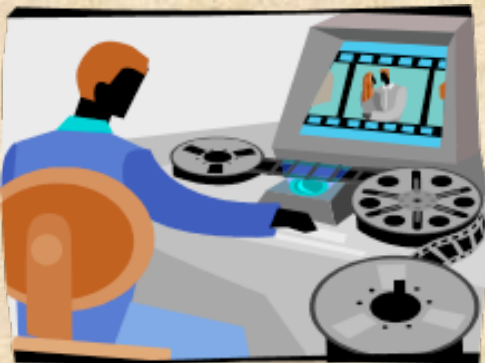


Copyright



Created February 2009

What is Copyright and Why do we have it?

“Copyright is a form of protection provided by the laws of the United States (title 17, *U. S. Code*) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works.”

Copyright Basics, US Copyright Office



Copyright protects the rights of the creator and encourages the sharing of works. Without the ability to make a profit or control some of what happens to their creation, many would be unable or hesitate to share what they make with others.

Rights of Copyright Holder

- ✓ Reproduction
- ✓ Adaptation
- ✓ Distribution
 - Limitation on right of distribution: First sale doctrine
- ✓ Public performance
- ✓ Public display
- ✓ Digital transmission of sound recordings



“I’m a teacher so I can copy what I need for classes.”

Fair Use:"

§ 107. Limitations on exclusive rights: Fair use⁴⁰

Notwithstanding the provisions of sections 106 and 106A, the **fair use of a copyrighted work**, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. **In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include —**



Fair Use Continued

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors."

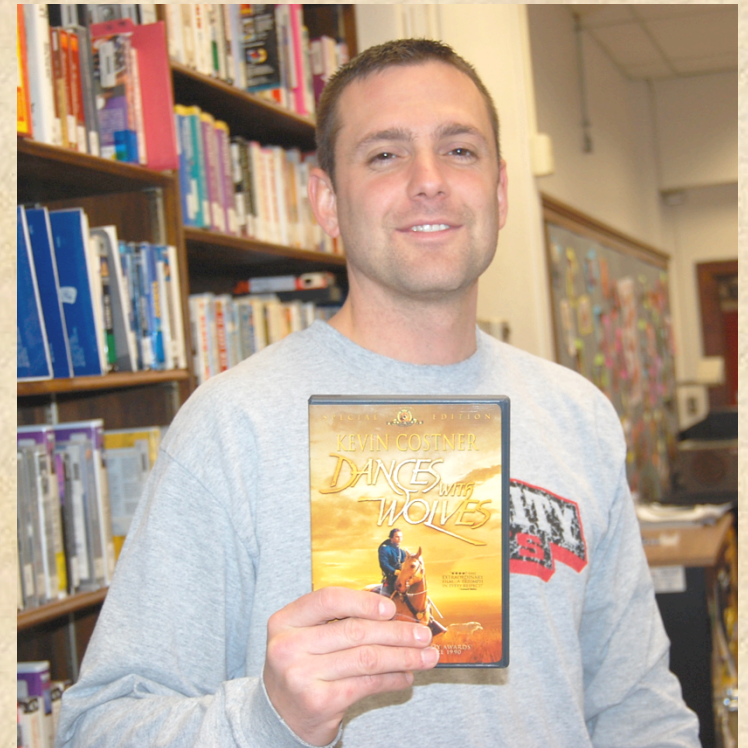
“Everyone does it and no one cares
or gets ‘caught’.”

- http://www.carolsimpson.com/copyright/copyright_action_data_results.htm



“The students have been really good so I’m rewarding them with a movie. That way I can get my grades done for report cards.”

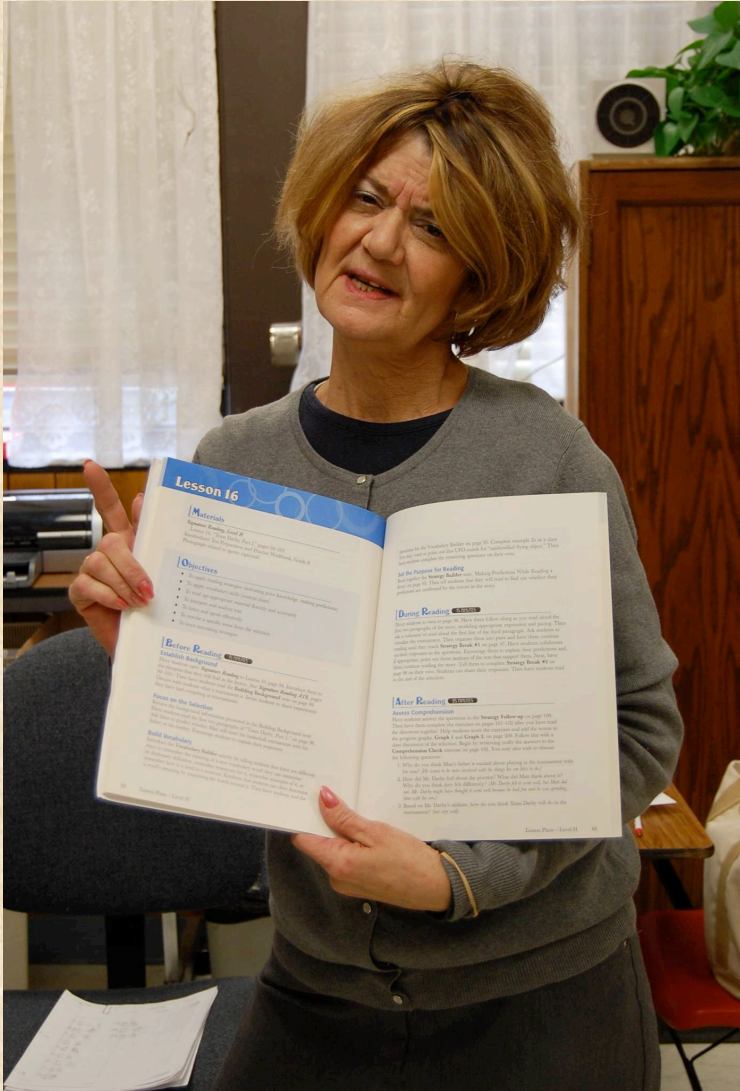
- **Videotapes/DVDs may only be used in face-to-face instruction and should be documented in the educator’s lesson plans.**
- **Public performance rights must be obtained to use a video/DVD for rewards, parties, recess, substitutes, etc.**
- **There are commercial companies that sell public performance licenses that allow for the use of videos/DVDs for rewards, etc.**



“Some older students can tape books for younger students to listen to as they follow along in the book. This is educational so it is OK.”

- **No** - Making an audio recording of a book is breaking the same copyright law as making a photocopy of a book. You can never make a copy, in any format, of a complete book.
- **Yes** - **If** the recording is made **only** on machines specified for recording for the blind and are only to be used by blind/visually impaired students, it is permissible. (These recordings may be compatible with commercial or consumer recording equipment.)

“I just need one more copy!”



- Consumable Materials (ie: workbooks, tests, answersheets, templates and patterns) may **not EVER** be copied.
- May not copy the same item for more than one course.
- May copy for one semester/term but not again for another semester/term without permission.
- Spontaneous use for teaching prior to acquiring permission, is reasonably considered as two weeks.

“There is a show on cable tonight that looks really good so I’m going to tape it to show my class later.”

Programs only available through satellite or cable are **not** covered in Fair Use off-air rules. Permission **must** be obtained from the copyright owner or other notification that taping is permitted **BEFORE** any program can be taped and viewed.



“I need a background song for my presentation.”

- You can use up to 10%, but no more than 30 seconds of the music and lyrics from an individual musical work.
- You cannot change the basic melody or overall character of that piece of music.
- Assume everything on the Internet is copyrighted unless otherwise noted.
- Students and educators need to give credit to the music they use in multimedia projects, including copyright year and the copyright holder.

"How long can I keep my multimedia presentation?"

- Students can use their educational multimedia projects for later use such as portfolios for job and graduate school interviews.
- Teachers may only use their educational multimedia projects for up to two years. Teachers have to have student permission to use the student's work.



Allowable Downloads for Multimedia Presentations

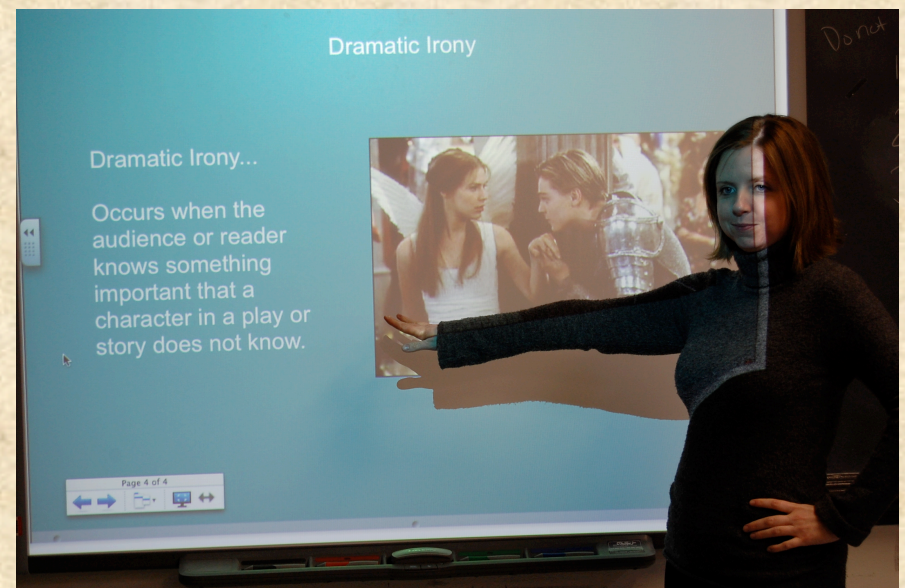
- Video
 - Up to 10% or 3 minutes, whichever is less of an individual program
- Text
 - Up to 10% or 1000 words, whichever is less
 - Poems of 250 words or less may be used in their entirety
- Music, Lyrics, and Music Video
 - Up to 10%, but not more than 30 seconds from a single work

Allowable Downloads for Multimedia Presentations Cont.

- Illustrations and Photos
 - Up to 5 images from a single artist or photographer
 - If images are taken from a published collective work, up to 10% or 15 images may be used
- Computer Databases or Spreadsheets
 - Up to 10% or 2500 fields or cells, whichever is less

More information can be found at

<http://www.adec.edu/admin/papers/fair10-17.html>



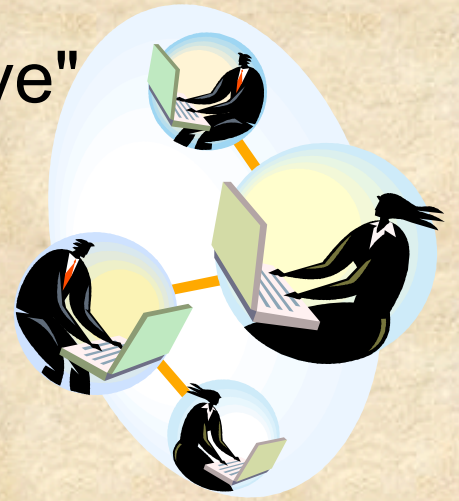
“I can transfer my VHS tape to DVD, right?”

- Changes to media can only occur if the machine that plays the media is no longer available.
- If the work is available for sale in a modern format, the law demands purchase rather than copying.
- If the work is unavailable for sale in modern format, you are out of luck!



“If I find it on the internet, I can use it without any issues.”

- Almost everything on the Internet is copyrighted.
- Whenever something is created and saved by someone, it is copyrighted.
- Lack of a copyright notice does not mean it is not protected.
- The less factual the site, or the more "creative" the content, the more likely you need permission.
- The best standard for Internet copyright is applying the four parts of fair use: purpose, character of use, amount, effect of use.



Links to Information

- <http://www.copyrightkids.org/linksframes.htm>
- <http://www.copyrightkids.org/>
- <http://creativecommons.org/>
- http://www.carolsimpson.com/copyright/copyright_action_data_results.htm
- <http://www.adec.edu/admin/papers/fair10-17.html>
- <http://www.flickr.com/creativecommons>

Check your understanding
of copyright regulations.
Take the quiz by clicking on
this link.

<http://www.copyrightkids.org/quizframes.htm>

Disclaimer Slide

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Works Cited

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- U.S. Copyright Office. 05 Mar. 2009 <<http://www.copyright.gov/>>.