

# APPENDIX

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### COPYRIGHT PROVISIONS

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The copying materials without permission is unlawful. All corporation employees shall observe all provisions of Title 17 of the United States Code, entitled "Copyrights," and other relative federal legislation and guidelines related to the duplication of copyrighted materials.

1. Unlawful copies of copyrighted materials may not be produced on Corporation owned equipment.
2. Unlawful copies of copyrighted materials may not be used with Corporation owned equipment, within Corporation owned facilities, or at Corporation sponsored functions.
3. The legal and/or insurance protection of the Corporation will not be extended to employees who unlawfully copy and use copyrighted materials.

Employees who make and use copies of copyrighted materials in their jobs are expected to be familiar with publishing provisions regarding fair use and public display, and are further expected to be able to provide to their supervisor, upon request, the justification under Sections 107 and/or 110 of Title 17 for copies that have been made and/or used.

Employees who use copyrighted materials which do not fall within fair use and/or public display guidelines will be able to substantiate that the materials meet one of the following tests:

1. The materials have been purchased from an authorized vendor by the individual employee or the Corporation and a record of the purchase exists.
2. The materials are copies covered by licensing agreement between the copyrighted holder and the Corporation or the individual employee.
3. The materials are being reviewed or demonstrated to reach a decision about possible future purchase or licensing and a valid agreement exists which provides for such use.

Appropriate administrative guidelines shall be established to assist in the implementation of this policy.

## AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS

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

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

### GUIDELINES

#### I. Single Copying for Teachers

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

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

#### II. Multiple Copies for Classroom Use

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

- A. The copying meets the tests of brevity and spontaneity as defined below; and,

- B. Meets the cumulative effect test as defined below; and,
- C. Each copy includes a notice of copyright.

III. Prohibitions as to I and II Above

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

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

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

C. Copying shall not:

(a) substitute for purchase of books, publishers; reprints or periodicals;

(b) be directed by higher authority;

(c) be repeated with respect to the same item by the same teacher from term to term.

D. No charge shall be made to the student beyond the actual costs or the photocopying.

GUIDELINES FOR OFF-AIR RECORDING OF BROADCAST PROGRAMMING  
FOR EDUCATIONAL PURPOSES

In March of 1979, Congressman Robert Kastenmeier, Chairman of the House Subcommittee on Courts, Civil Liberties and Administration of Justice, appointed a Negotiating Committee consisting of representatives of education organizations, copyright proprietors, and creative guilds and unions. The following guidelines reflect the Negotiating Committee's consensus as to the application of "fair use: to the recording, retention and use of television broadcast programs for education purposes. They specify periods of retention and use of such off-air recordings in classrooms and similar places devoted to instruction and for homebound instruction. The purpose of establishing these

guidelines is to provide standards for both owners and users of copyrighted television programs.

1. The guidelines were developed to apply on to off-air recording by non-profit educational institutions.
2. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a non-profit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after day of recording. Upon conclusion of such retention period, all off-air recordings must be erased or destroyed immediately. "Broadcast Programs" are television programs transmitted by television stations for reception by the general public without charge.
3. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary in classrooms and similar places devoted to instruction within a single building, cluster or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) day calendar day retention period. "School Days" are school sessions 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 (10) ten 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 altered from their original content. Off-air recordings may not be physically or electronically combined or joined to constitute teaching anthologies or compilations.

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

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

#### DEFINITIONS

##### Brevity

(i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.

(ii) Prose: (a) Either a complete article, story or essay or less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

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

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

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

##### Spontaneity

(i) The copying is at the instance and inspiration of the individual teachers, and

(ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

#### Cumulative Effect

(i) The copying of the material is for only one course in school in which the copies are made.

(ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

(iii) There shall not be more than nine instances of such multiple copying for one course during one class term. (The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)