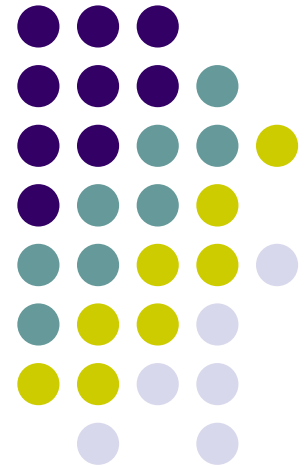


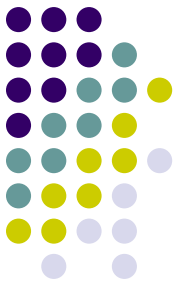
# Copyright in Education

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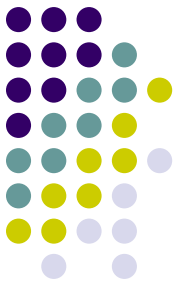
- 2005
- Henry County Schools



# What is Copyright?



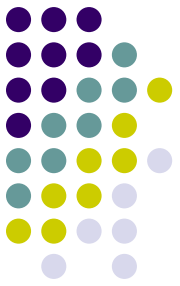
- ⑩ Copyright is a property right granted to authors, the purpose of which is to advance the public welfare by promoting artistic and scientific progress. Author's creations are considered Intellectual Property.**
- ⑩ All creative works are eligible for copyright. Ideas and thought are the only things not eligible for copyright.**



# Educational Exceptions to US Copyright Law: Fair Use

When determining the use fair use of a work, four factors must be considered. These are also known as the **four tests** of fair use.

# Copyright Exceptions: Fair Use



⑩ the **purpose and character of the use**, including whether such use is of a commercial nature or is for nonprofit educational purposes;  
Acceptable    NOT Acceptable

the **nature** of the copyrighted work

⑩    Acceptable    NOT Acceptable

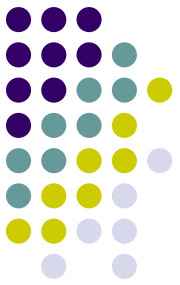
(3) the amount and substantiality of the **portion used in relation to the copyrighted work as a whole**;

Acceptable    NOT Acceptable

(4) the **effect of the use upon the potential market** for or value of the copyrighted work.

Acceptable    NOT Acceptable

# Fair Use Case Study



**Court case summary regarding Fair Use**

**Basic Books, Inc. v. Kinko's Graphics Corp.**, 758 F.Supp. 1522 (S.D.N.Y. 1991).

Kinko's was held to be infringing copyrights when it photocopied book chapters for sale to students as "course packs" for their university classes.

***Purpose:***

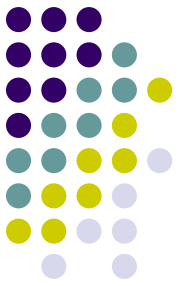
***Nature:***

***Amount:***

***Effect:***

***Conclusion:*** Three of the four factors leaned against fair use. The court specifically refused to rule that all course packs are infringements, requiring instead that each item in the "anthology" be subject individually to fair-use scrutiny.

# Video

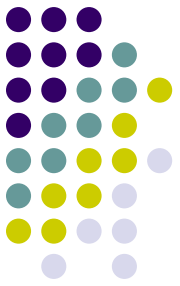


Programs must be used for face to face instructional purposes.

Purchased videos may be used for direct instruction only, ***not entertainment.***

***Video Terms***

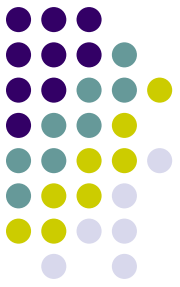
# Showing Video on CCTV – Closed Circuit TV Use



Programs shown must state that CCTV use is authorized.

- Programs are simultaneous transmission of live broadcasts.
- Videos purchased by the school with closed circuit rights

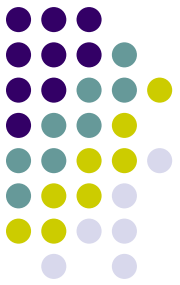
## Showing Video on CCTV, cont.



### Also permissible:

- ⑩ Most instructional programs purchased from instructional production companies
- ⑩ Most programs provided by state agencies.
- ⑩ Any original work
- ⑩ Cable in the Classroom programming
- ⑩ Simultaneous transmission of any live broadcast.



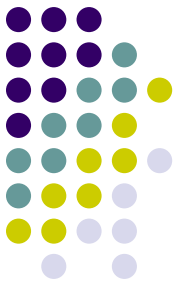


Using “**Home use only**” Videotapes:  
On closed-circuit TV.

Rental videos follow this rule **but *may not*** be used if a contract with rental agent limits the rental to “home use.”

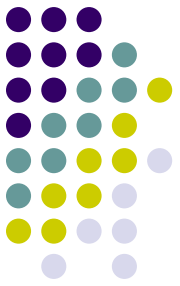
All videos not owned by a Henry County media center must have prior approval by the school’s designated person. Contact your Media Specialist for further details.

# Videotaping for Classroom use:



- Program may be kept 45 days and *must be used* in the first 10 school days.
- Taping is done only at request of a teacher.
- Program content may not be edited.

# More Off-air Videotaping Guidelines

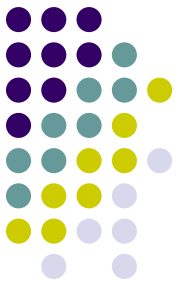


Rights are only for educational institutions, not for individuals

Programs may be recorded once for the same teacher

Copyright notice on the recorded program must appear.

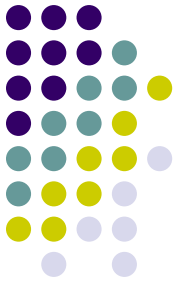
# Taping from Satellite/Cable



Taping from satellite or cable has additional requirements...

- Requires permission of the copyright holder.\*
- Programs may be taped from cable that may also be received on local open air broadcast stations.
- Payment of appropriate fees for broadcasts, if applicable.

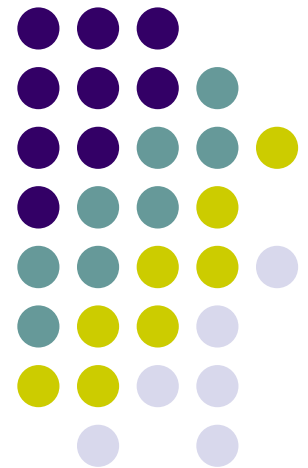
# Printed Materials



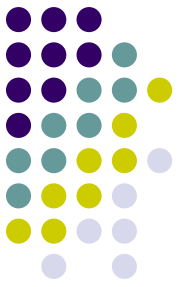
# Printed Materials- Single Copy

- You can make **single** copies of:

- 
- ⑩ a chapter of a book
  - ⑩ an article from a magazine
  - ⑩ a short story, poem (250 words or less) or essay
  - ⑩ a chart, cartoon or picture.
  - ⑩ two pages from a illustrated picture book
  - ⑩ if there is insufficient time to request permission



# Printed Materials-Multiple Copy



You can make **multiple** copies for classroom use of:

- a complete poem or excerpt from a poem that is 250 words or less
- a complete article or short story of less than 2500 words
- excerpts from a larger work or a special work not to exceed 2500 words or 10% of the whole, whichever is less
- one chart, graph, diagram per book or article

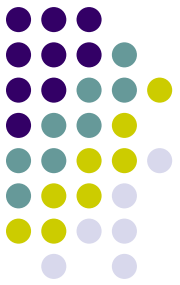
# Printed Materials- Copying



Limits to photocopying:

- copying is for one (1) course only\*
- no more than 9 instances of multiple copying in one term
- same item not reproduced from term to term
- no charge is made to students beyond the actual photocopying cost
- no copying of consumable works (workbooks, etc).





Scenario 1

Scenario 2

Scenario 3

Sample permission letter for request

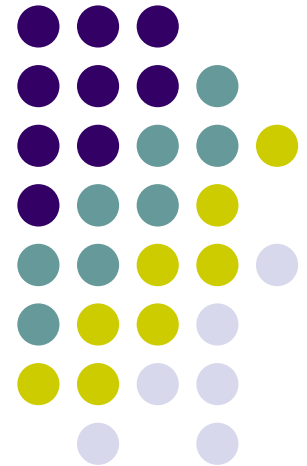
# Fair Use

## Internet/Multimedia

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- Linda Starr (2004, December 17). *Copyright Law and New Technologies*. Retrieved June 1, 2005 from Education World, Website: [http://www.education-world.com/a\\_curr/curr280c.shtml](http://www.education-world.com/a_curr/curr280c.shtml)

Certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the multimedia fair use guidelines and are restricted from further use.

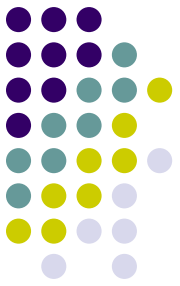




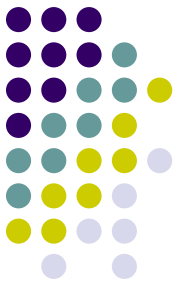
# Internet

- The Internet is *not* public domain.
- Assume that *ALL* web pages (information and codes) are copyright protected.
- Electronic postings are *not* public domain- ideas in Blogs and E-mails.

# RULE OF THUMB



Assume that if content is copyrighted in print, it is also copyrighted in the multimedia format.



# Posting from the Internet

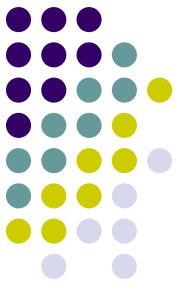
- When linking to web pages, research terms of use agreement.
- Assume all graphics are copyrighted, so ask for permission before posting to your site and give credit.
- Assume all html codes are copyrighted, ask for permission before copying.

# Instructional Guidelines for Using Multimedia



Teachers may legally use copyrighted multimedia materials for:

- Face-to-face student instruction.
- Directed student self-study.
- Real-time online instruction—provided the technology prevents copying of the copyrighted material.
- Teaching courses for a period of up to two years after the first instructional use.
- Presentation at peer workshops and conferences.



# Guidelines for Multimedia

Users may legally use copyrighted multimedia materials for academic work only.

However, the user must:

- Give credit to the source (include the author, title, publisher, and place and date of publication.
- On the opening slide, home page, etc. and on any accompanying printed materials, state that *certain materials are included under the fair use exemption of the U.S. Copyright Law and have been prepared according to the multimedia fair use guidelines and are restricted from further use.*

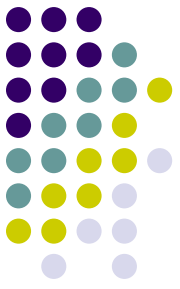
**When a student creates a multimedia work using copyrighted material the following guidelines apply:**



- No more than two copies \*
- If the student project contains copyrighted material and posted online, the work may be held for only 15 days after the initial use.\*
- Projects with copyrighted material may only be used for student learning and may not be duplicated for any other purpose.



# Copyrighted Multimedia Limitation

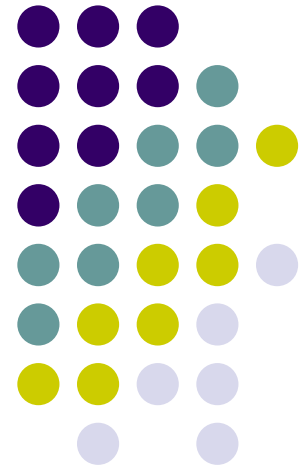


- Up to 3 minutes or 10%, whichever is less, of a single copyrighted multimedia (online video, flash, power point, animation, etc.)
- Up to 30 seconds or 10%, whichever is less, of music and lyrics from a single musical work.
- Up to 2,500 fields or cell entries or 10%, whichever is less, from a numerical database or data table.
- Up to five photos or illustrations by one person, and no more than 15 images or 10 percent, whichever is less, from a single published work.

# Software Guidelines

## “Fair Use”

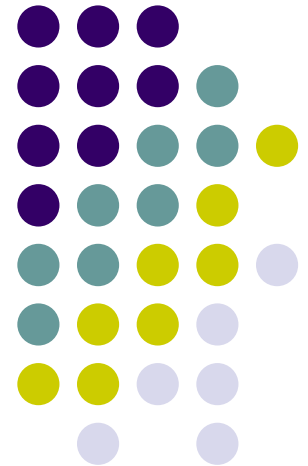
- Does Not Apply to Software



# What Software is Copyrighted?

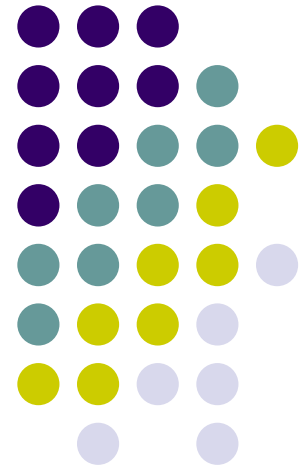
- All software is copyrighted, and no software may be duplicated or distributed without the permission of the author.

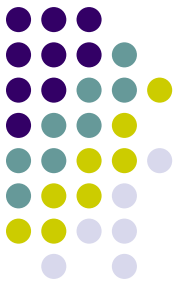
Why Copyright for Software



# What are The Consequences of Software Piracy?

- Unauthorized duplication of distribution of software is a federal crime. It can carry a penalty of fines up to \$250,000 or for teachers: jail terms up to five years.

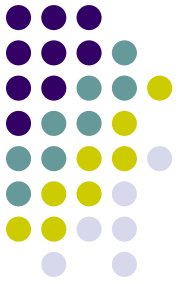


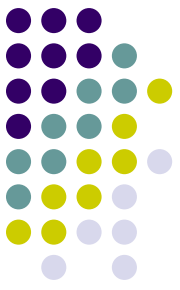


## What are the Steps to add New Software at School?

- ✓ Speak with your Technology Contact Person
- ✓ Provide all the documentation that accompanies the software (number of licenses)
- ✓ Provide all the Program Disks
- ✓ Must have an instructional purpose

# Public Domain





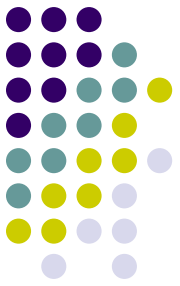
# Public Domain

Use of works in the public domain are not restricted by copyright law.

Definition: in law, legal availability for public use, free of charge, of materials, processes, devices, skills, and plans that are not protected by copyright or patent, including those on which copyright or patent has lapsed.

Items in the public domain were either published prior to 1923 have fallen into the public domain or have been marked as in the public domain by the creator.

PD Resources



Still Unsure about Copyright?

Copyright Resources

And

Contact Your Friendly Media Specialist

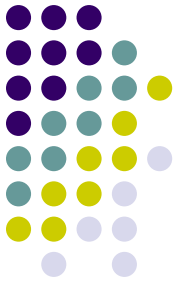




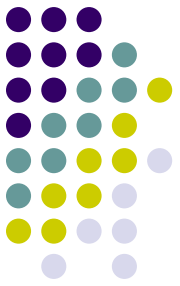
# Bibliography

- *Simpson, Carol. Copyright for Schools: A Practical Guide. 3rd ed. Worthington: Linworth Publishing, 2001.*
- *Davidson, Hall. "Copyright and Fair Use Guidelines for Teachers." North Carolina Conference of English Instructors. 03 Jun. 2005 <<http://www.nccei.org/blackboard/copyright.html>>.*
- *Linda, Starr. "Applying Fair Use to New Technologies." Curriculum Article . 12 2004. Education World. 03 Jun. 2005 <[http://www.education-world.com/a\\_curr/curr280d.shtml](http://www.education-world.com/a_curr/curr280d.shtml)>.*
- *Academic Computing Services, . "http://www.webster.edu/technology/index.html?doc=copyright/." WebsterUniversity. 01 2004. 03 Jun. 2005.*

# The End



# Copyright Websites



<http://www.dpi.state.wi.us/dpi/dltcl/lbstat/copyres.html> - Copyright for Educators

<http://www.copyrightaware.gov.au/index.html> Copyright Aware copyright article and resources

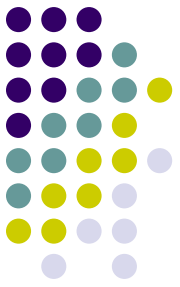
Teacher Specific- electronic resources

<http://www.dpi.state.nc.us/copyright1.html>

<http://infoshare1.princeton.edu/reserves/libcitcopyright.html>

<http://fairuse.stanford.edu/>

Back

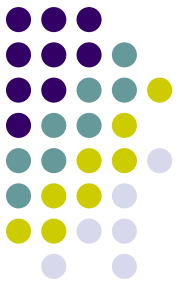


# Purpose

A teacher copies a poem for all his students. At the end of the unit, the copies are thrown away.

**Acceptable** - purpose is educational

Back



# Purpose

A teacher copies a poem to be placed in the school's literary magazine. Copies of the magazine are sold for \$5 each.

**Not Acceptable** – commercial purpose

Back

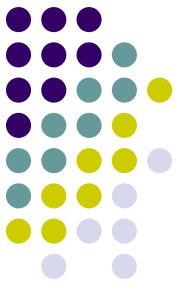


# Nature of the work

A student creates a PowerPoint presentation on Civil War battles and the teacher shows the presentation to all of her classes.

**Acceptable** – nature of the work is factual

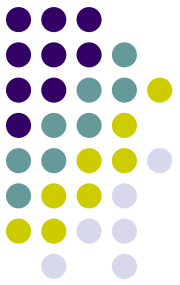
Back



# Nature of the work

A student creates an animated short video as a class presentation. The teacher copies the video to use in their lesson plans.

**Not Acceptable** – the nature of the work is creative; creative works are more highly protected



# Portion Used

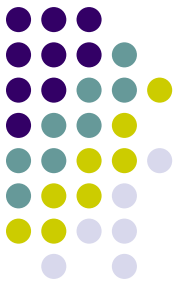
A student scans a photo from a book for a PowerPoint presentation.

**Acceptable** – one photo from an entire book is an acceptable proportion to the whole

Back



# Portion Used



A teacher copies one article (5 pages) from Scholastic Scope (total of 20 pages) to be used in a lesson.

**Not Acceptable** - the amount copied is 25% of the whole; 10% is a good rule of thumb

Back



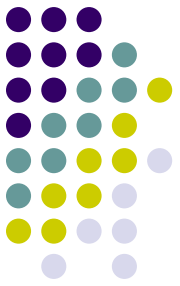
# Effect on Market

A student purchases a disco CD and lays several short audio clips on a PP presentation.

**Acceptable** – no impact on the profitability of the CD

Back

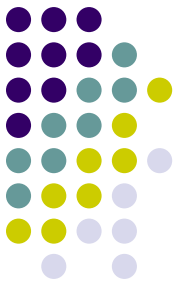
# Effect on Market



A teacher copies a story to be used in a lesson with the entire student body.

**Not Acceptable** – hundreds of copies are not being sold as a result of these copies

Back



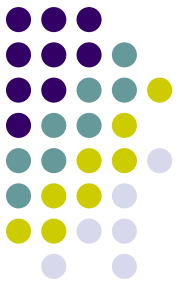
## Terminology for Videotaping

**Analog:** copying to VHS format.

**Digital:** copying to DVD or other media.

**Off-air taping:** off-air is delivered via an *antenna*, *not cable or satellite*, i.e. CBS, NBC, ABC, PBS, etc.

**Satellite/Cable:** is delivered via a paid subscription service by satellite or cable.



# Acceptable Scenario

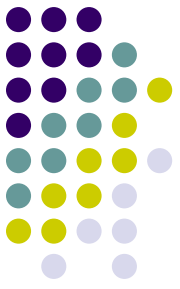
- A teacher asks a volunteer to make 19 copies (one per student) of a time line of the American Revolution. The students will include the diagram in a notebook they are creating to follow the events of the Revolution. Each copy includes notice of copyright.



# Scenario

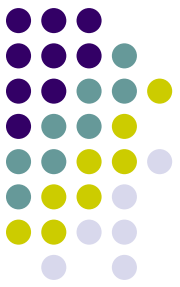
- **Not Acceptable** - A special education teacher wants to record a picture book and let her students listen to the story on tape while looking at the book.
- **Acceptable** - There is a special copyright exception that allows this practice, but only if the student is blind or physically unable to use a book. The copy must be made on a special recorder designed for handicapped users. Making a copy of a book by recording it is the same as photocopying it. Under fair use only two pages or 10% may be copied.

# Not Acceptable Scenario



- A principle reads an article and would like to make a copy for all teachers. His secretary make copies and places them in teachers mailboxes.
- This violates several regulations, including “top-down” directives. Teachers aren’t enrolled in class and staff development seldom gets fair use exemptions, unless all four factors of fair use are met. Copies of the article could be sent via email from Galileo without copyright infringement.

# Copier Notice- To be posted by all Copiers



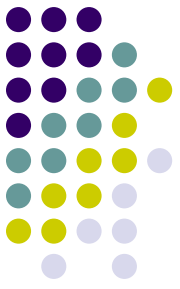
- The copyright law of the United States (Title 17, U.S. Code) governs the making of photo copies of other reproductions of copyrighted material. “The person using this equipment is liable for any infringement.”

Or:

- Computer programs, videocassette programs, books and periodicals are protected by copyright laws (Title 17, U.S. Code). Unauthorized use of copying may be prohibited by law.



# Public Domain



Many sources of Public Domain works are available on the Internet.  
The following are some examples.

## **Project Gutenberg**

the oldest producer of free electronic books (e-books or e-texts) on the Internet

## **PD Music**

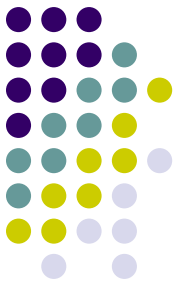
a reference site to help identify public domain songs and public domain music . . . royalty free music you can use anywhere and any way you choose

## **PDPhoto.org**

a repository for free public domain photos. Unless something is clearly marked as being copyrighted, you can assume it is free to use.

Back

# Why Copyright for Software?



- All software, like all other tangible, original work, is copyrighted on creation. Because no piece of software has been in existence long enough to pass into the public domain, the only public domain software currently available is software that the owner has expressly relinquished to the public domain. Such software is usually clearly labeled.