Legal Guidelines for Recording from TV

Paraphrased version of the law as it pertains to educational use:

1. The program must be used *in class*, within 10 consecutive school days from the date of recording. After a total of 45 consecutive calendar days the recording *must* be *destroyed*.

2. After the initial 10 consecutive school days, the program can only be used by faculty for evaluation (i.e. whether to include the program in future curriculum) and cannot be used for any other non-evaluative purpose.

3. If necessary, we can make additional copies, i.e. In the case of simultaneous sections needing to show the recording on the same day. But, the above restrictions apply as normal. For example, we would still have to destroy the additional copies within 45 consecutive calendar days from the date of the original recording.

4. We cannot make recordings in anticipation of faculty needs. We must be requested to make the recording by individual faculty. The faculty that requests the recording, must be the same faculty that uses the recording in class.

5. You don’t have to use all of the program that we record, but neither we nor faculty can combine segments recorded off air to make one anthology or compilations-- each program must stand alone in it's recording.

These restrictions are placed on all non-profit, educational media centers and libraries in accordance with section 106, title 17 of the United State Code of Law regarding copyright.

Excerpt from the text of section 106 of title 17, United States Code Regarding Copyright. (For complete details see http://www.copyright.gov/circs/circ21.pdf, p. 22.)

Section F. GUIDELINES FOR OFF-AIR RECORDING OF BROADCAST PROGRAMMING FOR EDUCATIONAL PURPOSES
The following excerpts are reprinted from the House Report on piracy and counterfeiting amendments (H.R. 97-495, pages 8-9).

In March 1979, Congressman Robert Kastenmeier, Chairman of the House Subcommittee on Courts, Civil Liberties and Administration of Justice, appointed a Negotiating Committee consisting of representatives of educational organizations, copyright proprietors, and creative guilds and unions. The following guidelines reflect the Negotiating Committee’s consensus as to the application of “fair use” to the recording, retention, and use of television broadcast programs for educational purposes. They specify periods of retention and use of such off-air recordings in classrooms and similar places devoted to instruction and for homebound instruction. The purpose of establishing these guidelines is to provide standards for both owners and users of copyrighted television programs.
(1) The guidelines were developed to apply only to offair recording by non-profit educational institutions.

(2) A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable transmission) and retained by a non-profit educational institution for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of such retention period, all offair recordings must be erased or destroyed immediately. “Broadcast programs” are television programs transmitted by television stations for reception by the general public without charge.

(3) Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary, in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the forty-five (45) day calendar day retention period. “School days” are school session days—not counting weekends, holidays, vacations, examination periods, or other scheduled interruptions—within the forty-five (45) calendar day retention period.

(4) Off-air recordings may be made only at the request of, and used by, individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

(5) A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.

(6) After the first ten (10) consecutive school days, offair recording may be used up to the end of the forty-five (45) calendar day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum, and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.

(7) Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

(8) All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

(9) Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.