

Bellevue College respects the individual initiative and inventiveness involved in the creation of intellectual property. To facilitate the use of copyright-protected materials in course packs, the BC Bookstore and Library Media Center (LMC) will assist faculty in requesting permission for material to be reproduced and sold in the bookstore.

## Request for Copyright Permission

An electronic version of the Request for Copyright Permission is available on the LMC web site. Printed copies will be available at the Division Offices, LMC, Bookstore, Copy Center. A quarterly deadline schedule will be sent via campus e-mail to the campus community

## Who provides copyright permissions

- Copyright permissions could be obtained directly from publishers or the Copyright Clearance Center (CCC).
- Information on publisher's addresses, telephone numbers etc. are available from the bookstore and the LMC.

## Who will obtain the copyright permissions

- Permissions from publishers will be obtained by faculty.
- Permissions from the Copyright Clearance Center will be processed by the bookstore.
- Permissions granted through the Copyright Clearance Center will be sent to the requesting faculty member by e-mail and/or regular mail.

## How much time to allow for requests to be processed before printing

- Requests for copyright permission should be sent to the bookstore at least three weeks before the job is sent to the Copy Center for copying.

## Information to accompany all course pack materials for photocopying

- Each article or item in the course pack will include a complete citation.
- Course packs will include a table of contents (list of all materials).
- The bookstore will check that each item in the course pack has a corresponding permission attached to it.
- If a material does not have a copyright permission, it should go back to the Division Secretary.
- The Copy Center should also make sure that permission is attached to course pack jobs being processed. If material does not have copyright permission, it should go back to the bookstore.

## Who keeps file of copyright permissions

- Faculty members are responsible for maintaining a file of all copyright permissions for their materials.
- The bookstore will maintain a file that keeps track of the cost from the Copyright Clearance Center.
- The Copyright Clearance Center keeps track of articles needing permission. This will take care of file maintenance for Bellevue College before the permissions are granted/paid.

## Course Pack Cost

- Fees charged by other clearance organizations (such as the Copyright Clearance Center).
- Royalties paid to copyright owners or their agents.
- Copy services production cost.
- Applicable taxes and bookstore overhead.

## Bellevue College Copyright Policy

Bellevue College has a copyright policy incorporated in the Policies and Procedures Manual (Section 2410) and is available for review at the MyBC portal.

For questions about the guidelines, contact the Director of the Library Media Center.

### Fair Use Guidelines

From the Federal Copyright Act of 1976  
Guidelines for Education – Revised 1987

There are some restrictions regarding producing multiple copies for classroom use.

#### **Copyright shall not:**

- Be repeated with respect to the same item by the same teacher from term to term.
- Be used to create or to replace or substitute for anthologies, compilations or collective works.
- Be 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.
- Substitute for the purchase of books, publisher's reprints or periodicals;
- Be directed by higher authority (i.e. copying must be at the inspiration and direction of the individual instructor)

#### **AND**

The following limitations on the portion of the copyright work must be applied:

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.

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....

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

"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. Not more than 10% of the words found in the text may be reproduced.

### **Federal Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes**

(Published in the October 14, 1981 Congressional Record, pp. E4750-E4752.)

1. The guidelines were developed to apply only to off-air recording by nonprofit educational institutions.
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission -- (including simultaneous cable retransmission) and retained by a nonprofit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all off-air recordings must be ceased or destroyed immediately. "Broadcast programs" are television programs transmitted by television stations for reception by the general public without charge.

3. Off-air recordings may be used by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) calendar day retention period. "School days" are school session days—not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions--within the forty-five (45) calendar day retention period.

4. Off-Air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

5. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.

6. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.

7. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

8. All copies of off-air recordings must include the copyright notice on the broadcast programs as recorded.

9. Educational Institutions are expected to establish the appropriate control procedures to maintain the integrity of these guidelines.

### **PBS off-air rights (one year rights)**

PBS recognizes that teachers need more time to preview, schedule the timely use of a program within the curriculum, effectively integrate a program into lessons and evaluate its appropriateness for classroom use. Therefore, extended rights of one year from each broadcast were established several years ago at PBS. These extended rights allow teachers and schools, public broadcasters and educational service providers, and producers to join forces in a "win-win" effort.

### **Fair Use Guidelines for Educational Multimedia**

From the American Distance Education Consortium

#### 1. Caution in Downloading Material from the Internet

Some copyrighted works may have been posted to the Internet without authorization of the copyright holder.

#### 2. Attribution and Acknowledgment

Educators and students are reminded to credit the sources and display the copyright notice and copyright ownership information if this is shown in the original source, for all works incorporated as part of educational multimedia projects prepared by educators and students, including those prepared under fair use.

#### 3. Notice of Use Restrictions

Educators and students are advised that they must include on the opening screen of their multimedia project and any accompanying print material a notice that certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the educational multimedia fair use guidelines and are restricted from further use.

#### 4. Future Uses Beyond Fair Use

Educators and students are advised that they take steps to obtain permissions during the development process for all copyrighted portions rather than waiting until after completion of the project.

#### 5. Integrity of Copyrighted Works: Alterations

Educators and students may make alterations in the portions of the copyrighted works they incorporate as part of an educational multimedia project only if the alterations support specific instructional objectives. Educators and students are advised to note that alterations have been made.

#### 6. Reproduction or Decompilation of Copyrighted Computer Programs

Educators and students should be aware that reproduction or decompilation of copyrighted computer programs and portions thereof, for example the transfer of underlying code or control mechanisms, even for educational uses, are outside the scope of these guidelines.

#### 7. Licenses and Contracts

Educators and students should determine whether specific copyrighted works, or other data or information are subject to a license or contract. Fair use and these guidelines shall not preempt or supersede licenses and contractual obligations.

### **Copying Software**

Assume all software is copyright protected even if it does not bear a copyright symbol. This means that the absence of a copyright symbol does not give the user permission to copy the work. The only source for permission to copy copyrighted software is either a specific grant of that right in a license agreement or the express or implied (with regard to freeware) permission of the copyright owner.

The specific rights of copyright owners are set out in Section 106 of the copyright law. In effect, the law permits (1) the making of a backup archival copy because of the ever-present danger of computer system failure and (2) the automatic copying of the program as an integral part of how computers operate.