



# Precautions when Preparing Slide Materials (Class Version)



Reproduction and public transmission of other people's works in class may be done without charge, without obtaining permission from the copyright holder, "to the extent deemed necessary".

However, even if it will be used for “class”, it doesn’t mean that it can be used in any way. Details are described in the URL/QR Code of "Amended Copyright Act Art.35 Operational Guidelines" below. It is required to check and confirm the operational guidelines if you reproduce or publicly transmit other people's copyrighted works as teaching materials.

● Amended Copyright Act Article 35 Operational Guidelines  
(FY2021 version)

<https://sartras.or.jp/unyoshishinfortranslation/>





Below is the text from Art.35 of the Copyright Act.  
It's hard to know what exactly needs to do...  
The **red fonts are key points** for the preparation of class materials.  
We will focus on this point and show you how it is explained in the operational guidelines.

## Art.35 of the Copyright Act (Reproduction, public transmission, etc. for teaching)

### Art.35

**Teachers and students who take classes** at schools and other educational institutions (excluding those established for profit) **may use to the extent deemed necessary for classes**, reproduce or **publicly transmit** a work that has been made public (in the case of automatic public transmission, including making transmittable; hereinafter the same shall apply in this Article) or a publicly available work that is publicly transmitted may be communicated to the public using a receiving device. However, this shall not apply in cases where **the interests of the copyright holder are unfairly damaged** in light of the type and purpose of the work, the number of copies to be reproduced, and the mode of reproduction, public transmission or communication.

## Example of those who are in charge of/take classes

Who is the “Person in charge of education” and “Person taking classes”

(Reference: Operational Guidelines)

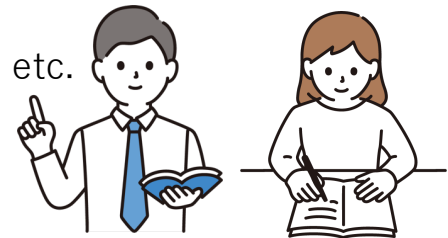
OK

Person in charge of education: A person who actually conducts classes.

- Teachers, professors, lecturers, etc. (regardless of name, presence or absence of a teaching license, full-time or part-time employment status, etc.)
- Administrative staff, educational supporters (TA/RA, etc.), and assistants under the direction of teachers, etc.

Person taking classes: A person who actually receives learning support from teachers, etc.

- Students, non-degree students, those attending lectures, etc. (regardless of name or age)



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- Support services people



## Examples applicable to “class”

“Class” according to Art.35

(Reference: Operational Guidelines)

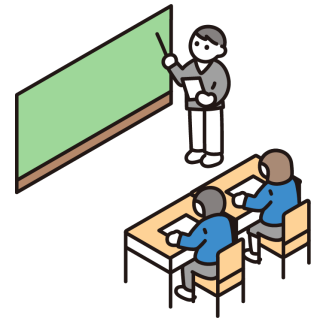
OK

A “class” is defined as the following:

- Lectures, practical training, exercises, seminars, etc. (regardless of names)  
Prep and review by the student are also included in the "class process"
- Open lectures sponsored by educational institutions such as schools and universities

If the scale of the course is larger than a reasonable one, separate consideration is required

- Certificate programs for non-students such as working adults



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The following are not corresponded to “class”:

- School briefing sessions for prospective students, mock classes at open campuses, etc.
- Faculty/staff meetings
- Seminars for faculty and staff held as FD/SD at the university
- Extracurricular activities (club activities, etc.)
- Volunteer activities (those without credit recognition)



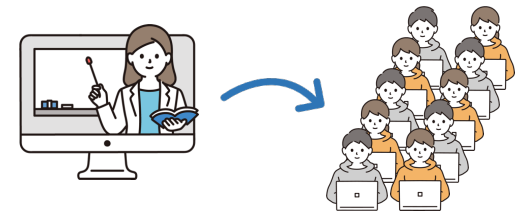
## Examples of within the limits deemed necessary

The class instructor will determine "if it is necessary for the class." It is necessary to be able to explain objectively, not just subjectively.

(Reference: Operational Guidelines)

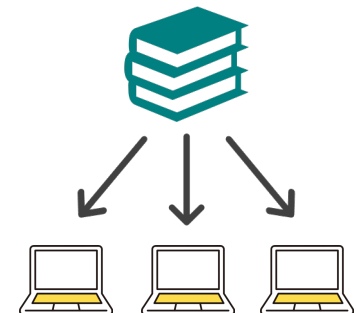
OK

- Public transmission within one class (Regardless of number of students in a class.)
- Distribute the same works that were used in class to the demonstration class participants.



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- Full-text reproductions and public transmissions of references that are not used in class but are recommended to read since they will be helpful.
  - Use, reproduction, or public transmission of teaching materials with other faculty members.
  - Reproduce and publicly transmit the entire book, even though only part of the book is used in class.



In the case of elementary and secondary education, distributing the same works that are used in class to the participants (parents) of class observation (including online format) is considered "to the extent deemed necessary".

## Examples of public transmission

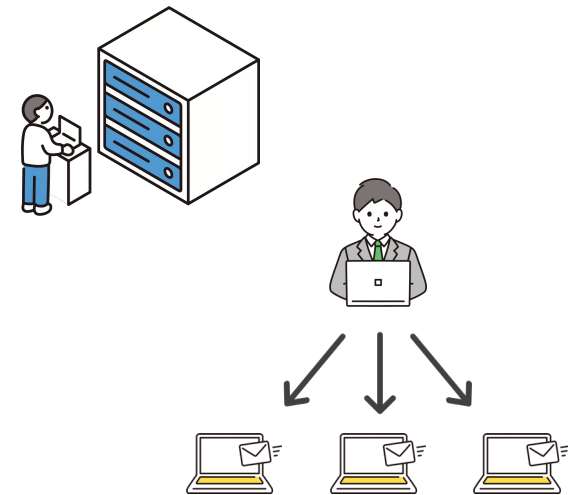
Public transmission is defined as transmission to an unspecified person or a large number of specified persons by broadcasting, cable broadcasting, Internet transmission, or other methods.

It also includes those stored on a server, which is available for transmission at any time via the Internet.

(Reference: Operational Guidelines)

The following are the examples:

- Transmission of works stored on an off-campus server in response to access by students and others
- Send e-mails in bulk

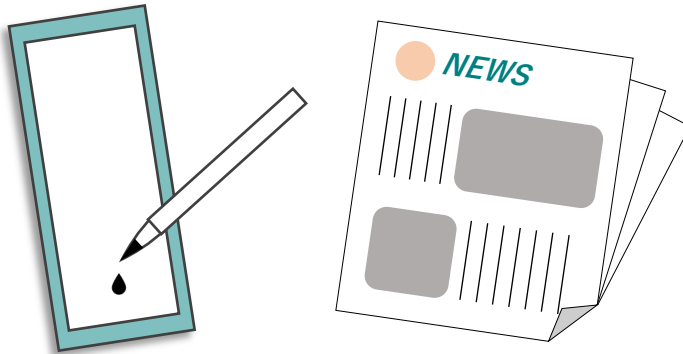


In general, transmissions between teachers and students who enrolled in a course are considered public transmissions.

Access restrictions should always be in place to ensure that only students enrolled in the course can access the information.

When reproduction or public transmission of the entire work is less likely to unfairly damage the interests of the copyright holder

Short texts, newspaper articles  
and other language related works



Paintings and photographic works



In the case of short texts and language related works, depending on the form of expression, the entire work must be used.

In addition, paintings and photographs intended primarily for viewing may also constitute an infringement of the right of integrity if they are partially reproduced or publicly transmitted.

(Reference: Operational Guidelines)



When reproduction or public transmission of the entire work is less likely to unfairly damage the interests of the copyright holder

Thesis work



In the case of thesis works, some classes require reading through the entire text. However, the paper must not be the one that distributed in the market or has been published for a considerable period of time and is difficult to obtain. The key point will likely be whether it is readily available or not. Distributed in the market = easy to obtain = high possibility of unfairly damaging the interests of copyright holders! If only a link is shown, it does not fall under the category of reproduction or public transmission, and thus no copyright infringement issue arises.

(Reference: Operational Guidelines)

When reproduction or public transmission of the entire work is less likely to unfairly damage the interests of the copyright holder

Some of the class broadcast videos and explanation videos include copyrighted materials.



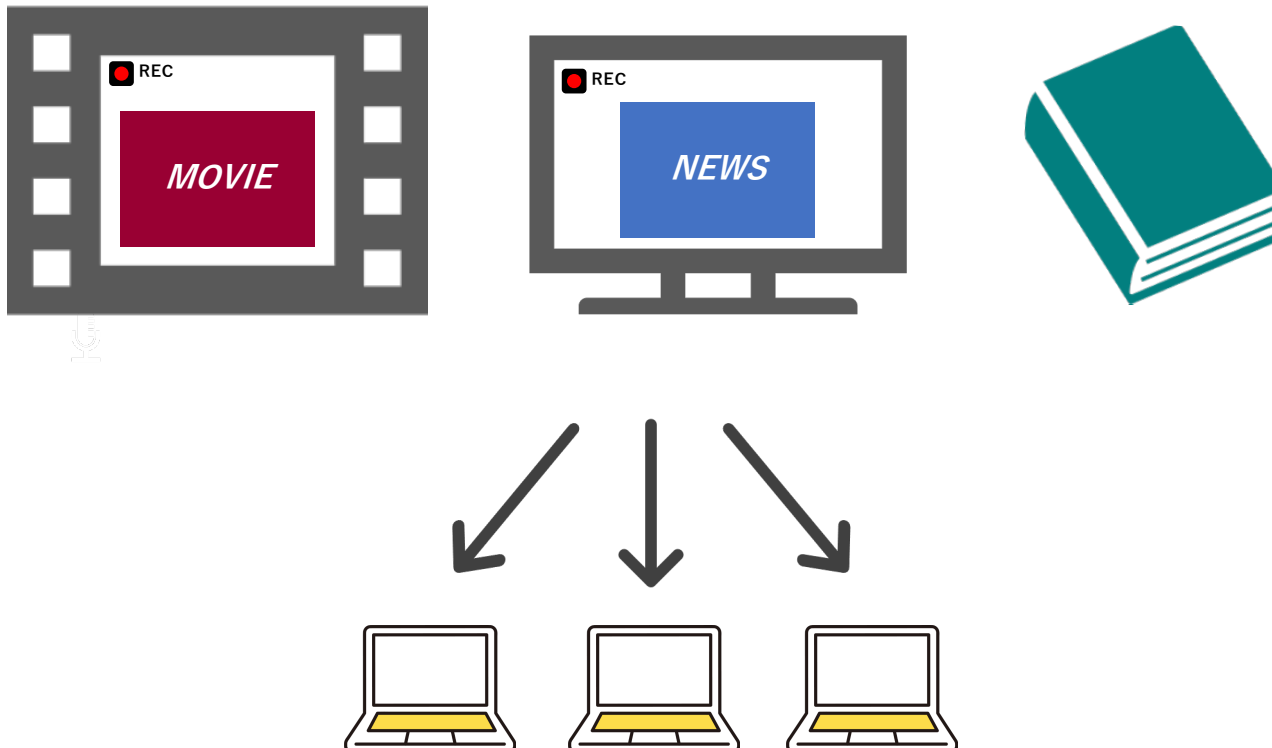
The use of copyrighted work as a part of the video or in the background may be used regardless of the type of work.

For example, it is considered possible to record a TV program to be played in a class and use it as an on-demand teaching material.

(Reference: Operational Guidelines)

Where there is a high likely of unfairly damaged to the interests of the copyright holder

The reproduction and public transmission of broadcast recording of an entire movie, TV program, novel, etc.

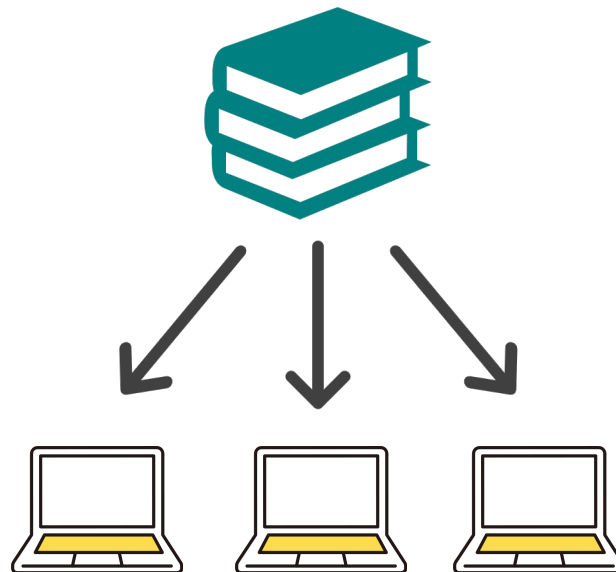


Reproduce only a part of the video that is really necessary for the class.  
For video, streaming is recommended rather than distributing files.

(Reference: Operational Guidelines)

Where there is a high likely of unfairly damaged to the interests of the copyright holder

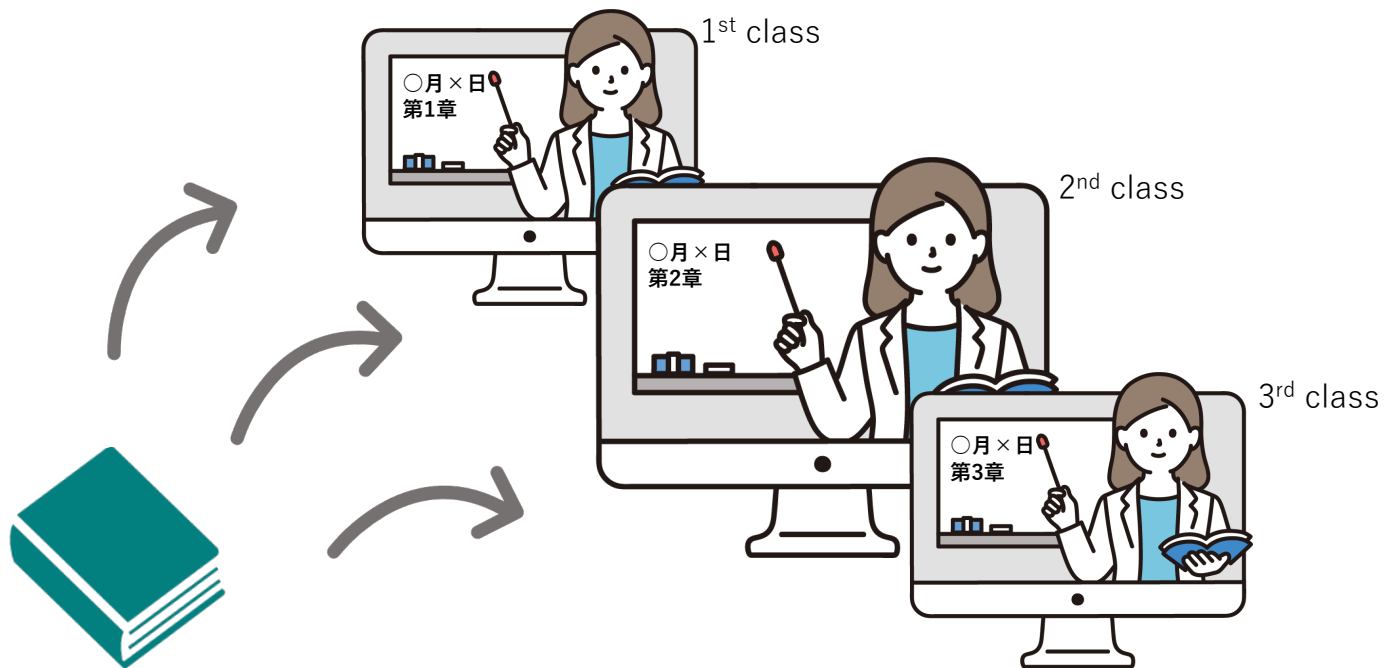
Distributing to students the works that they would normally have to purchase but use it in a form that allows them to do so without having to buy it.  
(e.g., reference books, resource books, exercise books, etc.)



(Reference: Operational Guidelines)

Where there is a high likely of unfairly damaged to the interests of the copyright holder

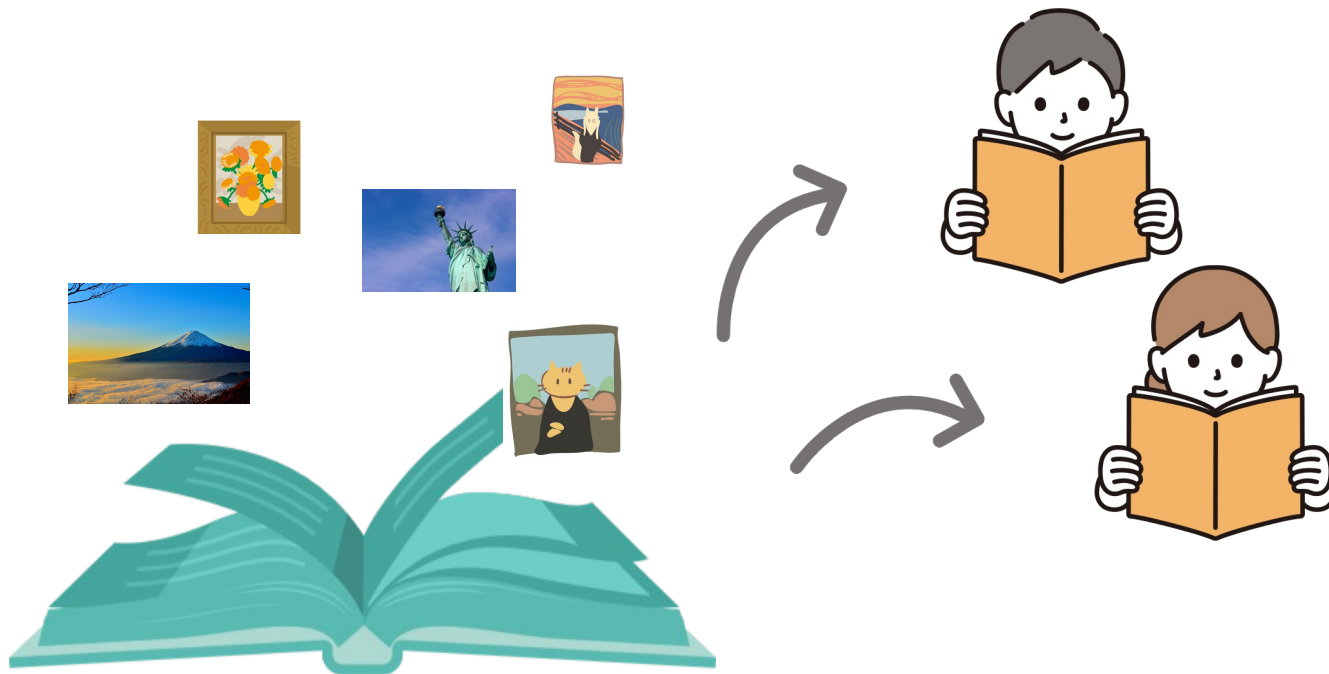
Usage from repeated reproduction of different parts of the same work, such as "Chapter 1 in the first class, Chapter 2 in the second class..." within a single class, resulting in the reproduction of the large part of the work.



(Reference: Operational Guidelines)

Where there is a high likely of unfairly damaged to the interests of the copyright holder

Collection of works (photographs, artworks, etc.), which is to the extent that it is deemed necessary, and distribute them by binding in the form of catalogues, etc.



(Reference: Operational Guidelines)

# Main contents of the Copyright Act Art.35 Operational Guidelines

Terms	Examples that applicable to the Public Transmission Compensation Systems for Teaching Purposes	Examples that not applicable to the Public Transmission Compensation Systems for Teaching Purposes
Those who are in charge of education/take classes	Professors, lecturers, etc. (regardless of name or employment status) / students, non-degree students, etc. (persons who actually receive learning) / administrative staff and other educational supporters and assistants	(Requests from support service)
Class	Credit-bearing classes / teacher license renewal courses / public lectures (limited in size) / certificate programs *Prep and review are considered as "class process".	School briefing sessions, mock classes at open campuses, etc. / FD/SD / club activities / volunteer activities
Within the limits deemed necessary	No examples *Necessity is determined by the class instructor and must be explained objectively, not only subjectively.	Reproduction and public transmission of reference materials by only show bibliographic information

Those in brackets are not directly mentioned in the operational guidelines

# Main contents of the Copyright Act Art.35 Operational Guidelines

Terms	Examples that applicable to the Public Transmission Compensation Systems for Teaching Purposes	Examples that not applicable to the Public Transmission Compensation Systems for Teaching Purposes
Public transmission	Posting on servers / bulk e-mailing	(Can be accessed by not only the enrolled students)
When the interests of the copyright holder are unfairly damaged *See "Operational Guidelines" for other descriptions.	Examples of less likely to unfairly damage: The number of recipients is limited to the number of students enrolled in the course / one article from a newspaper / transmitting the recording of a TV program that is being projected / all of the papers in one issue. However, there are some conditions, such as after a considerable period of time since publication.	Examples of high likely to unfairly damage: Entire films or TV programs recorded from broadcasts / use for not only the students enrolled in a class / practice questions for examinations books or other materials intended for student purchase / repeated reproduction of small portions, resulting in a large portion

Those in brackets are not directly mentioned in the operational guidelines

Online information session (2021/1/29), modified from p.14 of Copyright System to Accelerate DX in Education-Regarding Public Transmission Compensation System for Teaching Purposes-(Agency for Cultural Affairs Copyright Division)  
<https://sartras.or.jp/educationcopyright/>