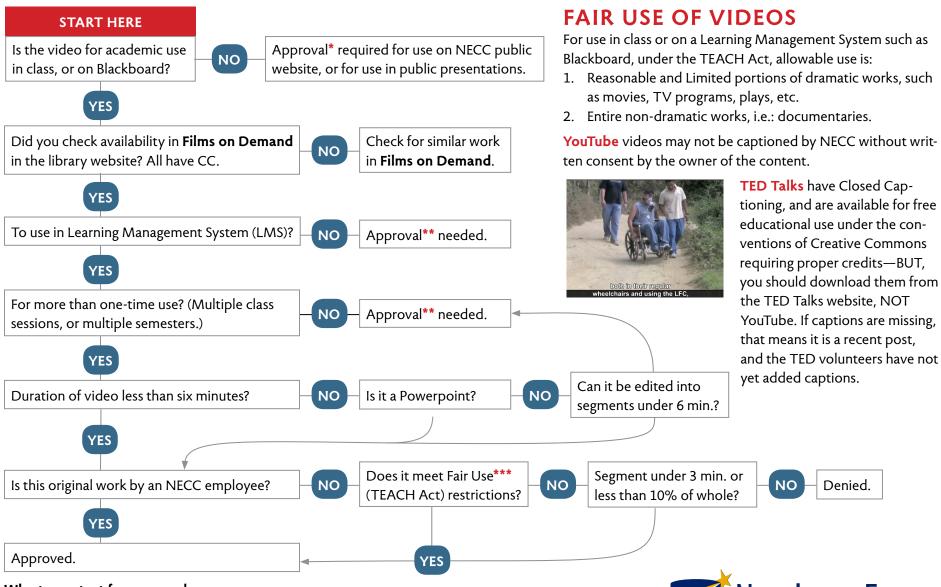
# NECC Application Process for Ordering Closed Captioning



### Who to contact for approval:

- \* For public use, contact the Marketing Communications Department: HOW, ngilbert@necc.mass.edu
- \*\* For internal use, contact Center for Instructional Technology: HOW-116, distance@necc.mass.edu
- \*\*\* See page two.



### FAIR USE AND TEACH ACT RESTRICTIONS AND CONDITIONS

Video formats	What you can do	Rationale/ Defense	How much you can use	Restrictions & Conditions
Videotapes DVDs Laserdiscs Multimedia Encyclopedias Quick Time movies Video clips from the Internet (legally acquired)	Show and play (perform) in a face-to-face classroom	Copyright Act	No restrictions	Copies of materials used must be legally made or acquired. Archival copying OK provided a suitable replacement is unavailable at a fair price or in a viable format.
	Transmit over the Internet or TV (perform) as part of a class session	TEACH Act	Reasonable and limited portions of dramatic works, such as movies, TV programs, plays, etc. Entire non-dramatic works.	Transmissions are subject to "TEACH Act Restrictions and Conditions" (see text below).  The TEACH Act excludes materials produced or marketed for "mediated instructional activities" (see text below).  Copies of materials used must be legally made or acquired.
	Transmit over the Internet or TV (perform) as part of a class session or class enhancement. Incorporate into a multimedia or video project to be used as a part of a course	Fair Use Doctrine & Guidelines	Up to 10 percent or 3 minutes, whichever is less, of a copyrighted motion media work. Entire works may be transmitted only once without permission.	Use of copyrighted materials is subject to the "Fair Use Test" (see text below).  For distance learning: Technological measures must be in place to prevent unauthorized access or copying, as with TEACH Act.  Copies of materials used must be legally made or acquired.

### **TEACH Act Restrictions and Conditions**

The TEACH Act—the Technology, Education, and Copyright Harmonization Act—amended Section 110(2) and 112 of the Copyright Act to facilitate the growth of distance learning.

Copyrighted materials used under the TEACH Act are subject to the following restrictions and conditions:

- Transmissions must be made as part of "mediated instructional activities" at an accredited non-profit institution.
- Material must be directly related and of material assistance to the teaching content of the transmission.
- Technological measures must be in place to limit access to enrolled students and reasonably prevent download and further distribution of materials.
- Copies of the works cannot be made available to students for longer than the class session.
- Institutions must establish copyright policies and provide informational materials regarding copyright to faculty, students, and relevant staff.
- Students must be given notice that material may be subject to copyright protection.

## What are "Mediated Instructional Activities"?

The item "mediated instructional activities" refers to activities that mirror conduct in a traditional classroom, such as the following:

- Materials used should be of the same type used in a face-to-face classroom.
- Materials transmitted must not be textbooks or other materials that are typically purchased or acquired by the students.
- Transmission should be a regular part of systematic instructional activities.
- Transmission must be made by, at the direction of, or under the actual supervision of the instructor.

### **Digitizing Copyrighted Works**

The TEACH Act allows the conversion of print or analog material into digital formats if:

- 1) no digital version is available, or
- 2) an available digital version is protected by technological measures.

### Fair Use Test

The Fair Use doctrine specifies four factors that must be considered when using copyrighted material for educational purposes. Items under each factor are considered on a continuum ranging from permissible on one side, to infringement of copyright on the other.

#### The four factors of the Fair Use test are:

