

【Meiji Gakuin University】

Guideline for reproduction and transmission of learning materials at online lecture (provisional) as of 17 Apr 2020

Due to the amendment of Copyright Act to be effective on 28 Apr 2020, following points require attention at each term respectively. Society for the Administration of Remuneration for Public Transmission for School Lessons (SARTRAS) will announce a guideline for the use of learning materials shortly, then this guideline may be amended accordingly.

Article 4 below (Signing of Memorandum of Understanding with Yu-Hikaku for using its publications at lecture in the case of designating them as textbook in the syllabus of FY2020) will be applied although to specified faculty members free of charge for this FY thanks to a special consideration by Yu-Hikaku.

1. From 20 Apr 2020 to 27 Apr 2020 (current Copyright Act shall be applied)

Use of public copyright items in public domain in the following forms is acceptable at a lecture in the university.

- i) To reproduce for face-to-face lectures
- ii) To transmit the reproduced items for a face-to-face lecture to the public who are taking the remote lecture online simultaneously

In the case of providing students online with reproduced items, current Article 35 of Copyright Act allows doing so free of charge only when the face-to-face lecture is physically ongoing and streaming it simultaneously online. On the other hand, in the case of using reproduced items at an online lecture without live streaming of a face-to-face lecture, permission of copyright holder is required.

Please note that the followings are prohibited and invalid under the current Copyright Act.

- Sending by email any copyright items of any third party to students for preparation/review
- Transmitting any copyright items of any third party to students at on-demand online lectures
- Using any copyright items of any third party at a live streaming online lecture without any students physically attending at the place where it is ongoing

2. From 28 Apr (amended Copyright Act shall be applied)

Pursuant to earlier enforcement of the amended Copyright Act from 28 Apr 2020, the following form of using copyright items in public domain without consent from authors will become valid for free of charge.

- Please note that the above is a special treatment (affected by COVID-19) to be effective only from 28 Apr 2020 to 31 Mar 2021 (FY2020). From FY2021 onward Meiji Gakuin University shall pay a substantial amount of compensation to SARTRAS.

- i) Sending by email any copyright items of any third party to students for preparation/review
- ii) Transmitting any copyright items of any third party to students at on-demand online lectures
- iii) Using any copyright items of any third party at a live streaming online lecture without any students physically attending at the place where it is ongoing

3. How to reproduce and transmit learning materials

(1) Samples of reproduction and transmission

Followings are the samples of reproduction and transmission.

- Distribution (Transmission) of a reproduction (PDF) of a part of research paper (treatise) in a book
- Citation of chart, graph, or other written materials to slides
- Viewing and listening a part of movie or TV program
- Others

(2) Precautions

- Citation shall comply with an appropriate manner, with explicitly showing source of reference.
- Reproduction without consent is valid “only to the extent necessary for the lecture”. Thus, only reproduction of the part of a material used at a lecture is acceptable, and only the same number of reproduction as that of students is permissible.
- Reproduction and transmission shall not unreasonably prejudice the interests of the copyright owner.
- Please note that reproduction and distribution (transmission) of any part of any textbook (reference book) to be used at a lecture, which is by its nature designated to be used for education, may collide with the market where it originally belongs to, unreasonably prejudice the interests of the copyright owner, and therefore are highly likely to be invalid even under the amended Copyright Act.
- Please instruct the students to buy a textbook (paper or electric version) to use at a lecture even

after the lecture commences so that the interests of the copyright owner is validly secured.

4. Signing of Memorandum of Understanding with Yu-Hikaku for using its publications at lecture in the case of designating them as textbook in the syllabus of FY2020

For some faculty members designating publications by Yu-Hikaku as textbook in the syllabus of FY2020, Yu-Hikaku has agreed to let them use the publications for online lectures from 20 Apr 2020 to 31 May 2020 (including the term before the Copyright Act is amended), on condition that the available part of such publications is limited to those originally planned to be used during the term above and to the minimum extent necessary for the lecture. Although the use from 1 June 2020 requires another agreement with Yu-Hikaku, it is negotiable to extend the term until 31 Mar 2021.

Further, in the case a faculty member is a copyright holder of a publication by Yu-Hikaku, there is no issue with regard to Copyright Act and other publishing rights. You can use it at your disposal.

Instead, please cooperate with Yu-Hikaku by encouraging the students to purchase a textbook (paper or electric version), conducting a questionnaire survey on purchase targeting the students, reporting an actual usage results of the material.

* Reference : Copyright Act (Current)

Article 35 (Reproduction, etc. in schools and other educational institutions)

- (1) A person in charge of teaching or a person taking classes at a school or other educational institution (except one founded for commercial purposes) may reproduce a work that has been made public if and to the extent that it is found to be necessary for the purpose of use in the course of classes; provided, however that this does not apply if the reproduction would unreasonably prejudice the interests of the copyright owner in light of the nature and purpose of the work, as well as the number of copies and the circumstances of its reproduction.
- (2) If, in the course of classes at an educational institution referred to in the preceding paragraph, the original or copies of a work that has been made public are offered or presented to persons who directly attend a class and thus exploited, or if such a work is exploited through a stage performance, musical performance, on-screen presentation, or recitation for such persons pursuant to the provisions of Article 38, paragraph (1), it is permissible to transmit these to the public (and also to make them available for transmission, if they are to be transmitted to the public via automatic public transmission) for any persons who are taking that class simultaneously at a place other than that where the class is being held; provided, however, that this does not apply if transmitting these to the public would unreasonably prejudice the interests of the copyright owner

in light of the nature and purpose of the work, as well as the circumstances of the transmission.

* Reference : Copyright Act (Amended)

Article 35 (Reproduction, etc. in schools and other educational institutions)

- (1) A person in charge of teaching or a person taking classes at a school or other educational institution (except one founded for commercial purposes) may reproduce a work that has been made public, transmit to the public such a work (it is permissible to make such a work available for transmission, if it is to be transmitted to the public via automatic public transmission; the same applies in next paragraph), or publicly communicate such a work being transmitted to the public through a receiver,
if and to the extent that it is found to be necessary for the purpose of use in the course of classes; provided, however that this does not apply if the reproduction or transmission would unreasonably prejudice the interests of the copyright owner in light of the nature and purpose of the work, as well as the number of copies and the circumstances of its reproduction, transmission or communication.
- (2) In the case of transmitting a work to the public pursuant to the preceding paragraph, a person establishing such an educational institution in the preceding paragraph must pay the copyright owner a substantial amount of compensation.
- (3) The preceding paragraph shall not apply if, in the course of classes at an educational institution referred to in the paragraph (1), the original or copies of a work that has been made public are offered or presented to persons who directly attend a class and thus exploited, or if such a work is exploited through a stage performance, musical performance, on-screen presentation, or recitation for such persons pursuant to the provisions of Article 38, paragraph (1), provided that such a work that has been made public is transmitted to the public for any persons who are taking that class simultaneously at a place other than that where the class is being held.