

Form to Document Use of Copyrighted Materials Greenville Technical College Library

If you have reviewed the college's copyright policy 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 GTC's policies and copyright resources at <http://libguides.gvltec.edu/copyright>.
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 a file.

Employee Name: _____ **Date** _____

Part 1: 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 and end use of the work? (Be precise) _____

Where did you plan to use the work? (Check all that apply)

---- Traditional Course ---- Online Course ---- Hybrid Course ---- Televised Instruction

---- Conference ---- Library Reserves ---- Other: _____

If using in a course, indicate the course name and number: _____

Part 2: Fair Use Questions

Section 107 of the U.S. Copyright Law states that "...fair use of a copyrighted work... for purposes such as criticism, comment, news reporting, teaching, scholarship, or research, is not an infringement of copyright." Before using a copyrighted work, answer the following questions about four fair use factors that must be considered:

Purpose of the Work: Describe how and why you intend to use the work: _____

Nature of the Work: From the following, choose a 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 250-page book; 45 seconds from 1-hour film; 6 lines from 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 3: TEACH Act Questions (*For use by online or Web-enhanced instructors*)

The Technology, Education and Copyright Harmonization (TEACH) Act of 2002 provides guidelines for using copyrighted material in distance education by amending the allowances and limitations of U.S. Copyright Law. It applies only to accredited, non-profit educational institutions and requires the cooperation of the college's administration, technical staff and faculty. Before using a copyrighted work in a distance learning environment, the instructor, the college's technology staff, and the institution must meet several requirements. Please complete the questions about faculty 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.

The instructor does not believe 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

By completing this form, I, _____ have documented my efforts to comply with United States Copyright laws. This form will be kept on file in the Greenville Technical College Library as evidence of attempted compliance. This form does not guarantee my legal protection.

Employee's Signature _____ Date _____

Copyright Officer's Signature _____ Date _____