

LEGAL ISSUES

COPYRIGHTS

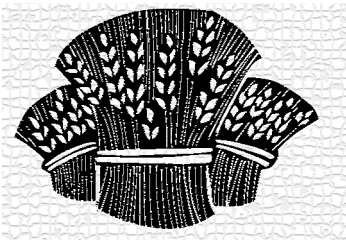


Religious Education Leaders are responsible for compliance with copyright law. If a staff member is charged with copyright violation, it is likely that the religious education leader will be charged as well. Clear policies and careful monitoring of these policies can lessen both parish and personal liability. Copyright violation is stealing. Remember, ignorance of the law is no excuse.



In keeping with the spiritual injunction to avoid stealing, staff members in Catholic institutions will surely support Jesus' reminder in Luke 10:7 that the worker deserves appropriate wages. Clearly, excessive copying of print or non-print materials deprives authors, artists, musicians, et al., of sales and royalties on which they depend for a livelihood. Failure by Catholic RELs to respect these rights would directly contradict their duty.

A Primer on Law for DREs and Youth Ministers, Mary Angela Shaughnessy, SCN, pgs. 222-226



On the following pages are excerpts from the Copyright Law Library on specific issues related to religious education. Please take the time to become familiar with these laws.

LEGAL ISSUES

COPYRIGHTS—CLASSROOM COPYING

AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS WITH RESPECT TO BOOKS AND PERIODICALS

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 106 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purpose may change in the future; that certain types of copying permitted under these guidelines 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 Copyright 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.

I. SINGLE COPYING FOR TEACHERS

A single copy may be made of 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

LEGAL ISSUES

COPYRIGHTS—CLASSROOM COPYING, CONT'D

II. MULTIPLE COPIES FOR CLASSROOM USE, CONT'D

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 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, 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 works found in the text thereof, may be reproduced.

SPONTANEITY

- i. The copying is at the instance and inspiration of the individual teacher.
- 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 the 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.

LEGAL ISSUES

COPYRIGHTS—CLASSROOM COPYING, CONT'D

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 include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- C. Copying shall not: (a) substitute for the 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 cost of the photocopying.

Agreed MARCH 19, 1976. Ad Hoc Committee on Copyright Law Revision: by SHELDON ELLIOTT STEINBACH.

Author-Publisher Group and Authors League of America by IRWIN KARP, Counsel.
Association of American Publishers, Inc. by ALEXANDER C. HOFFMAN, Chairman,
Copyright Committee.

PLEASE TAKE PARTICULAR NOTE

THIS APPLIES TO RELIGIOUS
EDUCATION TEXTBOOKS
AND
ACTIVITY BOOKS, ETC.

LEGAL ISSUES

COPYRIGHTS—RECORDING AND COPYING

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

In March 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 educational 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 educational 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 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 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 session days — not counting weekends, holidays, vacations, examination periods, and other scheduled interruptions — within the forty-five (45) calendar day retention period.

LEGAL ISSUES

COPYRIGHTS—RECORDING AND COPYING

GUIDELINES FOR OFF-AIR RECORDINGS OF BROADCAST PROGRAMMING FOR EDUCATIONAL PURPOSES, CON'T

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 broadcasted.
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.



LEGAL ISSUES

COPYRIGHTS—MUSIC AND COPYING, CONT'D

The following guidelines were developed and approved in April 1976 by the Music Publishers' Association of the United States, Inc., the National Music Publishers' Association, Inc., the Music Teachers National Association, the Music Educators National Conference, the National Association of Schools of Music, and the Ad Hoc Committee on Copyright Law Revision.

GUIDELINES FOR EDUCATIONAL USES OF MUSIC

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of HR 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 these guidelines 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 Copyright 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.

A. PERMISSIBLE USES

1. Emergency copying to replace purchased copies, which for any reason are not available, for an imminent performance provided purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per pupil.
3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

LEGAL ISSUES

COPYRIGHTS—MUSIC AND COPYING, CONT'D

A. PERMISSIBLE USES, CON'T

4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

B. PROHIBITIONS

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be “consumable” in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
3. Copying for the purpose of performance, except as in A(1) above.
4. Copying for the purpose of substituting for the purchase of music, except as in A(1) and A(2) above.
5. Copying without inclusion of the copyright notice which appears

