



Revised August 2012

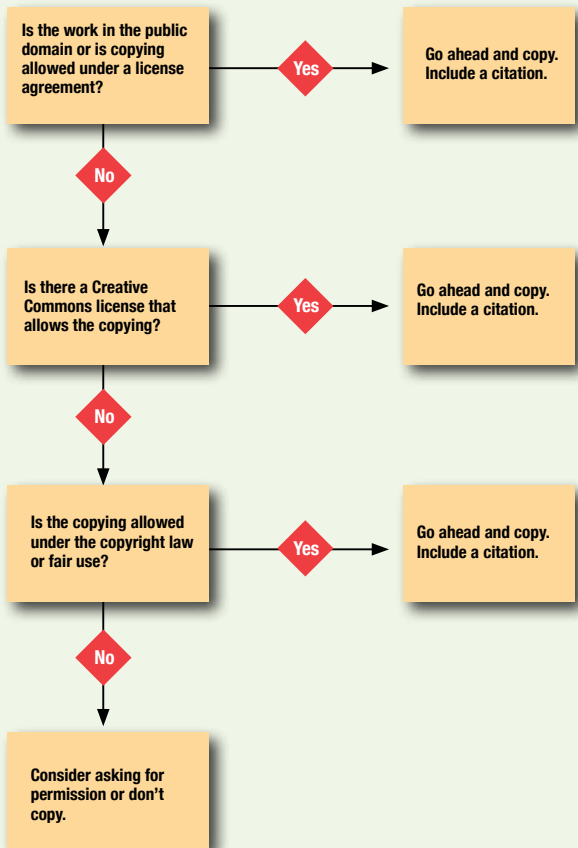
# copyright BriefNOTES

*for Educators & 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?

### Making Copyright Choices



Iowa Area  
Education Agencies  
PARTNERS IN EDUCATION

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# 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

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 composers, playwrights, authors, photographers, artists, sculptors, illustrators, etc. create 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 person who composed the music, wrote the book, developed the computer code, produced the video, created the website, or designed the CD cover. 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. 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. 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.

### Q. If I buy a CD, book, DVD, video game, sheet music, 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.



### AIME NEWS Copyright in K-12 Schools

AIME NEWS is a quarterly publication of the Association for Information Media and Equipment. The newsletter provides current information related to the intellectual property issues facing students, librarians, educators, media specialists and administrators, as well as the producers and distributors whose creations are used in educational facilities.

*"For a community service project, our elementary students want to purchase a book, read it aloud, make a recording of their reading, and then give the book and recording to a non-profit organization. Is this a violation of copyright?"*

*"We have some teachers in our district who would like to use their personal Netflix accounts to show students in a classroom setting documentary-type videos. I am really torn as to if this would be acceptable or not under Fair Use."*

Find answers to questions like these in the quarterly copyright newsletter provided by your AEA!

Lead articles are written by Copyright Attorney Arnold Lutzker, who serves as legal counsel for AIME. Mr. Lutzker also provides answers to questions schools pose regarding educational issues with copyright law.

A PDF of the current newsletter and past issues are available for download from the AEA Digital Library. Newsletters may be shared with staff and students in any Iowa school. If you would like to submit a copyright question to AIME, send the question via email to your AEA contact listed at: <http://www.iowaonline.org/vnews/display.v/SEC/Educators/AEA%20Contacts>

# Copyright law summary and helpful hints

## 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. Many of the online databases will 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 website (beyond fair use). This site was included with permission. [www.landmark-project.com/permission\\_student.php](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 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.
- Follow the licensed online databases guidelines.
- 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 when a work has been changed (using fair use) and value has been



added to the original. For example, a parody transforms the original. Be sure to follow fair use and Creative Commons licensing. Also, there are sources 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 online databases. If you post to YouTube, read the guidelines at [http://www.youtube.com/t/copyright\\_education](http://www.youtube.com/t/copyright_education).

## Creative Commons Licenses

You'll see the symbols listed to the right 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. A built-in search engine for finding text, music, images, video, and media, is located at <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 a work as long as they credit the original. The work can't be changed.

# Iowa AEA Online

Educational Resources Funded and Provided by Iowa's Area Education Agencies



These online databases are licensed by Iowa AEAs for all schools in Iowa. 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.**

User ID: \_\_\_\_\_

Password: \_\_\_\_\_

## AEA Digital Library

- Can download and use the resources for use in Iowa K-12 schools.
- Can use images in multimedia projects. Can keep content in student and teacher portfolios.
- Can't post any content to the Internet.
- Use the proper citation with downloaded resources.

## AP Images

- Can print copies of images for reports.
- Can use images in multimedia presentations and slide shows.
- Can't use images to publish in newspapers, magazines, brochures, catalogs, commercial announcements, calendars, posters, yearbooks, playbills, newsletters, t-shirts, promotional items, or for commercial use or gain of any kind.

## Atomic Learning

- Can't copy, download, store, publish, transmit, transfer, or sell any information.

## BookFLIX

- Can't copy or redistribute content.

## Britannica Online

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

## 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.

## Gale/Info Trac

- Can download, display, view and print or make limited paper or electronic copies.
- Can electronically link to content.
- Can use figures, tables, 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, 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 in any commercial project or product.

## Learn360

- 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 all Learn360 materials on school computers.
- Can't post any content to the Internet.
- Users must cite Learn360 using citations.

## SIRS Researcher

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

## Soundzabound

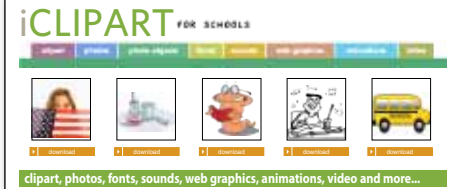
- Can use music files for video production, video yearbooks; podcasting; broadcasting (including cable, closed circuit, distance learning, YouTube), PowerPoint, Web design, digital storytelling, sporting events, media and technology fairs, competitions, and exhibits, plays and theater, public performance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

## Teen Health & Wellness

- Can download, print, e-mail limited copies for personal, non-commercial use.
- Can use information in PowerPoint or similar presentation.
- 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).
- When information is put in your own words, permission is not needed.
- Use the proper citation form and keep/display the author image or photo information.

## TrueFlix

- Can't copy or redistribute content.



Iowa AEAs have licensed iCLIPART For Schools for all students, staff and teachers in all Iowa schools. iCLIPART For Schools contains over 8 million high-quality illustrations, photos, fonts, sounds, animations and videos. Just choose the format you need and click download. It's that easy! These images can be used for just about anything - from fund raising activities to school websites - without copyright concerns!

### New Features!

- Multiple resolutions for photos, from small web objects to high-quality print resolutions
- Video backgrounds and elements
- Animations



Iowa AEAs have licensed a wide variety of production music and sound effects for all students, staff and teachers in all Iowa schools. This is NOT your average music library. Soundzabound™ is packed with REAL music and soundtracks that ROCK when you need them to. Everything from rock bands to string quartets have been used to produce a wide variety of music, stingers and sound effects that students, teachers and administrators love to use. Best of all, Soundzabound™ Royalty Free Music is a copyright compliant solution for all multimedia uses that will guard against copyright infringement.

Copyright safe audio for PODCASTS, VIDEOS, MOVIES, POWERPOINT, DIGITAL STORYTELLING, WEB, THEATER and more...

Available as web-based MP3s downloads.

\*School produced products can be duplicated and sold as long as profits are going to the school.



# General 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 when deciding whether to copy.

Various professional organizations and companies wrote these guidelines. Many think the guidelines are too restrictive. They are not meant to be the standard for copying decisions. For example, it's possible that copying 30% or 100% of a work could be a fair use. They are included here as a starting point for discussion.

## Multimedia Guidelines

- Students may use portions of copyrighted work in multimedia projects or use them in a portfolio (i.e. college or job interview).
- Students can't make or distribute additional copies without permission.
- The opening screen 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 it 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 3 minutes, whichever is less, of an individual program.
- Look at the licensed online database permissions.
- 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.

## Music, lyrics, and music video

- Can copy 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, photos

- No more than 5 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 chapter, magazine 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 10% or two pages.

## Music

- Copies of excerpts may be made if less than 10% of the whole and isn't a performable unit such as a selection, movement, or aria.
- Purchased printed music can 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 a 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.



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