

COPYING GUIDELINES

These COPYING GUIDELINES were agreed to by the *Association of American Publishers* and the *Author's League of America* with minor editorial changes. The purpose of the guidelines is to state the minimum standards for educational "fair use" under Copyright Law. The guidelines apply to the copying of books and periodicals in **face-to-face teaching** (NOT online). For proposed copying of other materials, perform a Fair Use Analysis using the Fair Use Checklist.

I. Single Copy for Teachers

A single copy may be made of any of the following or any part thereof by or for any faculty or staff member at his or her individual request:

- 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 student in a course) may be made by or for the faculty giving the course for classroom use or discussion, *provided that*:

- a) The copying meets the **brevity** and **spontaneity** tests defined below; *and*,
- b) Meets the **cumulative effect** test defined below; *and*,
- c) Each copy includes a notice of copyright.

Brevity Test

- (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 words found in the text thereof, may be reproduced.

Spontaneity Test

- (i) The copying is at the instance and inspiration of the individual teacher, 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 Test

- (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.]

III. Prohibitions as to I and II above

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

- a.) Copying may not be used to create or to replace or substitute for anthologies, compilations or collective works. A prohibited replacement or substitution occurs regardless of whether copies of various works or excerpts 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:
 - 1. substitute for the purchase of books, publisher's reprints or periodicals;
 - 2. be directed by higher authority; or
 - 3. be repeated with respect to the same item by the same teacher from term to term.
(The modern trend in case law is to disregard this prohibition. See 2012 Cambridge University Press v. Becker, a.k.a Georgia State University case.)
- d.) No charge may be made to the student beyond the actual cost of the photocopying.