

[Examples]

Cases			Handling under Article 35 of Copyright Act	Handling of the Compensation System for Public Transmission for Educational Purposes (UoA has already applied)	Action unreasonably prejudices the interests of the copyright owner
When reproducing (scanning, copying, etc.) textbooks and other copyrighted and using a small portion in every class	Face-to-face Classes (Projecting on screen, passing out as handouts)	Total portion used in the entirety of the class is less than 50%	Consent and compensation not required	-	-
		Total portion used in the entirety of the class equals or exceeds 50%	-	-	Consent and compensation required
	Remote Classes (Sharing with students on Zoom)	Total portion used in the entirety of the class is less than 50%	(Consent and compensation required)	➔ Consent not required but compensation required	-
		Total portion used in the entirety of the class equals or exceeds 50%	-	-	Consent and compensation required
When showing students a copyrighted video made available to the general public for free on YouTube, etc.	Face-to-face Classes (Projecting on screen)	Consent and compensation not required as copyrighted work has been made available for free	-		
	Remote Classes (Sharing with students on Zoom)	Total portion used in the entirety of the class is less than 50%	(Consent and compensation required)	➔ Consent not required but compensation required	-
		Total portion used in the entirety of the class equals or exceeds 50%	-	-	Consent and compensation required
When showing students a copyrighted video made available for a fee	Face-to-face and Remote Classes	*Instructors who show students videos on a paid video streaming service using their own monthly subscription must check the terms of service, etc. of the service.	-		
When making a copyrighted work saved on an LMS, the internal server (web-int), etc. available to be freely downloaded or viewed by students	Remote Classes	Total portion used in the entirety of the class is less than 50%	(Consent and compensation required)	➔ Consent not required but compensation required	-
		Total portion used in the entirety of the class equals or exceeds 50%	-	-	Consent and compensation required
When emailing an assignment, etc. that contains a copyrighted work to students	Remote Classes	Total portion used in the entirety of the class is less than 50%	(Consent and compensation required)	➔ Consent not required but compensation required	-
		Total portion used in the entirety of the class equals or exceeds 50%	-	-	Consent and compensation required

*Article 35 of the Revised Copyright Act states that “a person in charge of teaching” and “a person taking classes” at “a school or other educational institution” are allowed to reproduce, publicly transmit (“public transmission for the purpose of a class”), or publicly convey a copyrighted work in “the course of those classes” without receiving prior consent or paying compensation. However, this does not apply if the event that the interests of the copyright owner would be unreasonably prejudiced.

Consent must be received and compensation must be paid when using a copyrighted work outside the purpose of classes (e.g. when distributing a work by email or on Zoom, etc. for inter-faculty meetings or when holding mock classes during Open Campus).

Please contact us if you have any other concerns regarding the use of copyrighted works.

Foreign copyrighted works and copyrighted works created by persons who are not affiliated with rights holder’s organizations such as JASRAC are also within the scope of the compensation system for public transmission for educational Purpose.

We will check with the relevant authorities and give you an answer on a later date.

Reference:Operational Guideline for Article 35 of the Amended Copyright Act (https://sartras.or.jp/wp-content/uploads/OperationalGuidelineforArticle35_2020.pdf)