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Copyright Officer: Liz Goulard,
Dean of Instructional Services

Copyright Advisory Committee:
Cyndi Andrews
Lynda Myers
Doris Munson
Tim Schell
Dena Whitley

(Produced in accordance with U.S. Copyright Law, Title 17, U.S. Code, Section 101, et seq.)

Introduction

The copyright law grants owners of copyright (authors and other creators, and publishers) the sole right to do or allow others to do each of the following acts to their copyrighted work: to reproduce all or part of the work; to distribute copies; to prepare new (derivative) versions based on the original work; and to perform and display the work publicly.

Copyright protection for works created on or after January 1, 1978 begins at creation and lasts until fifty years after the author's death. Where the creator of a work is an employee, or in certain cases where the work has been specifically commissioned as an instructional text or test, copyright protection lasts for 75 years after the date of first publication, or 100 years from its date or creation, whichever expires first.

It is not necessary to register the work in the Copyright Office in order to secure the copyright. An author has copyright as soon as the work is in fixed form. Under the law, persons must assume that any work created after 1978 is copyrighted and, therefore, permission to copy should be requested. There are definite advantages to registering a work at the Copyright Office.

Works created prior to January 1, 1978 are also subject to copyright protection. Protection covers both published and unpublished works. Copyright protection for an original work of authorship DOES NOT extend to any idea, procedure, process, system, or discovery. Copyright protection exists from the time "pen hits the paper"; from the time the work is created in fixed form. The copyright of the work IMMEDIATELY becomes the property of the author who created it.

Clackamas Community College Copyright Policy

The Board of Education declares that the policy of Clackamas Community College is to adhere to the provisions of the U.S. Copyright Law (Title 17, United States Code, Sect. 101, et seq.). There continues to be controversy regarding interpretation of the copyright law. This policy represents a sincere effort to operate legally. The Board directs the administration to provide college employees, contractors and students with guidelines that clearly discourage violation of copyright law. Directives on the implementation of copyright compliance are contained in the Administrative Rules and Regulations. Comprehensive information about copyright rules is published in the Copyright Manual for Clackamas Community College, and is available to all CCC employees through their division office or the Human Resource Office.

ADMINISTRATIVE REGULATION

AR-06

Subject: Copyright Compliance

1. CCC prohibits, on the part of its employees, contractors, or students, copying not specifically allowed by the federal copyright law, fair use guidelines, license agreements or the copyright owner. This prohibition applies to all media holding copyrights including print, music, computer software, audio-visual media, etc.
2. Any individual employed or contracted by CCC who infringes the copyright law as specifically prohibited by CCC policy, may be subject to individual legal prosecution. If actions by individuals involve the college's legal liability, and it is determined that the individual willfully disregarded the law and CCC policy, such an individual may be subject to college disciplinary measures.
3. CCC shall appoint the Dean of Instruction as Copyright Officer and grant such Officer the authority to develop and implement policy; serve as liaison with legal counsel; and provide information and training to employees about policy and copyright issues.
4. A copyright manual shall be developed to address copyright issues relevant to CCC. The manual shall be regularly updated and distributed to CCC employees, at the direction of the Copyright Officer.
5. In compliance with Section 108 of the U.S. Copyright Law, appropriate warning notices shall be placed on or near all equipment capable of duplicating copyright materials. Copying devices include, but are not limited to: photocopiers, offset presses, transparency makers, audio recorders, video recorders, and computers.
6. Copyright records, licenses and permissions shall be maintained under the supervision of the Copyright Officer.

Approved by President's Council 10/30/90, 2/22/91

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What is copyrightable

Copyrightable works include the following categories:

1. Literary works
2. Musical works, including any accompanying words
3. Dramatic works, including any accompanying music
4. Pantomimes and choreographic works
5. Pictorial, graphic, and sculptural works
6. Motion pictures and other audiovisual works
7. Sound recordings
8. Computer software

To be copyrightable, a work must be original in the sense that the author has created it by his or her own skill, labor, and judgment; but no large measure of novelty is necessary.

What is not copyrightable

These items are not copyrightable:

1. Words and phrases such as names, titles, and slogans
2. Familiar symbols or designs
3. Mere variations of typographic ornamentation, lettering, coloring
4. Mere listing of ingredients or contents
5. Ideas, plans, methods, systems or devices
6. Blank forms, account books, bank checks, diaries, graph paper, order forms, report forms, scorecards, time cards
7. Works consisting of common property-type information

Are facts copyrightable?

Facts cannot be copyrighted. Factual information is in the public domain so an author can use facts, whether correct or incorrect, that are published in a copyrighted article without asking permission. Copyright permission extends only to an author's expression of facts and not the facts themselves.

Exclusive rights of the copyright owner

The copyright owner has five basic rights. Violation of these rights is an infringement of copyright law. The copyright owner has the right to:

- reproduce the work
- prepare derivative works
- perform the work
- display the work
- distribute the work

The copyright owner also has the right to prevent unfavorable works based upon his or her work. An unfavorable work is an adaptation of a work that reflects unfavorably on the work itself or the copyright owner. Please respect the integrity of the original work and take care if you modify it.

Fair Use

Congress gave five exclusive rights to the copyright holder, but Congress also added some limitations. If there were not limits on the owner's rights, it would not be possible to copy anything for any reason without the owner's permission. Some of these limits are outlined specifically in various Sections of the law. Other limits are relegated in the broad interpretations under Fair Use.

Fair Use is a part of the copyright law. Section 107 of the 1976 Copyright Act discusses four factors that determine whether copying can be done legally. ALL FOUR of the factors must be considered in determining Fair Use. All FOUR criteria must be met before copying of any material is allowed. The law does not give one factor more weight over another. However, the courts have generally placed the most emphasis on the last factor while the second factor is generally accorded the least importance and is also the most unclear of the four.

1. The purpose 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.
4. The effect of the use upon the market for, or the value of, the copyrighted work.

The four factors are explained below:

1. Purpose and character of the work

If the purpose for copying does not fall into categories of criticism, comment, news, reporting, teaching, scholarship or research, it is not a Fair Use. The Fair Use guidelines are not to be interpreted as any sort of not-for-profit “carte blanche” for copying.

2. Nature of the copyrighted work

“Where the nature of the copyright work is more in the nature of a collection of facts than in the nature of a creative or imaginative work, alleged infringers have greater license to use portions of such work under the Fair Use doctrine than they have if creative work were involved” (New York Times Co., V. Roxbury Data Interface, Inc.). In other words, copying a magazine article (factual) is more likely to be allowed under Fair Use than copying a short story (creative).

3. Amount of the work used

The use of an entire work--in other words, wholesale copying--can NEVER be a Fair Use, even in cases where the infringer had no intent to infringe. Copying a large portion of a work or the “essence” of a work is an infringement.

4. Effect on potential market

This factor considers the extent of harm to the market or potential market of the original work caused by copying. For example, copying a work to avoid purchasing it is a violation of copyright.

Fair Use summary

Copying parts or entire works for use in a classroom is not allowed just because the purpose is educational. The Fair Use statute is used to determine the legality of copying when the instance of copying is not addressed in the other Sections of the Copyright Act. In other words, first look to the Copyright Act and the accompanying guidelines for permission to copy. If the copying is not specifically prohibited it MAY be allowed under Fair Use.

Copying from books and periodicals

An instructor may make a transparency from a book because it falls within the guidelines of single copying for classroom use.

An instructor may duplicate materials and put them on reserve in the library if the copying is spontaneous and if copying falls under guidelines for education or classroom use of books and periodicals or under Fair Use.

An instructor finds an O. Henry short story that would fit into a unit to be taught next week. Multiple copies may be made for the class since it was an inspiration of the teacher and also meets the criteria of brevity. The copies may not be used next term.

An instructor may not make copies from a workbook because workbooks are consumable materials and may not be copied.

Materials marked as follows: “All rights reserved. No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission from the publisher” may still be copied for educational purposes because Fair Use would still apply.

The U.S. adopted the Berne Convention, which states that a work is copyrighted even if there is no notice of copyright unless it bears a notice that it has been placed in the public domain. A work is copyrighted as soon as it is produced. When in doubt about copyright status, ask for permission to copy or contact the Copyright Office.

The purpose of the Guidelines for Classroom Copying is to state the minimum and the maximum standards of educational fair use. There may be instances where copying doesn't fall within the guidelines but is permissible under the criteria of Fair Use.

Guidelines for education or classroom copying of books or periodicals

(Not musical or audiovisual works)

Permission to use the text in this section has been granted by The National Association of College Stores, Incorporated, and the Association of College Publishers.

The guidelines for making multiple copies without permission for use in academic settings contain the following prohibitions:

- A. Unauthorized copying may not be used to create, replace or substitute for anthologies, compilations or collective works, whether or not such unauthorized copies are collected and bound together or are provided separately.
- B. Unauthorized copies may not be made of “consumable” works, including: workbooks; exercises; standardized tests, test booklets and answer sheets; and the like.
- C. Unauthorized copying may not be directed by higher authority, such as a dean or department chairperson.
- D. The same teacher may not copy the same item without permission from term to term.
- E. No charge shall be made to the student beyond the actual cost of the photocopying.
- F. The copying of material is for only one course in the school in which copies are made.

The guidelines further indicate that multiple copying is allowed in the following situations (unless falling within one of the above prohibitions):

- A. When an individual teacher is “inspired” to use a work and the inspiration, decision to use it and 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

and

- B. If the following limitations with regard to the amount of copying are applied:
 - If a complete article, story or essay is copied, and the work is less than 2500 words.
 - If a prose work is excerpted and copied, and the excerpt is no longer than approximately 1000 words or 10% of the work, whichever is shorter.
 - If a chart, graph, diagram, drawing, cartoon, or picture is copied, and not more than one such illustration per book or per periodical issue.
 - If a short poem is copied, and the poem is less than 250 words and printed on not more than two pages; or if an excerpt from a longer poem is copied, and the excerpt is not longer than 250 words

and

C. The copying is for only one course on campus

and

D. No more than one short poem, article, story or essay or two excerpts are copied from the same author; in addition, no more than three works or excerpts may be copied from the same collective work or periodical volume during one class term and no more than nine instances of such multiple copying may occur for one course during one class term (the guidelines of paragraph D do not apply to current news periodicals, newspapers, and current news sections of other periodicals)

and

E. The original copyright notice must appear on all copies of the work.

“Special works” are certain works in poetry, prose or in “poetic prose” comprising less than 2500 words, which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience. 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 works and not containing more than 10% of the words found in the text may be reproduced.

Copying audiovisual materials

Purchased slides may not be made into a videotape for students to watch. Even though the school has purchased the slides, the right to copy the slides has not been purchased.

Copyrighted videotapes may not be copied without a letter of permission from the producer.

Public showing of videotapes rented from a video store or purchased from a local retailer require a public performance right to be shown to a class unless the tape is in the public domain. Videotapes from a video store are for home use only. Contact Media Services for help in obtaining the public performance right for a videotape.

You also need to obtain the public performance right for a videotape purchased from a retail store.

Copying off-the-air

A school may tape a movie off-air and use it in the classroom if an instructor specifically requests a copy be made, a notice of copyright is included, it is shown to students within 10 school days, it is erased within 45 days (unless you want to preview it at a later date for possible purchase), and is used for instructional rather than entertainment purposes.

An instructor may tape a movie at home and show it in a class if the guidelines in the previous answer are followed.

An instructor may not tape a movie off a pay service such as HBO and show it in class.

A media specialist may not videotape a program on the chance that an instructor may want to use it in class. The instructor must request that a specific program be videotaped.

A program taped off-air may be transmitted to several classrooms via closed circuit. Closed circuit may be considered similar to a face-to-face teaching situation.

Guidelines for videotaping off-the-air recordings

Guidelines for off-the-air recording of broadcast programming for educational purposes are a product of Congressman Robert Kastenmeier's committee and are not part of the law. They do, however, serve as the authority for taping off-air for educational purposes.

1. The guidelines apply only to off-air recording by nonprofit institutions.
2. Videotapes may be kept for only 45 calendar days after the recording date. The tapes must be erased after this time.
3. The videotape may be shown to students only during the first 10 school days after the recording date. It may be repeated once for reinforcement. (Points 2 and 3 are defined as the 45-10 rule.)
4. Off-air recording may be made only at the request of an individual teacher and not in anticipation of a teacher request. The same teacher can make only one request to record the program.
5. If several teachers wish to record the same program, duplicate copies may be made.

6. After the first 10 school days allowed for showing, the recording may only be used for evaluation purposes. (See #3.)
7. Off-air recordings may not be edited or combined with other recordings to create an anthology or new work.
8. All copies of the recording must contain the notice of copyright included in the original broadcast.
9. Schools are expected to establish the appropriate controls to ensure compliance with these guidelines.
10. Broadcast programs are defined as those programs transmitted by television stations without charge to the general public. Pay services such as out-of-town stations, HBO, etc. do not fall under these guidelines. Please contact Media Services for more information about using programs from pay services.

The above guidelines and the law do not address the situation of an instructor who videotapes a program off-air at home and then uses the videotape in the classroom. A review of the literature indicates that the instructor should follow the above guidelines to comply with the spirit of the law.

Displays, performances, and copying other audiovisual works

If there were no exceptions to the five exclusive rights of the copyright owner (the rights to reproduce, prepare derivative works, perform, display, and distribute the copyrighted work) no audiovisual materials could be used in a school. The material would be displayed or performed and would violate the copyright law.

To protect educators when using copyrighted audiovisual materials in a class, the following conditions must be met:

You may use audiovisual materials when

1. It is shown as part of the instructional program.
2. It is shown by students, teachers, or guest speakers.
3. It is shown in the classroom, studio, workshop, library, gym, or auditorium.
4. It is shown in a face-to-face teaching situation or in the same building or general area.
5. It is shown only to students or educators.

6. The item's copyright notice is included and the item is a legal copy.

You may not use audiovisual materials when

1. It is for entertainment or recreational purposes and unrelated to a teaching activity.
2. It is transmitted by radio or television from an outside location.
3. It is shown to an audience other than students or teachers, even when students or teachers are present.
4. It is an illegally-acquired or a duplicated copy.

Copying music

Making cassette tape copies of records to avoid damaging the records is not allowed because: (a) it is a substitute for purchase of possible replacement copies; and (b) copying of entire works is not allowed.

An instructor may use portions of songs (less than a performable unit) as background to a sound/slide presentation. However, an entire song may not be used.

Emergency copying of music to replace purchased copies is allowed, such as when students forget their music the night of a band performance. The duplicates must be replaced by the originals.

An instructor may make one copy of a sound recording for exams or aural exercises. The copy may be retained by the school or instructor.

Guidelines for copying music

The guidelines for educational uses of music are not a part of the law but are helpful in determining when copying music is allowed.

Copying for performance

Emergency copying is allowed if the purchased copies are not available for a performance. The photocopies must then be destroyed.

Copying for academic purposes

Single or multiple copies of excerpts may be made if less than 10% of the whole work (or less than 30 seconds) and if 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 supplemented.

A single copy of an entire performable unit may be made if it is out of print or unavailable except in a larger work. It may not be used for performance.

A single recording may be made for aural exercises or tests and may be retained by the school or teacher.

A single copy may be made as a free service for the blind.

A single copy of a student performance may be made for study and for the archives.

A single copy may be made for preservation or replacement in the library when copies are not available for purchase.

Copying that is prohibited

You may not copy to create, replace, or substitute for anthologies, compilations, or collective works.

You may not copy to avoid purchase.

Copying computer software

You may not make multiple copies of a program for students to check out. You purchased one copy, not the right to make additional copies.

The restrictions on the label are a gray area. Whether the restrictions/warnings on the label are binding will have to be decided in the courts.

If you only own one copy/license to a piece of software, you may not have it running on two or more computers at the same time. Simultaneous use of software is more than likely a violation.

One copy may be made of software that you own, and that is the back-up copy.

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 these interpretations.

What you **may** do:

You may make an archival or back-up copy of a software program that you own. The back-up copy is to be used only if the original fails. You may not use the back-up copy on a second microcomputer simultaneously with the master copy.

You may loan the computer software in the school media center.

You may own one copy of the software and own many licenses to use the copy simultaneously.

What you **may not** do:

You may not make multiple back-up copies.

You may not make one copy for home and one copy for school.

You may not make a copy for a friend (unless it is public domain software).

You may not transmit through a network outside of a school building.

Fair Use and software

Educators are concerned about their rights under the provision of Fair Use. As you must meet all four Fair Use criteria, it is not reasonable to use Fair Use as a rationale for copying. A review of the literature indicates that copying computer software for short term, emergency use may be allowed.

Computer labs

Software use in computer labs is a gray area to some extent. There are differing views of what is allowable. The basic difference in opinion stems from the misunderstanding of what constitutes a copy of computer software.

There are two definitions of making a copy of computer software. Under the law, educators are allowed to make one back-up copy, and this copy cannot be used at the same time the original is being used on a different machine. You cannot make several copies of one program for students to use in a lab. (Even though you purchased a program, you have not purchased the right to copy the program.)

A copy of a computer program is also being made when loaded into the memory of a computer. If you load one program into several microcomputers to be used at the same time, you are making illegal copies and are violating the law. This instance of copying is often overlooked by educators because it produces an intangible copy. This interpretation of copying, although difficult to understand, is accepted by many legal experts whose articles were reviewed for this publication.

Please note that there is a distinction between copyright and licensing. You may be licensed to use a copy of software in more than one place.

Here is an example of what one expert suggests you **may** and **may not** do with multiple microcomputers:

You would most likely be IN VIOLATION of the law if you load one program into several microcomputers for use at the same time (assuming the program was not packaged and sold for that very purpose). The key here is simultaneous use. To get around this problem of multiple loads for simultaneous use, some companies are using multi-copy pricing and licensing provisions.

Therefore, it would appear that YOU CAN use one program sequentially on several microcomputers. That is, load a program in one microcomputer, use it, turn off the microcomputer, load it into another microcomputer, etc. Again, the key is simultaneous use. Simultaneous use is likely in violation of the copyright law; sequential use is not. This depends on the licensing agreement.

Licensing agreement

Some software programs have a statement on the shrink-wrap or the cover that you must agree to the conditions for using the program as therein stated. Occasionally the conditions may seem prohibitive.

There have been no judicial guidelines as to whether these licensing statements are legally binding. Until there are some legal guidelines, the experts reviewed for this publication urge educators to be cautious when using any programs with this type of statement.

You need proof of license. Usually that is proof of the purchase of the software package. However, many times CCC buys licenses and not media or documentation.

Each department is responsible for the proof of purchase for every piece of software loaded on their PCs' hard drives regardless of who loaded the software. The ITS department is responsible for the network software and any network menu-driven software (for example, WordPerfect and Quattro, etc.).

Multimedia guidelines

1. Concerns

Students may use portions of lawfully acquired copyright works in their academic multimedia projects with proper attribution and citations, and may retain these in their personal portfolios as examples of their academic work for later appropriate uses such as job and graduate scholastic applications.

2. Demonstrations

Educators may use portions of lawfully acquired copyright works in the course of face-to-face teaching activities or similar situations devoted to instructing students how to create multi-media projects.

3. Face-to-Face

Educators may use portions of lawfully-acquired copyright works in producing and using their own multi-media projects for their own teaching tools in support of an identified curriculum.

4. Peer Conferences

Educators may perform or display their own multi-media works created for their own curriculum-based instructional activities, which use portions of copyright works lawfully acquired by the educational institution at work shops of their peers or at conferences where educators are presenting work they created for students.

5. Remote Instruction

Educators may use portions of lawfully acquired copyright works in producing their own multi-media educational programs to be used for curriculum-based instructional activities delivered over an educational institution's electronic network,

provided there are technological limitations on access to the network programs (such as a password or PIN) and access is limited to students.

6. Long-term Use

Educators may use their own multi-media programs containing portions of copyright works, or portions of copyright works incorporated under Fair Use and developed for educational purposes, in teaching courses for a period of up to two years after completion of the finished multi-media product. Use beyond that time requires permission for each copyright portion incorporated in the production.

7. Portion Limitation: Text Material

Up to 10% or 1000 words, whichever is less, in the aggregate of a copyright work consisting of text material may be reproduced or otherwise incorporated as part of a multi-media program produced by an educator or student for educational purposes.

8. Music

Up to 10% of a copyrighted musical composition embodied in a sound recording may be included as part of a multi-media program produced by an educator or student for educational purposes. More than 30 seconds of a musical production usually requires copyright permission.

9. Portion Limit: Illustrations and Photos

The reproduction or display of photos/illustrations is more difficult to define with regard to Fair Use because Fair Use usually precludes the use of entire works. Under these guidelines a photo or illustration may be used in its entirety but no more than 5 images of an artist or photographer may be incorporated into any one multi-media program. When using photos/illustrations from a published collection of work, not more than 10% or more than 15 images may be used in the multi-media program.

10. Software

Portion limitations on the use of computer software are anticipated but yet to be discussed by the copyright committee.

11. Portion Limit: Movies

Inclusion of more than three minutes of a movie requires copyright permission.

Internet

Please remember that information on the Internet may also be subject to copyright. Copyrighted works on the Net include such things as news stories, software, novels, screenplays, graphics, pictures, Usenet messages, and even some e-mail. In general, a work on the Net is copyrighted unless it specifically states that is in the public domain.

Also, be aware that all the material available on the Web is not necessarily “lawfully obtained” or accurate. Please contact the library for help on assessing the validity of what you find on the Web.

Some Web sites to check for copyright information are:

Benedict site on copyright
<http://www.benedict.com>

U.S. copyright law
<http://www.law.cornell.edu/topics/copyright.html>

Copyright Clearance Center
<http://www.copyright.com>

THOMAS: Legislative information on the Internet
<http://thomas.loc.gov>
(This site has the proceedings of the Senate and Congress. Go to the Congressional Record and search for current copyright information.)

Libraries and copyrighted materials

Audiovisual materials

A library may make one copy of the following items and circulate them only if they are a replacement for lost, stolen, or damaged materials that cannot be replaced at a fair price:

- musical works
- pictorial, graphic, or sculptural works
- motion pictures

Photocopying

A library may photocopy a work if damaged and if a replacement is not available at a fair price.

A library may photocopy small excerpts of a work (i.e. one article in a magazine) for a student or for inter-library loan.

A library may photocopy the same excerpt on separate occasions if it is not systematic or a substitute for purchase.

- The library may not charge for more than the cost of the photocopy.

-All photocopies must have a notice of copyright similar to this:

A library may photocopy if the copy being furnished is for private research use only. It may not be further reproduced, resold, or used for publication. The customer assumes full responsibility for copyright questions that may arise concerning this reproduction or the use of the material.

-OR-

The photocopy was made under the provisions of Section 108 of the Copyright Act of 1976.

Faculty or staff-authored materials

Materials authored by college faculty or staff may or may not be copyrighted. If the material is copyrighted, permission of the copyright must be obtained before any reproduction may be made. The author is not always the copyright owner.

If any portion of the material authored by a college faculty or staff member contains material from other copyrighted works, permission from the copyright owner(s) to reproduce the material must be obtained. See the appendix for information on requesting permission to duplicate copyrighted materials.

Article 14 of the Faculty Agreement deals with copyrights and patents:

- “A. The ownership of any materials or processes developed on an individual’s own time, off-campus, and at no expense to the College shall vest and be copyrighted or patented, if at all, in the faculty member’s name.
- “B. The ownership of materials or processes produced solely for the College and at the College expense shall vest in the College and be copyrighted or patented, if at all, in its name. A written agreement will be entered into between the College and the faculty member acknowledging such ownership.
- “C. In those instances where materials or processes are produced by a faculty member with College support, by way of use of significant personnel time, facilities or other College resources, the ownership of the materials or processes shall vest in (and be copyrighted or patented by, if at all) the party designated by written agreement between the parties entered into prior to the production. Such written agreement shall make either a positive or a negative statement with regard to any compensation to be paid to the faculty member.

- “D. A prior written agreement by members of the bargaining unit under situations described in B or C of this Article, will be entered into whenever materials or processes are produced. Such agreement shall include acknowledgments of ownership.

In the absence of an agreement, the faculty member shall be deemed to have ownership.”

It is College policy that all class materials are sold through the CCC Bookstore.

How to request copyright permission

The law requires that permission be obtained before using copyrighted materials in college course anthologies. Publishers want to make these materials available to you quickly and inexpensively, but they need your cooperation. Whether you request permission yourself or through a college store or copy service, these suggestions will speed the process. Please:

1. Request permission as soon as you know you might need the material. The earlier you request the better. In the event that your request cannot be granted, you will need time to substitute other materials. Publishers need time to research the extent to which permission may be granted, as they do not always control the rights.
2. Include all of the following information in your request:
 - author’s, editor’s, translator’s full name(s)
 - title, edition and volume number of book or journal
 - copyright date
 - ISBN for books, ISSN for magazines and journals
 - numbers of the exact pages, figures and illustrations
 - both exact chapter(s) and exact page numbers, if requesting a chapter or more
 - whether material will be used alone or combined with other photocopied materials
 - number of pages to be produced
 - name of college or university
 - course name and number
 - semester and year in which material will be used
 - instructor’s full name
 - method of reproduction (photocopying, scanning, etc.)

3. Request permission whether or not works are in print.
4. Direct your request to the individual publisher's Permissions Department, or a copyright clearance service, not the author. If publishers do not control the rights, they will inform you whom to contact.
5. Provide your complete address and the name of a contact person and telephone number in case there are any questions.

In many cases your college store, or other copying service can assist you and/or provide appropriate forms. In addition, there are several copyright clearance services, such as the Copyright Clearance Center, which will request permission on your behalf for a fee. The publisher's response form will provide the information about payment and fees which are determined by the individual publisher. A booklet, "Questions and Answers on Copyright for the Campus Community," is available through most college stores or on request from AAP.

Working with the Copyright Clearance Center

Creating a Coursepack

(translation: seeking permission via the Copyright Clearance Center)

Clackamas Community College has joined the Copyright Clearance Center. This is an on-line clearing house for copyright permission. You can seek permission on-line, by phone, or mail. Response time from the Clearance Center can take anywhere from 24 hours to an average of three weeks. Submit early to insure a timely response!

Getting Started

- Access the Copyright Clearance Center through Netscape at "http://www.copyright.com" which brings up the Copyright Clearance Center Homepage.
- Click on the USE ACCOUNT button to the left of the homepage.
- Enter: Clackama for user name.
- Enter: 657.Ccc for password. <return>

Searching the Clearance Center catalog of registered titles

- Select WORK WITH COURSEPACKS.
- Click on CREATE for a new request
Fill in the fields
- Click on CREATE COURSEPACK

The one *You'll see a list of all the coursepacks that you have created in the past.
you just created will have CURRENT in bold next to it.*

- Click SEARCH on the toolbar at the top of the page
Enter the search terms of the work you are looking for. It is recommended to search by Title.
- Click SUBMIT.
If the item that you are looking for is listed, select it. Fill in fields.
- Click ADD TO COURSEPACK button
This will take you to the “Adding Item” page where you can see the estimated cost of the item.

My Title is not there...what do I do?

- Click on REPORT AN ITEM MANUALLY.
- Fill in the fields.
- Click on ADD TO COURSEPACK.
Check periodically to see the status of your request.

Checking on your Coursepack

- Choose PACK INFO.
- Click on the title of the coursepack that you want to check.
You can modify information in the header by clicking the MODIFY button near the top of the page. However, every time you modify an item, you resend the approval and the permission process will start over again.
- There is also a DELETE button to delete an entire coursepack.

Help, I'm confused!

- Click FEEDBACK at the top of the page for additional on-line help.

Questions? Call Dena Whitley, extension 2238.

Addresses of performing rights organizations:

ASCAP (American Society of Composers, Authors & Publishers)
7920 Sunset Blvd., Suite 300
Los Angeles, CA 90046
(213) 883-1000, (800) 95-ASCAP for member services
Fax: (213) 883-1049
Internet: <http://www.ascap.com>

Broadcast Music, Inc. (BMI)
320 West 57th Street
New York, NY 10019
(212) 586-2000
Internet: <http://bim.com>

SESAC, Inc.
10 Columbus Circle
New York, NY 10019
(212) 586-3450

Dramatico-musical works are licensed by the publisher or, in some instances, by these licensing agencies:

Tams-Whimark Music Library,
Inc.
757 Third Avenue
New York, NY 10017
(212) MU8-2525

Rodgers & Hammerstein
Archives
598 Madison Avenue
New York, NY 10022
(212) 486-7378

Music Theatre International
119 West 57th Street
New York, NY 10019
(212) 975-6841

Samuel French, Inc.
25 West 45th Street
New York, NY 10036
(212) JU2-4700

The following is the address of the agency which handles recording rights for most music publishers:

The Harry Fox Agency
110 East 59th Street
New York, NY 10022
(212) 751-1930

Definitions and Terms

Berne Convention for the Protection of Literary and Artistic Works: a convention adopted by many countries, including the U.S., that protects the rights of authors in their literary and artistic works.

Copyright: the exclusive legal right to reproduce, publish, distribute, perform, display, or license a work.

Fair Use: a legal doctrine that defines when portions of copyrighted materials may be used without the permission of the copyright owner.

Public Domain: a repository of all works that, for whatever reason, are not protected by copyright. As such, they are free for all to use without permission. Works in the Public Domain include works in the following categories: those that were not copyrightable in their original form; those whose copyright has expired; and those owned or authored by the federal government and granted specifically to the public domain.