

Form to Document Use of Copyrighted Materials Piedmont Technical College Library

If you have reviewed copyright laws and resources but remain uncertain about whether you are within your legal rights to use a protected work, then you should document your efforts to use the work in a lawful manner. A completed copy of this form will be kept on file in the library for six (6) years. To complete the form:

1. Review all copyright laws, guidelines and resources.
2. Discuss copyright concerns with the college's Copyright Officer (Dean of Learning Resources).
3. Complete the form below to document use of copyrighted materials.
4. Send completed form to Copyright Officer for approval/signature.
5. Keep a copy of the form in your own files.

Date _____

Part 1: Employee Information

Employee Name _____

Course Name and Number _____

Course Format: --- Traditional Course --- PEN Course --- Online Course
 --- Web-Enhanced Course --- Cable Channel --- Conference
 --- Library Reserves

Part 2: About the Copyrighted Work

Title _____

Authors (for unwritten works, enter artists, composers, producers, etc.) _____

Copyright Date _____

Publisher _____ Place of Publication _____

Media Type / Format (Examples include book, article, film, sound clip, etc.) _____

How and when did you acquire the work? (Be precise) _____

When will you begin use of the work? (Be precise) _____

When do you plan to end use of the work? (Be precise) _____

Part 3: Fair Use Questions

Before using any copyrighted work in any classroom environment, you must consider how the use will stand up to the Fair Use Doctrine's Four Factor test. This part of the form documents fair use.

Purpose of the Work: Describe how you intend to use the work and how it will enrich your class: _____

Nature of the Work: From the following, choose the description that most accurately portrays the work in question:

_____ Creative or fictional work that the creator developed from his own thoughts and experiences

_____ Informational, researched work that the creator developed by drawing on the works of others

Portion of the Work: Describe how much of the work you would like to use in proportion to the entire work (*Ex: 2 pages from a 250-page book; 45 seconds from a 1-hour film; 6 lines from a 20-line poem; entire work*):

Impact of Using the Work: Describe any financial impact on the copyright owner that would occur if many people used this resource in the manner that you intend: _____

Part 4: TEACH Act Questions (Required for online or Web-enhanced instructors only)

Before using any copyrighted work in a distance learning classroom environment, the instructor, the college's technology staff and the institution must meet several requirements. Please complete the questions regarding instructional requirements and read about other measures taken by the college for the sake of compliance.

Instructional Requirements

The copyrighted work that will be transmitted is:

_____ a performance of a non-dramatic literary work

_____ a performance of a non-dramatic musical work

_____ a performance of any other work, including dramatic works and audiovisual works, but only in "reasonable and limited portions"

_____ a display in an amount comparable to that which is typically displayed in the course of a live classroom session

The copyrighted work has not been created and marketed primarily for use in a digitally transmitted instructional activity.

True False

The copyrighted work has not been created and marketed primarily for use in a digitally transmitted instructional activity.

True False

The copyrighted work is not a textbook, course pack, or other materials which is typically purchased or acquired by students for their independent use and retention.

True False

The use of the copyrighted performance or display is: (check all that apply)

made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic, mediated instructional activities of the college.

directly related and of material assistance to the teaching content of the transmission.

an integral part of a class session offered as a regular part of the systematic, mediated instructional activities of the college.

Neither the instructor nor the college suspects that the copyrighted work in question was unlawfully acquired.

True False

If the copyrighted work has been converted into a digital format from another media type such as print or analog, then the quantity of the work converted is no greater than the amount that can be lawfully used for the course.

True False

No digital version of the copyrighted work is available to the college.

True False

The only digital versions of the copyrighted work available to the college are technologically protected to prevent its lawful use in the course.

True False

Technological Requirements

Piedmont Technical College has taken the following technological measures to comply with the TEACH Act:

- Technological actions to restrict student access to copyrighted materials for longer than the defined class session
- Technological actions to deter unauthorized dissemination of copyrighted materials by students to others
- Piedmont Technical College does not interfere with technological measures taken by copyright owners to prevent retention or unauthorized sharing of their works.
- Piedmont Technical College houses copyrighted works on a computer system or network in such a way that it is not ordinarily accessible to unauthorized users.
- Copy of the copyrighted work will only be held for a period of time that is reasonably necessary to facilitate the transmissions for which it was made.
- Copies made for the sake of transmission are retained and used solely by Piedmont Technical College.

Institutional Requirements

Piedmont Technical College has taken the following institutional measures to comply with the TEACH Act:

- Piedmont Technical College is an accredited, non-profit educational institution.
- Piedmont Technical College has instituted policies regarding copyright.
- Piedmont Technical College has provided materials to faculty, students, and relevant staff members that describe and promote United States Copyright Laws.
- Piedmont Technical College has provided notice to students that materials used in connection with courses may be subject to copyright protection.
- Transmission of course content is made solely for students officially enrolled in the course for which the transmission is made.

By completing this form, _____ has documented his/her efforts to
(Employee Name)

comply with United States Copyright laws. This form will be kept on file in the Piedmont Technical College library

as evidence of attempted compliance. This form does not guarantee legal protection.

Copyright Officer's Signature

Date