

Chemeketa Community College Copyright Manual

version November 2019



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Under College policies, equal opportunity for employment, admission, and participation in the College’s programs, services, and activities will be extended to all persons, and the College will promote equal opportunity and treatment through application of its policies and other College efforts designed for that purpose.

Persons having questions or concerns about: Title IX, which includes gender-based discrimination, sexual harassment, sexual violence, interpersonal violence, and stalking, contact the Title IX coordinator at 503.365.4723, 4000 Lancaster Dr. NE, Salem, OR 97305, or <http://go.chemeketa.edu/titleix>. Individuals may also contact the U.S. Department of Education, Office for Civil Rights (OCR), 810 3rd Avenue #750, Seattle, WA 98104, 206.607.1600.

Equal Employment Opportunity or Affirmative Action should contact the Affirmative Action Officer at 503.399.2537, 4000 Lancaster Dr NE, Salem OR 97305

To request this publication in an alternative format, please call 503.399.5192.

CHEMEKETA COMMUNITY COLLEGE COPYRIGHT MANUAL

Contact List/Areas of Expertise

| Contact Area | Phone |
|--|--------------|
| Chemeketa Bookstore. | 503.399.2539 |
| Copyright Clearance Center; Coursepack development & printing | |
| Chemeketa Press. | 503.399.6156 |
| Licensing content for publication | |
| Digital Assets Curator | 503.399.5168 |
| General copyright questions; Locate centrally licensed content cleared for instructional use; Locate/purchase digital media; Reformatting of digital content | |
| Center for Academic Innovation/Tech Hub | 503.399.7873 |
| Using instructional content in eLearn; Reformatting of digital content | |
| General Counsel | 503.399.8677 |
| Author/College agreements; Permissions issues | |
| Human Resources | 503.399.5009 |
| Employment contract questions | |
| Library -- Reference. | 503.399.5231 |
| General copyright questions; Locate centrally licensed content cleared for instructional use | |
| Marketing | 503.399.2517 |
| Brand identity, photographs, and promotional materials | |
| Procurement Services | 503.399.4794 |
| Contracts; Public performance rights | |
| Student Accessibility Services. | 503.399.5192 |
| Assistance with Disability accommodations | |

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1. COPYRIGHT BASICS

1.1. Copyright Overview

This manual provides guidelines for use of copyrighted material to College employees.

Our intention is to help you to become more informed about your rights and responsibilities as a user of copyrighted materials. Each College employee who is involved in reproducing copyrighted materials has a responsibility to see that the rights of copyright owners are recognized and honored. It is the College's intention to uphold copyright law while encouraging the appropriate use of copyrighted material for educational purposes.

The intent of copyright law is to balance the copyright owner's interests with the interests of society in the free flow of ideas contained in creative works. Copyright law is not a clear-cut, simple set of standards. It is complex and ambiguous and leaves much to be defined by the courts on a case-by-case basis. However, there are clearly defined areas of use and limitations that must be considered when reproducing materials.

We hope that you will find in this manual some basic information to help you make use of copyrighted materials within the guidelines of the law.

1.1.1. What is a Copyright?

A copyright is a legal right granted to an owner of "an original work of authorship fixed in a tangible medium of expression."

- This includes written materials in books and periodicals as well as music, choreography, dramatic works, works of art, sound recordings, audiovisual works, computer programs and databases.
- It does not include ideas, procedures, processes, systems, concepts, principles or discoveries (although these may be covered by patent or other laws). Government documents are not copyrighted although they may contain excerpts of copyrighted material.
- Protection covers both published and unpublished works.
- The fact that a published work is out-of-print does not affect copyright.

1.1.2. Exclusive Rights of the Copyright Owner

The copyright owner holds the exclusive right to:

- Reproduce the work
- Prepare derivative works (new editions, adaptations, sequels)
- Perform the work
- Display the work
- Distribute the work

Violation of any of these rights is a violation of copyright law.

1.1.3. How Does an Owner Obtain Copyright?

According to the Copyright Act of 1976, copyright begins at the moment of creation of the work.

- Registration is not necessary in order for a work to be protected.
- The copyright symbol (©) is not necessary for a work to be protected.
- You should assume that material is copyrighted unless it states otherwise.

Although registering with the federal copyright office is not required, it can provide certain advantages to owners, especially when suing for copyright violation.

If you create an original work as part of your job during regular working hours or as work-for-hire (collective bargaining faculty contract), the College is the owner of the copyright to that work. If you create an original work outside of regular working hours and the College has not compensated you for this work nor provided any other significant support, you are considered to be the copyright owner. It is a good idea to clarify questions of copyright with the College administration before you begin a project that may result in a copyrighted work. Your collective bargaining agreement, handbook and board policy will be the references for this issue; these guidelines **DO NOT** replace those policies.

If you have received copyright permission from official holders of the copyright or from colleagues for classroom use at the College, this is not permission to use it for other outside consulting, conference presentations, lectures, institute work, etc. Separate permission must be obtained for any use other than initially obtained.

There are both civil and criminal penalties for copyright infringement. Knowing and “willful” infringement may result in penalties up to \$100,000 per work

infringed and/or up to two years imprisonment. The College does not provide legal defense for employees against civil or criminal charges arising from copyright violations. Chemeketa expects all employees to act in accordance with copyright law when performing College duties. Any violations of these College guidelines may increase a person's liability for copyright infringement.

1.1.4. How Do I Know Who Owns the Copyright?

The first place to look is on the page, frame, or screen that contains the copyright notice. If you have a reproduction that does not contain a notice of copyright, consult an original copy of the work.

Note that visual materials (like photos or cartoons in books), music (like songs in a movie), and other parts of copyrighted materials, may have separate copyright owners. These other owners are often identified in the acknowledgments section of a written work, the credits in a movie, etc.

The best way to determine copyright ownership is to contact the publisher of the work you want to copy or to use a copyright clearinghouse to locate the copyright holder and secure the rights to copy the work.

1.1.5. Author's Rights

Understanding copyright requires an understanding of author's rights. The phrase "author's rights" is usually used in the context of scholarly publishing but it applies to any dissemination of an author's work (scholarly or not) in any format (document, video, etc.) Students also have rights as authors (see more in the Student Work section). For more information on giving permissions to your work via Creative Commons, please see the licensing agreements section.

In many situations faculty retain copyright for materials created as part of their work responsibilities. Faculty copyright is covered in Article 30 of the Chemeketa Faculty Association contract. Questions about Article 30 can be addressed to Chemeketa's General Counsel or CFA representative. For more information on using Chemeketa owned or jointly owned content outside of Chemeketa instructional needs, please contact the General Counsel.

Copyright Slider

This interactive tool gives information on copyright coverage for creative works by date:

<http://librarycopyright.net/resources/digitalslider/index.html>

FYI, the copyright slider uses flash technology.

Directions:

- Set arrow at correct date
- Read information in windows
- Mouse-over any [notes] or asterisks [*] for clarifying information

Is it Protected by Copyright?
For works first published in the U.S.A.*

Maybe* Permission Needed?

Copyright Status/Term Protected until 70 years after the death of the author [see note]

Unpublished Works (date of creation)

Date of First Publication

Before 1923

After 1922 & Before 1978
If published with © notice

After 1922 & Before 1964
If published with © notice, but not renewed after 28 years

After 1964 & Before 1978
If published with © notice

After 1977 and Before 2003
Created (unpublished) before 1978 & first published before January 1, 2003

After 1977 & Before March 1, 1989
If published without © notice registered within 5 years; or published with © notice

On or after March 1, 1989
Published with or without © notice

Published after 2002
Created before 1978 and author died more than 70 years ago.

Created by Individual or Joint Authors
Created under Corporate Authorship

Screen shot from <http://librarycopyright.net/resources/digitalslider/index.html>

1.2. Works in the Public Domain

Public domain refers to works that have either passed out of their covered copyright term, have been created/donated to the public, or are not covered by copyright in the first place. Most creative works made prior to 1923 in the United States are now in the public domain. Most works created by federal (and some state) workers are in the public domain (check the source you are using to confirm).

This chart tracks when items enter the public domain by user type and format:

<http://copyright.cornell.edu/resources/publicdomain.cfm>

More information about public domain:

<http://fairuse.stanford.edu/overview/public-domain/welcome/>

1.3. Fair Use

“Fair use” is the allowed use of parts of a copyrighted work without compensation to the copyright holder. It is set out in U.S. law under Section 107 of the Copyright Act (Title 17). **Fair Use is intended to be one-time/short-term use of an item. If you intend to repeatedly use a piece of copyrighted content over time please obtain permission or rights for the item.**

1.3.1. Four Factor Analysis

The four factors below are not weighted in any way. The courts look at the totality of any given use and judge whether that use is “fair” looking at the whole picture. The four factors are (again quoting the law)

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.”

1.3.2. Examples of Fair Use Analysis

When you use a work under copyright and claim Fair Use the courts look at the four factors above to balance educational use with the rights of the author. This tool from Purdue University allows you to check off the factors in your use and see if your use balances towards Fair Use or needing permission:

https://www.lib.purdue.edu/uco/CopyrightBasics/fair_use.html#analysis

Fair use is intended to be one-time/short-term use of an item. If you intend to repeatedly use a piece of copyrighted content over time, please obtain permission

Examples that are NOT Fair Use

- using a copy of a whole article over and over and over
- publishing images in an article you are writing (not your work; do not have permission)
- uploading a whole movie/major portions of a movie into eLearn

Examples of the Four Factor Fair Use Analysis

1. **Video:** A faculty member wants to use 2 minutes of a 60 minute documentary in class for a single class (one-time use).

Analysis: The class is offered at a non-profit educational institution. The work is factual overall. The amount used is minimal. The market effect is minimal. The balance leans towards Fair Use.

2. **Audio:** A faculty member wants to use a whole song in their online course.

Analysis: The class is offered at a non-profit educational institution. The work is creative. The whole work is used. The marketability of the work is impacted. The balance leans towards getting permission.

3. **Image:** A faculty member wants to use a copyrighted image in a PowerPoint presentation for a conference. The presentation will not be published anywhere after the conference.

Analysis: The presentation is offered at a conference. (educational but check on non-profit status of the sponsoring organization) The work is creative. The whole work is used. The marketability of the work is not impacted (the work will not be republished/posted). The balance leans towards Fair Use.

4. **Text:** A faculty member wants to use a portions of a newspaper article in class (online or face-to-face)

Analysis: The class is offered at a non-profit educational institution. The work is creative. A portion of the work is used. The marketability of the work is not impacted. The balance leans towards Fair Use. (Caveat: repeated use of the same work by an instructor leans towards getting permission.)

Sample Class Copyright Notice

The materials in this course may be subject to copyright restrictions and are only intended for educational use by students enrolled in this course. Course materials may not be further distributed or retained.

1.3.3. Educational Exemption vs Fair Use

Because the Fair Use section mentions teaching, it is often confused or conflated with the Educational Exemption (17 U.S.C. §110(1)). The educational exemption applies to display and performance in a classroom at a non-profit institution by instructors and students.

To meet the teaching exception (Section 110(1)) the following must be true:

- The teaching must be in a classroom at a non-profit educational institution
- The teaching must be face-to-face
- The teaching must be from a legally obtained copy (borrowing is OK)

The educational exemption does not apply to making copies or to the online environment (though these uses may be allowed under Fair Use).

§ 110 . Limitations on exclusive rights: Exemption of certain performances and displays (from copyright.gov) Notwithstanding the provisions of section 106, the following are not infringements of copyright: (1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made

1.4. Licensing Agreements

A license agreement is a legal contract which states how the owner of the work allows the licensee to use the work. License agreements outweigh Fair Use and may extend additional rights. License agreements must go through the Procurement office. Departments that license content centrally (for the use of the entire College) include the Library, eLearning, IT, and General Counsel.

1.4.1 Public Performance Rights

A public performance is the showing/playing/presentation of a work in a place that is open to the public or “at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered” (quote from copyright law).

At the College, types of activities that might be a “public performance” include presentations, graduations, activities that might be held in the quad, auditorium, boardroom, or student center. Some of the Library’s licensed content includes public performance rights. Student Life clears/obtains public performance rights before their activities.

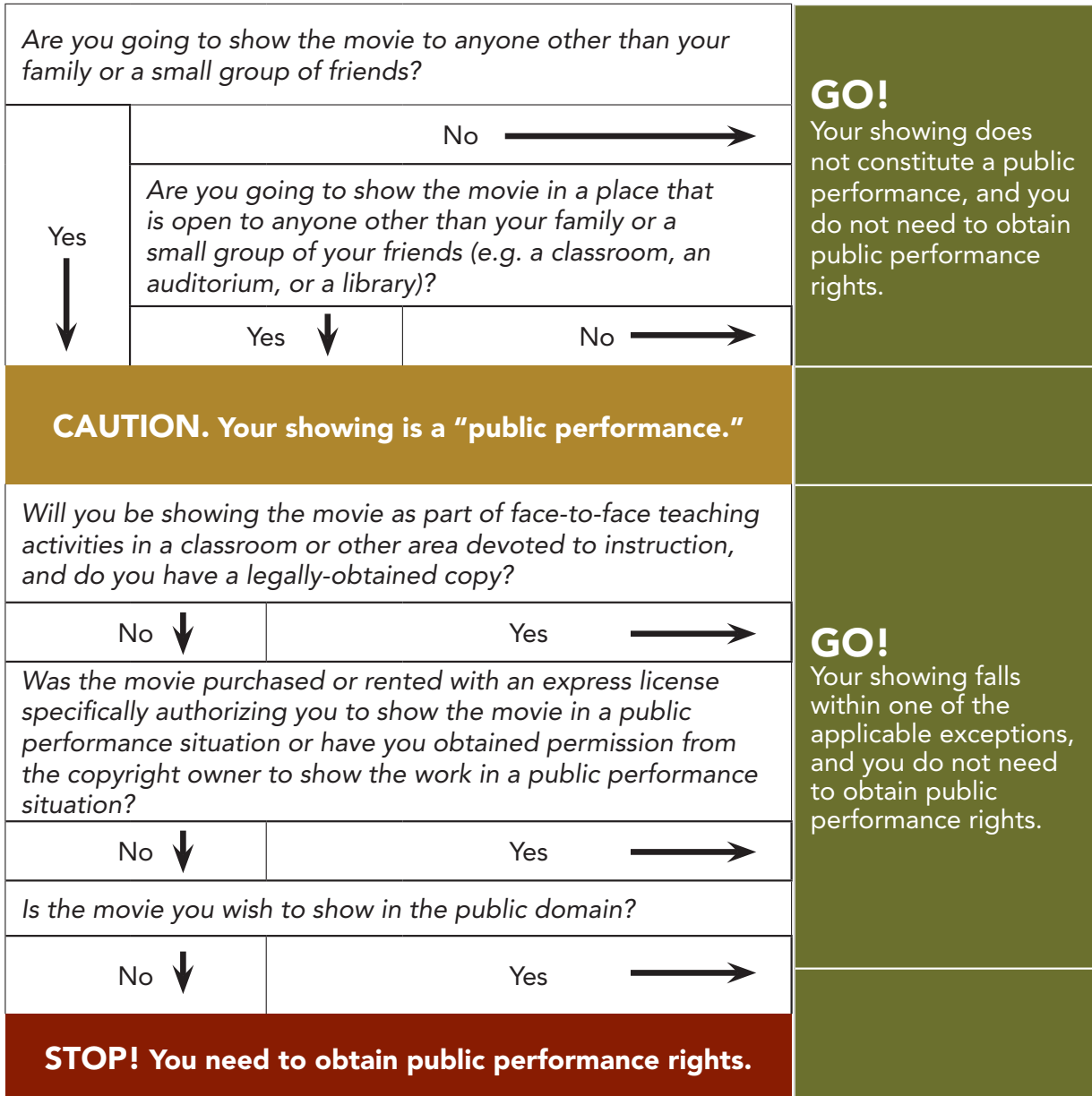
The College has public performance contracts with the three major music licensing sites:

- ASCAP (American Society of Composers, Authors and Publishers)
- BMI (Broadcast Music Inc.)
- SESAC (originally Society of European Stage Authors and Composers)

To get more information on obtaining music or video public performance rights please contact the Digital Assets Curator for assistance in finding content and the Procurement Services office for licensing/contracts.

Public Performance of Film and Video

If you plan to show a film on campus, use this decision flow chart to determine if you need to obtain public performance rights for your film.



Used with permission from Rhode Island School of Design;
Steve McDonald, Legal Counsel, 2016-11-07

1.4.2 Campus Artwork

Artists may retain rights to how their work is used even after a work is sold. In order to use photographs of a piece of art in publications and for promotional reasons, the artist must specifically grant these rights to the owner. While Chemeketa has secured promotional and publication rights for some art on campus, there are many pieces of art for which the College lacks these permissions. Campus art is often used for instructional purposes, but instructors may not be able to use pictures of campus art for instruction.

For assistance researching the use rights on specific pieces of art owned by the College, please consult the Digital Assets Curator.

1.4.3 Reformatting & Copying

Making a copy of a work whether it be a new physical copy (i.e., a photocopy) or changing to a new format (i.e., from VHS to DVD) are both rights of the copyright owner. Sending a digital copy via email without permission is violating the right of the copyright owner. Having permissions for one format does not give educators permissions for all formats, please contact the Digital Assets Curator/General Counsel if you have questions.

1.4.4 Copying for Personal/Research Use

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

- 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

Instructors may retain and continue to use the copy in following terms or years. The display or use of personal research copies in a face-to-face class falls under the Copyright "Educational Exemption" clause (but not an online class, see above in Educational Exemption vs. Fair Use section). Making copies for students does not count as "personal research".

1.4.5 For Preservation

Libraries and archives have special privileges under copyright law to make copies of copyrighted works for preservation (title 17, sections 107 and 108). If you have any questions regarding making copies for preservation, please consult with the Digital Assets Curator.

1.4.6 Library Exceptions

Section 108 of the copyright law gives special exceptions for libraries and archives to do their work. The section allows Library staff to make copies of works in certain circumstances such as InterLibrary Loan. The Copyright Office (as of this writing August 2017) has called for an update of this section and is working with interested parties to get input.

1.4.7 Promotional Photography

If you plan to use campus promotional photography in a new work, make sure you have the proper permissions/clearances completed. Many of the photographs from Marketing and the Chemeketa Learning Cloud already have clearances provided (contact Marketing or the Chemeketa Learning Cloud for more information.) The sample form "Permission for Use in Publications (textbooks, student newspaper, website, etc.)" may be of use in this situation.

1.4.8 Student Work

Students are owners of their creative work produced as classroom assignments including electronic portfolios. To obtain permission to use a student's work, the College (instructor) should obtain releases/licenses from the student (and parent if the student is a minor) to use the work to promote the College or to make money in any way. Copyright law is not ignored due to the fact that it was a classroom assignment. Please contact the General Counsel for more information.

1.5. Requesting Permission for Use

Requesting permission is as easy as writing a standard business letter or email. Sample letters are available at the end of this document in the Appendix and digital copies of the letters are available on the Chemeketa Learning Cloud. If sending a physical letter, please add the appropriate Chemeketa letterhead to your letter. If sending your request via email, please make sure to use your Chemeketa email account and include a signature file with your College contact information.

Allow enough lead time to obtain the necessary permission(s) before the material(s) are needed. Each request requires a careful checking of the status of the copyright, determination of exact materials to be duplicated, and assignment of author's royalties, if fees are involved. In other words, the greater the lead time, the better.

Helpful hints when requesting permission:

- Request all permissions for a specific project at the same time.
- **DO NOT** ask for a blanket permission—it cannot, in most cases, be granted.
- When sending a physical letter, remember to include a return address in your request (a self-addressed, stamped envelope is recommended as well as a photocopy of the permission request).
- When sending a physical letter use Chemeketa letterhead, there are templates for most campuses/outreach centers on the Dashboard.
- Keep copies of all requests & permissions. You might need them later.

1.5.1 Guidelines for Obtaining Permission to Use

1. Determine who owns the copyright on the material.
2. Obtain the name and address of owner/publisher/production company.
3. Send letter to the publisher's permissions department, and include this information:
 - Title, author and/or editor; copyright or publication date and edition of book or audiovisual unit in which materials to be duplicated appear.
 - Exact material to be used, giving amount, page numbers, chapters, frame and, if possible, a photocopy of the material and title and copyright page.
 - Number of copies to be made.
 - Use to be made of duplicated materials and form of distribution (e.g., as course material and whether collected with other excerpts or materials, whether bound or unbound, slides, audio tapes, etc.)
 - Whether or not the material is to be sold.
 - Type of reprint (photocopy, scanned document, digital surrogate)
 - Academic term(s) when the material will be used.

PART 2: INSTRUCTIONAL CONTENT

2.1 Traditional Textbooks and Right of First Sale

The textbook landscape has changed dramatically in the last twenty years. Textbook rentals, electronic textbooks, and custom versions have changed the traditional textbook market. Course packs and open educational resources offer further flexibility to faculty in choosing instructional content for their courses.

With regard to copyright the “Right of First Sale” says that the purchaser of a physical item can lend, sell, or donate that item without needing to get further permission from the copyright holder. This doctrine is what allows bookstores to resell textbooks and libraries to do their lending. This doctrine does not generally apply to digital works (ebooks, digital music downloads) as those items are more generally licensed rather than purchased outright. If you have any questions about how you can use content in the classroom, please contact the Library or the Tech Hub for assistance.

Right of First Sale

First sale ([17 U.S.C. §109](#)) limits a copyright owner’s right to control distribution of physical copies - once a single copy has been sold, that particular copy can be redistributed, by anyone, through resale, lending or donation. First sale is one of the legal rules through which libraries are able to lend materials in their collections to their user communities. It is also how the used book, CD, movie, game, and software markets work, although End-User License Agreements are beginning to have serious restrictive effects.

2.2 Open Educational Resources (OER) & Low Cost Options (Textbook Affordability)

Copyright is a factor in most OER and low cost textbook projects. Whether you are creating original content, reusing/remixing open content, or using licensed content, copyright questions need to be addressed.







There are many areas on campus that can assist with the issues regarding OER/ textbook affordability. The Bookstore and Chemeketa Press can help license content for publication. The Library can help identify centrally licensed content cleared for instructional use. The Digital Assets Curator can locate and help purchase digital media. Librarians and the Curator can answer general copyright questions. The Tech Hub faculty and the Curator can help with reformatting of obsolete formats.

2.2.1 Creative Commons Licenses

Creative Commons (CC) (<http://creativecommons.org/>) is a non-profit organization that has developed a process for easily managing licenses for copyrighted works. Licenses are intended for use with most formats but work especially well for content published on the Internet. CC licenses may be applied to any type of work, including educational resources, music, photographs, and databases. The categories of works for which Creative Commons does not recommend its licenses are computer software and hardware.

All CC licenses require that users provide attribution (**BY**) to the creator when the material is used and shared. Some licensors choose the BY license, which requires attribution to the creator as the only condition to reuse the material. The other five licenses combine BY with one or more of three additional license elements: NonCommercial (**NC**), which prohibits commercial use of the material; NoDerivatives (**ND**), which prohibits the sharing of adaptations of the material; and ShareAlike (**SA**), which requires adaptations of the material be released under the same license.

The following table shows the standard CC license icons for each of the six license types. The icons can be downloaded from the Creative Commons website.

| Symbol/ Button | Text Reference | License Explanation |
|---|---|---|
|  | Attribution CC BY | This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. It is recommended for maximum dissemination and use of licensed materials. |
|  | Attribution ShareAlike CC BY-SA | This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms. This license is often compared to “copyleft” free and open source software licenses. All new works based on yours will carry the same license, so any derivatives will also allow commercial use. This is the license used by Wikipedia, and is recommended for materials that would benefit from incorporating content from Wikipedia and similarly licensed projects. |
|  | Attribution NoDerivs CC BY-ND | This license allows for redistribution, commercial and noncommercial, as long as it is passed along unchanged and in whole, with credit to you. |
|  | Attribution NonCommercial CC BY-NC | This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be noncommercial, they don’t have to license their derivative works on the same terms. |
|  | Attribution NonCommercial-ShareAlike CC BY-NC-SA | This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms. |
|  | Attribution NonCommercial-ShareAlike -NoDerivs CC BY-NC-ND | This license is the most restrictive of the six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can’t change them in any way or use them commercially. |
| *Content/images in this section used with the permission of the Creative Commons (CC BY Creative Commons) | | |

2.3 Content in the Classroom and eLearn

2.3.1 Making Handouts

Copying for classroom use for or by an instructor is permitted (with limitations) only if all of these conditions are met:

- The work is for classroom use
- The number of copies does not exceed one copy per student in the class
- Each copy carries the copyright notice
- The copying meets the tests of spontaneity, brevity and cumulative effect:
 - **Spontaneity:** Copying is at the inspiration of an individual instructor. The decision to use the work and the moment of maximum effectiveness are so close in time as to make it unreasonable to request permission for use. Every effort should be made to plan ahead so infringement is not accidental.
 - **Brevity:** The amount to be copied is limited by length or number:
 - A complete poem may be copied if it is less than 250 words when printed on not more than two pages. An excerpt from a longer poem may be copied if the excerpt is less than 250 words.
 - A complete article, story or essay may be copied if it is less than 2,500 words.
 - An excerpt from a prose work may be copied, if the excerpt is less than 1,000 words or ten percent of the work, whichever is less.
 - One chart, graph, diagram, drawing, cartoon, or picture per book or periodical may be copied.
 - **Cumulative Effect:** One may not make multiple copies of a short poem, article, story or essay from the same author more than once in a class term; make multiple copies from the same collective work or periodical issue more than three times a term; exceed more than nine instances of multiple copying in one course per term.

When copying for classroom use **DO NOT:**

- Copy works to create or to substitute for anthologies or other collective works
- Copy consumable materials such as workbooks, standardized tests, test booklets, answer sheets, or worksheets
- Copy books, periodicals or reprints in order to avoid purchasing them
- Copy repeatedly the same item from term to term
- Direct subordinates to make copies which would violate copyright law

2.3.2 Course Packs

Most course packs are compilations of printed copyrighted material. The Bookstore contracts with a course pack service, LAD Custom Publishing, which clears copyright and prints the course packs. Original content created by the instructor does not need copyright clearance. Course packs use the same adoption process as textbooks, so instructors should leave plenty of lead time when planning to use a course pack. The Bookstore recommends allowing 4-8 weeks for copyright clearance and course pack preparation. Providing complete citation information for all course pack content will help expedite the process.

Costs for copyright are included in the student's price for the course pack. Course packs and other custom materials like lab manuals are sold through the Bookstore like other textbooks. Course packs may be an economical option for students depending on the content and royalty fees. Contact Cary Ballew-Renfro in the Bookstore (cary.ballew.renfro@chemeketa.edu) for more information.

Copy Services (Bldg 43) will also make copies for distribution to students, but instructors must secure copyright permissions first (or be the author of the content). Copy Services will ask to see verification of copyright permission before completing a copy request.

NOTE: Before commissioning a course pack, instructors should check with the Library to verify if readings are available in one of the collections licensed for instructional use by the College. Please contact the Reference Desk in the Library for assistance.

2.3.3 Electronic/Digital Content in eLearn

Instructors may provide access to course readings and other types of content in eLearn in several ways. The following discussion is primarily directed **at**

content that was not created by the instructor. For further assistance in using and/or managing digital instructional content, please contact the Tech Hub or the Digital Assets Curator.

1. **Link to content in eLearn**—Linking out to content whether on the open web, in the Chemeketa Learning Cloud, at a publisher’s website, or to a Library resource is usually the best way to present digital/ electronic content in eLearn. There are a few considerations:
 - a) When linking to Internet content, instructors should verify that they are linking to an authorized copy of a work. Look for hallmarks of approved use such as a copyright statement or a Creative Commons license. **DO NOT** link to obviously pirated works for instruction.
 - b) Internet content may not be a good long-term solution for use in class, but is often a reasonable option for short-term needs. Consult a librarian or instructional designer for help identifying stable, long-term options for course content.
 - c) Chemeketa licenses a great deal of content for academic use (books, videos, images). Most of the Library databases allow instructors to link to resources from their eLearn course as long as the link authenticates through the the Library proxy server. Licensed content approved for instructional use can be used from term to term without additional clearance. Some Library ebooks (<http://libraryguides.chemeketa.edu/ebooks>) may be appropriate for use as course readings. Ask a librarian before deciding to use a Library ebook in your class. The resources tab in eLearn lists streaming media resources licensed by the College and access options. Consult a librarian for help identifying content approved for instructional use or for help constructing authenticated links.

Visit the Tech Hub or the Digital Assets Curator for help integrating media into your eLearn course.

2. **Embed content in eLearn**—using the embed link (instead of the plain link) to connect to content in eLearn improves the student user experience for audio & video content. There is no difference with regards to copyright between linking and embedding, please see the linking section above.
3. **Upload content to eLearn**—Uploading is the process of moving a copy of a work into the eLearn software. eLearn and Fair Use **may** allow the uploading of images, documents, videos, and complex learning objects directly into the course shell, but the College recommends storing these learning objects in the Chemeketa Learning Cloud as a best practice and then linking/embedding to the content in eLearn.
 - a) Instructors must ensure that they have permission to upload content before uploading anything to eLearn. An instructor should secure permission to use an item for more than one term if relying on Fair Use (see sample letters). Content approved via Fair Use analysis should contain a copyright statement. Instructors are responsible for keeping copies of permissions letters and for tracking copyright for their content.
 - b) Copying images or video from the Internet to use in your online class is usually not permitted unless permission is expressly granted. See the Sample Letters section or contact the Digital Assets Curator for assistance in obtaining permission(s).
 - c) Making copies of articles from Library databases to upload to eLearn is usually not allowed under our license agreements (use links as noted above). Instructors should not circumvent digital rights management (DRM) controls to make copies of any item to upload to eLearn. Consult the Digital Assets Curator in cases where DRM is a barrier.

Research and Class Guides

Sometimes an instructor or program would rather provide access to a list of resources through the Library. This method of access might be desirable if the readings are related to a research assignment or if the class is scheduled for Library instruction. It also might be desirable if multiple sections of a course

need to access the same set of readings. Consult a librarian to determine the best options for your students.

Georgia State Settlement

Use of electronic copies of readings in Library electronic reserve systems and in an institutional LMS was one of the first areas of educational Fair Use to be tested after the TEACH Act was enacted. In 2008, three publishers sued Georgia State University (GSU) for copyright infringement, alleging that the institution's use of unlicensed electronic excerpts of books and articles in their reserves and LMS systems represented a broad-based violation of copyright. After eight years in the courts, a final ruling was reached in April 2016. The court ruled that GSU's use of content was covered under Fair Use except in four cases. The ruling was an endorsement of educational Fair Use, but educators need to apply Fair Use analysis on a case by case basis and ensure that access to readings is limited to authorized students for no longer than the duration of the course.

2.3.4 Publisher Content

Publishers often provide supplemental course materials with textbooks. Please read the agreement that comes along with publisher content to verify whether linking, embedding, or uploading is allowed in the LMS.

2.3.5 Academic Course Reserves

A collection of textbooks and other course materials is kept on reserve in the libraries for student use (<http://library.chemeketa.edu/services/reserves.php>). Library reserves provide additional access to required course materials, provide a central location for students to access optional or supplemental materials, and help provide "bridge access" for students waiting for financial aid. Reserve copies are not intended to replace student-owned copies of required course materials.

Instructors wishing to place items on reserve should consider the following factors related to copyright:

- Only Chemeketa Library, personal, or departmental copies of textbooks, books, videos, etc. can be placed on reserve
- Textbooks marked “Instructor edition only - rights restricted” or “Review copy only - rights restricted” cannot be placed on reserve unless otherwise authorized by the publisher
- Commercially-produced “consumable” course materials (workbooks, lab manuals, etc.) cannot be placed on reserve
- Commercially-produced course packs cannot be placed on reserve
- Copies of individual articles, book chapters, and similar items on reserve must be cleared for use
(**NOTE:** The first use of an article, etc. is usually covered under Fair Use. After the first use, the Library will require documentation showing permission to use the item again.)
- The Library stamps articles placed on reserve with a copyright statement and may require a copy of the permission letter from the copyright holder
- Textbooks are not normally purchased for the Library collection, but donated copies may be added to the collection

Textbooks for YVC are purchased by campus administration and are automatically placed on reserve in the YVC Library & Tutoring Center. In Salem, instructors and/or program chairs make arrangements for items to be placed on reserve.

For more specific guidelines please see “Course Reserves” available on the dashboard at:

<https://dashboard.chemeketa.edu/services/library/Forms1/Reserves%20Information.docx>

2.3.6 Library Copying

Copyright notices are posted in the Library print center. Under the law, libraries are protected from liability, but individuals can be held personally responsible for copyright infringement. College personnel are obligated to try to prevent unlawful copying when possible. Instructors should discourage unlawful behavior by making announcements in class. Making unlawful copies with other technologies is also not allowed (taking pictures with a smartphone, scanned copies, etc.).

2.3.7 Accessibility/Accommodation

The College encourages all employees to create/provide content that follows Universal Design/accessibility guidelines. We are required to provide accommodations to students by law. In 2018, a new exemption to the DMCA defines the right for schools to bypass video protections and caption media for accessibility purposes without fear of copyright infringement. The exemption applies to all K-12 schools, colleges, and universities responsible for providing access to students with disabilities under applicable accessibility laws (i.e., ADA, Section 504, Section 508, IDEA). In addition:

1. The school must make a reasonable effort to determine whether an existing accessible version can be obtained for a fair price or in a timely manner.
2. Media captioned by the school must be privately stored and only shared with necessary parties (students and educators) to prevent “unauthorized further dissemination of a work”.

Only designated employees engaged in the provision of media accommodations are authorized to break encryption for the purpose of captioning. Individuals needing exceptions to copyrighted media need to go through the Digital Assets Curator. The copyright exception will only be exercised when there are not readily available in the marketplace.

YouTube Videos for Instruction

YouTube is a popular source for locating instructional content, but most YouTube content is either not captioned or provides machine generated captioning that does not meet accessibility standards. When captioning is required for an accommodation, YouTube videos usually need to be professionally captioned (see next page).

Captioning

Whenever possible, the college encourages faculty to select instructional media that is already captioned. Much of the media available through the library is captioned. The Digital Assets Curator can help locate accessible media options for specific instructional needs. The college also contracts with third party services to caption media. General information about captioning services and other accommodations around instructional media can be found on the Student Accessibility Services (SAS) website. If you need help with a student accommodation request, please contact SAS. If you need help creating accessible content, please contact the Accessibility Specialist in the Tech Hub.

2.3.8 Orphan Works

An orphan work is a work that is still within its copyright time but the holder of the copyright is unreachable for permissions requests. This is most likely to occur when an obsolete analog format is needed in digital format (VHS to digital or LP to digital). Transforming a work to a new format is the right of the copyright holder. The U.S Copyright Office produced a report on orphan works and digitization in 2015 (<http://www.copyright.gov/orphan/>). If you have an orphan work that you would like to use in the classroom (traditional/online) please contact the Digital Assets Curator who will assist in doing the required research/due diligence and digitization.

Example of an orphan work:

Bill Moyer's *The Pacific Century* series, produced on VHS, not available in streaming or DVD

2.3.9 TEACH Act

The Technology Education and Copyright Harmonization (TEACH) Act (2002) amends section 110(2) of the Copyright Act by extending most of the educational exemptions guaranteed for face-to-face teaching to the online teaching environment. Chemeketa has not formally implemented the TEACH Act.

Use of content may be permitted in the online classroom under Fair Use or through an educational license/purchase agreement. The TEACH act does not negate Fair Use (in fact Fair Use is often a better way to go than the TEACH Act for some content.)

If you are not sure about the copyright status for content in the online classroom, please contact the Tech Hub or the Digital Assets Curator.

2.4 Chemeketa Learning Cloud

The Chemeketa Learning Cloud (CLC) is a digital repository for instructional content created for Chemeketa faculty. The College is actively working to provide faculty with the tools to manage instructional content storage and copyright compliance. The CLC is one of these tools. The CLC uses multiple software applications to provide faculty a stable platform from which to store, share, and search instructional content.

When a faculty member puts their content into the Chemeketa Learning Cloud they agree that:

- they are the copyright owner of the work, or that the work is done on College time, or that they have obtained express written permission from the copyright holder to deposit the work in the repository
- the work does not infringe the copyright of another existing work
- the work does not contain libelous representations
- the work does not violate the provisions of the Family Educational Rights and Privacy Act (FERPA).

The Chemeketa Learning Cloud repository has metadata fields which track copyright and licensing information. When uploading your content, please assign the appropriate tags. When using content from the CLC, please read the copyright and licensing information fields to understand any restrictions that may be placed on any given piece of content. (See the Chemeketa Learning Cloud page for more information, <http://learningcloud.chemeketa.edu/>).

The Chemeketa Learning Cloud provides the following benefits to faculty: secure access via the web, sharing with other Chemeketa faculty, search & browse functionality, and hosted storage and back-ups. For more assistance on where to store instructional content (whether personally created or under College copyright), contact the Tech Hub or the Digital Assets Curator.

2.5 Use Guidelines by Format

This section is designed to help you decide what to do by format/type of content.

2.5.1 Video

The College licenses many types of video content for instructional use. Our streaming video licensing contracts allow faculty to link to these programs in eLearn or show them in class. DVDs from the Library may be shown in face-to-face classes but should not be digitized and uploaded to eLearn. The Library works with departments and individual faculty regarding purchase/licensing of video content for instructional purposes. Please contact the Library or the Tech Hub for more information.

DO NOT use personal streaming accounts in the classroom (Netflix, Amazon, HBOGo, CBSGo, etc.) Check your Terms of Service/Terms of Use. As of January 2017, Netflix is allowing “educational screenings” for a very small subset of its original documentaries. Please contact the Library or the Digital Assets Curator if you need a specific title for instructional purposes.

Use video on YouTube with caution. There is much content on YouTube which is pirated. Contact the Digital Assets Curator for more assistance.

For information on whether or not to get Public Performance Rights for video presentations, please see the chart in the Public Performance Rights section.

For video works in obsolete formats (VHS, etc.), please contact the Digital Assets Curator for assistance in reformatting or finding the work in a newer format.

Producing Audiovisual Works

If you wish to create your own audiovisual presentation on slides, videotape, audio tape, CD, or other medium, you must also abide by copyright law regarding visual images or sounds that you include. For example, it is a violation of copyright law to copy (without permission) a portion of a popular song to accompany a slide show. Media Services maintains a collection of royalty-free music recordings that may be used in audiovisual presentations. Consult with Media Services or the Tech Hub for assistance in producing audiovisual works.

Changing Formats

According to copyright law the copyright holder retains the right to make content available in different formats. This means it is not lawful to digitize

content without permission. For video this means the College cannot transfer VHS tapes to DVD/digital file format without permission of the copyright holder. Please contact the Digital Assets Curator for assistance in finding a new format of your desired content.

2.5.2 Audio

The College has many types of audio content for instructional use. CDs from the Library may be played in face-to-face classes but should not be digitized and uploaded to eLearn. The Library works with departments and individual faculty regarding purchase/licensing of audio content for instructional purposes. Please contact the Library or the Tech Hub for more information.

DO NOT use personal streaming audio accounts in classrooms or labs (Pandora, etc.) Check your Terms of Service/Terms of Use. Please contact the Library or the Digital Assets Curator if you need a specific title for instructional purposes.

Use audio on YouTube with caution. There is much content on YouTube which is pirated. Contact the Digital Assets Curator for more assistance.

For information on whether or not to get Public Performance Rights for audio presentations, please see the chart in the Public Performance Rights section. The College has public performance rights for some music uses. Contact the Digital Assets Curator for more information.

For audio works in obsolete formats (cassette tape, etc.), please contact the Digital Assets Curator for assistance in reformatting or finding the work in a newer format.

Copying Recordings

- A single recording may be made for aural exercises or tests and may be retained by the College or teacher.
- A single copy of a recording may be made as a free service for the blind.
- A single copy of a recording of a student performance may be made for study and for archival storage.
- A single copy may be made for preservation or replacement in a library when copies are not available for purchase.

Changing Formats

According to copyright law the copyright holder retains the right to make content available in different formats. This means it is not lawful to digitize content without permission. For audio this means the College cannot transfer cassette tapes to CD/digital file format without permission of the copyright holder. Please contact the Digital Assets Curator for assistance in finding a new format of your desired content.

2.5.3 Images

Images (photographs, tables, graphs, etc.) are easy to copy and extra care should be taken to organize and manage them. One-time use of an image in the classroom or eLearn generally falls under Fair Use guidelines, but be careful when using an image repeatedly.

The College provides copyright cleared images and documents in the [Chemeketa Learning Cloud](#). The Library provides image resources cleared for educational use (see the Library website or contact a Reference Librarian).

Changing Formats

According to copyright law the copyright holder retains the right to make content available in different formats. This means it is not lawful to digitize content without permission. For images this means the College cannot transfer slides/photographs/etc. to a digital file format without permission of the copyright holder. Please contact the Digital Assets Curator for assistance in finding a new format of your desired content.

2.5.4 Documents (including Sheet Music)

Textual content covers a wide area of instructional content: documents, textbooks, instructor manuals, journal articles, sheet music, manuscripts, letters, newspapers, etc.

The College provides copyright cleared documents in the [Chemeketa Learning Cloud](#).

Using a copy of a document in a face-to-face classroom session falls under the Education Exemption (see above Section 1.3.3). The educational exemption does not apply to making copies for students or to the online environment (though these uses may be allowed under Fair Use). Please see 2.3.1 Making Handouts for more information on making copies for the classroom.

If you are using publisher content (including instructor's manuals), please read the terms of service/copyright information carefully to determine if copies can be made and under what circumstances.

Changing Formats

According to copyright law the copyright holder retains the right to make content available in different formats. This means it is not lawful to digitize content without permission. For documents this means the College cannot transfer paper copies of documents to a digital file format without permission of the copyright holder. Please contact the Digital Assets Curator for assistance in finding a new format of your desired content.

Copying Sheet Music for Performance

Emergency copying of sheet music is allowed only if already-purchased copies are not available for an imminent performance. The photocopies must be destroyed following the performance.

Copying Sheet Music for Academic Purposes

- Do not put sheet music on reserve for students to make copies. The best practice to have students purchase their own copies of sheet music.
- Single or multiple copies of excerpts may be made of less than ten percent of the whole work and as long as it is not a performable unit (such as a selection, movement, or aria).
- Purchased music may be edited if the fundamental character of the work is not distorted or the lyrics altered or added if none exist in the original.
- A single copy of an entire performable unit can be made if it is out of print or unavailable except in a larger work. Copies may not be used for performance.

2.5.5 Computer Software

Information Technology has the responsibility and authority to assure that all College software is used legally. Employees who install personal software on College machines must maintain proof of ownership at the workstation. Employees should check with IT before they install any software on college computers. Students who need assistance with software on college computers should request help from the Instructional Assistants in that area.

Guidelines for Using Computer Software

The Copyright Act of 1976 and the Computer Software Copyright Act of 1980 do not give educators crystal clear guidelines as to when computer software may be copied. There has also been no definitive judicial guidance. Interpretations of the law have been made by several experts and the following is a summary of those interpretations.

What you **can** do with computer software:

- In general, your software purchase entitles you only to one copy for a single machine. You may make an archival or backup copy of a software program that you own. The backup copy is to be used only if the original fails. You cannot use the backup copy on a second computer simultaneously with the master copy.
- You can adapt the program to your use by adding to the content or adapting it to another language, but you cannot sell, distribute, or transfer the adapted version of that program.

What you **cannot** do with computer software:

- You cannot make multiple backup copies.
- You cannot make one copy for home and one copy for work unless the software license specifically allows such copying.
- You cannot make a copy for a friend (unless it's freeware or shareware).
- You cannot transmit software over a network outside of a school building.

Computer Labs

Under the law, educators are allowed to make one backup copy and this copy cannot be used at the time the original is being used. You cannot make several copies of one program for students to use in a lab unless a site license has been purchased for that purpose. Educational licenses often use multi-copy pricing and licensing to accommodate student lab situations. IT can assist in obtaining the appropriate licensing for educational software.

A copy of computer software is also being made when it is loaded into the memory of a computer from a disk or file server. If you load one program into several computers to be used at the same time, you are making illegal copies and are in violation of copyright law. This instance of copying is often overlooked by educators because it produces an intangible copy.

Public Domain Software

Public domain software (also known as “freeware”) is software which can be used and distributed free of charge. There is a great deal of software in the public domain, but one has to look hard for packages which work well and contain the features today’s users demand. If software is freeware, it means that it can be freely used, copied, or distributed.

Shareware

Shareware is somewhere between freeware and commercially- available software. Shareware packages are generally developed by amateur programmers who are interested in sharing their work with others. Users can copy and distribute shareware programs freely, but those who plan to keep and use them are asked to remit a modest shareware fee to the author.

Software Licensing Agreements

Some software programs have a statement on the shrink-wrap or the cover to which, in theory, you agree to by opening the package. Often the conditions may seem prohibitive. Be cautious when using any programs with such statements.

2.5.6 Courses/Other Complex Objects

Whole courses, interactive objects, and other complex instructional objects fall into the same categories of copyright as other content. Be aware as an instructor you may have to clear copyright on the individual objects within a complex object (videos and images and audio). For assistance with clearing copyright on complex objects, please contact the Library. For assistance with archived Chemeketa courses, contact the Tech Hub.

Copyright for Music Content

There are multiple areas of copyright/licensing that apply to music content. For assistance with music content not listed in the Documents or Audio section, please contact the General Counsel.

- Sheet Music aka “Musical Composition” (see Documents)
- Sound Recording/Reproduction Rights (see Audio)
 - Copyrights and licensing for making copies of sound recordings is held by the “creator” which might be the producer, performer, or publishing company.
- Public Performance Rights (right to play the music in public)

- Public performance rights in the USA are controlled by BMI, ASCAP, and SESAC.
- Broadcast Rights (right to broadcast the music over the TV/radio)
 - Broadcast rights in the USA are controlled by BMI, ASCAP, and SESAC.
- Mechanical License (reproduction of music to distribute such as CD)
 - Mechanical licenses in the USA are controlled by the Harry Fox Agency.
- Synchronization License (music to go with audiovisual content)
 - Synchronization licenses are handled by the music publishers in the USA.
- Digital Performance Rights (Internet streaming)

2.6 Glossary

Authenticated link—a link that is passed through an authentication system (such as ezproxy) to confirm the identity of the user before allowing the content to be viewed.

Coursepack—a collection of resources (usually photocopies) put together for a course.

Derivative Work—“A derivative work is a work based on or derived from one or more already existing works. Common derivative works include translations, musical arrangements, motion picture versions of literary material or plays, art reproductions, abridgments, and condensations of preexisting works.” quoted from Copyright in Derivative Works and Compilations - US Copyright Office. <https://www.copyright.gov/circs/circ14.pdf>

Digital Course pack—a collection of digital/electronic resources put together for a course.

Digital Millennium Copyright Act (DMCA) (1998)—“The Digital Millennium Copyright Act (DMCA) was signed into law by President Clinton on October 28, 1998. The legislation implements two 1996 World Intellectual Property Organization (WIPO) treaties: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.” (<https://www.copyright.gov/legislation/dmca.pdf>) Title IV of the DCMA applies to distance education and libraries & archives.

Digital Rights Management (DRM)—software protections that prevent unauthorized copying, downloading, and use of electronic content. DRM controls are often part of ebook platforms (e.g. - publisher-enforced printing limits), multimedia (e.g. - DVD regional codes), and streaming platforms (e.g. - Netflix software).

Ereserves (electronic reserves)—a service the Library provides to manage electronic course materials.

Learning Management System (LMS)—educational software that enables institutions to deliver and manage online education. Popular systems include Blackboard, D2L, Moodle, and Canvas.

Open Access—a publishing movement to provide content that is free of copyright and/or access restrictions.

Open Educational Resources (OER)—free and accessible teaching, learning and research resources that can be legally adapted and redistributed for students’ use at low or no cost.

Public Domain—The term “public domain” refers to content which is not under copyright and available for everyone (“the public”) to use. In the U.S. content created prior to 1923 (with some exceptions) and most works created by federal employees is in the public domain. Content creators can also use Creative Commons licensing to donate their normally copyrighted works into the public domain.

Right of First Sale (also known as the First Sale Doctrine)—“The first sale doctrine, codified at 17 U.S.C. § 109, provides that an individual who knowingly purchases a copy of a copyrighted work from the copyright holder receives the right to sell, display or otherwise dispose of that particular copy, notwithstanding the interests of the copyright owner.” quoted from “Copyright Infringement - First Sale Doctrine”, Office of the United States Attorneys, <https://www.justice.gov/usam/criminal-resource-manual-1854-copyright-infringement-first-sale-doctrine>

“Slavish Copy”—a copy of an original work that is very close to the original. Often used in context of photographs of older artworks such as paintings. A slavish copy does not show originality.

Transformative Use—“Transformative uses are those that add something new, with a further purpose or different character, and do not substitute for the original use of the work.” quoted from “More information on Fair Use”, Copyright Office, <https://www.copyright.gov/fair-use/more-info.html?loclr=eanco>

2.7 Resources & Attributions

Websites Used in Creating This Publication

Catholic University of America

[http://policies.cua.edu/
intellectualproperty/copyright.cfm](http://policies.cua.edu/intellectualproperty/copyright.cfm)

Texas Copyright Crash Course

[http://guides.lib.utexas.edu/
copyright](http://guides.lib.utexas.edu/copyright)

Copyright Clearance Center

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

UNC Chapel Hill

[http://library.unc.edu/scholcom/
copyright_basics/](http://library.unc.edu/scholcom/copyright_basics/)

Cornell University

<http://copyright.cornell.edu/>

UNC Charlotte

<https://copyright.uncc.edu/>

Portland Community College

<http://guides.pcc.edu/copyright>

Attributions

AIME (Association for Informational Media and Equipment)

<http://www.aime.org/>

ARL code of best practices in Fair Use for research and academic libraries

[http://www.arl.org/storage/documents/publications/code-of-best-practices-
fair-use.pdf](http://www.arl.org/storage/documents/publications/code-of-best-practices-fair-use.pdf)

Copyright for librarians

[http://guides.library.illinois.edu/copyrightreferenceguide/
copyrightforlibrarians](http://guides.library.illinois.edu/copyrightreferenceguide/copyrightforlibrarians)

Copyright for preservation/vhs mass digitization project

[http://lj.libraryjournal.com/2016/06/technology/please-rewind-
preservation/#](http://lj.libraryjournal.com/2016/06/technology/please-rewind-preservation/#)

Copyright office: Subject and scope of copyright

<http://copyright.gov/title17/92chap1.html>

Copyright office: More information on Fair Use

<http://copyright.gov/fair-use/more-info.html>

Copyright office: Fair Use index

<http://www.copyright.gov/fair-use/index.html>

Copyright office: orphan works and mass digitization

<https://s3.amazonaws.com/s3.documentcloud.org/documents/2094366/orphan-works2015.pdf>

Cornell Fair Use checklist:

http://copyright.cornell.edu/policies/docs/Fair_Use_Checklist.pdf

CRMS (copyright review management system toolkit)

<http://quod.lib.umich.edu/c/crmstoolkit/14616082.0001.001>

Educational uses of non-coursepack materials

<http://fairuse.stanford.edu/overview/academic-and-educational-permissions/non-coursepack/>

Fair Use

<https://www.law.cornell.edu/uscode/text/17/107>

Fair Use infographic

<https://medium.com/@jlamel/why-fair-use-is-important-for-everyone-88dff0f8e92d#.hzlswat7f>

Fair Use scenarios

<http://guides.nyu.edu/c.php?g=276684&p=1848033>

Final decision in Cambridge University Press v Patton (aka the GSU ereserves case)

http://policynotes.arl.org/wp-content/uploads/2016/03/DKT-No.-510-Order-dated-2016_03_31.pdf

LCA position against 108 changes, June 2016

<http://www.arl.org/storage/documents/publications/108noiposition2.pdf>

Minow, Mary. "Digital Preservation and Copyright by Peter Hirtle"

http://fairuse.stanford.edu/2003/11/10/digital_preservation_and_copyr/

Oakley, Robert. Copyright and Preservation: A Serious Problem in Need of a Thoughtful Solution.

<https://www.clir.org/pubs/reports/reports/oakley/index.html>

Orphan Works, 2015 copyright office report

<http://copyright.gov/orphan/reports/orphan-works2015.pdf>

Reproduction of Copyrighted Works by Educators and Librarians

<https://www.copyright.gov/circs/circ21.pdf>

Section 108 study group

<http://www.section108.gov/>

Society for Cinema and Media Studies' Statement of Fair Use Best Practices for Media Studies Publishing (2009)

<http://c.ymcdn.com/sites/www.cmstudies.org/resource/resmgr/docs/scmsbestpractices4fairuseinp.pdf>

Society of American Archivists 2009 guidelines on orphan works

<http://www.archivists.org/standards/OWBP-V4.pdf>

Thompson, Kristin. (1993) Report of the Ad Hoc Committee of the Society For Cinema Studies, "Fair Usage Publication of Film Stills"

<http://c.ymcdn.com/sites/www.cmstudies.org/resource/resmgr/docs/fairusefilmstills.pdf>

Types of music copyright (BMI)

https://www.bmi.com/licensing/entry/types_of_copyrights

UMass Orphan Works Guidelines

<https://www.library.umass.edu/about-the-libraries/policies/orphan-works-guidelines/>

Update of section 108

<http://crln.acrl.org/content/74/4/199.full>

2.8 Appendices: Sample Letters and Forms

Appendix A

[Sample Request Letter for Permission to Make a Single Copy for Instructor Use](#)

(can be adapted for other instruction needs (ex - chart, video clip, etc.))

Note: Letters should be printed on College letterhead. Keep a copy of the completed permission request letter on file.

July 27, 2016

Permissions Department
Simon and Schuster Building
Rockefeller Center
1230 Avenue of the Americas
New York NY 10020

Dear Sir/Madam:

I would like permission to make digital copies from six photographs in one of your books. These images, along with images from several other photography books, will be used to instruct a college class in Basic Photography on the structure of cameras.

Title: *The Book of Photography*

Copyright: John Hedgecoe, 1982

Material to be duplicated: Pages 21, 23, 24, 25, 26 and 27 (photocopies of specific sections attached)

Type of reproduction: digital image file

Number of copies: One per photograph

Type of use: Classroom presentation to 15–30 students, college level.

Duration of use: I would like to retain these image files to be shown spring term to my advanced photography students during the next five years.

A self-addressed stamped envelope and a copy of this letter for your files are enclosed. Please let me know what conditions, if any, apply to this use.

Sincerely,

John Doe, Instructor
Humanities Department

.....

Permission Granted: _____

Signature: _____

Date: _____

Conditions: _____

Appendix B1 (1 of 3)

[Sample Request for Permission to Make Copies for Instructional Use](#)

(can be adapted to fit the individual need)

Note: Letters should be printed on College letterhead. Keep a copy of the completed permission request letter on file.

Scenario #1: Photocopies for distribution

July 18, 2016

Permissions Department
Simon and Schuster Building
Rockefeller Center
1230 Avenue of the Americas
New York NY 10020

Dear Sir/Madam:

I would like permission to make photocopies of a chart in one of your books. These photocopies will be used to instruct a college class, Human Relations in Business.

Title: *The 7 Habits of Highly Effective People*

Copyright: Stephen R. Covey, 1989

Material to be duplicated: Page 53 (photocopy of specific page attached)

Type of reproduction: photocopy

Number of copies: Not to exceed 1 copy per student

Type of use: Classroom presentation to 25 students, college level

Duration of use: Would like to continue to use chart in future sections of the same course

Charge: Students will be charged the actual cost of photocopying

A self-addressed stamped envelope and a copy of this letter for your files are enclosed. Please let me know what conditions, if any, apply to this use.

Sincerely,

Jane Doe, Instructor
Business Department

.....

Permission Granted: _____

Signature: _____

Date: _____

Conditions: _____

Appendix B2 (2 of 3)

[Sample Request for Permission to Make Copies for Instructional Use](#)

(can be adapted to fit the individual need)

Note: Letters should be printed on College letterhead. Keep a copy of the completed permission request letter on file.

Scenario #2: Digital copy to be used in online class

July 18, 2016

Permissions Department
Simon and Schuster Building
Rockefeller Center
1230 Avenue of the Americas
New York NY 10020

Dear Sir/Madam:

I would like permission to make a digital copy of a chart in one of your books. This copy will be used to instruct an online college class, Human Relations in Business. The file will only be available to students within the class from my Blackboard course.

Title: *The 7 Habits of Highly Effective People*

Copyright: Stephen R. Covey, 1989

Material to be duplicated: Page 53 (photocopy of specific page attached)

Type of reproduction: pdf

Number of copies: Not to exceed 1 copy per student

Type of use: Classroom presentation to 25 students, college level

Duration of use: Would like to continue to use the chart in future sections of the same course

A self-addressed stamped envelope and a copy of this letter for your files are enclosed. Please let me know what conditions, if any, apply to this use.

Sincerely,

Jane Doe, Instructor
Business Department

.....
Permission Granted: _____

Signature: _____

Date: _____

Conditions: _____

Appendix B3 (3 of 3)

Sample Request for Permission to Make Copies for Instructional Use

(can be adapted to fit the individual need)

Note: Letters should be printed on College letterhead. Keep a copy of the completed permission request letter on file.

Scenario #3: Copies for student use on library reserve

[Date]

[Publisher's address]

Dear Sir/Madam:

I would like permission to place the following material on the college's library reserve system:

[Give complete citation, including page numbers]

This request is for [specify term and year]. The material will be used for educational purposes only for the following course:

[Give department, course number and title, section number, and number of students enrolled]

At the end of the indicated term, the material will be removed from the library's reserve system.

If you are not the copyright holder, I would appreciate any information you can provide regarding the current copyright holder.

A self-addressed stamped envelope and a copy of this letter for your files are enclosed.

Please let me know what conditions, if any, apply to this use.

Sincerely,

Jane Doe, Instructor
Business Department

.....

Permission Granted: _____

Signature: _____

Date: _____

Conditions: _____

Appendix C

[Sample Permission for Reproduction Form](#)

Note: Letters should be printed on College letterhead. Keep a copy of the completed permission request letter on file.

This form gives Chemeketa the right to reproduce the likeness and voice of the person named. It grants the College the right to use the photo or recording in any way and for an indefinite amount of time.

This form should be used when photographing, videotaping, or recording the likeness or voice of someone for College use. Please note that, for large group shots and candid photographs in public places, it is not necessary to obtain permission from people in the shots.

The original, signed copy of the form should be kept on file in accordance with College and state records retention schedules. Both the Public Relations Office and Media Services maintain records of these permission forms.

Permission for Reproduction

I hereby grant to Chemeketa Community College (hereinafter Chemeketa), its legal representatives and assigns, the right and permission to copyright, use, reuse, broadcast, publish, store, manipulate, and retrieve any video, audio, photographic, or electronic reproductions of me, in conjunction with only my first name. Additionally, I understand that my image, along with my identity, as used by Chemeketa in any advertising campaign, or other use, may result in unwanted attention by third parties or notoriety. I furthermore waive my right to inspect or approve the finished reproduction or to lay claim to any benefits derived therefrom. I certify that I am of legal age (18 years or older) to enter into a contractual agreement and that I have read and understand the foregoing before affixing my signature below.

Signature: _____ Date: _____

Printed name: _____ Phone: _____

E-mail: _____

Signature: _____ Date: _____

Printed name: _____ Phone: _____

E-mail: _____

Signature: _____ Date: _____

Printed name: _____ Phone: _____

E-mail: _____

Witness: _____

Produced for: _____

Appendix D

[Sample "Permission to Use Student Work" Form](#)

Note: Letters should be printed on College letterhead. Keep a copy of the completed permission request letter on file.

This form gives an instructor the right to copy student writings or works of art for classroom use. It grants the instructor the right to copy the student's work for a specified period, prohibits use other than that related to classroom education, and guarantees student retention of all copyright privileges.

This form should be used when an instructor wishes to copy student creations for instructional purposes. Examples include compiling, copying, and distributing student writings for peer review, duplicating works of art or computer programs for classroom sharing, or using a student's work with colleagues for assessment norming, etc. Faculty should consult the College's legal counsel for assistance in securing permission to use student work in professional research or for publication.

The original, signed copy of the form should be kept on file in accordance with College and state records retention schedules. Instructors are individually responsible for maintaining records of these forms.

Permission to Use Student Work

1. Grant of Permission. I, the undersigned, am a student at Chemeketa Community College, and I hereby give permission to use the following work (the "Work"):

[Insert description of the Work prepared by the student.]

2. Scope of Permission. This permission extends to the use of the Work as described below: [Insert specific description of the permitted use of the Work and length of use desired, e.g., "Inclusion of the Work on a website or online course operated by Instructor _____, accessible without restriction, in connection with History 101."]

3. Certification of Authorship. I am the owner of the copyright to the Work, and the Work is not subject to any grant or restriction that would prevent its use consistent with this permission. All aspects of the Work are original to me and have not been copied or adapted from other sources.

4. Attribution. I hereby authorize the use of the Work according to the terms above with the following provision for attribution by initialing one of the lines below:

___ Student may be identified by name as the creator of the Work

___ Student may not be identified by name or otherwise as the creator of the Work; the Work must remain anonymous

Signature of Student: _____

Printed Name: _____ Date: _____

Discover
Chemeketa
Community College

