

CAMBRIDGE COLLEGE

for working adults

Copyright Permissions

Policy & Procedure

For Cambridge College Faculty
Fall 2006

Obtaining Copyright Permission
to Distribute Print and/or Online
Copyrighted Materials

Cambridge College

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About This Publication

Academic Copyright Policy — Review and Interpretation

This Policy will be reviewed no later than September 1, 2007, and updated if necessary.

For interpretation of this Policy, contact Dr. Joseph Reed, Copyright Officer at joseph.reed@cambridgecollege.edu.

The Cambridge College Copyright Compliance Policy: Library and Classroom has been most recently updated on September 1, 2006.

Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions

Excerpted from U.S. Copyright Office Circular 21, September 1995.

Who Do I Talk to About Copyright Procedures and Policies?

For questions about procedures for obtaining and using copyright permissions, contact Maida Tilchen, [maida](mailto:maida.tilchen@cambridgecollege.edu).

tilchen@cambridgecollege.edu, 1-800-877-473 x1730.

Copyright policy is set by Dr. Joseph Reed at Cambridge College. Contact Dr. Reed for questions about copyright policy. joseph.reed@cambridgecollege.edu, 1-800-877-4723 x 1232.

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Academic Copyright Policy

Cambridge College Copyright Compliance Policy: Library and Classroom

Purpose: to provide a summary of U.S. copyright law as it relates to the use of text-based copyright-protected works in the classroom and library at Cambridge College, and to provide guidelines and procedures for obtaining copyright permission to use these works.

U.S. copyright law contains many gray areas, and the goal of this policy is to provide Cambridge College administrators, faculty, librarians, students, employees, and others with a standard approach for addressing complex copyright issues. This policy covers classroom issues such as photocopying, online and distance education, and coursepacks. It also covers library uses for print and electronic reserves, ILL and document delivery. Other Cambridge College copyright and intellectual property policies may complement this policy by providing guidance on copyright issues beyond text-based materials used in the classroom and library.

This policy provides practical advice and procedures on copyright-related matters; however, it is not a substitute for legal advice, and proper legal advice should be obtained when necessary. Copyright Officer Dr. Joseph Reed may be able to assist you with any questions you may have. Dr. Reed may be reached at: joseph.reed@cambridgecollege.edu/.

What Is Copyright?

Copyright is an area of law that provides creators and distributors of creative works with an incentive to share their works by granting them the right to be compensated when others use those works in certain ways. Specific rights are granted to the creators of creative works in the U.S. Copyright Act (title 17, U.S. Code). If you are not a copyright holder for a particular work, as determined by the law, you must ordinarily obtain copyright permission prior to reusing or reproducing that work. However, there are some specific exceptions in the Copyright Act for certain academic uses, and permission is never required for certain other actions, such as reading or borrowing original literary works or photographs from a library collection.

What Is Protected By Copyright?

The rights granted by the Copyright Act are intended to benefit “authors” of “original works of authorship”, including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural and audiovisual creations. This means that virtually any creative work that you may come across—including books, magazines, journals, newsletters, maps, charts, photographs, graphic materials, and other printed materials; unpublished materials, such as analysts’ and consultants’ reports; and non-print materials, including electronic content, computer programs and other software, sound record-

ings, motion pictures, video files, sculptures, and other artistic works—is almost certainly protected by copyright. Among the exclusive rights granted to those “authors” are the rights to reproduce, distribute, publicly perform and publicly display their works.

These rights provide copyright holders control over the use of their creations and an ability to benefit, monetarily and otherwise, from the use of their works. Copyright also protects the right to “make a derivative work,” such as a movie from a book; the right to include a work in a collective work, such as publishing an article in a book or journal; and the rights of attribution and integrity for “authors” of certain works of visual art. Copyright law does not protect ideas, data or facts.

In the U.S., the general rule of copyright duration for a work created on or after January 1, 1978 is the author’s life plus 70 years after the author’s death. This is often referred to as “life-plus-70”. Works created by companies or other types of organizations generally have a copyright term of 95 years. For more information on copyright duration, visit <http://www.copyright.gov/circs/circ1.html#hlc/>.

Fair Use

A provision for fair use is found in the *Copyright Act at Section 107*. Under the fair use provision, a reproduction of someone else’s copyright-protected work is likely to be considered fair if it is used for one of the following purposes: criticism, comment, news reporting, teaching, scholarship and research. If the reproduction is for one of these purposes, a determination as to whether the reproduction is fair use must be made based upon four factors:

- The purpose and character of use (principally, whether for commercial or nonprofit educational use);
- The nature of the copyright-protected work;
- The amount and substantiality of the portion used; and
- The effect of the use being evaluated upon the potential market for or value of the copyright-protected work.

Fair use is an ambiguous concept and the law does not state exactly what uses of a copyrighted work will be considered fair uses under the law and may therefore be used without obtaining permission. As such, individuals who are not lawyers may often need to be interpreters of the law in everyday circumstances, and answers as to how much reproduction may be considered fair use often remain unclear. The bottom line is that fair use requires a very circumstance-specific analysis as to whether a particular use or reuse of a work may indeed be considered fair use.

To avoid confusion and minimize the risk of copyright infringement, Cambridge College interprets the following situations as fair use:



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- Quotation of short passages in a scholarly or technical work for illustration or clarification of the author's observations.
- Reproduction of material for classroom use where the reproduction is unexpected and spontaneous – for example, where an article in the morning's paper is directly relevant to that day's class topic. This would generally cover one time use in only one semester.
- Use in a parody of short portions of the work itself.
- A summary of an address or article, which may include quotations of short passages of the copyright-protected work.

If your use does not meet the above criteria and the work is protected by copyright, you probably need to obtain permission to use the work from the copyright holder or its agent.

Alternative: Refer to the *Fair Use Checklist* for guidelines on determining fair use. It can be found at www.copyright.com/services/copyrightoncampus/basics/fairuse_list.asp/.

Types Of Use

Classroom Handouts

Based on Cambridge College's fair use analysis, classroom handouts fall into two categories; one that requires permission and one that does not. If the handout is a new work for which you could not reasonably be expected to obtain permission in a timely manner and the decision to use the work was spontaneous, you may use that work without obtaining permission. However, if the handout is planned in advance, repeated from semester to semester, or involves works that have existed long enough that one could reasonably be expected to obtain copyright permission in advance, you must obtain copyright permission to use the work.

Coursepacks

All articles, chapters and other individual works in any print or electronic coursepack require copyright permission. Copyright permission for coursepacks is usually granted by the academic period. To reuse a coursepack in subsequent academic periods (e.g.: semester, quarter, trimester, etc.), you probably need to obtain permission again. Many copyright holders provide time-sensitive permission because their own rights may be time-sensitive and could be transferred to different copyright holders at any time.

When ordering coursepacks, it is important to clarify who will obtain permission for the coursepack—the copy shop or reprographic center, the faculty member or a member of the administrative staff. Deferring responsibility for copyright permission will not provide you protection against a claim of copyright infringement.

Reserves

If the Cambridge College library owns a copy of a publication, the library may place that copy on reserve without obtaining copyright permission. If the library wishes to reproduce additional copies of a work and place them on reserve for students to review, in either paper or electronic format, the library must obtain copyright permission.

Photocopying In The Library

It is permissible to photocopy copyright-protected works in the Cambridge College library without obtaining permission from the copyright owner, under the following circumstances:

- **Library user requests for articles and short excerpts.** At the request of a library user or another library on behalf of a library user, the Cambridge College library may make one reproduction of an article from a periodical or a small part of any other work. The reproduction must become the property of the library user, and the library must have no reason to believe that the reproduction will be used for purposes other than private study, scholarship and research. As recommended by Section 108 of the Copyright Act, the library must display the register's notice at the place library users make their reproduction requests to the library.
- **Archival reproductions of unpublished works.** Up to three reproductions of any unpublished work may be made for preservation or security or for deposit for research use in another library or archive. This may be a photocopy or digital reproduction. If it is a digital reproduction, the reproduction may not be made available to the public outside the library or archive premises. Prior to receiving any of the three reproductions permitted under this provision from another library or archive, the Cambridge College library or archive must make a reasonable effort to purchase a new replacement at a fair price. The reproducing library or archive must also own the work in its collection.
- **Replacement of lost, damaged or obsolete copies.** The Cambridge College library may make up to three reproductions, including digital reproductions, of a published work that is lost, stolen, damaged, deteriorating or stored in an obsolete format. Any digital reproductions must be kept within the confines of the library (that is, available on its computer but not placed on a public network.)
- **Library user requests for entire works.** One reproduction of an entire book or periodical may be made by your library at a library user's request, or by another library on behalf of a library user upon certain conditions being met. These conditions include the library determining after reasonable investigation that an authorized reproduction cannot be obtained at a reasonable price. Once made, the reproduction must become the property of the library user. The library must have no reason to believe that the reproduction will be used by the user for purposes other than private study, scholarship and research, and the library must display the register's notice at the place library users make their reproduction requests to the library.

Photocopying for Students

Cambridge College library may make reproductions for library users (students, faculty, etc.), provided the following criteria are met:

- The library makes one reproduction of an article from a periodical or a small part of any other work.



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- The reproduction becomes the property of the library user.
- The library has no reason to believe that the reproduction will be used for purposes other than private study, scholarship and research.
- The library displays the register's notice at the place library users make their reproduction requests to the library.

Photocopying by Students

Photocopying by students is subject to a fair use analysis as well. A single photocopy of a portion of a copyright-protected work, such as a copy of an article from a scientific journal made for research, may be made without permission. Photocopying all the assignments from a book recommended for purchase by the instructor, making multiple copies of articles or book chapters for distribution to classmates, or copying material from consumable workbooks, all require permission.

Document Delivery Services

It is important to maintain a distinction between ILL and Document Delivery Services (DDS). Photocopying for DDS requires copyright permission.

Interlibrary Loan

The Cambridge College library may participate in interlibrary loans without obtaining permission provided that the "aggregate quantities" of articles or items received by the patron do not substitute for a periodical subscription or purchase of a work. Cambridge College follows the CONTU guidelines for defining "aggregate quantities." The CONTU guidelines state that requesting and receiving more than five articles from a single periodical within a calendar year or a total of six or more copies of articles published within five years prior to the date of request would be too many under CONTU.

If the articles or items being copied have been obtained through a digital license, you must check the license to see under what terms and conditions, if any, interlibrary loan is permitted.

Distance Education and Course Management Systems

In 2002, the Technology, Education and Copyright Harmonization (TEACH) Act became law and expanded the latitude universities, including Cambridge College, have for the performance and display of copyright-protected materials in a distance education environment, including through the use of Course Management Systems (CMS).

The copyright requirements for TEACH and CMS postings are similar to those of classroom handouts, but extend the traditional rules for those handouts to the digital transmission of materials to distance education students. If the use is spontaneous and will not be repeated, copyright permission is not required; however,

the content may not remain posted for extended periods of time. If the use is planned, repeated or involves works that have existed long enough that one could reasonably expect to receive a response to a request for copyright permission, you must obtain copyright permission.

Copyright and Foreign Works

The U.S. is a member of the leading international copyright treaty, the Berne Convention. As such, when CAMBRIDGE COLLEGE uses a copyright-protected work from another country, the protections provided to works by U.S. copyright law automatically apply to the use of that work as well (assuming the use takes place in the U.S.). Copyright Clearance Center has many reciprocal licenses to allow use of materials from other countries.

How to Obtain Copyright Permission

Permission to use copyright-protected materials, when required, should be obtained prior to using those materials. It is best to obtain permission in writing (including e-mail) and to ensure that the Cambridge College Copyright Officer has a copy of each permission form or letter.

The time to obtain permission may vary and, where possible, it is recommended to start the permissions procedure at least six months prior to the time that you wish to use the materials. If you need a quicker permission, let the copyright owner know this and he/she may be able to get back to you more quickly. Often, Copyright Clearance Center is your quickest one-stop resource for obtaining copyright permission.

Fact Finding Questions

Once you have identified the materials you want to use and determined that copyright permission is required, you must locate the copyright holder. If the copyright holder is not listed on the work, locating the appropriate person or entity to grant permission may take some investigative and creative work.

The Copyright Office of the Library of Congress (www.loc.gov) may be of assistance in locating a copyright owner if the work is registered. Note, however, that copyright is automatically granted to all works upon their being written down and that registration with the Copyright Office is not required.

There are two primary options for obtaining permission to use the work. You may contact the copyright holder directly or you may contact Copyright Clearance Center. Check with your department manager to determine if your institution already has an established process for obtaining copyright permission through Copyright Clearance Center. If your department or campus does not have a centralized location or process for obtaining copyright permission, you may create an account with Copyright Clearance Center at www.copyright.com/.



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Information in your Permission Request

The copyright holder or its agent will require the following information in order to provide you with permission:

- Title of the material
- Creator/author of the material
- Publisher of the material
- Description of material
- ISBN or ISSN, if applicable
- Date of publication, if applicable
- Purpose for which you wish to reproduce the item (research, commercial, educational, etc.)
- How the material is to be reproduced (e.g., photocopied, digitized)
- Where the reproduced material will be used or will appear and for how long

Reporting Suspected Infringements

If you suspect that anyone at Cambridge College, including a student, is using any copyright-protected material without the permission of the copyright holder, immediately report this to Dr. Joseph Reed, Copyright Officer at joseph.reed@cambridgecollege.edu.

Review and Interpretation of Policy

This Policy will be reviewed no later than September 1, 2007, and updated if necessary.

For interpretation of this Policy, contact Dr. Joseph Reed, Copyright Officer at joseph.reed@cambridgecollege.edu.

The Cambridge College Copyright Compliance Policy: Library and Classroom has been most recently updated on September 1, 2006.

Important Notes

Before Requesting Copyright Permission

Please see if the article or book is in the databases of our Cambridge College Online Library.

- **If it IS in our databases**, Cambridge College requires that you direct students to the online version, observing the copyright rules for content in our current Cambridge College Online Library (see below "Copyright Rules for Content in Cambridge College Online Library Our Databases"). Do not make print copies, but direct students to the online version of the article. Cambridge College will not pay, and you will be charged for, the cost of copyright permission for items in our databases.
- **If it IS NOT in our databases**, use the Copyright Clearance Center service to purchase permission for online or print reproduction. The cost of the copyright permission will be paid by Cambridge College if all procedures are followed properly.

What About the Disclaimer on Cambridge College's Copy Request Form?

Cambridge College copy services will not make copies without proof of copyright permission. You will be required to show proof of copyright permission and sign a disclaimer on the copy request form (p.11, available from the copy service).

When you sign the disclaimer, you are accepting full responsibility for any claims by the rightful copyright owner. Cambridge College will not provide legal help or pay fines. You are taking full responsibility for any consequences of the materials being reproduced and distributed.

No Reimbursement

Cambridge College will not reimburse for copying not done by Cambridge College copying service.



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Agreement on Guidelines for

Classroom Copying in Not-for-Profit Educational Institutions

With Respect to Books and Periodicals

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of H.R. 2223 (this section). The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill (this section). There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

GUIDELINES

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;
- C. A short story, short essay or short poem, whether or not from a collective work;
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper

II. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below; and,
- B. Meets the cumulative effect test as defined below; and
- C. Each copy includes a notice of copyright.

Definitions:

BREVITY

- (i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- (ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

What Materials Need Copyright Permission?

This section excerpts the most relevant parts of U.S. copyright guidelines.

For complete guidelines on all other media, including music, see the complete document, entitled *Circular 21*, which is posted in the Public Folder for Library in Outlook.

(Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

(iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

(iv) "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

SPONTANEITY

- (i) The copying is at the instance and inspiration of the individual teacher, and
- (ii) 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.

CUMULATIVE EFFECT

- (i) The copying of the material is for only one course in the school in which the copies are made.
- (ii) 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.
- (iii) There shall not be more than nine instances of such multiple copying for one course during one class term. (The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)



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III. Prohibitions as to I and II Above

Notwithstanding any of the above, the following shall be prohibited:

(A) Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

(B) There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

(C) Copying shall not:

- (a) substitute for the purchase of books, publishers' reprints or periodicals;
- (b) be directed by higher authority;
- (c) be repeated with respect to the same item by the same teacher from term to term.

(D) No charge shall be made to the student beyond the actual cost of the photocopying.

Agreed March 19, 1976.

Ad Hoc Committee on Copyright Law Revision: By Sheldon Elliott Steinbach. Author-Publisher

Group: Authors League of America: By Irwin Karp, Counsel. Association of American

Publishers, Inc.: By Alexander C. Hoffman. Chairman, Copyright Committee.

Guidelines for Educational Uses of Music

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of H.R. 2223 (this section). The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future, and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill (this section). There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

A. Permissible Uses

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

2. (a) For academic purposes other than performance, 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% of the whole work. The number of copies shall not exceed one copy per pupil.

(b) For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

3. Printed copies which 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 recordings 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. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

B. Prohibitions

1. Copying to create or replace or substitute for anthologies, compilations or collective works.

2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.

3. Copying for the purpose of performance, except as in A(1) above.

4. Copying for the purpose of substituting for the purchase of music, except as in A(1) and A(2) above.

5. Copying without inclusion of the copyright notice which appears on the printed copy. The problem of off-the-air taping for nonprofit classroom use of copyrighted audiovisual works incorporated in radio and television broadcasts has proved to be difficult to resolve. The Committee believes that the fair use doctrine has some limited application in this area, but it appears that the development of detailed guidelines will require a more thorough exploration than has so far been possible of the needs and problems of a number of different interests affected, and of the various legal problems presented. Nothing in section 107 or elsewhere in the bill is intended to change or prejudge the law on the point. On the other hand, the Committee is sensitive to the importance of the problem, and urges the representatives of the various interests, if possible under the leadership of the Register



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of Copyrights, to continue their discussions actively and in a constructive spirit. If it would be helpful to a solution, the Committee is receptive to undertaking further consideration of the problem in a future Congress.

The Committee appreciates and commends the efforts and the cooperative and reasonable spirit of the parties who achieved the agreed guidelines on books and periodicals and on music. Representatives of the American Association of University Professors and of the Association of American Law Schools have written to the Committee strongly criticizing the guidelines, particularly with respect to multiple copying, as being too restrictive with respect to classroom situations at the university and graduate level. However, the Committee notes that the Ad Hoc group did include representatives of higher education, that the stated “purpose of the * * * guidelines is to state the minimum and not the maximum standards of educational fair use” and that the agreement acknowledges “there may be instances in which copying which does not fall within the guidelines * * * may nonetheless be permitted under the criteria of fair use.”

The Committee believes the guidelines are a reasonable interpretation of the minimum standards of fair use. Teachers will know that copying within the guidelines is fair use. Thus, the guidelines serve the purpose of fulfilling the need for greater certainty and protection for teachers. The Committee expresses the hope that if there are areas where standards other than these guidelines may be appropriate, the parties will continue their efforts to provide additional specific guidelines in the same spirit of good will and give and take that has marked the discussion of this subject in recent months.

Reproduction and Uses for Other Purposes.

The concentrated attention given the fair use provision in the context of classroom teaching activities should not obscure its application in other areas. It must be emphasized again that the same general standards of fair use are applicable to all kinds of uses of copyrighted material, although the relative weight to be given them will differ from case to case.

The fair use doctrine would be relevant to the use of excerpts from copyrighted works in educational broadcasting activities not exempted under section 110(2) or 112, and not covered by the licensing provisions of section 118. In these cases the factors to be weighed in applying the criteria of this section would include whether the performers, producers, directors, and others responsible for the broadcast were paid, the size and nature of the audience, the size and number of excerpts taken and, in the case of recordings made for broadcast, the number of copies reproduced and the extent of their reuse or exchange. The availability of the fair use doctrine to educational broadcasters would be narrowly circumscribed in the case of motion pictures and other audiovisual works, but under appropriate circumstances it could apply to the nonsequential showing of an individual still or slide, or to the performance of a short excerpt from a motion picture for criticism or comment.

Another special instance illustrating the application of the fair use doctrine pertains to the making of copies or phonorecords of works in the special forms needed for the use of blind persons. These special forms, such as copies in Braille and phonorecords of oral readings (talking books), are not usually made by the publishers for commercial distribution. For the most part, such copies and phonorecords are made by the Library of Congress’ Division for the Blind and Physically Handicapped with permission obtained from the copyright owners, and are circulated to blind persons through regional libraries covering the nation. In addition, such copies and phonorecords are made locally by individual volunteers for the use of blind persons in their communities, and the Library of Congress conducts a program for training such volunteers. While the making of multiple copies or phonorecords of a work for general circulation requires the permission of the copyright owner, a problem addressed in section 710 of the bill, the making of a single copy or phonorecord by an individual as a free service for blind persons would properly be considered a fair use under section 107.

A problem of particular urgency is that of preserving for posterity prints of motion pictures made before 1942. Aside from the deplorable fact that in a great many cases the only existing copy of a film has been deliberately destroyed, those that remain are in immediate danger of disintegration; they were printed on film stock with a nitrate base that will inevitably decompose in time. The efforts of the Library of Congress, the American Film Institute, and other organizations to rescue and preserve this irreplaceable contribution to our cultural life are to be applauded, and the making of duplicate copies for purposes of archival preservation certainly falls within the scope of “fair use.”

When a copyrighted work contains unfair, inaccurate, or derogatory information concerning an individual or institution, the individual or institution may copy and reproduce such parts of the work as are necessary to permit understandable comment on the statements made in the work.

The Committee has considered the question of publication, in Congressional hearings and documents, of copyrighted material. Where the length of the work or excerpt published and the number of copies authorized are reasonable under the circumstances, and the work itself is directly relevant to a matter of legitimate legislative concern, the Committee believes that the publication would constitute fair use.

During the consideration of the revision bill in the 94th Congress it was proposed that independent newsletters, as distinguished from house organs and publicity or advertising publications, be given separate treatment. It is argued that newsletters are particularly vulnerable to mass photocopying, and that most newsletters have fairly modest circulations. Whether the copying of portions of a newsletter is an act of infringement or a fair use will necessarily turn on the facts of the individual case. However, as a general principle, it seems clear that the scope of the fair use doctrine should be considerably narrower in the case of newsletters than in that of either mass-circulation periodicals or scientific journals.



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The commercial nature of the user is a significant factor in such cases: Copying by a profit-making user of even a small portion of a newsletter may have a significant impact on the commercial market for the work.

The Committee has examined the use of excerpts from copyrighted works in the art work of calligraphers. The committee believes that a single copy reproduction of an excerpt from a copyrighted work by a calligrapher for a single client does not represent an infringement of copyright. Likewise, a single reproduction of excerpts from a copyrighted work by a student calligrapher or teacher in a learning situation would be a fair use of the copyrighted work.

The Register of Copyrights has recommended that the committee report describe the relationship between this section and the provisions of section 108 relating to reproduction by libraries and archives. The doctrine of fair use applies to library photocopying, and nothing contained in section 108 "in any way affects the right of fair use." No provision of section 108 is intended to take away any rights existing under the fair use doctrine. To the contrary, section 108 authorizes certain photocopying practices which may not qualify as a fair use.

The criteria of fair use are necessarily set forth in general terms. In the application of the criteria of fair use to specific photocopying practices of libraries, it is the intent of this legislation to provide an appropriate balancing of the rights of creators, and the needs of users.

Copyright Rules for Content in Current CCOL Databases

EBSCOHOST:

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to direct students to locate the online full-text version by using the Page Composer tool in My EBSCOHost. For instructions, contact maida.tilchen@cambridgecollege.edu/.

Electronic Books (from Ebrary): As far as the copyright rules, Ebrary says that a professor can post a link to any of the e-book materials he/she wants as supplementary reading for course material. Or, if a professor wants to quote from material on the site, the appropriate citation will also make that within guidelines. However, if a professor prints out 60 copies of material in the site and passes them out to students, that would not be within copyright rules. Distributing the links to the material, however, is fine. Students can print material for their personal use.

Note: By using the Course Bookshelf in Electronic Books, or Page Composer tool in My EBSCOHost, you can conveniently direct students to the e-book materials in Electronic Book. For instructions, contact maida.tilchen@cambridgecollege.edu/.

Other Databases: We will be adding other databases. Contact Maida Tilchen for copyright information at maida.tilchen@cambridgecollege.edu/.

Bottom line for materials in the Cambridge College databases: Do not make print copies, but direct students to the online version of the article or book. For instructions for using the tools Course Bookshelf, Course Folder, or Page Composer in EBSCOHost to do this most conveniently, contact maida.tilchen@cambridgecollege.edu/.



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How to Get Copyright Permission for Materials Which are Definitely Not in CCOL Databases

Permission can be obtained by using the Copyright Clearance Center website. The cost will be billed directly to Cambridge College.

"Copyright Clearance Center provides access to license from a repertory of over 1.75 million books and journals. We make it easy to gain the permissions you need in a variety of formats (coursepacks, on-line course postings and more). We will also do the research and solicit permission for publications we don't have in our catalog. Through our quick price option on-line you will be able to obtain a quote for copyright fees before placing your order."

The Copyright Clearance Center provides a comprehensive guide to copyright compliance at <http://www.copyright.com/Services/copyrightoncampus/>. To the extent that there is an inconsistency between the guidelines of the Copyright Clearance Center and the US government version "Agreement on Guidelines for Classroom Copying..." (reproduced herein, beginning on page 5), the US government code governs.

How to Enter Copyright Clearance Center Using Your Old Account, if you have one:

NOTE: Whether using an old or new account with Copyright Clearance Center, you must send Gail Jones an email with your name, Copyright Clearance Center account number, and date of order. Send it to gail.jones@cambridgecollege.edu.

If you have used the site previously, you probably have an old account and password. You must update the billing info as of July, 2006. Please:

- Go to <http://www.copyright.com>
- Click on Login
- Login to your old account
- Click "Manage Account" which is a tab at the top right of the page
- Click "Update Address Information" which will probably take you to a screen that asks for your email address and password again
- Next you should get the page "Update Account Information" on which you should update any personal info if necessary and be sure to change the billing info so it goes to Ms. Gail Jones, 1000 Massachusetts Avenue, Cambridge, MA 02138 phone (617) 868-1000 x 214, gail.jones@cambridgecollege.edu
- Click submit and hopefully you will be all set to start your search on the www.copyright.com page. See below for further instructions

If you have never used the Copyright Clearance Center site, you need to create a new account:

- Go to <http://www.copyright.com>
- Click "First Time Here?"
- Scroll down and click "Create a new account"
- Leave "Organizational" checked
- Fill in your personal contact info. You are an Academic User
- Fill in the billing info: Ms. Gail Jones, 1000 Massachusetts Avenue, Cambridge, MA 02138 phone (617) 868-1000 x 214, gail.jones@cambridgecollege.edu
- Click submit and hopefully you will be all set to start your search on the www.copyright.com page. See below for further instructions

Once you are logged into Copyright Clearance Center (copyright.com) here's how to get permission:

- Get the complete citation for the item you want, including title of journal or book, title of article, author, publisher, date, volume, issue, and page numbers
- Go to the page <http://www.copyright.com>
- Log in
- On the Find Title page, click "For Academic Use"
- In the drop down box for "Type of Use" click "coursepacks" or "Electronic Course Pack" if you will not be giving out print copies, just PDF files or links. (NOTE: as above, you do not need to purchase copyright permission to direct students to items in EBSCO or Wilson Select Plus. This would only be for online distribution of items not in our Cambridge College databases.)
- Click Continue
- You should be on a page with a box "Search By Publication Title." In the Search For box, put the title of the journal in which the article appears. If it is a book, put the book title. DO NOT put the title of the article here
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For Cambridge campus, see instructions below and copy request form, p.11

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For the Cambridge, MA campus only!

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- The copy center will produce a bound course pack, adding a front and back cover.

Please allow 2 weeks for Océ to complete your request.



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