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# Copyright:

## What Every Educator Should Know

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# Disclaimer

The purpose of this session is to provide an overview of copyright law as it pertains to educators and to point to resources for additional information. Nothing in this session should be taken as legal advice. For such advice, please seek counsel from a licensed attorney.

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# Session Overview

- What is copyright?
- Permitted uses of copyrighted material
- Resources for informed decisions
- Copyright scenarios

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# What is Copyright?

A property right in an original work of authorship ...fixed in any tangible means of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform, and display the work.

*(Black's Law Dictionary, 7<sup>th</sup> ed.)*

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# What is it not?

- It is not protection of
  - a fact
  - an idea
  - an underlying theme.
- It is not a perpetual right.

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# What is protected?

1. Literary works



2. Musical works




3. Dramatic works



4. Pantomimes & choreographic works

# What is protected?

5. Pictorial, graphic, & sculptural works 

6. Motion pictures & other audiovisual works



7. Sound recordings 

8. Architectural works 

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# Who owns the copyright?

- The creator owns the copyright, unless the creator assigns it someone else.
- Most journals require authors to assign the copyright to the journal publisher.

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# No Notice Required

Since 1989, no copyright notice is required. The work is automatically copyrighted when created.

Example notice: © Bradley Brazzeal

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# When can I use these works?

- The work is in the public domain
- The copyright holder has granted permission
- Your use is within the limitations of copyright

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# Public Domain

- Federal government documents
- Works for which copyright has expired

[Public Domain Chart](#) (Cornell University)

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# Permissions

- Many educational materials have notices granting permission

*The material in this book is copyright. However, ... private purchasers may make copies for their own use or for use by classes of which they are in charge ...*

Source: Hadfield, Jill. *Elementary Vocabulary Games*. Edinburgh Gate: Addison Wesley Longman, 1998.

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# Limitations of Copyright

- § 107: Fair use
- § 110: Public performances and displays

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# § 110(1): Public Performance and Display

- Face-to-face instruction
  - Print materials
  - Audiovisual materials

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## § 110(2): Public Performance and Display

- Digital transmissions (TEACH Act)
  - Work must not be intended for “mediated instruction”
  - Component of a class session
  - Relevant to the class
  - Limited reception
  - Institutional policies in place

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## § 107: Fair Use

“the fair use of a copyrighted work ... for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.”

Source: <http://www.copyright.gov/title17/92chap1.html#107>

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# § 107: Factors of Fair Use

1. The **purpose** and **character** of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The **nature** of the copyrighted work;
3. The **amount** and **substantiality** of the portion used in relation to the copyrighted work as a whole; and
4. The **effect** of the use upon the potential market for or value of the copyright work.

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# Fair Use Guidelines

- Classroom Copying
- Recording of Broadcast Programming
- Multimedia Projects

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# Guidelines for Classroom Copying - 1

- Apply the following five tests for “multiple copies for classroom use”:
  - Brevity
  - Spontaneity
  - Cumulative effects
  - Notice of copyright
  - No charge beyond cost of copying

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# Guidelines for Classroom Copying - 2

- Brevity
  - Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

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## Guidelines for Classroom Copying - 3

- Brevity (contd.)
  - Illustrations: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- No allowance for copying of “consumable” material

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## Guidelines for Off-Air Recording of Broadcast Programming

- Programs may be recorded and kept for 45 days.
  - Can be used in class the first 10 days.
  - Afterwards, for evaluation purposes only.
  - Must be erased or destroyed at the end of the 45 days.

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# Guidelines for Educational Multimedia Projects - 1

- Guidance for
  - Student projects
  - Curriculum-based instruction
  - Conferences
  - Professional portfolios
- Suggest using no more than two years

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# Guidelines for Educational Multimedia Projects - 2

- Motion media
  - lesser of 10% or 3 minutes
- Text
  - Lesser of 10% or 1,000 words
- Music, lyrics, and music video
  - Up to 10%, but never more than 30 seconds
- Illustrations and photographs
  - Five images by an artist or photographer

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# To Protect Yourself ...

- Assume everything is copyrighted
- Link to full text when possible
- Limit reception
- Consult resources about fair use
- Obtain permission if necessary
- Make sure your assistants are aware
- Place copyright notices on everything

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# For more information

MSU Libraries' Copyright Webpage

<http://guides.library.msstate.edu/copyright>

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# Questions?

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This presentation is based on material originally  
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