

## **Audio Visual:**

### **Public Performance:**

Public Performance Rights are permission to broadcast, view, televise, etc. However, the law does provide a "fair use" exemption for educators and educational institutions if ALL the following criteria are met:

### **Fair Use:**

The audiovisual section of the law does provide a "fair use" exemption for schools. These requirements MUST be met before a performance is considered acceptable under this educational exemption to the public performance restriction:

1. The performance must be presented by instructors or pupils;
2. The performance must occur in the course of face-to-face teaching activities;
3. The performance must take place in a classroom or similar place for instruction (including the library);
4. The performance must be a legally acquired (or legally copied) copy of the work (The presenter is protected from liability for illegal copies IF the presenter is unaware that the copies were not legally acquired or made);
5. Instructor decides what will be used;
6. There isn't enough time to get permission.

### **Examples of Acceptable Performance:**

- A teacher shows a library owned video to his sixth grade science class to demonstrate the effects off water pollution as a part of a lesson on ecology. This use is protected under the educational exemption because it meets all six of above criteria.
- An English teacher's classes have been studying *Romeo and Juliet*. To conclude the unit, the teacher shows a library owned tape of the Franco Zeffirelli version of the play in class. The video must be shown at the same time you are studying the play, not six weeks later or before. This is protected under the educational exemption.
- An elementary school music teacher plays a recording of a performance of John Philip Sousa's *Stars and Stripes Forever* as part of a unit on patriotic music for third graders. The recording is accompanied by the music text.

### **Examples of Unacceptable Performance:**

- The PTA shows a library owned copy of *The Little Mermaid* to the children of members in a classroom while the officers have a meeting in the library. The copy is legally acquired, the performance takes place in a classroom, and the performance may be presented by a teacher or pupil, but this performance is not part of face-to-face teaching activities. This would be considered entertainment or reward, and as such is not permitted without public performance rights. Renting a copy of a video would have no effect on the legality of the performance, and the school may be liable for providing equipment for an infringing performance. The

- same prohibition would apply to movies or recordings used to reward classes for good grades, commendable behavior, or perfect attendance.
- On the last day of the semester, the American history teacher decides to play his class a record on the Cuban missile crisis so he can calculate his grades while students are occupied. The class is not currently studying that portion of the curriculum. This use is not acceptable because the face-to-face teaching requirement is not met. It makes no difference that the topic will eventually be covered in the curriculum. Public performance rights apply.

### **Copying Books and Periodicals:**

#### **Single Copies:**

Teachers may make single copies of a chapter of a book; an article from a periodical or newspaper; a short story, essay, or poem; a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper to teach a class.

#### **Multiple Copies:**

Multiple copies (one copy per student in a course) can be made if it meets the criteria of brevity, spontaneity, and cumulative effect, and if each copy contains a notice of copyright.

- Brevity: A complete poem printed on no more than two pages, or an excerpt from a longer poem, not to exceed 250 words copied in either case; a complete article, story, or essay of less than 2,500 words or an excerpt from prose less than 1,000 words or 10% of the work, whichever is less but in either event, a minimum of 500 words to be copied; one chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue.
- Spontaneity: Copying is done by the teacher when there is not a reasonable length of time to receive permission to copy.
- Cumulative Effect: The copying is only for one course and only in instances of multiple copying per course during one class term is allowed; 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.

#### **You cannot copy:**

- As a substitute of purchase or replacement of items.
- Workbooks, standardized tests, exercises, or answer sheets.
- The same item, by the same teacher, semester after semester.
- To create, replace, or substitute for anthologies, compilations, or collective works.

### **Online Material:**

Web based material is copyrighted just as print and audiovisual materials are, and notification of copyright status is not required. Small portions of web documents may be

used by teachers in class if there is not sufficient time to secure permission, just as with print material. Large chunks of images, documents, and web sites should not be taken without prior consent. Watch for Web pages granting permission for use in educational situations. There are many. When putting up your own Web page, make sure you have the proper rights for the graphics, designs, logos, and photos you use. When requesting permission, as in all cases of permissions, verify that you are getting rights from the person authorized to grant such rights.

Simpson, Carol Mann. 1997. *Copyright for Schools: A Practical Guide*. Linworth Publishing.

Link to other copyright sites: [Copyright for Educators](#).