

Adapted with permission from Austin Community College, 5930 Middle Fiskville Road, Austin, Texas 78752, 512-223-7000; <http://irt.austincc.edu/copyright/FairUse>, 2001.

Welcome

Welcome to the Central Michigan University Copyright web site. This site was developed to provide CMU's faculty, staff, and students with information to help them understand-and comply-with U.S. and international copyright laws.

Please be aware that copyright rules can change with every court case and Congressional mandate. 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, please consult an attorney.

Copyright Basics

What is Copyright?

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 or 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 (materials older than the life of the author plus 70 years) 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. [□](#)

For a more detailed explanation of public domain, see Laura Gasaway's *When U. S. Works Pass into the Public Domain*.

Fair Use

The concept of fair use refers to Section 107 of the Copyright Act. It lays out in very broad terms the conditions under which it is permissible to use copyright-protected materials

without first having to obtain permission from the author or creator of the work. The following is an excerpt from Section 107 of the 1976 Copyright Act:

The fair 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. A use will be fair if the majority of the four factors favor fair use. This analysis is explained more fully below.

A part of the copyright law (Section 504(c)(2)) 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

Criterion 1: What is the purpose and character of the use?

Purpose: To be fair use, the material must be used for non-profit or educational purposes rather than for-profit or commercial uses.

Character of the use: Use of a work may be fair if the work is adapted to use in your teachings. For example, you may want to include quotations of a work in a paper or parts of a copyright-protected work in a multimedia production. Simply photocopying a work would not be as apt to favor fair use, although multiple copies of limited amounts of some works can be allowed in certain situations, as explained in the section on copyright print guidelines.

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

Criterion 2: What is the nature of the work?

Fair use favors published over unpublished original works and factual over more creative works of personal expression, such as art, music, movies, plays, and novels. However, if the purpose and character of use is non-profit public education, even highly creative works can fall into the fair use arena. This factor is most likely to favor fair use in an educational setting.

Criterion 3: What is the amount and substantiality of the work being used?

Amount: 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.

Substantiality of the work: This criterion also considers whether the heart or most significant part of the material is 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 the heart of the work is considered fair use.

Criterion 4: What effect does the use have on the market for the original work?

Special attention should be paid to the market value of the work you are considering to use; if the market value is affected, the material usually cannot be used without permission.

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?

Researching the market value of material should not be cursory. Often the market for an item doesn't disappear just because it is out of print. For example, a ready market is available for earlier editions of books through the Copyright Clearance Center; for help in using the Copyright Clearance Center, refer to question # 27 on the Copyright FAQ.

Even when book or article rights revert to the authors, if those authors are well-known in academic circles, some of them have established businesses for distributing their works.

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 and parents, as well as the school's faculty and administrators. In some cases, it is even permissible to use a copyrighted work in conference presentations. However, the reproduction of the work should not be made available to the general public.

After conducting a fair use analysis, you should be able to meet at least three of the four criteria, one of which must be criterion 4, before proceeding to use the material without getting permission.

If you do decide to use material following the fair use guidelines, always document your reasoning for doing so. To aid in your analysis and documentation, please see A Checklist for Fair Use; or refer to the sample fair use analyses in the Copyright FAQ, question # 26.

Always attribute the source on the first page of the work. Include a full citation, and indicate that you are copying the material under fair use guidelines.

Conducting a fair use analysis is more flexible than following specific guidelines and can, depending on CMU's risk tolerance, allow more generous use of materials without seeking permission. At the same time, the analysis is subjective and can be quite complicated. Determining the effect on the market can take some effort.

If you prefer, you may opt to use the more specific guidelines outlined at this web site for each particular type of materials—print, reserves, video and broadcast, software, digital media, music--you are interested in using. For example, in the section Fair Use for Print Materials, the guidelines listed have the advantage of being more concrete. Note, however, that they do not have the force of law and they are more restrictive than a fair use analysis may conclude.

Fair Use for Faculty

The issue of just what is fair use of copyright-protected materials comes up often in educational circles. The key for faculty is to apply the four-factor test set forth in the copyright law. Some guidelines to follow are:

- Make sure that the use is for education and that the use will occur in a non-profit educational setting. The use 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. For example, a video or DVD should be purchased or rented from a video store.
- When possible use factual works, but when necessary, creative works can be used to illustrate a point or as a basis for criticism or commentary. You may also use excerpts from periodicals.
- Make sure that a copyright notice and complete source citation appears on the first page of each copy of articles or book excerpts used, either passed out in class or posted on your Blackboard site.
- Unless you are teaching a course on a specific author, it is 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 one-time use.
- Finally, use of copyright-protected material should not be a substitute for students purchasing textbooks or other books readily available in the market place, such as course packs. One of the key components of fair use is the effect of use on the market for the protected work. Does your use dilute the market or potential sales of the copyright holder? If it does, then you are 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 a copyrighted work is to ask, "Could anyone off the street just walk in here and use this material?" If they can, then the use is probably not a fair one.

Exception 1: If you are requiring a course pack of materials to be sold through the CMU Bookstore, or MBS for CEL faculty, permission must be obtained. If an item in the course

pack can be copied under fair use guidelines, bookstore or OCLS staff will determine if that is the case.

Exception 2: If you want a reserve set up (for on-campus courses only), generally the material can be used once without having to obtain permission. Contact Reserve Room staff in the Mary Dow Reading Room in Park Library with your reserve needs.

Exception 3: If you are teaching for the College of Extended Learning, you may either refer to the CMU OCLS copyright site, <http://ocls.cmich.edu/copyrightindex.htm> or contact the Copyright Coordinator for CEL at 800-274-3838 or 989-774-3768 for all your copyright needs.

Licensing

It is important to remember that any license you enter into with a publisher will supersede basic copyright law 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 or supplemental materials if you have adopted the textbook. Likewise, almost all computer software comes with separate licensing agreements that put limits on uses that might otherwise have been acceptable under the fair use provision of the Copyright Act.

Permission

Finally, remember you can ask for (and often obtain) permission to use copyrighted materials for your courses. It is important first to identify what and how much of the material you wish to use, and why you want to use it. For more information:

- For print course packs, please visit <http://www.cmich.edu/copyright/assistance/guidelines.htm>
- For Audio-visual material, call Dan Bracken at 774-6414
- For Reserves, call the Library Reserve Desk at 774-3825
- For all questions related to classes taught through the College of Extended Learning (CEL), please visit the CMU OCLS copyright site, <http://ocls.cmich.edu/copyrightindex.htm> or call 989-774-3768 or 800-274-3838, ext. 3768.

For copyright-protected materials you may wish to use in other ways, such as stand-alone classroom handouts, on Blackboard, or in multimedia projects and presentations, you must obtain permission yourself. It is important to first identify what and how much material you wish to use, and why you wish to use it. See Classroom Handouts Guidelines or BlackBoard Guidelines for more information.

- The Copyright Clearance Center (CCC) can research copyright ownership and request permission from copyright holders for most works, <http://www.copyright.com>. If the CCC cannot obtain permission, you can also contact the copyright holders directly (see Sample Letters for Requesting Permission). For more information, please see the FAQ.

Fair Use for Non-Faculty

Use of copyright-protected works by non-faculty in a non-teaching situation might still fall within fair use guidelines. However, the four factors test needs to be applied more stringently in this situation. Just because the activity takes place within a non-profit educational setting **does not** mean that any use by any employee of the institution is fair. When analyzing the four factors it is important to consider:

- Is the use for news, criticism, commentary, or parody, such as quotations used in a paper or short clips in a multimedia production?
- Is the copyright-protected work fiction or non-fiction, factual or creative?
- How much of the copyright-protected work is to be used? Also, how significant to the work as a whole are the portions of the work that will be used?
- Is the work available for purchase or otherwise available for licensing?

One of the key misconceptions concerning copyright is that of "first sale." Many people believe that if they purchase a book, videotape, or DVD then they have the right to do whatever they want with it. In one sense they are correct. They can do whatever they want with the physical copies of the work (tear up the paper, burn the video, erase the DVD, etc.).. However, buying a book, videotape, DVD, or music CD only gives the purchaser limited rights of use in and to the content contained therein. Those rights are limited to viewing, reading, or otherwise making personal, private use of the content, and reproduction for archival purposes **only**. Purchasing a book, videotape, DVD, or music CD does not give you the right copy it, perform it, or display it publicly. Separate licenses must be obtained before a copyright-protected work can be copied, performed or displayed for the general public.

Fair Use for Print Materials

Guidelines

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 collective 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 or 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 from a longer poem of not more than 250 words

2. Prose

- A complete article from a journal,
- A chapter from a non-fiction book or 10 % of the book, 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 times 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.

Note: Instantaneous permission can often be obtained from the Copyright Clearance Center. If you want the cost recouped, the item can be sold through the CMU Bookstore or MBS for courses taught through CEL as part of a course pack or as individual items.

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 collective work or periodical volume during one class term.

3. There shall not be 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. e.g. course packs

B. A teacher may not make a copy of or from works intended to be "consumable" in the course of study or of teaching. These include

- 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 systematically by the same instructor for the same course; for example, an instructor may not copy the same item for a class each time the class is taught, even if there are intervening semesters in which the class is not taught, or if the class is taught at different CEL centers or cohorts, and
- shall not be charged to the student beyond the actual cost of the photocopying.

To use materials in teaching that fall outside the scope of fair use, an instructor can create a course pack. See <http://ocls.cmich.edu/copyrightindex.htm> for courses taught through CEL and <http://www.cmich.edu/copyright/assistance/guidelines.htm> for all other courses.

Fair Use for Electronic Reserves

Guidelines

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
- Personal lecture notes, PowerPoint presentations created by the instructor, 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 placed on E-Reserves.
- Course packs cannot be placed on reserve.
- Appropriate copyright attribution will be entered on the first page of the material.
- Access to E-Reserves will be limited to authenticated CMU faculty and students registered for a particular course.
- Copyrighted materials cannot be placed on electronic reserve more than one time without requesting permission for the use.
- CMU Libraries will obtain copyright permission from the copyright holder if the material is to be on Reserve for more than one semester and will assess students the cost of the copyright permission as part of the course fee.

Fair Use for Video and Broadcast

Guidelines

Copying Video Materials

The following uses are permissible:

1. Students or instructors may perform or display lawfully made videotapes 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 or the requirements of the TEACH Act have been met.

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 for Software Materials

Guidelines

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.

Freeware

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 for Digital Media

Guidelines

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.

If you are creating a multi-media project or presentation, the following amounts may be used for two years without obtaining permission.

- Motion Media: up to 10% or 3 minutes, whichever is less
- Text material: up to 10 % or 1000 words, whichever is less, of text or prose material. An entire poem of less than 250 words may be used, but no more than three poems by one poet, or five poems by different poets from one anthology. For poems of greater length, 250 words may be used but no more than three excerpts by one poet or five excerpts by different poets from a single anthology.
- Music, lyrics, music videos: Up to 10%, but in any event no more than 30 seconds from an individual musical work whether the work is embodied in copies or audio or audiovisual works. Any alterations must not change the basic melody or fundamental character of the work.
- Illustrations and photographs: a photograph or illustration may be used in its entirety, but no more than 5 images by one artist or photographer. When using photographs and illustrations from a published collective work, no more than 10% or 15 images, whichever is less.
- Numerical data sets: up to 10% or 2500 fields or cell entries, whichever is less, definition of a field entry being a specific item of information, such as a name or social security number.

Only three copies of the multi-media production may be created, one for use, one for reserve, and one for archival purposes.

Fair Use for Music Materials

Guidelines

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. Making a copy 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.

CLASSROOM HANDOUTS

Guidelines

1. Classroom handouts are defined as supplemental materials such as newspaper or journal articles that are required for classroom use, but they are so current that they were not even published in time to be considered for inclusion in the course pack.
2. Items that may be copied without permission must meet the following criteria:
 - The time between the item being discovered and the time it needs to be used in class for maximum effect is too short to obtain permission.
 - The material must be brief, such as one newspaper or journal article, one chapter from a non-fiction book, or one cartoon.
 - Copying items like this should not occur more than 9 times in one course (FYI: This number is based on the American Library Association Guidelines for Classroom Copying).
3. Reuse requires permission and the item should be included in a course pack so that the copyright fee can be recovered. For example, an English instructor cannot use an article one time for ENG 101 for fall semester, and then use the same article one time for ENG 201 during spring semester. A CEL instructor cannot use the article one time for PSC 555 at the Troy center, and then use the article one time at a later period at the Kansas City center.
4. Each item must include the complete source citation as well as any copyright management information.

Blackboard

Guidelines

1. The first time an item is used on Blackboard, permission does not have to be obtained if it is only a small portion of the work from which it is taken.

Examples:

- one chapter from a non-fiction book or 10% of the book, whichever is less
- one article from one issue of a journal or magazine
- 10% or 1000 words, whichever is less, of a short story or novel
- an entire poem of less than 250 words, but no more than three poems by one poet or five poems by different poets from any one anthology; for poems of greater length, 250 words may be used but no more than three excerpts by a poet or five excerpts by different poets from a single anthology

Exception 1: If the item is a standard reading assigned by many instructors, permission must be obtained for first time and subsequent use.

Exception 2: If several articles from one journal are used in blackboard, such as 20 articles from Business Week, even if each article was taken from a different issue it would constitute systematic copying and permission would have to be obtained even for first time use.

Corollary: If two or more articles from one issue of a journal or two or more chapters from a book are to be used on Blackboard, permission must be obtained even for first time use.

2. Reuse requires permission. If the items are used on Blackboard again by the same instructor for the same course, regardless of the number of semesters between offerings of the class, permission must be obtained from the rights holder.

3. If the rights holder cannot be located for a particular item, it cannot be used on Blackboard.

4. Each item used on Blackboard must include the complete source citation as well as any copyright management information, such as the year, the rights holder, and any statement required by the rights holder.

5. Access must be limited to students taking the course and that course's instructor and eliminated at the conclusion of the course.