

copyright
BriefNOTES
for Students

Revised November 2010

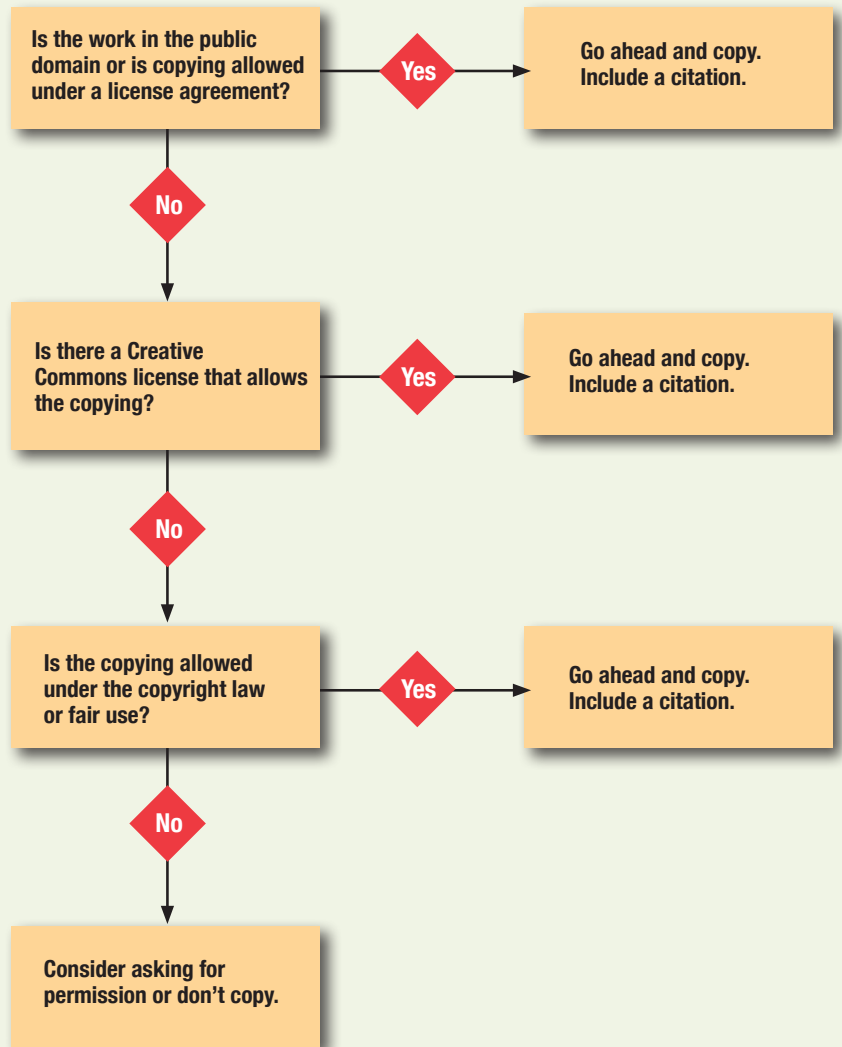
Digital Citizenship

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?

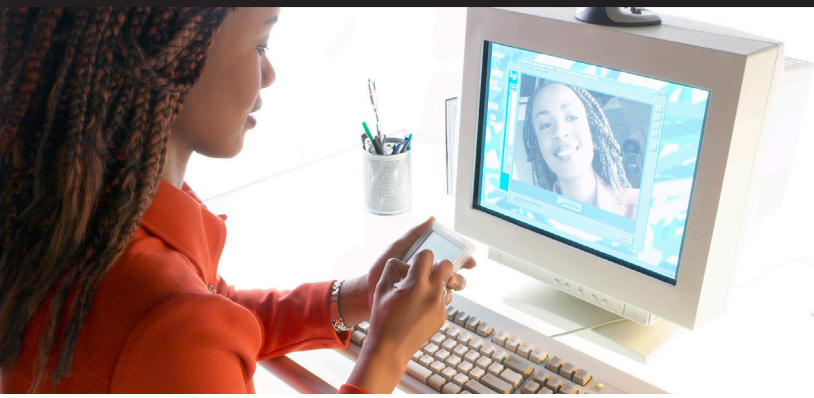
How much is too much?

What are your rights and responsibilities as a user of information?

Making Copyright Choices



Iowa Area
Education Agencies
PARTNERS IN EDUCATION



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 composers, authors, poets, dramatists, choreographers, play writers, photographers, artists, sculptors, illustrators, etc., create a work in a tangible form.

The copyright owner has these five rights:

- reproduce the work
- prepare derivative works
- perform the work
- display the work
- distribute the work

Q. Why is copyright important?

A. It's the law. Copyright protects the rights of the person who composed the music, wrote the book, developed the computer code, produced the video, created the multimedia show, created the website, or designed the movie poster. It allows the copyright owner to decide how, when, and where their work can be reproduced and used.

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

A. Assume that 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. Some works are in the public domain, but you have to check to be sure.

Q. What is a Creative Commons license?



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. What's public domain?

A. Some works can be copied because the copyright has expired or the works were placed in the public domain (such as some Creative Commons works). Examples of items in the public domain: ideas, blank forms, scorecards, and calendars. 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. 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 without paying you? See the fair use section for the four fair use criteria.

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 five exclusive rights: reproduce the work, create a derivative work, distribute the work, perform the work publicly, and display the work publicly.

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 and/or 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.

It All 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 of copyrighted material 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 a good decision based on a careful study of the circumstances. Use the four criteria to make a "good faith" judgment that the copying is a fair use. All four of the following criteria must be met:

- purpose and character of the use (nonprofit, educational, etc.)
- nature of the copyright 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

Here are some basic questions to help you decide whether the copying you want to do falls under 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 I need permission from the copyright holder?
- Will I be able to clearly explain (to the teacher or principal) how I decided the copying was a fair use?

Copyright Law Summary and Helpful Hints

Bibliography and works cited

Along with the rights to use copyright 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.

Here are a few citation builder websites:

- <http://citationmachine.net>
- <http://www.easybib.com>
- <http://www.palomar.edu/dsps/actc/mla/>

How to request permission to copy

You can request permission by e-mail or letter. 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 materials to be copied (amount, page numbers, URL, track, file, etc.)
- number of copies to be made
- use of the copies (or distribution)
- whether the copies will be sold

- type of copying (download, digital transfer, scan, photocopy, etc.)

Templates for requesting permission to use a website (beyond fair use):

- http://www.landmark-project.com/permission_student.php
- <http://www.bham.wednet.edu/copyperm.htm> (These sites were included with permission.)

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 web 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 website. 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.
- When using the licensed online databases, follow the guidelines on the back page.
- Check if the district has a policy on school-sponsored publications. It may include guidelines for posting information on the web and other acceptable uses.

Copyright Guidelines

These guidelines are not part of the copyright law and do not have the force of law. Look to the copyright law, fair use and licensing agreements first when deciding whether to copy.

Various professional organizations and companies wrote these guidelines for educational "Fair Use." Many think that the guidelines are too restrictive. They are not meant to be the standard for copying decisions. For example, it's possible that copying 20%, 70%, or 100% of a work could be a fair use. They are included here to provide a starting point for discussion.

Multimedia guidelines

- Students may use portions of copyrighted work in multimedia projects.
- Students may perform and display their projects in class or use them in a portfolio (i.e. college or job interview).
- Students can't make or distribute additional copies without individual copyright permissions.
- The opening screen of the program

should include a statement that certain materials are included under fair use and educational multimedia guidelines, and further use is restricted.

- Get copyright permission during the creative process if the presentation might be shown beyond the classroom (i.e. Internet, competition, public performance).
- Credit sources and include full bibliographic information.

Video

- You can copy up to 10% or three minutes, whichever is less, of an individual program.
- Look at the back page for the licensed online database restrictions.
- Copying an entire video is probably a violation, because it may be copying to avoid purchase.

Text

- You can copy up to 10% or 1,000 words, whichever is less, of a novel, story, play, or long poem.
- Entire poems if less than 250 words.

- No more than five poems (or excerpts) of different poets from an anthology.
- Only three poems (or excerpts) per poet.

Music, lyrics, and music video

- Up to 10%, but no more than 30 seconds.
- Can make alterations (note that a change was made).
- Don't change the basic melody or the fundamental character of the work.

Illustrations, cartoons, photographs

- No more than five images from a single artist or photographer.
- No more than 10% or 15 images from a collection, whichever is less.
- Can make alterations (note that a change was made).

Books and periodicals

- You can make single copies of a book chapter, periodical or

newspaper article, short story, essay, poem, chart, graph, diagram, drawing, cartoon, or picture.

- Short works such as children's books are often less than 2,500 words--copy excerpts of up to 10% or two pages.

Music

- Copies of excerpts may be made if less than 10% of the whole work and if it is not a performable unit such as a selection, movement, or aria.
- Printed music that has been purchased may be edited or simplified if the fundamental character of the work is not distorted or the lyrics altered or added if none exist.
- A single copy of an entire performable unit can be made if it is out of print or unavailable except in a larger work. It can't be used for performance.
- You can't copy to avoid purchase. Performance rights organizations (ASCAP, BMI, SESAC, etc.) handle copyright licenses. For individual songs, contact the producer/publisher.