

COPYRIGHT AND THE EDUCATOR

Liability attaches: 1) to the individual who violates the federal copyright statute by infringing on someone else's copyright, and potentially 2) to an employer and/or supervisor who had the right and ability to control the infringing activities (with or without knowledge of the infringement). Duplication of any copyrighted material is prohibited unless: 1) a person has written permission from the originator of the copyright; or 2) the duplication meets all "Fair-Use Guidelines". The Guidelines are: a) the user can prove that use of the material is for non-profit educational purposes, and b) the copies pass all tests of: 1. brevity (see Table 1 below); 2. spontaneity (the copying is a decision of teachers, not a directive from a supervisor); 3. cumulative effect (see Table 1 below)

Copying of any consumable (e.g., workbooks, workbook exercises) is prohibited unless permission is received from the author/publisher.

Table 1.
Fair Use Guidelines for Educational Use of Designed Materials

Copy for Material	Teacher Use	Number of Uses Copies for Class	Per Term*
Books (fiction and nonfiction)	1 chapter	1,000 words or 10%	2
Encyclopedias, anthologies, storybooks	1 story	2,500 words or 1 story	3
Poems	1 poem	250 words or 1 poem	2
Periodicals	1 article	2,500 words or 1 article	3
Charts, cartoons, pictures	1 per book	1 per book	3
Lectures, sermons speeches	1 per book	1 per book	3
Computer programs	Not applicable because of the need to copy the entire program (this is illegal)		
Videotapes of TV broadcasts (non educational TV)	May be shown twice to students within 10 days of broadcast and retained for a maximum of 45 days for evaluation by educators; daily newscasts may be recorded by qualified libraries for research use only		
Videotapes of TV broadcasts (educational TV)	May be recorded and used for educational purposes for a maximum of seven days		
Lawfully made videotapes	May be used for educational purposes in face-to-face classroom teaching		

* Total use of reproductions should not exceed nine times per class term.