

Copyright & Fair Use for Educators

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Introduction

Do I need to know this?

Have you ever...

- **made copies of workbook pages?**
- **shown a video to your class?**
- **needed more resources than your budget allows?**

If so, then yes, you do!

Introduction

Ok, I do need this! Why?

Educators:

- understand the rules of copyright for your protection and so you can model responsible behavior.
- learn what resources you can use and how much.
- discover new FREE resources.

Your Students:

- follow your example and use resources responsibly.
- have access to the best and most affordable resources to meet the Common Core State Standards.

Copyright

A form of intellectual property law that protects "original works of authorship fixed in a tangible medium of expression."

Eligible for copyright:

- Original literary, dramatic, artistic, and musical works

Who can claim copyright?

Copyright protection begins automatically as soon as a work is created in a fixed form.

Not Eligible for Copyright

- Common information with no original authorship
- Duration of copyright: the author's life plus an additional 70 years after the author's death
- The following:
 - Facts, ideas, systems, concepts, or methods of operation, (non-recorded) choreography, improvisational speeches, performances, ingredients, stage blocking, titles, names, slogans, lettering

Copyright Act (1976)

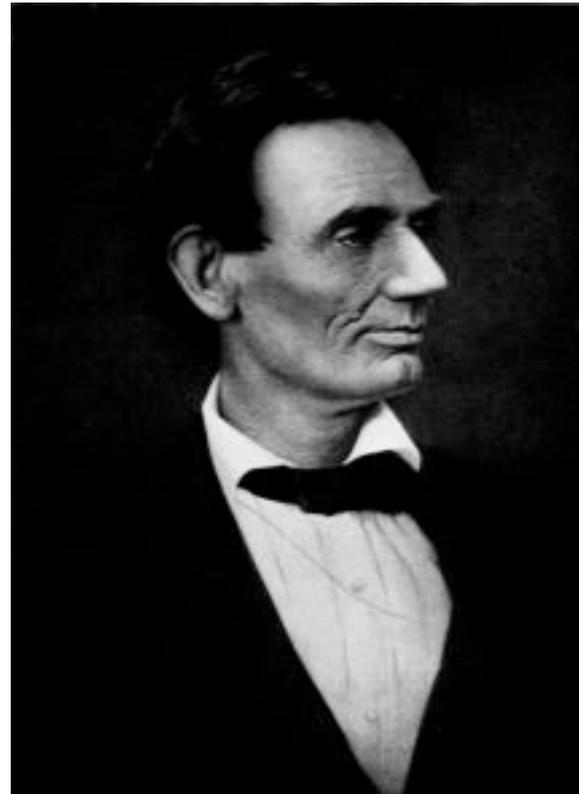
Owner of copyright has the exclusive right to do and to authorize the following:

- To reproduce the work in copies
- To prepare derivative works
- To distribute copies by sale, rental, or lease
- To perform or play the work publically
- To display the work publically

A Short Quiz...

Is this photograph copyrighted?

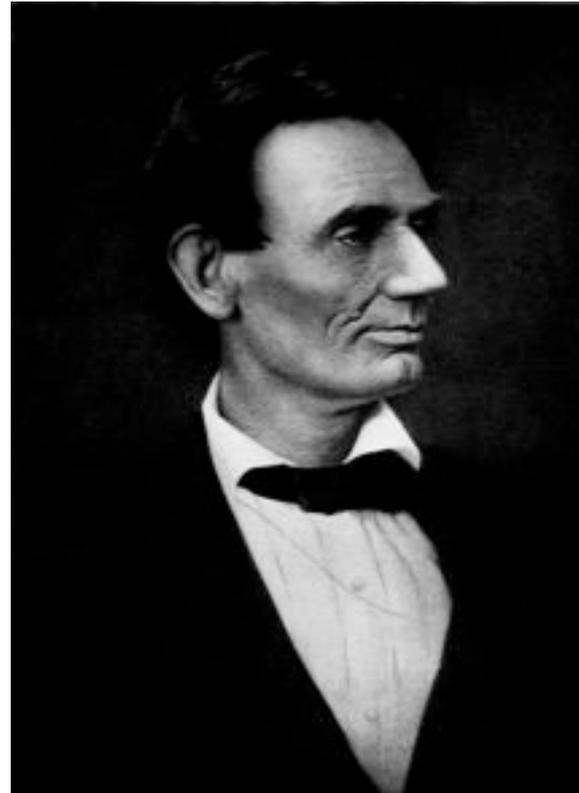
Abraham Lincoln by Alexander Hessler



A Short Quiz...

No. It is currently in the public domain because it was published before 1923.

Abraham Lincoln by Alexander Hessler



A Short Quiz...

Is this copyrighted?



President Barack Obama. Digital Image. rollingout.com. Steed Media Group, 15 Jan 2011. Web. 7 October 2012.

A Short Quiz...

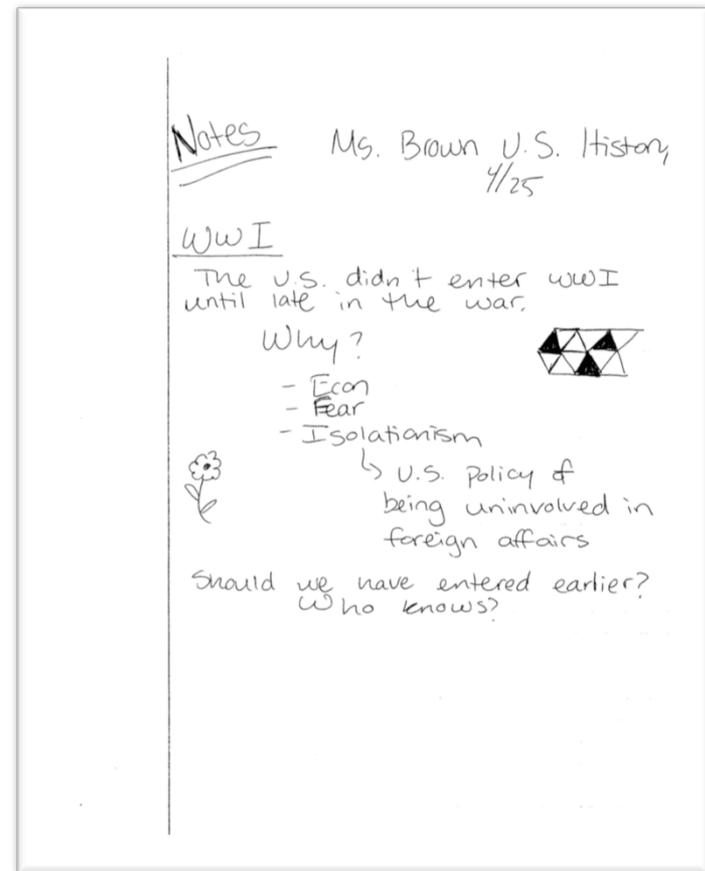
Yes. It is a tangible, original work that was published since 1923.



President Barack Obama. Digital Image. rollingout.com. Steed Media Group, 15 Jan 2011. Web. 7 October 2012.

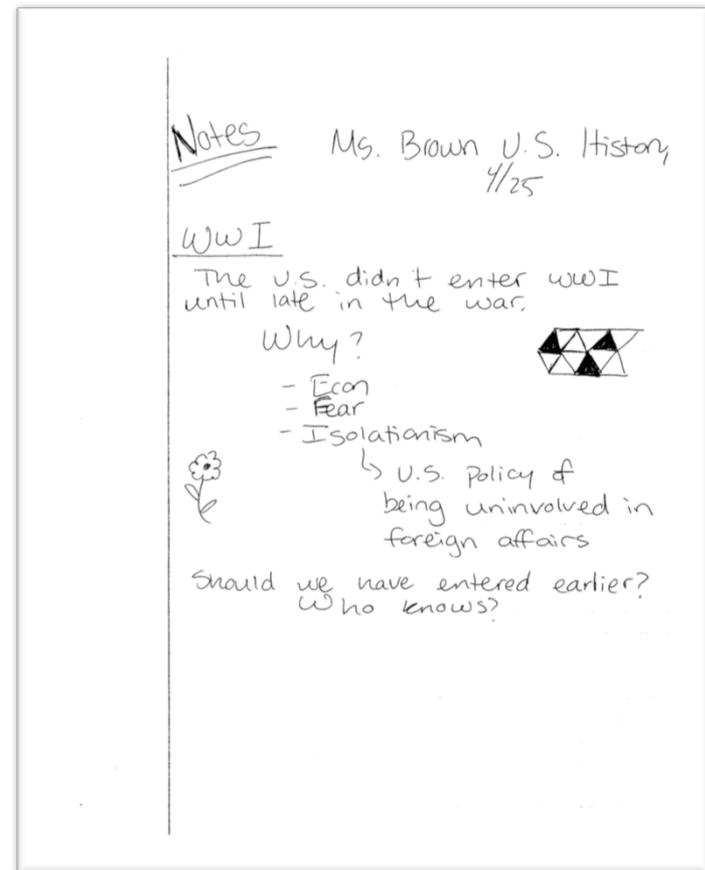
A Short Quiz...

Is this copyrighted?



A Short Quiz...

Yes. It is a tangible, original work.



A Short Quiz...

Is this copyrighted?

1 tsp. lemon zest

1 cup yogurt

1 cup strawberries

1 cup blueberries

A Short Quiz...

No. Recipes (the list of ingredients) are not original enough to be copyrighted.

1 tsp. lemon zest

1 cup yogurt

1 cup strawberries

1 cup blueberries

A Short Quiz...

A work must have a copyright notice and be registered with the U.S. Copyright Office in order to be protected by copyright law. True or False?

A Short Quiz...

False. Original, tangible works are copyrighted even if they are never registered and do not have a copyrighted symbol.

A Short Quiz...

If it's posted on the Internet, the owner of the work is allowing you to use the work for school use (as long as you cite). True or False?

A Short Quiz...

False. The owner is not saying anything about the copyright status of his/her work by posting it online. It may be copyright protected (assume this).

Issues of Note for Educators

- Cutting and pasting for an educational Wiki
- Copying workbook pages
- Showing a film on the last day of school
- Photocopying handouts with cartoons
- Any others you can think of?

Public Domain

- Freely available for everyone's use
- May be altered and redistributed for profit
- No restrictions on distribution
- May be designed as public domain or public domain due to lapse of copyright (i.e., Night of the Living Dead)
- May be used in classrooms without worrying about copyright restrictions or fair use - any use of public domain work is fair use!

Open Source

- Freely available for anyone's use; may be altered and freely redistributed
- Some restrictions on distribution and profits - you may be able to profit from open-source software, but not always.
- Great for the classroom - provide a "sandbox" for students to work within
- Examples: Mozilla Firefox browser, Android OS, Wordpress blogging platform

Creative Commons

Creative Commons is a non-profit organization that allows you to “build your own” copyright license.



Attribution



Attribution – Non-commercial



Attribution – No Derivs

Fair Use

Important, though often fuzzy, limitation on copyright; All factors must be considered

Four Factors

- Purpose of the use
- Nature of the work
- Amount of copyrighted work used
- Effect of use on market

Fair Use: The Four Factors

Purpose of the use

Is it for commercial or educational purposes?

Fair use favors education since materials are used for teaching and learning.

Courts also favor transformative uses.

Fair Use: The Four Factors

Nature of the work

Fair use favors works that are:

- published
- fact based
- important to educational objectives

Fair Use: The Four Factors

Amount of copyrighted work used

The amount allowed for use varies based upon:

- the work as a whole
- format of the original work

Fair Use: The Four Factors

Effect of use on potential market

Does use harm the work's market or value?

Fair Use Guidelines

Fair Use vs. Fair Use “Guidelines”

“Guidelines” can be helpful, but are not law. They will not guarantee “safety”. They may also limit what you can do.

Scenarios for Discussion

For each of these situations, please consider the following:

Does it violate copyright law? In what way?
How might the person adapt his or her plan in order to better abide by copyright law?

"A Fair(y) Use Tale"

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WITH, AUTHORIZED BY, OR SHOULD BE
CONFUSED WITH ANY PRODUCT PRODUCED BY:



Works Cited

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More Resources

- Handout
- Our Website

<http://amandahitson.weebly.com/copyright-and-fair-use.html>