Copyright Act

Hypothetical #1: Based on the Fair Use Doctrine, she is in violation of 2 of the 4 factors (which I will break down more completely below). In addition she has not truly understood the minimum standards of educational fair use that have been addressed under Section 106 of H.R. 2223:

? Single Copying for Teachers: A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class;

? Multiple Copies for Classroom Use: Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion;

Additional information can be found at this website -- Guide to Copyright ... Guidelines for Classroom Copying:  
http://www.musiclibraryassoc.org/Copyright/guidebks.htm

Based on the above – the following information should be noted:

? A. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

? B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

? C. Copying shall not:
   o (a) substitute for the purchase of books, publishers' reprints or periodicals;
   o (b) be directed by higher authority;
   o (c) be repeated with respect to the same item by the same teacher from term to term.

? D. No charge shall be made to the student beyond the actual cost of the photocopying.

The 4 factors are:

? the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

? the nature of the copyrighted work;
the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

the effect of the use upon the potential market for or value of the copyrighted work.

Factor 3 – AMOUNT – she copied the entire book. The copying of a copyrighted work is in violation of the U.S. Copyright Act of 1976.

Factor 4 – EFFECT – She made 71 copies of a book or part of a book which should be purchased. In effect, she has prevented the author of this textbook from receiving royalties (income) from the sale of the textbooks. By not purchasing the textbook, she has had a direct effect of the use upon the potential market for or value of the copyrighted work.

Most importantly I believe she is violating the intent of the Fair Use Doctrine.

You asked, “What if only one chapter or one part of each chapter per lesson is photocopied for the class?” My question would be define “per lesson?” Does she still end up copying the whole textbook, just in smaller pieces? If the answer is yes, then she is still in violation.