

**Center for the Enhancement of Learning and Teaching
Indiana University – Purdue University Fort Wayne**

Request and Release form:
Digitizing media for instruction

Date received:	Date needed:	*please allow at least 2-3 weeks for conversion, unless otherwise advised.

Part 1: Faculty Information

Faculty name: _____ Department _____

Office: _____ Office phone: _____ Other phone: _____

Email: _____

Part 2: Media Information

List all program titles, and complete the table below for each.

Title	Original Format	Convert to: (e.g. streaming, DVD, etc.)	Is it currently available in a digital format?	
			Yes	No
			Yes	No
			Yes	No
			Yes	No
			Yes	No

Please define what is to be digitized. If it is a portion or segment, please provide a rough time code for the segment.

Part 3: Course Information

List the Departmental Code, course number and course name for all classes this materials will be used for:

Please provide a brief description explaining how this material will be used in the course and how it supports the course’s teaching goals.

Part 4: Copyright Law Compliance (to be completed in conjunction with a CELT consultant) (Note: If request complies fully with the TEACH Act, the Fair Use Checklist is not necessary.)

I have read the *Understanding Copyright Compliance for Distance Education*.

Yes No

Does this request comply with the TEACH Act?
(If YES, complete *TEACH Act* check list form for each title in the request)

Yes No

Does the request meet the guidelines for Fair Use under the U.S. Copyright law?
(If YES, complete *Fair Use* check list form for each title in the request)

Yes No

I have completed the Fair Use and/or TEACH Act guideline check lists to the best of my ability, as they apply to the titles I am requesting be converted to a digital format or formatted for Internet delivery via streaming. I understand that the materials I am presenting are copyrighted and being used for instructional purpose only under the guidelines of Fair Use and/or the TEACH Act, and that no further dissemination of these materials is permitted. I understand that streaming content used to support the teaching and learning are to be made available to students via a password-secured, IPFW supported environment.

Faculty signature

Date

For CELT use only:

Work performed, special instructions, materials used, and project notes

CHECKLIST FOR FAIR USE

Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project

Name: _____ Date: _____ Project: _____

Institution: _____ Prepared by: _____

PURPOSE

Favoring Fair Use

- Teaching (including multiple copies for classroom use)
- Research
- Scholarship
- Nonprofit Educational Institution
- Criticism
- Comment
- News reporting
- Transformative or Productive use (changes the work for new utility)
- Restricted access (to students or other appropriate group)
- Parody

Opposing Fair Use

- Commercial activity
- Profiting from the use
- Entertainment
- Bad-faith behavior
- Denying credit to original author

NATURE

Favoring Fair Use

- Published work
- Factual or nonfiction based
- Important to favored educational objectives

Opposing Fair Use

- Unpublished work
- Highly creative work (art, music, novels, films, plays)
- Fiction

AMOUNT

Favoring Fair Use

- Small quantity
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

Opposing Fair Use

- Large portion or whole work used
- Portion used is central to work or "heart of the work"

EFFECT

Favoring Fair Use

- User owns lawfully acquired or purchased copy of original work
- One or few copies made
- No significant effect on the market or potential market for copyrighted work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

Opposing Fair Use

- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on Web or in other public forum
- Repeated or long-term use

Checklist for Compliance with the TEACH Act

Name: _____ Date: _____ Project: _____

Institution: _____ Prepared by: _____

TEACH Act requirements that will likely fall within the duty of the *Instructor*:

- 1 The work to be transmitted may be any of the following:
 - A performance of a non-dramatic literary work; or
 - A performance of a non-dramatic musical work; or
 - A performance of any other work, including dramatic works and audiovisual works, but only in "reasonable and limited portions"; or
 - A display in an amount comparable to that which is typically displayed in the course of a live classroom session.

- 2 The work to be transmitted may not be any of the following:
 - Marketed primarily for performance or display as part of a digitally transmitted mediated instructional activity; or
 - A textbook, coursepack, or other material in any media which is typically purchased or acquired by students for their independent use and retention.

- 3 Any permitted performance or display must be both:
 - 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 educational institution; and
 - Directly related and of material assistance to the teaching content of the transmission.

- 4 The institution does not know or have reason to believe that the copy of the work to be transmitted was not lawfully made or acquired.

- 5 If the work to be used has to be converted from print or another analog version to digital format, then both:
 - The amount of the work converted is no greater than the amount that can lawfully be used for the course; and
 - There is no digital version of the work available to the institution or the digital version available to the institution has technological protection that prevents its lawful use for the course.

TEACH ACT requirements that will likely fall within the duty of the Institution:

- 6 The institution for which the work is transmitted is an accredited nonprofit educational institution.
- 7 The institution has instituted policies regarding copyright.
- 8 The institution has provided information materials to faculty, students, and relevant staff members that describe and promote US copyright laws.
- 9 The institution has provided notice to students that materials used in connection with the course may be subject to copyright protection.
- 10 The transmission of the content is made solely for students officially enrolled in the course for which the transmission is made.

TEACH Act requirements that will likely fall within the duty of the Information Technology Officials:

- 11 Technological measures have been taken to reasonably prevent both:
 - Retention of the work in accessible form by students for longer than the class session; and
 - Unauthorized further dissemination of the work in accessible form by such recipients to others.
- 12 The institution has not engaged in conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent retention or dissemination of their works.
- 13 The work is stored on a system or network in a manner that is ordinarily not accessible to anyone other than anticipated recipients.
- 14 The copy of the work will only be maintained on the system or network in a manner ordinarily accessible for a period that is reasonably necessary to facilitate the transmissions for which it was made.
- 15 Any copies made for the purpose of transmitting the work are retained and solely used by the institution.