

MULTIMEDIA BEST PRACTICES COPYRIGHT FORM

The selected "**Best Practices**" examples will be made accessible to the faculty, staff, and students of the UT System as well as to the general public through the web. According to section 3.2.3 of the Fair Use Guidelines for Educational Multimedia, educators can not use copyrighted material on an unsecured network, such as the web. Therefore, all the materials in the projects submitted should adhere to the copyright laws. The project leader(s) must adhere to the following criteria: (1) the project leader(s) has the copyright of the materials submitted, (2) the project leader(s) has the permission for using the materials from the original author(s), or (3) the copyright falls within the guidelines of fair use. A portion of the Fair Use Guidelines for Educational Multimedia is attached.

As part of the submission materials, each project must submit the following signed form.

The project I have submitted to the University of Texas System Information Technology Initiative "**Best Practices**" of the use of technology in teaching and learning adheres to the criteria stated above.

Signature of Project Leader(s)

Date

Fair Use Guidelines For Educational Multimedia

Fair use is a legal principle that defines the limitations on the exclusive rights of copyright holders. The purpose of these guidelines is to provide guidance on the application of fair use principles by educators, scholars and students who develop multimedia projects using portions of copyrighted works under fair use rather than by seeking authorization for non-commercial educational uses. These guidelines apply only to fair use in the context of copyright and to no other rights.

There is no simple test to determine what is fair use. Section 107 of the Copyright Act sets forth the four fair use factors which should be considered in each instance, based on particular facts of a given case, to determine whether a use is a "fair use": (1) the purpose and character of 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 as a whole, and (4) the effect of the use upon the potential market for or value of the copyrighted work.

While only the courts can authoritatively determine whether a particular use is fair use, these guidelines represent the participants' consensus of conditions under which fair use should generally apply and examples of when permission is required. Uses that exceed these guidelines may nor may not be fair use. The participants also agree that the more one exceeds these guidelines, the greater the risk that fair use does not apply.

The limitations and conditions set forth in these guidelines do not apply to works in the public domain--such as U.S. Government works or works on which copyright has expired for which there are no copyright restrictions--or to works for which the individual or institution has obtained permission for the particular use. Also, license agreements may govern the uses of some works and users should refer to the applicable license terms for guidance.

The participants who developed these guidelines met for an extended period of time and the result represents their collective understanding in this complex area. Because digital technology is in a dynamic phase, there may come a time when it is necessary to review the guidelines. Nothing in these guidelines shall be construed to apply to the fair use privilege in any context outside of educational and scholarly uses of educational multimedia projects.

3. PERMITTED USES OF EDUCATIONAL MULTIMEDIA PROGRAMS CREATED UNDER THESE GUIDELINES

Uses of educational multimedia projects created under these guidelines are subject to the Time, Portion, Copying and Distribution Limitations listed in Section 4.

3.1 Student Use:

- Students may perform and display their own educational multimedia projects created under Section 2 of these guidelines for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews

3.2 Educator Use for Curriculum-Based Instruction:

- Educators may perform and display their own educational multimedia projects created under Section 2 for curriculum-based instruction to students in the following situations:

3.2.1 for face-to-face instruction,

3.2.2 assigned to students for directed self-study,

3.2.3 for remote instruction

- to students enrolled in curriculum-based courses and located at remote sites, provided over the educational institution's secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as a password or PIN) and provided further that the technology prevents the making of copies of copyrighted material.
- If the educational institution's network or technology used to access the educational multimedia project created under Section 2 of these guidelines cannot prevent duplication of copyrighted material, students or educators may use the multimedia educational projects over an otherwise secure network for a period of only 15 days after its initial real-time remote use in the course of instruction or 15 days after its assignment for directed self-study. After that period, one of the two use copies of the educational multimedia project may be placed on reserve in a learning resource center, library or similar facility for on-site use by students enrolled in the course. Students shall be advised that they are not permitted to make their own copies of the multimedia project.

3.3 Educator Use for Peer Conferences:

- Educators may perform or display their own multimedia projects created under Section 2 of these guidelines in presentations to their peers, for example, at workshops and conferences.

3.4 Educator Use for Professional Portfolio

- Educators may retain educational multimedia projects created under Section 2 of these guidelines in their personal portfolios for later personal uses such as tenure review or job interviews.

For more details on the Fair Use Guidelines, check out the web site:

<http://www.utsystem.edu/ogc/intellectualproperty/ccmcguid.htm>

Sample Letter Requesting Permission

The request should be sent, together with a self-addressed return envelope, to the permission department of the publisher in question.

Permissions Department
[Publisher]
[Address]

Dear Permissions Editor:

I am writing to ask your permission to (circle all that apply)

- reprint
- photocopy
- quote from
- incorporate into

- multimedia courseware
- on-line course materials
- a dissertation/thesis
- a print publication

the following material:

Author:

Book Title:

Journal Title:

Vol.

Issue

Page #(s)

Figure/Table #(s)

Image #(s)

The material will be distributed/published as follows:

Distribution:

Publisher:

Expected distribution/publication date:

Expected length of work (number of images, etc.):

Target market:

If you do not solely control copyright in the requested materials, I would appreciate any information you can provide about others to whom I should write, including most recent addresses if available.

Sincerely,

Please initial any statement that applies:

I hereby represent that I have the authority to grant the permission requested herein.

I am the sole owner/author of the work.

(Continued on the next page.)

Author Signature

Author's name

Address

Date

Company Signature

Name of authorized signatory

Title

Company

Date