

Copyright Guidelines

Introduction:

Copyright is a complex issue. In order to help you understand the basics, the following outline is a guide for using and creating copyrighted materials.

These guidelines do not cover all aspects of the copyright law; they are an attempt to highlight some of the areas for potential abuse. As such, they are suggestions based on examples we have found and should not be considered legal advice. Such advice should only come from an attorney. You are encouraged to refer to the full text of the copyright law (U.S. Code Title 17) and/or consult with an attorney.

The Basics:

These items are protected by the federal copyright law:

- 1. literary works, including compilations, derivative works, computer programs and software,**
- 2. pictures, graphs, architecture, and sculptures,**
- 3. motion pictures and other audiovisual works,**
- 4. sound recordings,**
- 5. musical and dramatic works (including the words),**
- 6. pantomimes and choreographic works.**

It is not necessary for the copyright symbol to be on the work for any item created after 1978 in order for it to be protected by federal copyright law. Any tangible work is automatically protected by law as of 1978.

Any work that was published prior to 1923 is not subject to copyright and is in the public domain, along with any work that did not include a copyright notice AND was first published before January 1, 1978.

Fair Use:

This is probably the most complicated and difficult section to understand. The law (U.S. Code sec.107):

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, 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 --

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the 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The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

Frequently Asked Questions – (Fair Use)

Q May I make photocopies for class?

A Yes. Copying should be spontaneous, a one-time event to supplement a class. Using something for one trimester would be seen as fair use. If you use something repeatedly, from trimester to trimester, it's not fair use as it's no longer spontaneous. If you want to use copyrighted material repeatedly, you should obtain permission from the copyright owner.

Q How much of a work may I photocopy?

A The shorter the better (e.g. 1 chapter from a book, 1 article from a periodical, 1 poem, 1 chart

from a book, etc.) AND each copy must include the citation for the source and prominent notice that it is copyrighted material.

Q May a video be transmitted in a Long Distance Learning Class?

A Yes. The TEACH Act of 2002 grants permissions for motion pictures and videos to be shown, subject to quantity limitations, "in an amount comparable to that which is typically displayed in the course of a live classroom session."

Q How much motion media may I use in a multi-media production without getting permission?

A Up to 10 % or 3 minutes, whichever is less.

Q How much text may I use in a multi-media production without getting permission?

A Up to 10% or 1000 words, whichever is less.

Q How much music may I use in a multi-media production without getting permission?

A Up to 10% but no more than 30 seconds, whichever is less.

Q How many illustrations, photographs, or scanned items may I use in a multi-media production without getting permission?

A When using a published collective work (textbook) no more than 10% or 15 images, whichever is less. No more than 5 images by one artist or photographer.

Q How long can I use the identical multi-media presentation?

A 2 years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion included in the production. (1 copy may be kept by the instructor for curricula vitae purposes).

Frequently Asked Questions – (General)

Q I own the book/software/cd/dvd - I paid for it! Why can't I make copies of it?

A You bought the physical item, but you didn't buy the permission to duplicate the content.

Q How do I get permission to copy the images, sounds and text?

A *Contact the owner or publisher directly and ask for permission (written is better but verbal is acceptable).*

Q Is all the information on the Internet in public domain?

A *No! In fact, most of it is under copyright. You must request permission to use whatever you copy from the Internet, and cite your sources. Even e-mail is considered copyright protected.*

Q Is it acceptable to link to someone else's website?

A *Probably, but it is a courtesy to request permission.*

Reminder:

Credit all sources and display the copyright notice ©. Identify where available the author, title, publisher, place, and date of publication.

References:

Books: (available in the NYCC Library)

Bruwelheide, Janis H. The Copyright Primer for Librarians and Educators. 2nd ed. Chicago: American Library Association, 1995.

Crews, Kenneth D. Copyright Essentials for Librarians and Educators. Chicago : American Library Association, 2000.

Websites:

New York Chiropractic College Policy
<http://nycconline.nycc.edu/start/main.asp>
Policy documents are in the Information Center.

Copyright and Fair Use
<http://fairuse.stanford.edu/>

This site has many links and articles relevant to copyright issues.

Copyright Clearance Center

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

Largest licensor of photocopy reproduction rights. A place to start obtaining permissions to use material.

The Copyright Law U.S. Code, Title 17

<http://www.law.cornell.edu/uscode/17/ch1.html>

This version mounted by Cornell University is a little easier to use and faster to load than the one at the US Copyright Office; the text is the same.

A Crash Course in Copyright

<http://www.utsystem.edu/OGC/IntellectualProperty/cprtindx.htm>

(Our personal favorite) This site has many sections. The Copyright Crash Course Online Tutorial is very helpful for those creating a course.

Indiana University. The Copyright Management Center

<http://www.copyright.iupui.edu/>

Pay particular attention to the section on Filesharing and Copyright.

NACS: Information You Can Use – FAQ on Copyright

<http://www.nacs.org/public/copyright/>

Make sure to look at the link Questions and Answers Concerning Copyright Compliance.

The United States Copyright Office

<http://lcweb.loc.gov/copyright/>

A very useful site. It includes copyright forms, a copyright primer, and the text of the copyright law.

Copyright Information Circulars and Factsheets.

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

Provides basic information about registration, fees, compulsory licenses, and other aspects of the copyright process.

Copyright Term and the Public Domain in the United States

http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm

Table for deciding whether or not a work is still under copyright.

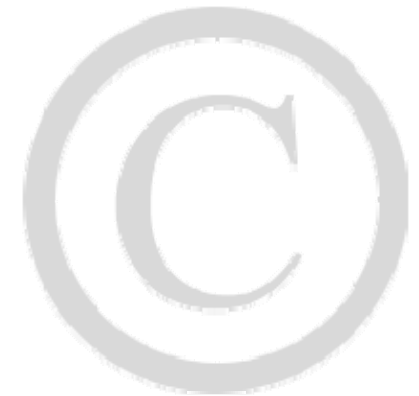


**NEW YORK
CHIROPRACTIC
COLLEGE**

COPYRIGHT GUIDELINES

It is the intent of New York Chiropractic College that all members of the College Community comply with the provisions of the United States Copyright Law (Title 17, United States Code, Sect. 101, et seq.).

The responsibility for securing written copyright clearance rests with individuals. Members of the College Community who willfully disregard the copyright policy do so at their own risk and assume all liability.



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