
Copyright
BriefNOTES
for Staff & Students



Digital Citizenship

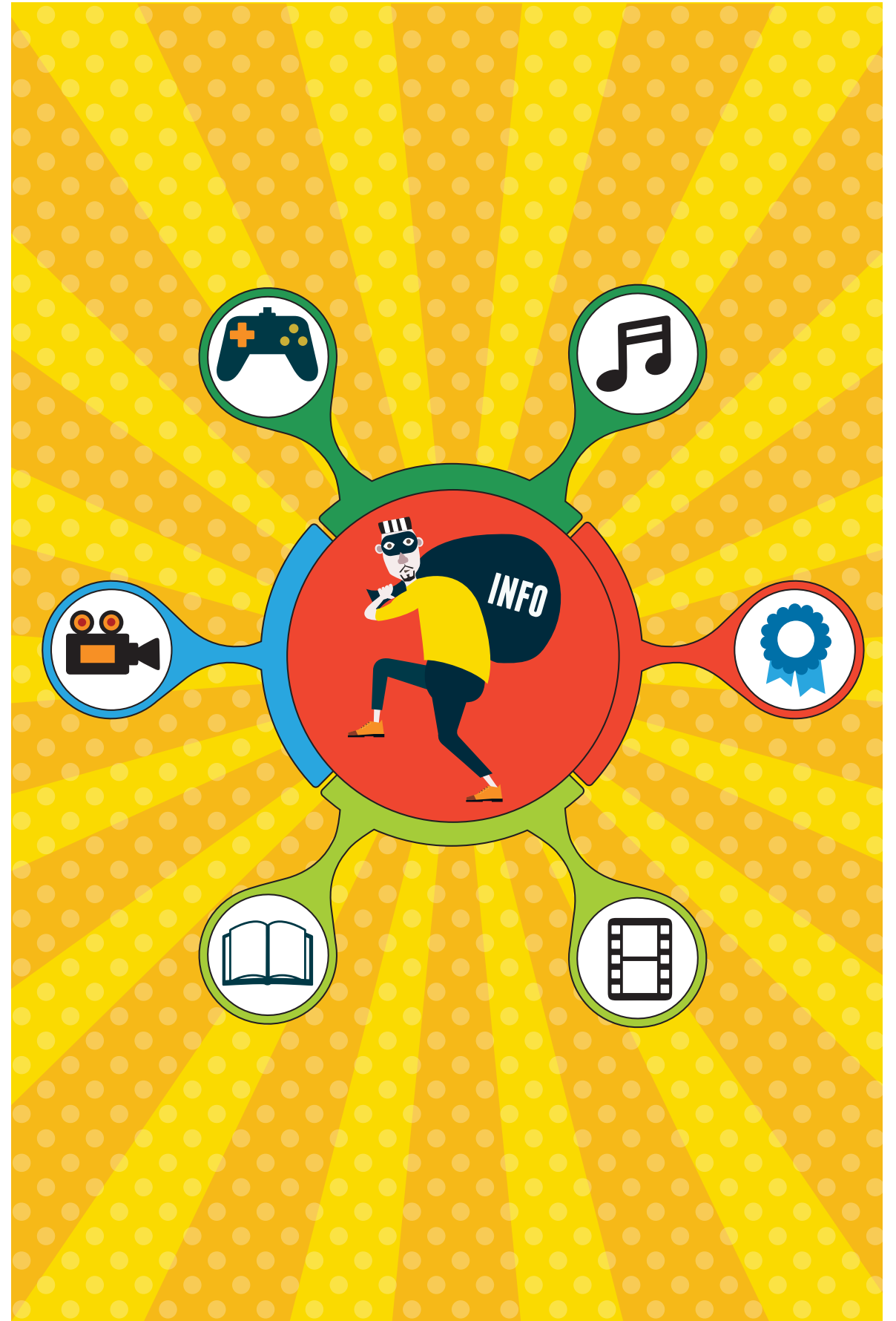
It's easy to copy a DVD or music file, scan an image, transfer digital files, photocopy, stream video, etc. How do you know if the copying is legal? How much is too much? What are your rights and responsibilities as a user of information?

Copyright is the exclusive and assignable legal right, given to the originator for a fixed number of years, to print, publish, perform, film, or record literary, artistic, or musical material.



It Starts with Fair Use

Fair use is part of the copyright law. It should be a well-thought reason for copying, not an excuse. Fair use of a copyrighted work can be used for criticism, comment, news reporting, teaching, scholarship, and research. Even with these permissions, not every use in education is a fair use. If the copying is not specifically prohibited in the copyright law, it MAY be allowed under fair use.



There are no legal rules about how many words, notes, or minutes can be used. Fair use was meant to be flexible. You have to make good decisions based on a careful study of the circumstances. Use the four criteria listed below to decide if the copying is a fair use. All four of the criteria must be met.

- Purpose and character of the use (nonprofit, educational, etc.)
- Nature of the copyrighted work (factual, creative, published, etc.)
- Amount to be copied in relation to the whole
- Effect of the use upon the potential market for or value of the work

Think-Abouts

Here are some basic questions to help you decide whether the copying is a fair use.

- Is the work copyrighted at all?
- How do you plan to use the work?
- Is the work covered by a license?
- Does the law contain a specific exception allowing your use?
- Will you need permission from the copyright holder?
- Will you be able to clearly explain (to the teacher or principal) how you decided the copying was a fair use?

Questions & Answers

Q. What is copyright?

A. The U.S. Copyright Law promotes creativity and protects the rights of creators and users of information. Copyright protection is automatic as soon as the composer, playwright, author, photographer, artist, sculptor, illustrator, programmer, etc. creates a work in a tangible form.

The copyright owner has these five rights:

1. Reproduce the work
2. Prepare derivative works
3. Perform the work
4. Display the work
5. Distribute the work



Q. Why is copyright important?

A. It's the law. Copyright protects the rights of the author, composer, playwright, photographer, artist, sculptor, illustrator, web designer, videographer, computer programmer, etc. It allows the copyright owner to decide how, when, and where his or her work can be reproduced and used.

Q. Is copyright and plagiarism the same thing?

A. They're related. Plagiarism is taking someone else's work (even a small portion) and passing it off as your own. It's possible to plagiarize from a work that is in the public domain.

Q. As a student, isn't everything I copy fair use?

A. Not really. Students need to follow the copyright law and be responsible users of information. How would you react if you wrote a song or created a video that someone used without giving you credit—or distributed it without paying you?

Q. What's public domain?

A. Some works can be copied because the copyright has expired or the works were placed in the public domain. Copyright protection spans the life of the author plus 70 years; copyright can be transferred and last much longer. Factual information is in the public domain, so a student can use facts that are published in a copyrighted work. The unique expression of the facts is copyrighted, not the facts themselves.

Q. What is Creative Commons?

A. This license makes it easier for people to share their work and allows others to build upon their work. The creator decides what is allowed: freely used, limited copying, shared, or remixed. <http://creativecommons.org>

Q. So how do I know what's copyrighted?

A. Assume that a work is copyrighted even if the word "copyright" or the isn't there. Copyright is established as soon as the work is in a "tangible form." Copyright lasts for the life of the author plus 70 years (or longer).

Q. If I buy a CD, book, DVD, video game, sheet music, or download a movie or song, doesn't that mean I own the copyright?

A. No. What you have is a lawfully made copy. The copyright owner still has the five exclusive rights: reproduce the work, create a derivative work, perform and display the work publicly, and distribute the work.

Q. What happens if I violate copyright?

A. It depends on the intent, what was copied, how much was copied, and how the copies were used/distributed. Violations can affect grades and academic status. Legal penalties range from a cease-and-desist order to monetary fines to lawsuits. Copyright infringement can be serious and expensive.

Creative Commons Licenses

You'll see the symbols listed below instead of the symbol. These licenses make it clear how a work may or may not be used. It encourages people to remix, use and share the work. More info is at <http://www.creativecommons.org>. There is a built-in search engine so you can find text, music, images, video, and media, <http://search.creativecommons.org>.

Attribution



Lets others distribute, remix, tweak, and build upon a work, even commercially. Must give credit to original.

Attribution Share Alike



Lets others remix, tweak, and build upon a work, even commercially. Must give credit to original and license the new work under the identical terms.

Attribution No Derivatives



Lets others redistribute the original as long as it is unchanged and credits the original.

Attribution Non-Commercial



Lets others remix, tweak, and build upon a work. Must give credit to original. Derivative works can be licensed differently.

Attribution Non-Commercial Share Alike



Lets others remix, tweak, and build upon a work. Must give credit to the original and license the new work under identical terms.

Attribution Non-Commercial No Derivatives



Lets others download and share if they credit the original. The work can't be changed.

Planning Ahead

Bibliography and Works Cited

Along with the rights to use copyrighted material comes the responsibility of giving credit to the author. Credit the source, even if it is a fair use. Credit and copyright information can be in a separate section of a multimedia project. Check with the teacher or teacher librarian for the works cited format used in your school. Most of the online databases generate citations that can be copied/pasted.



How to Request Permission to Copy

You can request permission by email. Don't ask for blanket permission to copy. Address the request to the permissions department of the publisher/producer and include this information:

- Title, author and/or editor, and edition of material
- Exact material to be copied (amount, page numbers, URL, track, file, etc.)
- Number of copies to be made
- Use of the copy (or distribution)
- Whether the copy will be sold
- Type of copying (download, digital transfer, scan, photocopy, etc.)

There are templates for requesting permission to use a web site (beyond fair use). This site was included with permission: http://www.landmark-project.com/permission_student.php



Computer Software

This is a summary of the Computer Software Copyright Act of 1980. Read the software license for restrictions and permissions.

- You can make one back-up copy of a program you own and use it if the original fails.
- You can adapt a program by adding content or adapting to another language.

- You can't sell, distribute, or transfer the adapted version.
- You can't make one copy for home and one for school use.
- You can't make a copy for a friend.

Internet and Creating Web Content

Look to the four fair use criteria and copyright law when determining what and how much can be copied. Just because information is on the Internet does not mean you have the right to use it any way you want. Some copyrighted works may have been posted to the Internet without authorization of the copyright owner.

Things to consider:

- Assume that text, graphics, video, sound and music are copyrighted.
- Don't copy the source code, HTML, and frames codes to create your own website. They are creative works and may be copyrighted.

- Don't copy logos or trademarks and make them a hyperlink. Use the words, not the logo.
- Read the copyright statement on the web site. Some give permission to copy—like .gov sites.
- Consider asking for permission to add a URL to a website if traffic will be high (bandwidth issue).
- Avoid deep linking to a website. It bypasses the homepage that may include important information.
- Check that the information on the website was posted legally and that the web author has a right to give others permission to copy.
- File sharing or downloading files made from unlawful copies probably violates copyright law.
- Follow the licensed online databases guidelines in the next section.
- Check if the district has a policy on school-sponsored publications. It may include guidelines for posting information on the Internet.

Remixing / Mashups / Reusing

You can use copyrighted materials to create something that's new—something that's transformed into an entirely different work.

“Transformativeness” is allowed when a work has been changed (using fair use) and value has been added to the original. For example, a parody transforms the original. Here are some resources of editable media to use in school:

- Soundzabound audio files
- Learn 360 is searchable by editable videos
- Creative Commons is searchable by media that can be shared and remixed
- Google Advanced Image Search can be limited to media for reuse*

If your remix will be shared with the public or uploaded to the Internet, read the restrictions for using content from the licensed online databases.

If you post to YouTube, read the guidelines at http://www.youtube.com/t/copyright_education.

*There is a difference between free to view and free to use. Some images may be scraped off the Internet and should not be copied/reused.

Music and Video

Peer-to-peer (P2P) has many legitimate uses. In general, using a P2P to copy commercial music and video files, without the copyright holder's permission, for personal enjoyment is likely a violation of copyright.

Online Databases

Please check specific vendor websites for Terms of Use information.

These online resources were purchased for schools in the Central Rivers AEA service area. Fair use still applies. In addition, the licenses have specific copying and usage guidelines. Ask the school teacher librarian for assistance. Do not share the user ID or password with unauthorized users. Access at <https://www.iowaaeaonline.org/>



AEA Digital Library

- Can download and use the resources.
- Can use images in multimedia projects.
- Can keep content in student and teacher portfolios.
- Can't post any content to the Internet.

American History in Video

- Can clip videos to any length.
- Can use videos and images of videos in Word, Google Doc, PowerPoint, Blackboard, etc.
- Can put video clip or full video in a personal playlist, annotate it, and pull in additional content from the web. Playlists can be made public, shared with just your school, or kept private.
- Can't post/re-use videos on the Internet without giving full credit to the original publisher and Alexander Street Press.

- Can't decompile or reverse engineer the videos; modify or create a derivative work; remove, obscure, or modify copyright notices; sell, distribute, or commercially exploit the videos.
- Authorized Users are the school's currently enrolled students, employees, faculty, and staff.

BookFLIX, Freedom FLIX, Science FLIX and TrueFLIX

- Can't copy or redistribute content.

CultureGrams

- Can download or print a reasonable portion of the articles or other works under fair use.
- Can't systematically download materials (print or electronic) to create a collection of materials.

EBSCO Literacy Reference Center Plus

- Can download, print, and e-mail limited copies for personal, non-commercial use.
- Can't republish the information.
- Can't download in a systematic manner to create a collection of materials (print or nonprint).

Encyclopedia Britannica

- Can copy reasonable portions for lesson plans, interactive whiteboards, reports, presentations, and school newspapers. Must keep copyright or trademark notices.
- Can't publish, distribute, retransmit, or sell access.

Gale

- Can download, display, view and print or make limited paper or electronic copies.
- Can electronically link to content.
- Can use figures, table, and brief excerpts in educational works.

iCLIPART for Schools

- Can download unlimited images, photos, and web art images for educational use.
- Can use in projects such as websites, presentations, newsletters, brochures, advertisements, announcements, labels, e-greetings, web templates, vinyl cutting, routing, engraving, t-shirts, school projects, screen-printing, and mechanical embroidery. Contact iCLIPART if for a commercial use.



- Can't give to a third party, share content across a network or on a CD, add to a "print-on-demand" website, or use commercially.

Learn 360

- Can edit videos marked with the EDIT icon. This includes converting them to different formats or clipping.
- Can download and use the educational resources inside the school building, including print, video, images and audio files.

- Can store materials on school computers.
- Can't post any content to the Internet.

MackinVIA

- All licensed activity on the website should be for educational purposes only.
- Can post content to their MackinVIA library or personal backpack.
- Can print copies of content, if allowed by publisher.
- Can't re-publish, distribute, transfer or sell the rights to the content.

Mystery Science

- Can use the website for instructional purposes only.

SIRS Researcher

- Can make printouts (online, offline, fax, e-mail) for school or personal use.

Soundzabound

- Can use music files for video production, video yearbooks; podcasting; broadcasting (including cable, closed circuit, distance learning, YouTube, TeacherTube); PowerPoint; Web design; digital storytelling; sporting events; media and technology fairs, competitions, and exhibits; plays and theater; public performance and ambient listening; and other classroom multimedia uses.

TeachingBooks.net

- Can't download, save, or play Original Author Program videos or Book Reading audio files off any machine other than TeachingBooks.net server.

Teen Health & Wellness

- Can download, print, e-mail limited copies for personal, non-commercial use.
- Can use information in multimedia presentations.
- Can link to the homepage or article pages.
- Can't republish the information.
- Can't download in a systematic manner to create a collection of materials (print or nonprint).
- Use the proper citation form and keep/display the author image or photo information.



This is a summary of the U.S. copyright law (Title 17) and copyright guidelines. This booklet does not constitute legal opinion. It is intended to be a general discussion and not a definitive analysis of copyright.



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