following uses are prohibited:

1. Copying to create a substitute or replacement for anthologies, compilations or collective works.
2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, and standardized tests and answer sheets and like material.
3. Copying for the purpose of performance, except as in (1) above.
4. Copying for the purpose of substituting for the purchase of music, except as in (1) and (2) above.
5. Copying without inclusion of the copyright notice, which appears on the printed copy.

## **COPYRIGHT RESOURCES**

Copyright Clearance Center

<http://www.copyright.com/>

Fair Use

Consortium for Educational Technology in University Systems

Fair Use: Overview and Meaning for Higher Education

<http://www.cetus.org/fair5.html>

The University of Texas System

University Copy Center: Do They Pass the Fair Use Test?

<http://www.utsystem.edu/ogc/intellectualproperty/mono1.htm>

Digital Millennium Copyright Act

United States Copyright Office

The Digital Millennium Copyright Act of 1998

<http://www.loc.gov/copyright/legislation/dmca.pdf>

Association of Research Libraries

Digital Millennium Copyright Act Status & Analysis

<http://www.arl.org/info/frn/copy/dmca.html>

The UCLA Online Institute for Cyberspace Law and Policy

The Digital Millennium Copyright Act

<http://www.gseis.ucla.edu/iclp/dmca1.htm>

Copyright Database Searches

United States Code - US House of Representatives

<http://www4.law.cornell.edu/uscode/>

Links to other Copyright Sources

Yale University

<http://www.library.yale.edu/~okerson/copyproj.html>

## **COPYRIGHT FAQ'S**

Q: Why do I need to worry about copyright?

A: First of all, faculty, students and staff at SCC need to be concerned about copyright because it is the law. It is international law and there are penalties for violating this law. Secondly, by agree to work or attend SCC you have agreed to abide by this law. Third, the law is vague and ever changing so it is important for the SCC community to be aware of recent changes in the law (such as the DMCA) and how it affects them. Fourth, with the proliferation of Internet access and the ability to create web pages, it is easier to be found in violation of the law. Finally, copyright law also protects works created by SCC faculty staff and students.

Q: Isn't anything I use in my class exempt from copyright law?

A: While research and educational activities are considered "fair use" under the copyright law, this is not a blanket protection. Each use must be evaluated separated to see if it meets the four factor criteria outlined in the Fair Use clause of the copyright law.

Q: Do I have to get permission from the copyright holder every time I want to use something in my class?

A: No. Since you are teaching at a non-profit educational institution, most of the things you use in your class fall under fair use. You just need to make sure that it is germane to the subject matter, is limited to the educational community, and comes from a legally obtained copy.

Q: Can I copy anything I use in my class and put it on my web site?

A: No. This is especially true if your web site is not secure. Posting items on the World Wide Web makes them accessible to the entire world. This greatly impacts the value of copyright protected materials. Many of the images used in your textbook for example have permission to be used in print but not in electronic form. However, if students must use a password to get in and the site is only accessible by you and your students, most of the things you use in class can be put on your web site but it must be secure.

Q: Aren't there some simple guidelines I can follow to ensure that I'm in compliance with copyright law?

A: Unfortunately the answer is, "no". A special ad hoc committee has formed guidelines and those guidelines have been read into the congressional record on copyright but they are not part of the copyright law. Also, the guidelines address minimums that can be used and are suggestions. Many lawyers, judges and scholars disagree with the limits the guidelines place on fair use while many colleges have adopted the guidelines and instituted them as maximums that their faculty can use. The courts have yet to rule on the guidelines so the question is very much in the air. The best thing to do is to apply the four-factor test that is part of the law and when in doubt ask for permission or consult a lawyer.

For additional FAQ's about copyright you can visit the Internet FAQ Archives.

Copyright Officer

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