

Copyright & Fair Use

What does that mean in the classroom?

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From where does © come?

Copyright Law: *U.S. Code, Title 17*

- ©Section 106: Exclusive rights of creators
- ©Section 107: Fair use and limits to exclusive rights
- ©Section 108: Libraries and limits to exclusive rights
- ©Section 110: Performance and displays



Image source: <http://www.betapro.net/images/copyright.jpg>

Why should you care?

Acceptable Use Policy (AUP)

- Components:
 1. Statement of Philosophy
 2. Types of info available / provided
 3. Statement of responsibility of behavior
 4. Prohibited activities
 5. **Ethical responsibilities** of end-users
 6. Outside network communication policies
 7. Privacy statement
 8. Consequences for violations
 9. Signatures
 10. Implementation



What is copyright?

- The legal right to control the production, use, and sale of copies of a literary, musical, or artistic work.
 - Right to reproduce the work.
 - Right to prepare derivative works.
 - Right to distribute copies for sale.
 - Right to perform AV works publicly.
 - Right to display musical and artistic works publicly.
- Intent = copyrighted
 - No need for ©
- No changing, reproduction or distribution allowed!

Copyright is about...

- Control
- Profit
- Intellectual property

What is protected?

- Literary works
- Music (including lyrics)
- Plays
- Pantomimes & dances
- Pictures & graphics
- Movies
- Sound recordings
- Architectural works
- Numerical data

*Anything on the
Internet!!*

What's not covered?

- Intangible works . . .
 - Ideas
 - Lists
 - Titles
 - Public domain
 - Works before 1/1/1928
 - Works btw. 1/1/1928 – 1/1/1978 w/valid copyright or not renewed
 - Works by the government
 - Works author has granted to public domain

How long does Copyright last?

- Individuals: Author's life + 70 years if created after 1/1/78
- Corporations: 95* years after publication if created after 1/1/78 (*120 years if not published)
- Created between 1923 and 1978 Copyrighted → 28 years (w/extension of 47 years)



So where does that leave teachers?

- Section 17 of Title 17 of 1976 Copyright Act
- Updated by Digital Millennium Copyright Act signed Oct. 1998



Fair Use Guidelines

Four Factors of Fair Use:

1. Purpose & Character of Use – How is it being used?
 - Nonprofit, **educational**, commentary, reporting, parody – “scholarly work”

© *Myth: We can use anything we need if it's for an educational purpose!*

And you may hear about ...

“Transformational / Value-added” movement

Media Education Lab, Temple University
<http://mediaeducationlab.com/>

Transformative Use is Fair Use

When a user of copyrighted materials adds value to, or repurposes materials for a use different from that for which it was originally intended, it will likely be considered transformative use; it will also likely be considered fair use. Fair use embraces the modifying of existing media content, placing it in new context.

--Joyce Valenza, *School Library Journal*

© *Myth: I changed it so now it's mine!!*

 Media Education Lab
TEMPLE UNIVERSITY

share 10 / 14 close

Source: <http://www.slideshare.net/reneehobbs/finally-the-end-to-copyright-confusion-has-arrived-presentation>

Four Factors of Fair Use:

2. Nature of Work – What is being used?

Fact (✓)

versus

Fiction (? → more imaginative)

Published (✓ factual)

versus

Unpublished (? original expression)

Four Factors of Fair Use:

3. Substantiality – How much is being used?

- 10% rule of thumb



4. Effect on Market

- Deprive owner from profit? (Competition!)
- Out of print / unavailable

© *Myth: Giving credit is good enough! After all, it's free advertisement.*

Sound file source: www.classicmoviesounds.org

A Word about Off Air Video Taping

- Only programs broadcast over the air to the general public may be taped under the following rules:
 - The program must be taped in response to a specific request from a teacher.
 - The tape may only be shown during the first 10 consecutive days after it is made and only in a classroom setting.
 - The tape may not be edited to create an anthology or compilation
 - After 45 days the tape must be erased.

And a thing about movies.....

- MUST have direct curricular tie
- Cannot be used as a reward
- Exceptions: When you pay for it!
 - www.movlic.com/k12/
 - www.mplc.org/pdf/MPLC_Brochure.pdf

TEACH Act

- Technology, Education and Copyright Harmonization Act" (the TEACH Act),
- Part of reauthorization legislation (H.R. 2215) of US Copyright Law
 - Sections 110(2) and 112(f) of US Copyright Law
- Signed into on 11/2/2002 by President Bush

TEACH Act

- Fair use standards in **online education** environment
- Modified existing copyright law for
 - Accredited nonprofit educational institutions
 - Mediated instruction
 - Integral part of class session
 - Limited to enrolled students
 - Accurately informed about copyright compliance
 - Reasonably prevent
 - Retention beyond course
 - Unauthorized further dissemination

Easiest Litmus Test

To enhance educational
process

OR

Avoid spending a buck?



Image created with www.festisite.com/money

When in doubt.....

- Leave it out!
- Better yet... Get permission in writing (2 year limit)
- Try <http://search.creativecommons.org>
- CITE YOUR SOURCES!!
 - Internet: <http://citationmachine.net> (APA, MLA, Chicago, Turibian styles)

Last, F. (2007). Web page title. Retrieved October 17, 2007, from Web site title Web site:
<http://www.webaddresshere.html>

Let's Review...



Do you have
"©opyright
©red?"

#1 Image Issue



- Herbert has a video presentation to give for AP History. He found a book in the library that has a great political cartoon of post-civil war carpetbaggers that would make a killer graphic for his video. Since this is for educational purposes, he can scan this and embed it in his presentation, provided he cites it.
- Does Herbert have *copyright cred*?

#2 Music Madness



- George is really into music, and you rarely see him not wired to his iPod. He ripped all his CDs into iTunes and burned a copy of the original CDs for his car.
- Does George have *copyright cred*?

#3 Fundraiser Finale



- Matilda's the senior class president and in charge of coordinating the entertainment between graduation practice and the class picture. She decided to rent *Grease*, a graduation classic, and show it in the cafeteria. Since this is an educational event and tied to school activities, she's good to go.
- Does Matilda have "copyright cred?"

#4 Software Simplified



- Gail found an "open source" app for editing her photos and loaded it to her laptop. She showed it to her friend, Jill. Jill knows that open source is free to everyone so she uploads the application from Gail's laptop to her USB drive.
- Do Gail and Jill have "copyright cred?"

#5 Parody Paradox



- Beth's English teacher gave a poetry assignment to the class. Each student is to write a poem and post it on the district blog. Beth takes her inspiration from "Casey at the Bat" and rewrites making fun of Casey taking the SATs. She's quite pleased with her work and posts it on her own web site as well.
- Does Beth have "copyright cred?"

Online Resources

- www.copyrightwebsite.com
- www.utsystem.edu/OGC/IntellectualProperty/ccmcguid.htm
- www.libraries.psu.edu/mtss/fairuse/guidelines.html
- Alma's bookmarks:
<http://delicious.com/almarow>

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