

# **PARK FALLS SCHOOL DISTRICT**

## **© FAIR USE GUIDELINES**

### PHOTOCOPYING A CHAPTER FROM A BOOK

#### SCENARIO/QUESTION:

Is it permissible to photocopy a chapter from a book to duplicate and hand out to students?

#### DEFINITION OF PRINTED MATERIAL:

This scenario refers to copying of printed materials that are currently available for purchase.

#### EXAMPLES OF COPYING:

Make enough copies of an entire chapter of the book *Novels for Students* for every student in each class to have their own.

#### SCENARIO ANSWER:

**No.** Copying must meet three tests; brevity, spontaneity, and cumulative effect, and each copy must bear a notice of copyright .

Brevity: Poem less than 250 words; or a 250-word excerpt from a poem greater than 250 words in length

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, or cartoon per book or per periodical issue

Two pages (maximum) from an illustrated work less than 2,500 words, e.g. a children's book

(Technology and Learning Copyright and Fair Use Guidelines for Teachers)

Spontaneity: ...the inspiration and decision of the individual to use the work and the time of its use (for maximum teaching effectiveness) are so close together, that it would be unreasonable to expect a timely reply to a request for permission.” (Copyright Applies to Everyone)

Cumulative Effect: Copying the material for only one course in the school in which the copies are made.

One short poem, article, story, essay or two excerpts may be copied from the same author.

Three short poems, articles, stories, essays or excerpts from the same collective work or periodical volume may be copied during one class

term.

A limit of nine instances of multiple copying for one course during one class term. (Copyright Applies to Everyone)

#### POSSIBLE SOLUTIONS:

Purchase multiple sources.

Copy one article for instructor and have students make their own notes, citing the source.

Find an online version of the material that students may look up.

Use a document camera and project the material in question to the entire class.

#### POSSIBLE CONSEQUENCES:

There is a \$500 to \$150,000 penalty per infringement plus attorney fees, and “willful infringement means that you knew you were infringing and you did it anyway. Ignorance of the law, though, is no excuse. If you don’t know that are infringing, you still will be liable for damages.” ( HYPERLINK "http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm" <http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm>;

HYPERLINK "http://www.nolo.com/index.cfm" <http://www.nolo.com/index.cfm>)

In addition to the civil penalties noted above, the infringement could be deemed as a criminal offense punishable by a fine or imprisonment. ( HYPERLINK "http://www.nolo.com/index.cfm" <http://www.nolo.com/index.cfm>)

The infringement is a violation of Park Falls School District’s copyright policy, adopted on June 2004, which states that all employees and students “will comply with copyright regulations as identified in the U.S. copyright law,” and “materials in all print and media forms may not be unlawfully duplicated or used within the District. Any employees or students who illegally use copyrighted material will be responsible for their own actions and the consequences thereof.”

#### ACTION TAKEN BY DISTRICT:

We destroyed illegal copies and pared copies to meet the requirements mentioned above. The libraries purchased or planned to purchase document cameras.

Date: 11/21/05

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