

Copyright in Schools

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Copyright in Schools by Carol Simpson

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Pop Quiz!

Schools can use any copyright protected materials they wish, because educational systems are exempt from copyright laws.

Using materials is OK if you don't make a profit.

Promoting someone's work by distributing copies is justification of fair use.

Materials used "for the good of kids" absolves one of copyright liability.

What is copyright?

- The Law
- Title 17, United States Code, Public Law 94-553, 90 Stat. 2541
- A section of the U.S. Constitution is devoted to copyright (Art. 1, Sect 8)
- First copyright law was signed by George Washington in 1789.

Public Domain

- "A work not protected by copyright."
 - (Simpson, 35)

Copyright Free vs. Royalty Free

- Copyright free is public domain
- Royalty free is protected by copyright but the owner does not collect royalties
 - Microsoft Word clip art
 - Free clip art websites
 - Be sure to READ the disclaimers associated with these programs

Fair Use

- What allows us the use of copyrighted materials, as stated in the law
- For tests of fair use:
 - 1. The purpose and character of the use, including whether such use is of commercial nature, or is for non profit educational purpose.
 - 2. The nature of the work is copyrighted.
 - 3. The amount and substantially of the portion used in relation to the copyrighted work as a whole.
 - 4. The affect of the use upon the potential market for or value of the copyrighted work (17USC, Sect. 107)

Printed Materials

- What's protected?
 - Published before 1923, it's in public domain
 - Published between 1923 and 1978, but not registered properly, or not, renewed, it's in public domain

Printed Materials

- Single Copy for teaching, research, or personal use.
 - From books, newspapers, periodicals, and collections make be made

Printed Materials

- Multiple copies for classroom use:
 - 1 copy per student
 - Include notice of copyright
 - **MUST** be relevant to a specific activity or discussion

Graphics

- Fair Use Guidelines:
 - Copying must be at the instance and inspiration of the teacher and so close in time to the required use that receipt of permission would be impossible.
 - The copy is for only **ONE** course in the school.
 - There are not more than **NINE** occurrence of multiple copying for that course.
 - Not more than **ONE** graphic is copied per book or periodical.

Graphics-what's not covered by fair use

- Adaptations[
 - Adding a copyrighted image to a worksheet, letter to parents, or sign is ok.
 - Enlarging, modifying, or converting a graphic is not.

AV materials

- What is an av material?
 - “AV works” are works that consist of a series of related images which are initially intended to be shown by the use of machines...regardless of the objects, such as films or tapes, in which the works are embodied.” (17 USC, Sect 101)

Public Performance (yes, this includes schools)

- To use a copyrighted AV, you must have one of the three things:
 - 1. Permission from the copyright owner to hold a public performance.
 - 2. A license from a rights broker that covers the works to be shown.
 - 3. Payment of royalties to the copyright owner or his agent.

Public Performance-in the classroom

- Follow the 5 Yes/No questions:
 - 1. Is it non profit educational?
 - 2. Will it be shown in a classroom or a similar place?
 - 3. Will it be shown to instructors and pupils?
 - 4. Did you legally acquire the work?
 - 5. Is it DIRECTLY related to face to face teaching activities?

If the answer is NO to ANY of these questions, then the use is not protected by the law. (unless you have a movie site license).

TV shows

- Over the air stations
 - 10 days to show
 - 45 days to keep
- Cable/satellite stations
 - Copyright holder decides the length of time a show can be kept.
 - Some holders give free use for education
- Taped by request

Video distribution

- Close Circuit Network
 - YES, if it follows the fair use guidelines
 - Keep a file

Sound Recordings

- SR are music and spoken recordings on cassette and CDs
- Have 2 copyrights-performer and composer
- Follow the same guidelines as AV materials-Four Tests of Fair Use and 5 Yes/No questions
- Copyright for performance is different

Sound Recordings

- Sampling
 - It is illegal to sample without permission.
 - "Under Pressure " vs. "Ice Ice Baby"
- Is any use ok?
 - It depends...one federal circuit court believes that no amt of sampling is ok. Others believe that a certain amount of notes is ok.
- What about for a class project?
 - Gray area...the students must choose the song, and it should be played from a purchased CD or recorded off the air.

Music Materials

- Sheet Music
 - Reproducing sheet music
 - Emergency copying, when there is not enough time to get permission.
 - Must include copyright information

Internet

- Virtually no examples of legal cases have happened about copyright infringement.
- Keep in mind the fair use guidelines

School Library Exemptions

- Damaged books
 - Page is damaged
 - Book is damaged beyond repair

Watch out! Here comes the C.P.

- Many librarians take it upon themselves to become the C.P.
- Focus on copyright lectures for teachers and administrators.
- Create a policy

Resources

- Creative Commons-
 - Authors, scholars, and artists contribute their works to this website, an archive of public domain materials for the benefit of society as a whole
- Copyright Clearance Center-
 - Provides more info on copyright
 - Search by ISBN or publication title, and they will help you gain permissions.