



Play "property rights" clip from Virtual Economics CD. (11mins.)

Copyright for Teachers



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I want to give you some very basic information about copyright. This is not the end all be all of copyright. This is not legal advice nor is it the only answer to a copyright question. Copyright is complex and complicated at best. If you have a particular question about copyright, ask me and I'll be glad to research and give you an answer. As a rule of thumb it is better to err on the side of conservative than risk a violation.

What is Copyright?

Copyright consists of a number of rights.

1. The right to reproduce a work.
2. The right to distribute copies of the work
3. The right to create "derivative works" based on the original.



Copyright is the protection afforded by law to an individual's intellectual property. Just as a title or deed protect your ownership of a car or a house. Copyright protects those ideas that you create and develop. The first two rights are the bedrock of publishing rights. These make up the right to display publicly and the right to perform publicly. "the Internet has made the display right important to publishers because posting material on the Web constitutes a public display." Downloading a document constitutes a distribution of copy. (Copyright Guidelines, University of Chicago Press)

Copyright is recognized globally.

A derivative work is any work in which the original is recast, transformed, or adapted. (Copyright Guidelines)

What is protected by copyright?

Every kind of work that has been devised to convey thoughts or information. It protects the author's expression of the ideas and facts.



The expression must contain a degree of originality. Originality is defined as a "spark of creativity." This is very minimal. (Copyright Guidelines)

Who owns copyright?

Copyright of a publication is owned upon creation by the author(s) of the work.



The original creators (authors and composers) and/or publishers, their assigned agents, and so on, can legally make copies of a copyrighted work. (Guidelines on Copyright, Diocese of San Jose)

How long does Copyright last?

This depends on when it was first published. If the copyright has been renewed or if the work has been revised. There are some general guidelines.



Works created after December 31, 1977 for a work by an individual author- the lifespan of the author plus 70 years. There are several twists and turns, so if in doubt consult or err on the side of conservative. (Copyright Guidelines, University of Chicago Press)

(Use chart of copyright and public domain list in notes to provide some examples.)

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What is public domain?

Works that are no longer under copyright.



Usenet is NOT public domain. Unless the author explicitly gives his work to public domain, there are still boundaries and guidelines. Remember, a computer doesn't make copies, a human does. A computer doesn't give permission it only responds to commands. (10 Big Myths about Copyright Explained, Templeton)

Don't confuse this with royalty-free. Royalty-free means that you don't have to pay a fee every time you use the work. You may have to purchase a one time license.

Government documents are considered public domain.

What is Fair Use?

Fair use refers to the use of copyrighted material that an author can make without seeking permission from the copyright holder.



Public domain you can use without seeking permission or paying a fee.

Four factors must be considered in determining "fair use.:"

1. The purpose and character of the use.
2. The nature of the work to be used
3. The amount and substantiality of the portion used in relation to the copyrighted works a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work. (Copyright Guidelines, University of Chicago Press)

Fair Use and copyright apply to published and unpublished works.

Fair Use Guidelines for Teachers

Jefferson County Public Schools, Golden CO has a website that was update last in 2003 but is a table of what is legal and illegal.

<http://jeffcweb.jeffco.k12.co.us/isu/library/copyright.html>

Fair Use and Copyright for Teachers

home.earthlink.net/~cnew/research.htm

Copyright and Fair Use Guidelines for Teachers

www.mediafestival.org/copyrightchart.html

Medium	Specifics	What you can do	The Fine Print
Printed Material Text	<ul style="list-style-type: none"> Print less than 200 words, 20% word count if more than 200 words Books, articles or essays less than 2,500 words For all other things, work 10% percent of work, or 1,000 words, whichever is less Use short portions, figures or tables not to be printed out The page computer from an internet web less than 2,000 words, e.g., a student book 	<ul style="list-style-type: none"> Teachers may make multiple copies for classroom use, and may copy and distribute to teaching classes Teachers may incorporate text into multimedia projects 	<ul style="list-style-type: none"> Copy may be made only from highly regarded sources Only one copy allowed per student Teachers may not make more than one copy per year Usage must be "for the interest and inspiration of single students," i.e., not a direct link to the Internet Do not make multiple copies "Commercial," such as workbooks, may not be copied
Printed Material Visual	<ul style="list-style-type: none"> Illustration only Portion of a work It must include the original format, but because devices (e.g., a document stored on a Web computer) 	<ul style="list-style-type: none"> A teacher may make up to three copies for use in the classroom or for the purpose of distribution to a copy that is changed, distributed, but not sold 	<ul style="list-style-type: none"> Copy must contain copyright information Teachers may not charge a fee for the copies to their own other than the use of a school or use of a grade book
Illustration and Photographs	<ul style="list-style-type: none"> Photograph Illustration Collection of photographs Collection of illustrations 	<ul style="list-style-type: none"> Single prints may be used in the classroom, but no more than the image to a single print or photograph may be used Three or illustrations, not more than 10 images or 10 percent collection is not any be used 	<ul style="list-style-type: none"> Although other illustrations may be in the public domain and that need permission to be used, sometimes that is part of a copyright collection. Copyright ownership information is available at the Web page concerning copying
Video (Streaming)	<ul style="list-style-type: none"> Video clip (under 10) Video clip (under 10) SDN Education 	<ul style="list-style-type: none"> Teachers may use them recorded in the classroom Copy may be made for the school program or to replace lost, damaged, or stolen copies 	<ul style="list-style-type: none"> Copy must contain copyright information Teachers may not charge a fee for the copies to their own other than the use of a school or use of a grade book

There are several websites with charts and information about fair use for teachers. This is a list of three that are fairly easy to understand and use.

Handout- Note that the use of this document for more than personal use has been granted.

Medium	Specifics	What you can do	The Fine Print
Printed Material Text	<ul style="list-style-type: none"> Print less than 200 words, 20% word count if more than 200 words Books, articles or essays less than 2,500 words For all other things, work 10% percent of work, or 1,000 words, whichever is less Use short portions, figures or tables not to be printed out The page computer from an internet web less than 2,000 words, e.g., a student book 	<ul style="list-style-type: none"> Teachers may make multiple copies for classroom use, and may copy and distribute to teaching classes Teachers may incorporate text into multimedia projects 	<ul style="list-style-type: none"> Copy may be made only from highly regarded sources Only one copy allowed per student Teachers may not make more than one copy per year Usage must be "for the interest and inspiration of single students," i.e., not a direct link to the Internet Do not make multiple copies "Commercial," such as workbooks, may not be copied
Printed Material Visual	<ul style="list-style-type: none"> Illustration only Portion of a work It must include the original format, but because devices (e.g., a document stored on a Web computer) 	<ul style="list-style-type: none"> A teacher may make up to three copies for use in the classroom or for the purpose of distribution to a copy that is changed, distributed, but not sold 	<ul style="list-style-type: none"> Copy must contain copyright information Teachers may not charge a fee for the copies to their own other than the use of a school or use of a grade book
Illustration and Photographs	<ul style="list-style-type: none"> Photograph Illustration Collection of photographs Collection of illustrations 	<ul style="list-style-type: none"> Single prints may be used in the classroom, but no more than the image to a single print or photograph may be used Three or illustrations, not more than 10 images or 10 percent collection is not any be used 	<ul style="list-style-type: none"> Although other illustrations may be in the public domain and that need permission to be used, sometimes that is part of a copyright collection. Copyright ownership information is available at the Web page concerning copying
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Only Movie Licensing USA is able to offer a public performance site license for all of these Hollywood studios. No other licensing source can provide this exclusive, comprehensive coverage.

The image displays a collection of logos for major Hollywood studios and production companies, including Disney, Warner Bros, Sony, NBC Universal, Lionsgate, Focus Features, Miramax, and others. The text above the logos states that only Movie Licensing USA provides a public performance site license for all of these studios, which is an exclusive and comprehensive coverage.

To combat copyright violations our school does purchase a public performance license from Movie Licensing USA annually. This license permits you to use commercial video for more than allowed under fair use. Such as for entertainment or reward. The above studios are licensed under this contract. These are the only video studios we can show under this license.

Quiz

True or False

A student snaps in a half a CD-Rom the teacher really needed for her next class. The teacher decides to make a back up copy of all her crucial discs so that it never happens again. This is permissible.

True. Technically, this should be done in the library. The law allows archival copies, and in some cases, lost, stolen or damaged originals may be replaced with copies if the originals are unavailable or unreasonably priced.

True or False

A geography teacher has more students and computers than software. He uses a CD burner to make several copies of a copyright interactive CD-Rom so each student can use an individual copy in class. This is fair use.

False. Just as with a print encyclopedia, one student at a time has access to a piece of software. The number of students who can use a software program simultaneously is restricted to the number of copies the school owns.

True or False

A middle school science class studying ocean ecosystems must gather material for multimedia projects from various commercial and noncommercial sites to store in a folder for students to access. This is fair use.

True. The web may be mined for resources. Download away (of course, don't hack into subscription sites!) But remember: you can't put these projects back on the web without permission from the copyright holders.

True or False

An elementary school designs a password-protected Web site for families and faculty only. It's OK for teachers to post student work there, even when it uses copyright material.

True. If the site really is protected, then this is considered OK. The school should monitor its Web hits, though, and make sure the outside world isn't sneaking in.

True or False

On Back-to School night, an elementary school offers child care for students' younger siblings. They put the kids in the library and show them Disney VHS tapes bought by the PTO. This is permissible.

False. Video (like everything else) is not covered under fair use for entertainment or reward. The use described is entertainment, pure and simple. However, Disney will sell you a one time license that makes this legal use.

Here we already carry a license for performance through Movie License USA.

True or False

A teacher makes a compilation of movie clips from various VHS tapes to use in her classroom as lesson starters. This is covered under Fair Use.

False. The current guidelines exclude the creation of video compilations. However, FilmClipsOnline.com offers film clips for free.

True or False

A number of students take digital pictures of local streets and businesses for their Web projects. These are permissible to post online.

True. You may use the images in projects and post such images on the Web. Some sites, like Disneyland and architectural landmarks, may be considered copyright material, however, and might ask you to remove the image. People (not selectively chosen) in public places are as a rule OK in photographs.

True or False

A high school video class produces a DVD yearbook that includes the year's top ten music hits as background music. This is fair use.

False. This is not fair use. Yearbooks are not generally intended to be instructional. Plus, it's not permissible to use entire songs and analyzing them as a reflection of the times students lived in, that's different.

True or False

Last year, a school's science fair multimedia CD-Rom was so popular everyone wanted a copy of it. Everything in it was copied under fair use guidelines. It's permissible for the school to sell copies to recover the costs of reproduction.

False. Fair use allows educational use of copyright material, true, but it does so only if there is no anticipation of wider distribution.

**Copyright is a fact of life.
Copyright is a part of the curriculum.
Copyright is a part of ethics and ethical responsibility.**



Resources

Copyright Guidelines. 2005. University of Chicago. Made possible by a grant from the Andrew W. Mellon Foundation. University of Chicago Press.
<http://www.press.uchicago.edu/Misc/Chicago/copyright.html>

Guidelines on Copyright. 8/22/2003. Diocese of San Jose. San Jose, CA.
<http://www.dsj.org/Uploads/Liturgy/Copyright%20Guidelines.pdf>

10 Big Myths about copyright explained. Brad Templeton. Revised Oct. 2004.
www.templetons.com/brad/copymyths.html

Resources

Copyright for Kids- Copyright Challenge
www.copyrightkids.org

Copyright Advisory Net. American Library Association.
http://librarycopyright.net/wordpress/?page_id=10

The Educator's Guide to Copyright and Fair Use, The Copyright Quiz
www.techlearning.com/db_area/archives/TL/2002/10/copyright_quiz.php

Resources

Fair Use and Copyright for Teachers

home.earthlink.net/~cnew/research.htm

Copyright and Fair Use Guidelines for Teachers

www.mediafestival.org/copyrightchart.html

Virtual Economics, Version 3.0. National Council on Economic Education. 2005. <http://ve.ncee.net>

Resources

Darden, Edwin C. ed. 2001. Legal Issues & Education Technology: A School Leader's Guide. 2nd ed. Alexandria, VA. National School Boards Association

Russell, Carrie, ed. Complete Copyright: An Everyday Guide for Librarians. 2004. American Library Association