

Copyright Guidelines

Videocassette display and performance

Most of the videocassettes in the Media Center's collection are clearly licensed for public performance and can be viewed in classrooms outside of the Media Center, in carrels, or in small or large group areas within the Media Center. Some of our videotapes are labeled "Home Use Only" or "Unauthorized Public Performance Prohibited" which indicates that they are restricted by Copyright Law. These usually have "DVD," "MV-8," "LV-1" or "LV-2" catalog numbers and are mostly feature films. Usage of these tapes in the classroom or the Media Center is guided by the provisions of section 110 of the Copyright Law:

1. The performance of a videotape must be made from a legitimate copy, (not illegally made or obtained);
2. The viewers of the performance must be limited to faculty, staff or students in a non-profit institution;
3. The performance must be part of a systematic course of instruction and NOT for entertainment, recreation or cultural value;
4. The performance must take place either in a face-to-face teaching setting or where the students and teacher are in the same building, or general area;
5. The performance must take place in a classroom, or similar place devoted to instruction, such as a school library, gym, auditorium or workshop.

In the Media Center, we will allow students to view these restricted recordings or programs only if the instructor has submitted a class roster to the Media Center and reserved the specific programs with us in advance for use by his/her students. Only those students on the class roster will then be allowed to view these tapes. This insures that students are viewing tapes as part of "a systematic course for instruction," as well as conforming to other Copyright Law guidelines. Further, the Media Center will permit the viewing of these tapes and discs only in individual carrels, or for a group of six or less students in our small group/preview room. Any other viewing (by larger groups) must take place in a classroom, or in a Media Center viewing room **with the instructor present**.

The Media Center will not copy a videocassette on which there is copyrighted material without the written permission of the copyright proprietor. We will not accept an illegal copy, or copy which we have any reason to believe is illegal, for reserve or any other usage in the Media Center. The Media Center conforms both to the intent of the Copyright Law and to its specifics. Every effort will be made to prevent the performance of restricted videos for the purpose of entertainment. We request that faculty understand the importance of these procedures and help us abide by the Law.

Sound recordings

In order to conform to the Copyright Law of 1976, the Media Center will not reproduce copyrighted sound recordings in any format (records, tapes, discs) except under the following specific exemptions:

1. Educators are permitted to make copies of sound recordings in an emergency, understood as the need to "replace purchased copies which for any reason are not available for an imminent performance" as long as replacement copies are purchased later.

2. For academic purposes other than performance, a teacher preparing for a class or a researcher may duplicate a single copy of "an entire performable unit (section, movement, aria, etc.)" if that unit is unavailable except in a larger work, and if it is out of print, as confirmed by the copyright proprietor. For other non-performance educational purposes, multiple copies of no more than 10% of the whole work may be made as long as the excerpt does not comprise a performable unit. Such multiple copying should not exceed one copy per student.
3. Teachers may make a single copy of a sound recording of copyrighted music for use in "constructing aural exercises or examinations," though the guidelines specify that this applies "to the copyright of the music itself and not to any copyright which may exist in the sound recording."
4. A library or a non-profit educational institution may make one archival copy of a recording to be used only for "emergency" as defined above. Further copies of this archival copy are expressly prohibited.

Also prohibited: Educators are not allowed to copy music "to create or replace or substitute for anthologies, compilations or collective works." Copied music is not to be substituted for the purchase of music except for emergency situations and for the excerpts as described above.

Off-air recordings

These guidelines were prepared by a negotiating committee of 19 educational users and copyright proprietors on the application of "fair use" provisions of the copyright law to the recording, retention, and use of television programs in classrooms. They were published in the October 14, 1981 Congressional Record, pp. E4750-4752.

- The guidelines were developed to apply only to off-air recording by non-profit educational institutions. (They DO NOT apply to non-broadcast programs available from cable or satellite television services, such as ESPN, HBO, C-Span, Etc.)
- A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a non-profit educational institution for a period not to exceed the first forty-five 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.
- 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 home of students receiving formalized home instruction during the first ten consecutive school days in the forty-five day calendar day retention period. "School days" are school session days - not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions - within the forty-five calendar day retention period.
- 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.
- A limited number of copies may be reproduced from each off-air recording to meet legitimate needs of teachers under these guidelines. Each such copy shall be subject to all provisions governing the original recording.
- After the first ten consecutive school days, off-air recordings may be used up to the end of the forty-five calendar day retention period only for teacher evaluation purposes and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.
- Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

- All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
- Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.